



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### **Fifth periodic report submitted by Iraq under articles 16 and 17 of the Covenant, due in 2020\***

[Date received: 26 February 2021]

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\* The present document is being issued without formal editing.



## I. Introduction

1. The fourth periodic report of Iraq was discussed at the 62<sup>nd</sup> and 63<sup>rd</sup> sessions of the Committee on Economic, Social and Cultural Rights on 29 and 30 September 2015. The Committee adopted the concluding observations on the report at its 78th session (9 October 2015).
2. Pursuant to article 16 (1) of the International Covenant on Economic, Social and Cultural Rights, the Republic of Iraq submits its fifth periodic report, with a view to monitoring progress made in the implementation of the Covenant and of the concluding observations of the Committee.
3. Under a ministerial order of 19 June 2016, a permanent central committee was formed, chaired by the Minister of Justice and with a membership consisting of representatives of ministries responsible for preparing reports on human rights treaties. Subsequently, a ministerial order was issued on 5 February 2018, forming the National Report Writing Committee, with increased level of representation and greater powers.

### **Mechanism and methodology of reporting**

4. The process of reporting involved several stages, as follows:
  - (a) Preparation: This stage focused on the formation of a ministerial subcommittee, chaired by the Minister of Justice and with a membership consisting of a number of concerned ministries, the concluding observations of the Committee on Economic, Social and Cultural Rights were circulated to relevant bodies and ministries.
  - (b) Information gathering: This stage focused on collecting information for inclusion in the report; a number of meetings of the subcommittee were held to review and update the information.
  - (c) Drafting: At this stage the subcommittee combined all the relevant information to produce a draft report in accordance with the guidelines; the draft was submitted to the national committee.
  - (d) Review and approval: Following discussion, the national committee adopted the draft report, which was then submitted to the Cabinet for approval and sent to the Committee on Economic, Social and Cultural Rights.
5. On 18 February 2020, the Ministry of Justice organized a workshop for civil society organizations, in collaboration with the Department of Non-governmental Organizations of the General Secretariat of the Council of Ministers, to study the two reports of Iraq – on the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child – and highlight the importance of the participation of civil society in the forthcoming discussion process (recommendation 62).

### **Demonstrations in Iraq**

6. Elections for the Council of Representatives were held and, after the results came out, a new government was formed. However, due to the economic situation following the conclusion of military operations against Islamic State in Iraq and the Levant (ISIL), demonstrations broke out across the country at the beginning of October 2019, testament to the freedom of expression guaranteed by the Constitution. Demonstrators called for reform of the political system, protesting corruption and poverty and demanding provision of social, health and education services. In the wake of the demonstrations and in response to the protestors' demands, the government submitted its resignation. The president of the republic, a figure acceptable to the people, was charged with forming an interim government in preparation for holding fresh elections. Before resigning, the government of Dr. Adil Abdul-Mahdi adopted a number of resolutions that were approved by the Council of Representatives, including several packages of wide-ranging reforms, of which the following are the most significant:

**First package:** Adopted pursuant to Cabinet Decision No. 340 (2019), this package includes:

- Formulation of a national housing programme to build accommodation for low-income families; governors will form committees to be responsible for drawing up lists of needy families, while the Ministry of Finance will subsidize the Housing Fund to enable it to grant interest-free loans.
- Award of a grant of 150,000 Iraqi dinars (ID) for three months to each unemployed person; the number of those covered by the emergency grant has reached 387,361; the way to volunteering for the Ministry of Defence has been cleared and the ministries of defence and interior undertake to restore cancelled contracts.
- Construction of shopping complexes to provide 45,000 job opportunities; design of a training programme for 1,500,000 unemployed persons; creation of jobs in investment projects; provision of ID 1 trillion to enable loans for the establishment of small and medium-size businesses to be granted; and the grant of plots of land on which to set up industrial projects.
- Victims of demonstrations and members of the security forces are to be counted as martyrs and granted full rights; the wounded are to be treated at State expense inside Iraq and abroad; additionally, governorates are to prepare lists of families entitled to social security payments (approximately 600,000 families).
- Entering into contract with lecturers, within the 2020 budget allocations, and exempting farmers from land rent up to the end of 2019.

**Second package:** Adopted pursuant to Cabinet Decision No. 341 (2019) and including:

(a) Formation of a land distribution committee to develop land and expand municipal boundaries; formation of governorate committees to monitor implementation of Cabinet decisions.

- Allocation of ID 15 billion to enable distribution of solar energy systems free of charge to 3,000 families; simplification of the registration procedures for small businesses and the award of contracts of less than ID 1 billion on the basis of guidelines to be issued by the Ministry of Planning.
- Award of income-generating loans to finance small businesses; simplification of small business licensing procedures; employment of the unemployed as day labourers, collecting electricity charges.
- Support for agricultural education; grant of agricultural land with a share of the water supply to set up agricultural projects; and fostering of the Agricultural Loan Fund.
- Introduction of functional degrees for holders of higher diplomas in government and private universities.
- Subsidies for waste recycling and electricity generating projects; requiring government bodies to procure from local producers.

**Third package:** Adopted pursuant to Cabinet Decision No. 364 (2019) and including:

- Training the unemployed to maintain electricity distribution transformers; allocation of grants and land to enable the unemployed to set up industrial workshops and requiring that government bodies enter into contract with these bodies.
- The Ministry of Finance undertakes to amend the income tax law to exempt tradesmen on limited income and small businesses from tax for a period of 10 years.
- Creation of businesses and enactment of a package of laws to meet protesters' demands.
- Adoption of a new electoral law and formation of a new board of electoral commissioners consisting of judges to ensure impartial elections and reassure voter concerns about the results, in response to popular demands for reform.
- Amendment of the Unified Retirement Act to take advantage of grades resulting from the trend toward attracting young female staff.

- Formation of the Higher Council for Women with responsibility for a range of duties, including ensuring implementation of the commitments of Iraq under Security Council resolution 1325 (2000), formulating policies and strategies on women, scrutinizing reports and discussing the situation of women.
- Formation of the Federal Service Council to regulate public service employment, free it from politicization and partisanship, establish a State of institutions, raise the standard of civil service performance and ensure equal employment opportunities.
- Amend the Governorate and District Council Elections Act with a view to ending the statutory term of such councils and regulating the work of local departments not incorporated within a region.
- Adoption of an act abolishing the financial privileges of State officials to ensure social justice and reduce inequality.
- Adoption of an act closing the offices of inspectors general to achieve administrative rationalization, avoid duplication of effort and expedite anti-corruption measures.
- Out of respect for freedom of expression and the right to demonstrate peacefully, the Iraqi government is committed to protecting students who participated in the general strike, taking no disciplinary measures against them during the period of disruption of study. Furthermore, the Ministry of Education issued instructions in response to the date changes for schools that took part in the strike.
- On 6 May 2020 the Council of Representatives voted to form a new government, headed by Prime Minister Mustafa al-Kadhimi.

**Fourth package:**

1. Inclusion of the dead and wounded who fell in the October 2019 demonstrations (and subsequently) under the provisions of the first amendment to the Martyrs Foundation Act No. 2 (2016), adopted by Cabinet Decision No. 169 (2020) and referred to the Council of Representatives for approval.

2. Directing the Ministry of Health to form multi-speciality medical committees to monitor the condition of the wounded and provide appropriate treatment for each.

3. Referral of the wounded who cannot be treated in Iraq to the appropriate committee in the Ministry of Health to facilitate treatment overseas.

4. Ensuring compensation for the families of deceased protesters amounting to ID 5,000,000, under the provisions of article 9 (First) of Act No. 20 (2009), concerning compensation for persons affected by military operations, military errors and terrorist activities.

5. Ensuring compensation for wounded protesters of between ID 2,500,000 and ID 5,000,000, according to degree of disability, under the provisions of article 9 of Act No. 20 (2009) concerning compensation for persons affected by military operations, military errors and terrorist activities.

6. Inclusion of the victims of the peaceful protest movement of October 2019, including those physically unable to work due to injury or harm sustained during those events, under the provisions of Act No. 38 (2013), on the care of persons with disabilities and special needs.

## **II. Information concerning implementation of the International Covenant on Economic, Social and Cultural Rights**

### **Article 2 and recommendation 8**

7. Judicial rulings are handed down by the judiciary on the basis of the provisions of the operative Iraqi laws. There is nothing to prevent the Iraqi courts from basing their rulings on any international treaty ratified by Iraq, in accordance with the legal frameworks followed in

this regard. Such treaties are considered as a part of domestic law and have the same force as ordinary domestic laws adopted by the legislature. The Iraqi judiciary applies international treaties, including the International Covenant on Economic, Social and Cultural Rights, after they have been incorporated into national legislation by means of an act that admits the provisions of the treaty in the form of detailed national legislation, including provisions capable of judicial application and of providing the basis for judicial rulings. Furthermore, the principles set out in the International Covenant on Economic, Social and Cultural Rights are contained in Iraqi laws. As such, the provisions of the Covenant are not alien to the practice of the Iraqi judiciary.

8. All bodies concerned with human rights in ministries and independent entities seek to raise awareness about the human rights concepts contained in the Covenant through regular training courses, induction programmes, workshops and lectures held throughout the year. These urge ministries and responsible institutions to provide services, monitor rights and encourage commitment to the international standards set out in the Covenant.

### **Recommendations 9–10**

9. As regards judicial independence, a fair trial and human rights, article 87 of the Constitution states that judicial authority is independent and is exercised by the courts. Article 88 states that judges are independent and that there is no authority over them save that of the law. The provisions of the Constitution and laws regulating the judiciary are held to represent an unshakeable and solid guarantee of the principle of judicial independence and the criteria of a fair trial that ensure human rights.

10. The administrative courts and the civil service courts disengaged and became independent from the Ministry of Justice upon the separation and independence of the Council of State from that ministry pursuant to Act No. 71 (2017), amending the State Consultative Council Act (1979); the right to litigation and a fair trial are guaranteed under these acts.

11. Act No. 70 (2017) detached the Judicial Institute from the Ministry of Justice and attached it to the Supreme Judicial Council, the body concerned with the training and appointment of judges and members of the Public Prosecution Service, thereby removing administrative duplication. The Act further deals with the security measures necessary to protect judges, including the provision of judicial guards and personal guards from the Ministry of Interior and ensuring the continuation of such measures, even after the judge has retired. Procedures for appointing judges and members of the Public Prosecution Service are governed by the Supreme Judicial Council Act No. 45 (2017), which regulates the mechanism for nominating persons qualified to be judges, court presidents, deputies and members. Furthermore, article 1 of the Public Prosecution Act No. 49 (2017) states, firstly, that the Public Prosecution Service shall be established and held to be a component of the federal judiciary, enjoying financial and administrative independence and with headquarters in Baghdad. It states, secondly, that the Public Prosecution Service shall enjoy corporate personality and be represented by the head of the service or his deputy. These two acts were adopted to regulate the formation, responsibilities and rules of procedure of the Supreme Judicial Council in a manner consistent with developments in the constitutional, legal and judicial spheres and to enable the Council to exercise its powers as stipulated in the Constitution.

12. In cases of corruption or other kinds of malfeasance involving judges and members of the Public Prosecution Service, a disciplinary committee exists with a mandate to look into such matters. If the committee finds that a judge has committed a crime, he will be referred to the judiciary as a suspect and subsequently given a fair trial in accordance with the law.

### **Article 1 and recommendation 14**

13. The Baathist government set up forced resettlement camps on lands belonging to Christians in order to stir up discord and hatred between communities. The government of Kurdistan Region is working to monitor and resolve these problems. In implementation of its policy, the Baathist government constructed, in 1978, a forced resettlement camp on

Christian land in the vicinity of Kafana in Duhok governorate for deportees from Choman district. In 1992, instructions concerning these villages were issued; these included a grant of land to Christian and Muslim peasants. However, some Christians and Muslims did not present before the committee at the appointed time; they only did so after seven years had passed. Consequently, the lands were granted to those 46 persons who did attend. Despite the long delay on the part of Christians in presenting before the land distribution committee beyond the statutory period of 30 days stipulated in the Agrarian Reform Act, the regional government formed a special follow-up committee for Christian affairs, which is now in its concluding stages. As an exceptional case, the lands were restored to Christian ownership in appreciation for their patriotism and peaceful coexistence over the years. The government of Kurdistan Region is serious about addressing the problems of those harmed by this policy, whether the original owners or those who farmed the land for more than 20 years.

14. At the request of the Independent Commission for Human Rights, the inhabitants of several Christian villages, including Kashkawa, in the subdistrict of Dinariyah (district of Aqrah), filed a complaint with the Prime Minister's office on 10 May 2016 on the need to find a solution to the problems of the villagers. On 28 August 2016, a committee was formed under the auspices of the governor of Duhok to follow-up and resolve issues and problems of encroachment on the property of Christian citizens in Duhok governorate, in line with the instructions followed in Kurdistan Region. On 26 October 2016, a meeting was held in the parliament of Kurdistan Region in Erbil, attended by stakeholders with a view to resolving this issue.

15. The town of Ankawa lies northwest of the city of Erbil and has a largely Christian population. In 2004, the government of Kurdistan Region decided to construct Erbil international airport near the town and, as a result, the rights to more than 10,000 *dunums* of agricultural land owned by the peasant farmers of the region were extinguished. The airport was subsequently expanded by 1,000 *dunams*. A number of decisions were issued in this regard, including providing compensation for several landowners on whose land the airport was built. Some 40 persons out of a total of 223 received compensation: in view of the economic situation and an insufficient budget, not everyone was compensated. Subsequently, the Ministry of Agriculture announced that landowners would be compensated with other agricultural land and if such land was unavailable, they would receive financial compensation.

### Recommendation 18

16. In 2008, the High Commission for Human Rights was founded as a national human rights body independent of government and enjoying corporate personality and financial and administrative independence. Attached to the Council of Representatives, the commission seeks to protect and promote respect for human rights in Iraq, protect rights and freedoms and consolidate and develop the values of human rights. It works in coordination with the competent bodies to achieve its goals, including conducting studies and research, scrutinising legislation and recommending accession to treaties. Working in cooperation with civil society, it seeks to disseminate the culture of human rights. Furthermore, the commission receives complaints from individuals, groups and organizations concerning human rights violations. It also visits prisons, detention centres and correctional facilities.

17. The Iraqi government subsidises the commission's budget and provides it with the human and financial resources necessary to carry out its statutory duties, as follows:

Year	<i>Total State budget (expenditures)/</i>			
	<i>ID 1,000</i>	<i>No. of staff</i>	<i>Operating</i>	<i>Investment</i>
2013	138 424 608 000	111	20 675 000	0
2015	119 462 429 549	111	19 840 660	0
2016	105 895 722 619	111	10 898 430	0
2017	107 089 521 545	651	25 821 662	0
2018	104 158 183 734	651	25 340 779	326 511
2019	133 107 616 412	653	26 170 719	511

18. In 2016, the Iraqi government supported the commission by transferring 525 employees from the now-abolished Ministry of Human Rights to the commission. Furthermore, the government has provided the commission with buildings and infrastructure to facilitate the conduct of its statutory business. In 2015, the International Coordinating Committee of National Human Rights Institutions awarded the High Commission for Human Rights observer status (b-status). In 2017, a chairperson of the High Commission for Human Rights and 15 members of the board of commissioners, four of whom were women, were selected.

## **Article 2 and recommendations 12, 16, 20, 22 and 24**

19. Article 14 of the Constitution of the Republic of Iraq stipulates that Iraqis are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, colour, religion, sect, belief or opinion, or economic or social status. Article 15 stipulates that each individual has the right to life, security and liberty; deprivation or restriction of these rights is prohibited save in accordance with the law and on the basis of a decision issued by a competent judicial authority. Taken as a whole, this report is a response to the concerns of the Committee.

### **Recommendation 12**

20. Iraq possesses a sound institutional framework for combating administrative and financial corruption in the form of three specialized anti-corruption institutions namely, the Integrity Commission, the Federal Board of Supreme Audit and the Public Prosecution Service. In addition to the national anti-corruption strategy and the measures of the Integrity Commission, Iraq adopted the procedures of the inspectors general before their offices were abolished by parliament under legislation passed within the framework of reform which Iraq is currently pursuing.

21. The Supreme Judicial Council and the courts hear cases concerning crimes of financial and administrative corruption in State institutions. Furthermore, specialized courts (investigation courts and integrity courts) have been formed under the supervision of the Public Prosecution Service; these have been able to resolve thousands of corruption cases in accordance with the provisions of the Criminal Code.

22. Pursuant to Administrative Order No. 71 (2018), the Cabinet established the Supreme Council for Combating Corruption as an executive and coordinating body designed to combat and prevent corruption and enforce measures for eradicating corruption in public institutions.

23. Iraq has put in place a substantial and effective legal framework to implement this recommendation. We draw attention to the following:

First: Under the Witness, Expert, Informant and Victim Protection Act (2017), a witness, expert, informant and victim protection department was established in the Ministry of Interior (Facilities and Personnel Directorate). The law provides protection for a person covered by its provisions at his request, as well as for his relatives up to the second degree in criminal and terrorist cases, if his life, physical safety or fundamental interests or those of his family or relatives would be in danger if he gives evidence, expert opinion or testimony in a criminal or terrorist case affecting the security of the State or the lives of citizens. The law sets out the penalties for any violation of the Act as well as the measures to be taken by the examining magistrate to protect persons covered by its provisions.

Second: Under the provisions of the Public Prosecution Act No. 49 (2017), the Public Prosecution Service undertakes to bring a public right action in cases of financial and administrative corruption and to follow it up pursuant to the Code of Criminal Procedure. The Public Prosecution Service further undertakes to investigate crimes of financial and administrative corruption, as well as other crimes that transgress the principles of public service stipulated in the Iraqi Criminal Code, No. 111 (1969, amended), on condition that the case is referred to the examining magistrate within 24 hours from the time of arrest. The Public Prosecution Service shall take steps to ensure that the law is not broken or transgressed.

24. We list below a schedule of anti-corruption activities as contained in reports published by the Integrity Commission (2016–2018):

<i>Measure</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>
Statements received	2 001	2 458	2 753
Reports received	2 848	2 723	3 650
Judicial summonses	4 533	6 261	5 811
Judicial arrest orders	1 507	2 133	2 020
Judicial detention orders	714	1 424	1 417
Cases caught in the act	71	293	441
Cases referred to court	2 057	2 412	2 103
No. of accused referred	2 057	2 412	2 103
Public funds for safekeeping	2 599 814 370 554	1 305 694 644 492	740 488 498 313
Convictions	771	752	926
Acquittals	1 053	468	707
No. found guilty	958	950	1 218
No. released	1 242	662	1 085
No. of cases of wanted fugitives extradited	249	420	376
No. of cases of smuggled funds	119	76	114
Financial disclosures	20 390	23 655	25 808

25. Act No. 24 (2019) annulled Coalition Provisional Authority Order No. 57 (2004), on the creation of the offices of inspectors general, transferring all their functions to the Integrity Commission to facilitate administrative rationalisation, avoid duplication of effort and expedite anti-corruption measures.

### **Recommendation 16**

26. The national employment policy adopted by Iraq is a key strategy designed to absorb unemployment, improve working conditions and reduce the level of unemployment. Working with the Ministry of Planning, the Ministry of Labour seeks to implement the poverty reduction strategy. The main components of the policy are the community rehabilitation programme, the microcredit programme (2007–2009), the national poverty reduction strategy and the small income-generating business support programme.

27. Below are Ministry of Labour allocations for 2018 compared with previous years for the largest groups of beneficiaries of the social protection network (persons with disabilities, widows and divorcées), as well as benefits for non-employees caring for those with disabilities and special needs (million ID):

<i>Account name</i>	<i>Year</i>			
	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>
Social protection network	1 976 000	1 876 000	1 875 996	3 120 000
Allowances for persons looking after those with disabilities and special needs	49 400	60 000	60 000	200 000

28. The Ministry of Finance makes an annual allocation to the medicines account to enable the Ministry of Health and subsidiary departments in the governorates to purchase medicines for the largest possible number, especially those with low income, as shown below (million ID):

<i>Account name</i>	<i>Year</i>			
	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>
Medicines	1 515 063	645 970	900 000	1 500 000

29. Education sector: The Ministry of Finance supports the education sector by setting aside sums for the printing of textbooks to reduce the burden on citizens by making them available to all, free of charge, as shown below (million ID):

<i>Account name</i>	<i>Year</i>			
	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>
School textbooks	78 000	144 660	144 660	200 000

30. Health sector (2016 and 2017 budgets).

<i>Index</i>	<i>Year</i>	<i>Amount</i>
Expenditure on Ministry of Health out of total government expenditure	2016	5 129 037 396
	2017	1 503 619 422

*Education and health investment budget (2016–end 2018) (billion ID):*

<i>Sector</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>
Health	148 200 000 000	75 654 451 000	98 198 301 000
Education	98 800 000 000	29 545 016 000	38 696 677 000

*Source:* Ministry of Planning (Government Investment Department).

31. Measures taken to ensure that all groups in society enjoy a healthy environment include:

- Implementation by the Ministry of Health of the child protection strategy and reproductive health strategy; signing of the protocol on clinical arrangements for survivors of sexual abuse; the report on Security Council resolution 1325, on women (2014–2017);
- Monitoring of all legislation designed to combat human trafficking through the relevant committees and delivery of psychological and social support services for survivors;
- Implementation of the following strategies:
  - National poverty reduction strategy;
  - National strategy for non-communicable diseases;
  - Nutrition and food security strategy;
  - National strategy for mental health;
  - Communicable disease control strategy;
  - HIV/AIDS control strategy;
  - Tuberculosis control strategy;
  - Communication strategy for behavioural change;
  - Action plan to deliver preventive and curative health services for displaced persons and returnees in liberated areas;
  - Health and the environment strategy (2018–2022).

32. Furthermore, we might note the allocations in the budget of the health and health insurance sector for the following cases:

- All types of emergency (services in accident and emergency wards free of charge);
- Wounded Popular Mobilization Forces personnel (services free of charge + consultation free of charge + rehabilitation services free of charge);
- Wounded security forces personnel and those wounded in terrorist operations (services free of charge + consultation free of charge);
- Tuberculosis patients (services free of charge);
- Cancer patients (services free of charge + consultation free of charge);
- Kidney failure patients (services free of charge);
- Inmates, prisoners and detainees (services free of charge + consultation free of charge);
- Patients in public wards in Rashad and Ibn al-Qaf hospitals (services free of charge);
- Displaced persons in camps and holders of displaced person identity cards or written confirmation from a government body (consultation free of charge + services free of charge);
- Sufferers from thalassemia, sickle cell anaemia and other blood diseases needing regular blood transfusions (services free of charge);
- Persons with disabilities holding a social protection network card receive free treatment in hospitals, specialist centres and primary health care clinics;
- Orphanages and homes for the aged are covered by the free service;
- Exemption of all workers in wards, operating theatres, delivery rooms and consulting clinics from virus testing fees;
- Exemption of haemophiliacs (services free of charge);
- Exemption of those covered by the social protection network and holding a network card (services free of charge + consultation free of charge);
- Antenatal care (services free of charge);
- School health (services free of charge + consultation free of charge).

#### **Recommendation 20**

33. Under the constitutional principle of full equality among all citizens, Iraqi law contains no provisions that discriminate against persons from certain groups on the basis of their sexual or gender orientation and does not tolerate or permit the use of any form of violence against them. Indeed, the Constitution and the law afford protection for the rights and freedoms of all, including the right to life and right to physical security. The Iraqi judiciary investigates abuses to which certain groups are subject, preventing any scope for impunity. Cases under investigation are treated like any other case of murder in society. In fact, the law is particularly concerned to identify perpetrators and bring them to justice.

#### **Recommendation 22**

34. The refugee bill before the Council of Representatives affords protection for the rights of refugees and asylum seekers in accordance with international standards. These are also guaranteed by the Ministry of Migration and Displacement Act, No. 21 (2009) and other Iraq laws.

35. Accession of Iraq to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol has been delayed and is still being studied. A decision will be taken at the appropriate time.

36. Under article 11 of the Political Refugees Act, No. 51 (1971), refugees granted asylum in Iraq enjoy the same rights as Iraqi citizens in respect of the following:

- (a) Enjoyment of all health and cultural services;
  - (b) The right to practice a profession and conduct business;
  - (c) Provision of agricultural land, in accordance with the Agrarian Reform Act, although the land can only be registered in a refugee's name after his acquisition of Iraqi nationality;
  - (d) Recruitment and employment subject to the minister's agreement.
- Palestinian refugees in Iraq receive the same treatment as Iraqis.

37. Under the Foreigners Residency Act, No. 76 (2017), which regulates the residence affairs of foreigners, Iraq respects the rights of those residing in its territory, even those whose presence is incompatible with the provisions of the Act under international rules. This includes respecting the principle of non-refoulement provided for under international norms and human rights treaties. Palestinians have a special legal status that Iraq continues to respect and uphold.

38. Some two million displaced persons and refugees from governorates affected by terrorism, as well as 300,000 Syrian refugees, have arrived in Kurdistan Region and camps have been set up for them across the governorates of Erbil, Duhok and Sulaymaniyah. They are treated in accordance with international standards without discrimination on grounds of ethnicity, religion or sect. In September 2014, the government of Kurdistan Region, the United Nations in Iraq and non-governmental organizations formulated a joint action plan on the priorities that have to be addressed to meet the needs of the most disadvantaged. Several indicators of core priorities for education were also included in the document. Refugees and displaced persons living in 38 camps and 18 Syrian refugee camps make up approximately 30 per cent of the population of the Region. Some live outside the camps.

39. The Iraqi government applies the executive measures set out in the political refugees act to serve and protect refugees. There is no discrimination between refugees under Iraqi law in respect of government measures. All Iraqi government institutions and governorates have been delivering services and ensuring conditions of peace and security for Syrian refugees in Iraq to the best of their ability since 2012.

40. On 31 October 2016, a memorandum of understanding was signed by the Ministry of Interior and United Nations High Commissioner for Refugees (UNHCR). Under article 2 (4) of the memorandum (Scope of cooperation between the parties), the Ministry of Interior undertakes to uphold the principle of non-refoulement of asylum seekers who have not been recognized by the Permanent Committee for Refugees and other refugees whose deportation has been ordered by the Iraqi courts, provided that UNHCR undertakes to consider applications and resettle them in a third country. UNHCR undertakes to inform the Ministry of Interior, through the committee, of the result within one year, which may be extended for a further year, if sufficiently justified. All refugees and asylum seekers in Iraq have been reached out to, their affairs monitored and needs met through coordination between the permanent committee and UNHCR.

41. The government of Kurdistan Region has provided displaced persons and refugees with the following services: land on which to construct camps; delivery of essential services, including water and electricity; establishment of a civil administration inside the camps, providing protection and security; Arabic language schools at all levels for 58 per cent of refugee children and 91 per cent of displaced children; delivery of health services; and facilitating the entry and exit of Board of Relief and Humanitarian Affairs staff.

## **Article 2 and recommendation 24**

### **Recommendation 24**

42. Iraq has set up reception centres and shelters for displaced families in camps constructed by the State, with due regard for human rights and respect for the dignity of the displaced. In 2019, there were 89 inhabited camps.

43. Field teams have been formed to supervise the process of registering displaced families to ensure that they receive their rightful deliveries of food aid. Each family in the camp receives two food rations per month, as well as a health basket and other essentials of life, including refrigeration and heating, for a period of one year from the date of the family's return. Each family also receives financial assistance amounting to ID 2.5 million, disbursed in three payments. Returnee families also receive a grant of ID 1.5 million; some 30,000 returnee families have received this grant. In addition, a grant of ID 2 million has been received by 899 female Yazidi survivors. A total of ID 225,038,545,450 has been allocated to manage the relief and assistance programme for the displaced.

44. In response to State policies designed to assist displaced persons, 233,825 families were registered as having returned to their original places of residence by 1 December 2019, as follows: 81,937 families to Anbar governorate, 74,692 to Nineveh governorate, 29,094 to Salah al-Din governorate, 28,914 to Diyala governorate, 15,206 to Baghdad governorate and 3,982 to Kirkuk governorate.

45. The Iraqi government has continued paying the salaries of employees displaced from areas controlled by ISIL terrorist gangs, issuing smart cards to enable them to receive their salaries from the regions to which they have been displaced. Displaced staff are permitted to work in and receive their salaries from corresponding departments, helping to sustain them until they can return home.

46. The delivery of humanitarian assistance and protection to the internally displaced is guaranteed in accordance with the standards of international law and includes welcoming children, caring for the elderly in old age homes, caring for those from homes torn apart by war and providing basic services such as food, clothing, health care and pocket money, as well as cultural and leisure facilities. Humanitarian cases of all ages and both sexes are screened, admitted to shelters and provided with the essentials of life.

47. In 2017, displaced persons with disabilities were provided with the services and benefits shown below in the governorates of Nineveh, Salah al-Din and Anbar, by law, pursuant to Administrative Order No. 374 (2016):

<i>Activity</i>	<i>Nineveh</i>	<i>Salah al-Din</i>	<i>Anbar</i>	<i>Total</i>
Appointment of a full-time carer (public employee)	6	92	28	126
Appointment of a full-time carer (non-public employee)	712	2 066	1 204	3 982
Actual recipients of full-time carer salary	629	1 097	835	2 561

48. Displaced families are provided with legal services by staff of the Ministry of Migration and Displacement, who handle issues associated with returning home, including calculating the period of service of those dismissed on political grounds, arranging for return to work and arranging for a team of lawyers to complete the procedures and act on behalf of the displaced in personal cases.

49. The security situation has improved, enabling the return of displaced persons and returnees: mines have been cleared, explosives defused, the detritus of war removed, and police stations re-opened in liberated areas. Troops have been deployed in liberated areas and at points of entry. Citizens cooperate with these forces to detect infiltrators and terrorist cells and supply intelligence. Women heads of household receive grants allocated to returning and integrated families.

50. The situation of displaced families and the problems they face in certain areas was discussed at a meeting of the National Security Council on 11 December 2017, at which the undersecretary of the Ministry of Migration and Displacement was charged with preparing a position paper on possible cooperation with the international community to provide returnee families with grants. It was recommended that the National Security Service speed up the processing of security checks and issue of security clearance in order to release the frozen salaries of staff from regions cleared of ISIL terrorist gangs. It was further recommended that the problems faced by relatives of members of ISIL terrorist gangs prevented from returning

home for tribal or security reasons be referred to the National Intelligence Coordination Committee. It was further recommended that responsibility for the security checking of displaced persons who have been red-flagged and are unable to return home but have no arrest warrant issued against them be transferred to the National Intelligence Coordination Committee. Other recommendations (service and social-related) were to be referred to the appropriate bodies to help speed up the return of displaced persons.

51. Action has been taken in the fields of community rehabilitation, the small business support fund, the national poverty reduction strategy and the microcredit programme. Groups benefiting from these programmes include persons with a disability of not less than 50 per cent, women heads of household (widows and divorcées) who do not receive a social security allowance and unemployed persons registered in the Departments of Employment and Loans database, including persons who have returned to their original areas, those covered by the community rehabilitation programme, owners of enterprises covered by the Small Business Support Act, No. 10 (2012), persons affected by terrorist acts, breadwinners of broken homes living in landfill areas and graduates.

The unemployed (registered and unregistered):

Minimum amount of benefit:

- Community rehabilitation programme: ID 3–5 million;
- Small business support fund: ID 8–20 million;
- National poverty reduction strategy: ID 8–10 million.

52. The actual number of persons in receipt of the minimum amount of benefit between 24 November 2013 and 31 March 2018 was 27,052.

53. Around 1,528 Yazidi women abused by ISIL gangs were covered by social assistance and exempted from the rules; 88 women from the Shabak survivors' network received this assistance.

54. The home for victims of human trafficking in Baghdad has been refurbished to admit abused children and survivors of ISIL gang violence.

55. Since 2014, a strategy has been in place to deliver preventive and curative health services to displaced persons and returnees to liberated areas.

56. Social protection windows have been opened in the governorates, receiving displaced persons and helping to facilitate procedures.

57. Ministry of Health teams make field visits to displaced persons camps to deliver essential health services, conduct health campaigns, radiological surveys and vaccination campaigns, provide reproductive health services, carry out screening, treatment and follow-up of tuberculosis patients, arrange for consultation by clinical specialists and referral for laboratory testing for HIV/AIDS and sexually transmitted diseases, as well as non-communicable disease prevention and control services.

58. The Ministry of Health has prepared a national plan focusing on how to provide security, meet basic human needs and deliver mental health and psychosocial support services in emergency situations with a view to promoting the recovery and rehabilitation of those suffering from mental disorders and psychosocial problems.

59. Field visits to camps by Ministry of Health work teams have been stepped up to ensure the sustainability of health services for displaced persons, working alongside field teams in the governorates where the displaced are located. They also monitor the delivery of medicines and medical supplies in displaced persons camps and other locations with a high proportion of displaced persons.

60. Joint action mechanisms with the Ministry of Health in Kurdistan Region have been strengthened with logistical support commensurate with the numbers of displaced persons in each governorate, providing mother and child care services, nutritional assessment, early detection of chronic disease, provision of chronic disease medication and registration and follow-up of cancer cases.

61. Camps and other places where the displaced are located have been supplied with ambulances, in partnership with governorate health departments; camps have also been provided with mobile clinics in partnership with the World Health Organization and other sponsoring bodies.

62. Some 925,755 children under the age of 5 living in camps and other places with a high proportion of displaced persons were vaccinated in the course of 18 Ministry of Health campaigns; the number of children under the age of 1 vaccinated as part of normal coverage was 205,389. The annual number of births was 214,121 and the number of persons provided with follow-up, preventive and curative services by health centres, mobile clinics, ambulances and mobile health teams was 4,588,740. Some 2,041,184 received curative and emergency services in hospitals. Clean and safe childbirth facilities were offered by more than 10 mobile delivery clinics.

63. The rate of the 10 main causes of female mortality decreased from 73.9 per cent in 2015 to 68.16 per cent in 2016; the percentage of women of childbearing age receiving the tetanus toxoid vaccination rose from 9 per cent in 2015 to 15 per cent in 2016. The proportion of women receiving family planning counselling increased from 74 per cent in 2015 to 84 per cent in 2016.

64. There was a decrease in the rate of congenital abnormality from 3.6 per cent per 1,000 live births in 2015 to 2.5 per cent in 2016. At least 1,000 cases of tuberculosis were detected early and treated successfully in camps for the displaced and in liberated areas.

65. Psychosocial support has been provided to at least 5,000 returnees in liberated governorates.

66. Since work began on the initial rehabilitation of health centres and hospitals immediately following the liberation, more than 100 mobile clinics, 500 medical units and mobile medical teams and 10 field hospitals have been used as alternatives to the destroyed infrastructure. More than 200 ambulances have been sent to the liberated governorates, more than 100 to the Popular Mobilization Forces and more than 70 to the federal police. Working in coordination with international organizations and other support bodies, some 100 ambulances have been acquired.

67. More than 150 health facilities, including health centres and hospitals, have been fully refurbished in the liberated governorates of Anbar, Salah al-Din, Nineveh and in areas of Kirkuk, Diyala and Babil, following initial rehabilitation. These deliver preventive and curative health services to more than 2 million people.

68. More than 20 trauma stabilization points have been opened in partnership and coordination with the armed forces medical service to treat injured civilians and military personnel in areas where operations are being conducted.

69. Prescriptions are distributed free of charge to all displaced persons in Iraq attending primary health care centres, which provide free comprehensive health care services.

#### **Internal movement of displaced persons**

70. As regards restrictions imposed on freedom of movement, Iraq experienced exceptional circumstances during the period of ISIL control over large parts of its territory, causing widespread displacement of persons to safer areas. This was followed up by extensive military operations by the security forces and Iraqi army to liberate areas under ISIL control. Hundreds of ISIL fighters fled and infiltrated the ranks of the displaced, in some cases with a view to carrying out terrorist acts. Many such acts were indeed out. The measures taken by the Iraqi authorities include checking personal information as part of the effort to protect national security, public order, public health, public morals and the rights and freedoms of others. There are no restrictions on movement within Kurdistan Region, although some legitimate security measures have been taken to limit the risk of terrorism spreading to these areas and threatening the security and stability of the Region.

71. The Iraqi government has taken a series of measures to ensure that internally displaced persons enjoy the right to education, including extending the period of transfer until the end of the spring vacation to ensure that studies are not interrupted. Directorates work in

coordination to provide students with transfer documents following liberation of their homelands in Nineveh, Anbar, Salah al-Din and Kirkuk governorates. Directorates have been instructed to return displaced teaching staff to their governorates following liberation. However, steps have also been taken to ensure that persons can remain in the governorates to which they were displaced, in view of the destruction of their homes and enrolment of their children in college during the current academic year. Some 49 “Your right to education” centres have been opened to attract children in the 10–18 age group in displaced and host communities. The Ministry of Education set up an operations room to process displaced students, introducing specific practical measures to address their situation, help solve their problems and ensure their return to the governorates from which they were displaced; this has helped the return to normal, stable life. Cultural and social programmes have been organized with a view to spreading the culture of community integration and fostering civil peace. Furthermore, psychological awareness programmes have been implemented for social groups in liberated areas, involving workshops, research and special study.

72. Pursuant to decisions of the Higher Committee for Relief and Shelter of Displaced Families, the total amounts transferred to the Ministry of Education for displaced students in the years 2014–2015–2017 was ID 46,060,000,000. Furthermore, a number of programmes specifically designed for the displaced were launched, including the community rehabilitation programme, microcredit programme (2007–2009), national poverty reduction strategy and small business support fund.

#### **Meeting the study needs of displaced persons and refugees**

73. The Ministry of Higher Education formulated a plan whereby universities in areas not subjected to war and destruction would host students from universities in war-torn areas. The plan also calls for the establishment of alternative sites for damaged universities. Currently, some 179,000 displaced students continue to study at 100 schools in Kurdistan Region. The Ministry of Education in Kurdistan Region has worked tirelessly to provide for the needs of displaced students, especially books, stationery and desks. Furthermore, the Ministry works in coordination with other organizations to develop education for the displaced and refurbish buildings in Duhok governorate.

74. Following the influx of displaced persons, the Ministry of Education in Kurdistan Region opened a large number of schools for the displaced and refugees, as shown in the following schedule (2018):

<i>Governorate</i>	<i>No. of students</i>		<i>No. of schools</i>
Duhok	90 120	220 plus 15 caravan schools	
Erbil	74 000		67
Sulaymaniyah	52 000		81

On the other hand, 650 schools in Duhok governorate and 100 others in districts and subdistricts in the governorates of Erbil and Sulaymaniyah where the displaced are to be found have available places but there has been no teaching for a long time.

75. Pursuant to the open invitation from the government, Iraq welcomed the Special Rapporteur on the human rights of internally displaced persons from 15 to 23 February 2020. Meetings were held with the relevant ministries and bodies of the federal government and Kurdistan Region, as well as with civil society organizations. In her first report on the meeting, the Special Rapporteur commended the efforts of the Iraqi government and the numerous measures it has taken to protect the rights of the displaced.

#### **Recommendation 26**

76. The Implementation and Follow-up National Reconciliation Committee conducted a comprehensive institutional effort that addressed the most significant issues, particularly those relating to disbanded entities of the former regime. National reconciliation in Iraq is predicated on comprehensive settlement and universal security in exchange for inclusive

participation, the settlement of crises by negotiation and painful concessions from all parties, peaceful conflict resolution and the repudiation of violence as a political card.

77. The committee, in cooperation with the United Nations Assistance Mission for Iraq (UNAMI), reached out to all parties inside and outside the political process, both directly and through intermediaries, to find a preliminary understanding on which to build national reconciliation within the framework of the Constitution. These labours gave rise to a set of initial understandings and demands that will represent a basis for negotiations, augmented and developed in the course of negotiations.

78. Adopted in partnership with UNAMI in the light of the outcomes of previous initiatives, the national settlement initiative strives to reach a national political and social settlement and create an Iraq whose various elements live in peaceful coexistence in the absence of violence and dependency, where civil peace prevails, enabling a State of citizenship and institutions to be built in which all social groups (ethnic, religious and communal) participate, including women, young people and civil society.

79. In collaboration with the Organization of Islamic Cooperation, the Ministry of Foreign Affairs organized a conference of national elites in Baghdad in 2017. Most of the conference outputs contained recommendations relating to human rights in Iraq, including respect for and protection of human rights, commitment to the values of coexistence, tolerance and fraternity, acceptance of the other, repudiation of violence as a means of solving social and political problems and the right of citizens to vote.

80. The formation of a council of elders for peace in the Nineveh Plains was announced on 17 May 2018, within the framework of the follow-up meeting on implementation of the decisions on the Nineveh Plains, held under the direction of the Prime Minister in Bartella in the presence of representatives of all the communities inhabiting the Nineveh Plains and the Director General of the United Nations Development Programme (UNDP). Furthermore, the formation of local peace committees in Nineveh governorate, Nineveh Plains and Sinjar district was announced, with no community being marginalized. Other governmental efforts and the labours of civil society organizations to build peace, peaceful coexistence and societal cohesion are to be noted.

81. The office of coordination and information of the National Reconciliation Committee in Nineveh governorate resurfaced and opened a number of main roads and rebuilt and repaired schools and public utilities in the Nineveh Plains.

82. In March 2018, the inhabitants of the Nineveh Plains signed a document of peaceful coexistence, affirming national unity, good will and a start to reconstruction. The document criminalizes sectarianism and racism, repudiates the use of violence as practised by ISIL and rejects hatred and bitterness. Instead, it seeks to create social harmony and open-mindedness, remove the impact of ISIL from all aspects of daily life, create a new form of group dynamics and modernize media and religious discourse across Nineveh, promoting the role of civil society and spreading the spirit of concord and cooperation. The document further promotes joint action to ensure the right of all citizens to a free, decent, secure and stable life, as well as compensation for harm done. It repudiates the crimes of forced migration against the peoples of the Nineveh Plains – Christians, Shabaks, Yazidis, Turkmens, Yarsanis, Kurds and Arabs. The document seeks to foster laws and have legislation introduced as soon as possible to remove all traces of ISIL occupation and amend legislation and the judiciary to hold to account all those who committed crimes under cover of ISIL. It further seeks the application of judicial rulings and rule of law, appealing to the voice of reason to resolve individual transgressions, leaving the solution to the wise and judicious, reaching compromise in social disputes, relying on the judiciary and local police when dealing with criminal cases and rejecting the militarization of society. Furthermore, it entrusts administrative decision-making to local government institutions, local councils and heads of administrative delegations.

83. Rapes committed by ISIL: The women's office of the National Reconciliation Committee has distributed aid to more than 2,500 displaced women and organized workshops on sewing, computing and cooking to support them. It has also obtained special permission from the Minister of Labour to offer support in the form of small loans, ranging from ID 3 to 5 million, to set up small businesses and provide training for 75 women to help them start

small businesses. Sewing machines and materials to start up an income-generating business have been distributed.

84. Protection of minorities: It is the responsibility of the State to protect society, citizens and all others using the penal laws against the perpetrators of crime. The law also extends to the protection of minorities, an example of which is the special directive requiring removal of all the negative effects of the brutal decisions taken by the former regime against the Fayli Kurds of Iraq and documenting and keeping alive the memory of the genocide committed against them. The official media has an important role to play in shedding light on these crimes. The implementation of Cabinet Decisions Nos. 93 (2016) and 157 (2017), on the reappointment of Christian staff working in government departments in Kurdistan Region, should be noted. The period of appointment was extended and circulated to ministerial departments and bodies for the necessary measures to be taken.

85. The Supreme Judicial Council has formed specialist courts in each appellate district with responsibility for investigating crimes against minorities. Specialist counter-terrorism courts have also been set up.

86. Psychological rehabilitation is offered to women and girls who have been assaulted and abused at the hands of ISIL terrorist gangs. In this regard, we would like to draw attention to the elections for the Council of Representatives held on 12 May 2018: out of a total of 329 seats, 9 were reserved for minorities and 25 per cent for women.

87. ISIL gangs committed crimes against minorities in Iraq, including Yazidis and Christians. According to statistics from the government of Kurdistan Region, these crimes included the abduction of 6,417 Yazidis, of whom 3,548 were women, by the end of June 2018. Some 3,300 women, girls, men and boys have since been freed but continue to suffer a range of mental and physical problems. By the end of April 2017, the government of Kurdistan Region had registered some 250 cases of abduction of Christians in the Nineveh Plains. Measures have been taken to ensure that women and girl victims freed from the grip of ISIL terrorist gangs receive help and that the children of this terrorist organization obtain the help necessary to enable them to recover both physically and mentally and to integrate in society. Some 1,529 Yazidi women violated by ISIL terrorist gangs are covered by the Social Protection Act No. 11 (2014); 88 female Shabak survivors of ISIL violence are also covered.

88. Islam is the official religion of the State and the Constitution guarantees the preservation of Islamic identity. The Constitution also guarantees the right of all individuals, including Christians, Yazidis and Sabaeans, to freedom of worship and religious observance.

89. The Cabinet adopted Decision No. 92 (2014), recognizing the suffering of the Yazidi, Turkmen, Christian, Shabak and other communities in Iraq at the hands of ISIL terrorist gangs as a crime of genocide.

90. The Iraqi government has continued paying the salaries of employees displaced from areas controlled by ISIL terrorist gangs, issuing smart cards to enable them to receive their salaries from the areas to which they were displaced. State institutions in the centre and south of the country have absorbed staff from areas taken over by ISIL terrorist gangs.

91. The government has gone to great lengths to establish security and the rule of law in Iraqi territory by conducting operations to liberate areas under the control of ISIL terrorist gangs and maintain the safety of citizens. These include operations in the governorates of Diyala, Salah al-Din and Anbar, as well as operations to liberate Nineveh.

92. On 24 September 2011, the Council of Representatives formed a committee of members to draft a proposal for an act designed to regulate the administrative, political, cultural and educational rights of minorities, pursuant to article 125 of the Constitution. Several parliamentarians put forward similar motions for a bill regulating the rights of the Chaldean, Syriac, Assyrian and Aramean communities pursuant to the same article.

93. The bill to protect the rights of religious and ethnic minorities is still at the parliamentary stage. In Kurdistan Region, Act No. 5 (2015), on the rights of minorities, has been adopted.

94. The Cabinet adopted a bill on female survivors of the crimes of ISIL terrorist gangs, including those from the Yazidi, Christian and Turkmen communities.

95. The nationality of child survivors is regulated by the Nationality Act; the regulation of religious matters for female Yazidis is left to the Yazidi religious authority.

96. Act No. 12 (2019), on the rights of the martyrs of the Majid al-Tamimi Airbase (Camp Speicher) massacre, covers many of the cadets and the families who sheltered victims, according them the rights of martyrs. The Act further requires the authorities to search for their remains and commemorate their sacrifice.

### **Article 3 and recommendations 28 and 30**

97. Article 14 of the 2005 Constitution guarantees gender equality. Article 26 stipulates that equal opportunities shall be guaranteed to all Iraqis and that the State shall ensure that the necessary measures to achieve this are taken. Article 20 stipulates that Iraqi citizens, men and women, shall have the right to participate in public affairs and enjoy political rights, including the right to vote, elect and run for office. Article 22 (First) stipulates that work is a right for all Iraqis in such a way as to guarantee a dignified life.

98. Furthermore, article 8 (Third) of the Labour Code stipulates that any distinction, exclusion or preference in connection with a specific job shall not be considered discrimination, if based on the qualifications required to do the job.

99. In 2013, the Cabinet adopted the national strategy to combat violence against women, designed to promote the rights of Iraqi women of all ages, protect them from all forms of negative discrimination and abuse and minimize the effects thereof. The strategy has four themes, namely: prevention, care and protection, policy and implementation.

100. In cooperation with civil society, government bodies conduct induction campaigns in rural areas to encourage people to register their children (both male and female) at school to ensure their basic rights. The school curriculum affirms gender equality and ensures the right of girls to education and the same job opportunities as their male counterparts.

101. Covering the education sector in rural areas, the nationwide rural development survey, organized in 2016 at village and family level in subdistricts in all governorates, produced useful results, helping to determine the educational situation of both genders and the needs in terms of buildings and staff to help close the gender gap and achieve equality in respect of enrolment in primary and secondary schools in rural areas.

102. Education, employment and health care are provided in such a way as to ensure equality between men and women as a right for all, without discrimination and with an emphasis on vulnerable groups such as widows, divorcées and orphans.

103. The current Nationality Act holds that a person born to an Iraqi mother and foreign (non-Iraqi) father is Iraqi, regardless of place of birth, whether inside Iraq or abroad. There is no essential difference in law between the provisions of articles 7 and 11 of the Act, which follow the same procedures in terms of submitting the application, the stipulated waiting period and maintenance of the marital bond. Article 7 (Foreign man married to an Iraqi woman) adds that he must not have been convicted of a dishonourable felony or misdemeanour and must have visible means of support; this does not affect the text of the article. A draft amendment to the Nationality Act is currently being considered.

104. Although current legislation is not incompatible with international rules on human rights, a committee of retired, experienced judges was formed by the Supreme Judicial Council to review and improve all domestic legislation by bringing it into line with international human rights obligations.

105. A number of laws have been enacted in Kurdistan Region to eliminate discrimination; these include:

- Act No. 7 (2001) exempts a wife from the provisions of article 41(1) of the Criminal Code, No. 111 (1969);

- Act No.14 (2002) holds that committing a crime against a woman under the pretext of honour is not a mitigating excuse in law for the purposes of the application of articles 128, 130 and 131;
- Act No. 18 (2007) suspends application of the condition of marriage stated in article 41(First) of the Public Prosecution Act, No. 159 (1979) in Kurdistan Region.

### **Recommendation 30**

106. Iraq adopted a national strategy for the advancement of the status of Iraqi women pursuant to Cabinet Decision No. 164 (2 April 2014) and work is under way on a number of its results, which are currently being reviewed by the Department of Women's Empowerment of the General Secretariat of the Council of Ministers.

107. Within the framework of reforms introduced by the Prime Minister, as charged by the Council of Representatives, several ministries were merged while others were abolished. The Ministry of State for Women's Affairs was one of those abolished. Abolition, however, does not mean that the government is indifferent to women's issues. Indeed, it has created a department of women's empowerment at the highest level of government, namely the General Secretariat of the Council of Ministers, to undertake the duties previously carried out by the ministry. Furthermore, two important committees devoted to women's affairs have been reformed – the Higher Committee for the Advancement of Women and Higher Committee for the Advancement of the Status of Rural Women. Both committees have a membership consisting of high-level government officials drawn from ministries concerned with women's empowerment, such as health, education and labour, as well as members of parliament and civil society organizations.

108. The Department of Women's Empowerment proceeded to formulate its strategy and outline the working methodology of the two higher committees (advancement of women and advancement of the situation of rural women) in fulfilment of its mandate. This has involved the creation of administrative entities – to be known as women's empowerment units – in all State bodies, institutions and governorates to deal with cases relating to women (Team 1325, joint statement on sexual abuse and any subsequent issues). Units submit their annual plans to the Department of Women's Empowerment, formulated to incorporate the concept of gender and reduce the gender gap in host institutions. They also seek to promote the subcommittees of the Higher Committee for the Advancement of the Status of Rural Women in the governorates and boost the capacities of sector-specific teams concerned with women by holding training workshops, in cooperation with partners.

109. Awareness-raising campaigns entitled, "Women united against corruption" are organized in cooperation with the Integrity Commission to highlight the important role of Iraqi women in fighting corruption. There is also a campaign designed to combat violence against women entitled, "The domestic abuse act is a guarantee of family cohesion".

110. Women held two ministerial positions in the previous government, at the ministries of health and construction and housing. A woman was appointed mayor of Baghdad, a ministerial-level position, while another served as president of the Council of State, also with the rank of minister. A woman has been appointed as Minister of Education in the current government line-up and other positions are held by women. Among senior staff in the higher education sector, the increase in the number of female college deans from 10 in 2010 to 40 in 2019 indicates growing participation of women in the scientific renaissance.

111. Under article 11 (First, a) of the Political Parties Act, women must be represented in the founding body and general committee of political parties. It states that an application for incorporation shall be submitted in writing, signed by the representative of the party for purposes of registration, to the Department of Political Parties and Organizations, enclosing a list of names of not less than seven founding members and a list of at least 2,000 members nationwide, with the proviso that female representation be observed.

112. The Independent High Electoral Commission seeks to raise awareness of the need for women to participate in all areas, stressing in particular the need for women's participation in legislative institutions to ensure just laws. It further stresses the importance of enforcing laws designed to promote women's participation in elections and party political work,

thereby helping to develop the gender perspective in an effective and positive way, eliminate negative stereotypes of women's representation and enable women to play their natural role in all spheres.

113. Women have played a part in the establishment of many political parties, including those which were the first to obtain a licence from the commission. The quota for women of not less than 25 per cent of seats in the Council of Representatives represents a significant contribution by women to political life, reflected in the executive branch and senior positions of State, including undersecretaries and special grades.

114. The judicial authority accords considerable importance to the role of women in the judiciary and there are now 118 female judges.

115. The government has sought to include women in international gatherings and has been keen to achieve a gender balance when it comes to participation in international forums, such as conferences and training and development workshops. Many Iraqi women work in their country's permanent missions overseas, thereby promoting gender balance. Indeed, Iraqi women occupy positions in all United Nations offices with programmes concerning Iraq: there are no State-imposed restrictions on the participation of women in international work. As well as holding the position of ambassador, women work in the diplomatic corps in Iraqi embassies, consulates and representative offices abroad at all levels (counsellor, first and second secretary, consul etc.).

116. In 2019, there was a total of 10,218 female commissioned officers, cadets and affiliates in the Ministry of Interior.

117. In Kurdistan Region, the number of female staff working in general directorates of police stands at 882, including officers, affiliates and civilian employees; 485 women work in other directorates.

118. An amendment to Act No. 31 (2009), the Independent High Electoral Commission Act, was adopted in response to popular demands for the representation of judges on the commission board and elimination of sectarian quotas.

119. Federal Court ruling in case No. 8/Fed./2019 upheld the right of women to win election outside the quota system, allowing there to be more than one woman on the electoral list, even if there are no men on it, and maintaining that the legal position of a female deputy is exactly the same as that of a male deputy. The same court ruled in case No. 217/Fed./2018 that a female candidate has the right to win a seat under the quota system.

### **Laws pertaining to the participation of women in politics in Kurdistan Region**

120. Under Act No. 2 (2009), the fourth amendment to the Kurdistan National Assembly Elections Act, women must make up at least 30 per cent of a party's candidates. Their names must be arranged in sequence in such a way as to ensure representation of the required percentage of women, with the proviso that there be at least three female candidates on each list.

- The Governorate, District and Sub-district Council Elections Act in Kurdistan Region (2009) states that candidate lists must be drawn up in such a way that the proportion of female candidates is not less than 30 per cent.
- In the current ministerial line-up, women hold three portfolios – labour and social affairs, agriculture and water resources and the regions. Furthermore, the 2018 rules of procedure issued by the regional parliament stipulate that there must be at least one woman among the three members of the speaker's office. Subsequently, the first female speaker of the regional parliament was elected in 2019; another female parliamentarian, from the Turkmen community, was elected secretary of the parliament.
- The Judicial Institute Act in Kurdistan Region (2009) allows women to qualify as magistrates. As a result, there is a large number of women occupying the position of magistrate and working as members of the Public Prosecution Service in courts across the Region, as follows: 30 out of 333 trial judges; 56 out of 303 prosecuting magistrates; in the third session of the Judicial Institute, 28 out of 60 of those admitted

were women; 31 appellate court judges; 94 examining magistrates and 289 assistant examining magistrates.

Four shelters have been opened for vulnerable and abused women in Kurdistan Region, in the governorates of Erbil, Sulaymaniyah, Duhok and Kalar district. In addition, there are two centres able to admit cases for 72 hours only.

121. Directorates and offices involved in combating violence against women in Kurdistan Region are working to enforce a set of laws addressing the causes of abuse.

### **Equality at work**

122. Under the provisions of the Labour Code, the State pursues a policy of full employment and respect for core principles and rights, including the elimination of discrimination in employment and occupation and prohibition of violation or transgression of the principle of equality of opportunity and treatment for any reason whatsoever, in particular direct or indirect discrimination between workers regarding vocational training, employment, terms and conditions of work, equal pay for men and women and punishment for violation of the provisions on child labour, discrimination, forced labour and sexual harassment, in accordance with each case.

123. Regarding the political rights of minorities, the Federal Court delivered a ruling in case No. 7/Fed./2010, on representation of the Sabaeen sect and other minorities; it also delivered a ruling in case No. 11/Fed./2010, on the rights of the Yazidi sect to representation under the Elections Act, No. 16 (2005). The representation of women and minorities is reflected in their numbers in the executive and in senior positions of State, including ministers, undersecretaries, special grades and general managers.

124. As regards equal opportunities the Federal Court ruled, in case No. 42/Fed./2012, to guarantee fair representation of women in the High Commission for Human Rights pursuant to Act No. 53 (2008).

125. Further to article 14 of the Constitution, which provides explicitly for the principles of equality and non-discrimination in respect of rights and freedoms, Iraq was an early signatory of the International Convention on the Elimination of All Forms of Racial Discrimination and other international human rights treaties. No provision in Iraqi law enshrines discrimination in any form.

126. Iraq has adopted a number of measures to ensure real equality and combat all forms of discrimination in legislation, procedures or policies or in the form of stereotypes based on social customs and traditions lacking any basis in law. These measures include training displaced women and their husbands to participate in all stages of the conflict management and settlement process. Furthermore, "Women for peace" teams have been formed as part of the national reconciliation support effort. Men convicted of rape are excluded from the provisions of the General Amnesty Act, No. 27 (2016).

- The Iraqi judiciary heard 5,000 cases of abuse committed against Yazidi women by ISIL terrorist gangs.
- Some 300 workshops on United Nations Security Council resolution 1325 (2000) were organized by ministries across Iraq, informing more than 17,000 security personnel of the resolution.
- The sum of ID 1 million was paid in the form of a grant to each woman assaulted during armed conflict; a total of ID 74 billion in compensation was disbursed to victims of conflict in 2015.
- Specialized units have been established to monitor and document human rights violations and a joint operations room to coordinate relief for the displaced in Anbar and Mosul has been set up in the General Secretariat of the Council of Ministers. Advocacy campaigns have been organized in collaboration with parliament, government institutions and civil society organizations to expedite enactment of a bill to combat domestic abuse and provide clinical treatment for survivors of sexual abuse at health ministry facilities; an international conference on education, to be held after

the war against ISIL has ended, has been proposed; and 28 specialized legal clinics have been opened across the country, offering free legal services.

#### **Article 4**

127. The States Parties to the Covenant recognize that the State may not lawfully limit the enjoyment of the rights stipulated under the present Covenant save insofar as such limitation is compatible with the nature of these rights and solely for the purpose of promoting the common good in a democratic society.

#### **Article 5**

128. Article 2 (First, c) of the Constitution stipulates that no law may be enacted that contradicts the rights and basic freedoms stipulated in the Constitution. Article 14 states that Iraqis are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, colour, religion, sect, belief or opinion, or economic or social status.

129. Article 46 of the Constitution states that restricting or limiting the practice of any of the rights or liberties stipulated in the Constitution is prohibited, except by or on the basis of a law and insofar as restriction or limitation does not violate the essence of the right or freedom.

#### **Article 6 and recommendation 32**

130. The right to work is a constitutional right, guaranteed by the Constitution to every citizen without discrimination for any reason whatsoever. Article 22 of the Constitution states that work is a right of all Iraqis in such a way as to guarantee them a decent life. The law regulates the relationship between employer and employee on economic bases with due regard to the principles of social justice. The State guarantees the right to establish and join trades unions and professional associations; this right is regulated by law.

131. The following acts have been adopted to give effect to this provision and ensure the right to work:

1. The Labour Code, No. 37 (2015), containing the main provisions noted in the recommendation:

- The Code aims to employ labour in the service of the national economy to achieve prosperity and improve standards of living. Work is the right of every citizen capable of performing it under conditions of equality for all citizens and without any form of discrimination on grounds of sex, ethnicity, language or religion. A consequence of this is that all citizens shall have the opportunity to receive vocational training within the limits set by the State as regards the scope and type of work. Work is considered a sacred duty dictated by honour and the need to participate in building, developing and ensuring the prosperity of society. The Code guarantees the worker a living wage, stipulating that it shall be sufficient to meet his basic needs, enable him to support his family and afford him the opportunity to enjoy the fruits of economic progress.
- The Code enshrines the principle of a minimum wage on which the worker can rely to ensure a decent standard of living.
- The Code regulates labour relations on the basis of social solidarity between the parties, with all that entails in terms of mutual cooperation.

2. The Code holds trades unions to be active parties in the process of regulating labour relations, protecting workers' rights and developing their personalities and talents. The Trade Union Organization Act, No. 52 (1987) regulates labour unions in Iraq and aims to achieve the following:

- (a) Protect and develop production and ensure the rights of workers;
- (b) Develop workers' political, cultural and professional awareness;

(c) Instil a spirit of respect for the labour system, endeavouring to uphold it consciously, voluntarily and faithfully.

132. The Care of Persons with Disabilities and Special Needs Act, No. 38 (2013), guarantees persons with disabilities and special needs the right to employment. The Act is designed to achieve the following:

(a) Provide care for persons with disabilities and special needs and eliminate discrimination on grounds of disability or special need;

(b) Pave the way for the integration of persons with disabilities and special needs in society;

(c) Provide a decent life for persons with disabilities and special needs;

(d) Respect and accept disability as a part of human diversity and human nature;

(e) Create job opportunities for persons with disabilities and special needs in government departments and the public, private and mixed sectors.

133. The law guarantees persons with disabilities and special needs the right to work by requiring the public and private sectors to provide them with employment, as follows:

(a) Ministries, bodies not attached to a ministry and public sector companies shall allocate at least 5 per cent of jobs to persons with disabilities and special needs;

(b) An employer in the mixed sector employing at least 30 but not more than 60 workers is obliged to employ one person with disabilities or special needs who meets minimum qualifications; if he employs more than 60 workers, at least three per cent of his total workforce must consist of persons with disabilities and special needs.

134. Under Instructions No. 4 (2018), on appointments resulting from the movement of staff, specialized committees were formed to consider applications for appointment or reappointment submitted following the announcement of vacancies. These instructions take into account the rights of the families of martyrs, holders of higher certificates and persons with disabilities and guarantee the rights of the Christian population.

135. The following schedule shows statistics on persons with disabilities and special needs in the labour market:

#### **Relative distribution of persons with disabilities by sector**

The results of the survey of persons with disabilities aged 10 years and above show that the highest proportion (72.8 per cent) works in the private sector, followed by the government sector (22.4 per cent); the percentage working in the foreign private sector is the lowest (0.5 per cent) and there are no persons with disabilities working in the cooperative sector,

Schedule showing relative distribution of persons with disabilities by key employment sector, sex and environment:

	<i>Government</i>	<i>Public</i>	<i>Mixed</i>	<i>Cooperative</i>	<i>Domestic private</i>	<i>Foreign private</i>	<i>Other</i>	<i>Total</i>
Male	21.5	2.4	0.5	0.0	73.8	0.5	1.2	100.0
Female	51.1	0.0	1.8	0.0	43.2	0.0	3.9	100.0
Urban	20.9	1.6	0.5	0.0	75.4	0.5	1.1	100.0
Rural	28.6	5.5	0.7	0.0	62.5	0.5	2.1	100.0
<b>Total</b>	<b>22.4</b>	<b>2.4</b>	<b>0.6</b>	<b>0.0</b>	<b>72.8</b>	<b>0.5</b>	<b>1.3</b>	<b>100.0</b>

#### **Relative distribution of persons with disabilities by main source of income**

The results of the survey of persons with disabilities aged 10 years and above showed that for 36.9 per cent, the main source of income is assistance from family and relatives; for 27.1 per cent, it is a wage or salary, while 22.3 per cent are self-employed. A small proportion of

persons with disabilities had other sources of income or no income at all (1.8 per cent and 1.5 per cent respectively).

136. Unemployment in Iraq is cumulative; it is not a recent phenomenon. It has a negative economic and social impact and has an effect on rates of population growth.

137. The government seeks to promote, regulate and protect the private sector, particularly small and medium-size enterprises, enabling these businesses to absorb the workforce nationwide by granting loans and reviewing legislation supportive of the private sector, thereby increasing the rate of growth.

138. Cabinet Decision No. 364 (2019), on the overhaul and upgrade of the electricity distribution network, was adopted to create jobs for large numbers of the unemployed. Three-month training programmes in vocational training centres are offered, during which trainees receive a monthly allowance. Upon completion of the course, a plot of land is allocated to each group to set up their own workshop and a loan is granted to enable them to purchase basic materials and equipment. Each young person who successfully completes the training course receives a monthly salary for six months until the business gets going.

Unemployed persons unable to work receive an allowance for three months. Those able to work are offered a training and qualification programme, as well as a grant during the three-month training period, with a view to qualifying those who pass the course for employment by investment companies operating in Iraq. Those who successfully complete the aforementioned training courses are eligible for a loan from the Central Bank youth credit initiative or the profit-generating loan fund of the Ministry of Labour and Social Affairs to help set up small or medium-size businesses. Unemployed persons who take part in these training programmes are covered by the Industrial Services Act, under which they are granted a serviced plot of land to set up a workshop, as well as related benefits.

The Ministry of Trade has simplified the procedures under which young people aged between 18 and 35 can register small companies. It has also exempted young people from newly introduced charges in order to provide them with jobs.

139. The Ministry of Labour arranges for unemployed young people registered in the ministry database to be supplied with specially equipped vans selling ready-made foods, refreshments and hot drinks, as well as special maintenance and cleaning vehicles. Financing comes from the ministry's profit-generating loan fund; for those not registered in the ministry database, there are soft loans at nominal interest from Rafidain Bank and Rasheed Bank. Baghdad municipality and the governorates have simplified the procedures for issuing unemployed young people with a professional licence and obtaining parking spaces in commercial areas. The above types of vehicles are exempt from customs charges. The Ministry of Electricity employs unemployed young people aged 18–35 to collect electricity charges in the areas where they live, on the basis of invoices issued by the ministry. The Ministry of Industry and Minerals offers to train unemployed graduates and others wishing to set up businesses manufacturing local products to give them the appropriate expertise.

140. The following schedules show indicators of population, unemployment and national accounts on the basis of available information:

#### **Unemployment rate (2016)**

Male	5.8
Female	22.2
Overall rate	10.8

#### **Unemployment rate among people aged 15 and above (2016)**

<i>Male</i>	<i>Female</i>	<i>Total</i>
8.5	22.2	10.8

**Unemployment rate among young people aged 15–24 (2016)**

<i>Male</i>	<i>Female</i>	<i>Total</i>
20.1	38.0	22.7

**Unemployment rate (2018)**

Unemployment rate	13.8
Rate of economic activity	42.8

**Article 7 and recommendation 34**

141. The Labour Code (2015) guarantees a worker's right to receive a suitable and fair wage to ensure he enjoys a decent living, determined on scientific, economic and humanitarian bases. Article 4 stipulates that the law guarantees every worker the right to earn a wage that is sufficient to meet his essential needs, support his family and afford him the opportunity to enjoy the fruits of economic progress. Accordingly, the following shall be taken into account in determining wages:

1. Type and amount of work performed by the worker, thereby linking wages to productivity;
2. Principle of equal remuneration for the same type and quantity of work done under the same circumstances;
3. Guaranteed wage protection such that no part of a worker's wage may be deducted save pursuant to the law and on condition that the worker shall always retain a part thereof to enable him and his family to enjoy an acceptable standard of living in accordance with this law.

142. Iraqi law forbids forced labour and upholds a worker's right to choose his work freely. The Constitution forbids forced labour or what is known as "corvée".

143. Equality between men and women in respect of wages, bonuses and allowances, notwithstanding certain preferential benefits that women enjoy. The law refers to freedom of work, freedom of association, recognition of the right to collective bargaining, elimination of all forms of forced or compulsory labour, genuine eradication of child labour and elimination of discrimination in employment and occupation. The law also refers to a worker's enjoyment of rest on the festivals and official holidays provided for by law, on full pay, as well as a weekly rest period of at least one day on full pay. A worker may be asked to work on festivals and official holidays at double pay but not to work on the weekly period of rest. The law makes clear that a worker is entitled to a minimum 21 days' annual leave on full pay. By law, pregnant or nursing women may not be compelled to perform extra work or work harmful to the health of mother or child, or in cases where medical examination shows that there is significant risk to the health of mother or child.

144. The law prohibits employing women to perform work that is strenuous or injurious to health. It also forbids the employment of juveniles (and their presence on-site) in work where the nature of the job or working conditions may damage their health, safety or morals.

**Article 8 and recommendation 36**

145. Iraqi law guarantees a worker's right to organize in a union and the subsequent and subsidiary rights thereof as stipulated by law:

- Article 6 of the Labour Code stipulates that trades unions shall play an effective role in the regulation of labour relations, protection of workers' rights and development of their personalities and talents.
- Act No. 52 (1987), on trade union organization, regulates the right of workers to organize in trade unions, ensuring that union activity is pursued to increase

productivity, promote informed management of the labour system, secure workers' rights and advance their material, cultural and social level. The Act sets out the broad goals of trades unions and covers workers in the private, mixed and cooperative sectors, identifying all trade union bodies beginning at the level of the committee, the smallest unit and cornerstone of union organization; other details are also covered.

- The Ministry of Labour has drafted a new bill on trade union organization, which has been sent to the Cabinet to commence the process of enactment.

146. Article 162 of the Labour Code regulates the right to strike, which it holds to be a worker's right. It sets out the conditions and consequences thereof, stating that advance notice must be given by the labour union or elected representatives of the workers. The law further states that the employment relationship may not be terminated during the strike or workers penalized for calling a strike or closing the business in whole or in part. The law sets out the role of the Ministry of Labour in resolving disputes.

147. Iraq acceded to International Labour Organization C087: Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) pursuant to Act No. 87 (2017).

### **Article 9 and recommendation 38**

148. Article 30 of the Constitution stipulates that the State shall guarantee social and health insurance for Iraqis in the event of old age, sickness, disability, destitution, orphanhood or unemployment and strive to protect them from ignorance, fear and poverty. It shall provide Iraqis with housing and special rehabilitation and welfare programmes; this shall all be regulated by law.

149. The Workers' Pension and Social Security Act, No. 39 (1971) regulates the social security affairs of workers and aims to secure the health, safety and future livelihood of all members of the working class. It further aims to create conditions and deliver services that will contribute to the social and professional development of the working class.

150. The Act achieves its goals through existing social security, health insurance, injury insurance, retirement insurance and service insurance branches and represents the minimum level of social guarantee stipulated by law.

151. The Government has adopted the workers and employees social security bill.

### **Article 10 and recommendations 40, 42 and 44**

152. Article 29 of the Constitution stipulates:

First:

(a) The family is the foundation of society; the State shall preserve it and its religious, moral and national values.

(b) The State guarantees to protect motherhood, childhood and old age; it shall care for children and youth and provide them with the appropriate conditions to develop their abilities and talents.

Second: Children have the right to proper upbringing, care and education from their parents. Parents have the right to respect and care from their children, especially in cases of need, disability and old age.

Article 30 (First) stipulates that the State shall guarantee to provide the individual and family, especially children and women, with social and health insurance, the basic requirements for living a free and decent life and secure for them suitable income and appropriate housing. Article 41 stipulates that Iraqis are free in respect of commitment to personal status according to their religions, sects, beliefs or choices; this shall be regulated by law

### **Recommendation 40**

153. The Council of State has scrutinized a group of bills:

- Protection from domestic abuse bill;
- Protection of the rights of the child bill.

154. Act No. 11 (2014), which adopts the criterion of the poverty line, was promulgated as an alternative to Social Welfare Act No. 126 (1980). In 2018, a safe house for abused women was opened in Baghdad, in cooperation with the United Nations Population Fund.

155. Articles 128, 130, 131 of the Criminal Code allow perpetrators to invoke defence of honour as a mitigating circumstance. These are general provisions that fall under the category of legal excuses and mitigating judicial circumstances and are applicable to all crimes, not one specific type of crime. The legislature has left it to the trial judge to decide, on the basis of the facts of the case, whether or not to admit such mitigating circumstances. In Kurdistan Region, these articles have been amended to ensure that “honour killing” cannot serve as grounds for mitigation of sentence. The Iraqi government is studying a similar amendment to these articles.

156. Holding honourable motivation to be a mitigating excuse is of general application: the act of “honour killing” is not specifically intended. Furthermore, it is not held to be discrimination against a woman simply because she is a woman. It is derived from the tolerant Islamic sharia and does not conflict with the Constitution. Article 409 of the Criminal Code holds there to be mitigating circumstances in the case of a man who surprises his wife or female relative in the act of adultery or finds her in bed with another man and kills one or other of them.

157. The government of Kurdistan has adopted several pieces of legislation and procedures, including:

- Amendment of article 377 (2) of the Criminal Code: male and female adulterers shall receive the same punishment;
- Amendment of articles 128, 130, 131 of the Criminal Code: honour killing shall not be considered as a mitigating circumstance;
- Amendment of article 41 (1) of the Criminal Code: a woman may not be physically chastised by a man;
- The crime of honour killing is not covered by the provisions of the general amnesty act in Kurdistan Region;
- The strategy to combat violence against women was adopted in Kurdistan Region in 2012;
- Act No. 8 (2011), on combating violence against women, addresses all forms of domestic abuse and seeks to protect women and children in particular. The Ministry of Labour in Kurdistan Region is required to provide shelters for victims of domestic abuse, who also receive assistance from the social care network. Shelters admit cases by order of the magistrate and the ministry of interior is responsible for their protection.

158. Four shelters have been opened for vulnerable and abused women by the Ministry of Labour in Kurdistan Region in Erbil, Sulaymaniyah, Duhok and Kalar.

159. The domestic abuse bill defines the crime of domestic abuse as physical, sexual, psychological, mental or economic abuse committed or threatened by one member of the family against another and can be either a felony, a misdemeanour or an infraction, as determined by law. The bill creates an appropriate mechanism for opening shelters to protect victims. It also puts in place a mechanism for reporting crimes of domestic abuse and bringing lawsuits, as an exception to the principle of territorial jurisdiction. The bill is currently being scrutinized again.

160. In 2013, the Social Welfare Act was amended to stipulate that the Social Welfare Department of the ministry shall establish and manage fully-equipped and adequately staffed social care homes in all governorates. Another amendment, adopted by the Cabinet in 2017 and providing for the establishment of safe houses for victims of domestic abuse and other groups is currently under review.

**National strategy to combat violence against women**

161. In 2013, the Cabinet adopted the national strategy to combat violence against women, which seeks to promote the rights of Iraqi women of all ages, afford them protection from all forms of negative discrimination and violence and limit the impact of abuse. The strategy has its origins in the government's wish to lift society out of the malaise caused by previous policies and the unstable security situation, which gave rise to the extremist ideologies that adversely affected the status of women in Iraq.

162. The national strategy for the advancement of Iraqi women (2014–2018) was adopted to build women's capacities and raise their status to enable them to participate in policy-setting and decision-making in all areas. The strategy aims to create a legislative environment consistent with the Constitution and the international obligations of Iraq, increase the enrolment of girls in secondary education, develop reproductive health policy and promote the participation of women in the job market and decision-making positions in times of peace and conflict.

163. In 2018 the Ministry of Labour, in cooperation with several international bodies, opened a shelter for victims of domestic abuse. The shelter contains 80 beds and provides mental and physical health therapy, sports facilities, training and rehabilitation facilities, a library, administration offices and sitting rooms, as well as classrooms for children.

164. Under Act No. 11 (2014), the Social Protection Department (Ministry of Labour) provides aid to vulnerable groups in the poorest regions of southern Iraq and areas previously occupied by ISIL terrorists; it also helps persons lacking financial resources.

165. To preserve the dignity and safety of women, the bill on combating domestic abuse criminalizes acts of violence and punishes perpetrators. Punishments include fines and terms of imprisonment for acts criminalized under the bill.

166. The recruitment of women by the security services, including the community police, family protection police and women's training institute (Ministry of Interior), has been stepped up. A special women's security section has been created in the National Security Service and gender units have been set up in the security ministries. These bodies endeavour to incorporate the concept of gender within the security apparatus. A family and child protection directorate has been created by the police force. Furthermore, the principles of protection against domestic abuse have been included in the preparatory grade five family education curriculum, while the topics of human rights and combating domestic abuse are included in courses at the Police Academy.

167. Gender was a particular theme of the national development plan (2010–2014), as well as of gender-specific strategies such as the national strategy to combat violence against women (2013–2017), the national strategy for the advancement of Iraqi women (2014–2018) and the national action plan for implementation of United Nations Security Council resolution 1325 (Women, peace and security).

168. In implementation of United Nations Security Council resolution 1325, Iraq adopted a national action plan in April 2014, making it the first country in the Middle East to do so. The plan was drafted and developed in partnership with civil society organizations and decision makers by a national action team, whose members included officials of the federal government and government of Kurdistan Region, representatives of several ministries, members of the federal Council of Representatives, legal experts and members of the resolution 1325 initiative.

169. In view of the repercussions of the political and security situation after ISIL seized control of Nineveh governorate, the Ministry of State for Women's Affairs (since abolished) worked in cooperation with a coalition of civil society organizations to formulate a national plan for resolution 1325, based upon the parent plan. The plan took an inclusive approach to identifying priorities and addressing needs with a view to implementing the resolution and was adopted in 2015. We refer you to paragraph 124 for details.

170. The Department of Women's Empowerment of the General Secretariat of the Council of Ministers organizes annual media campaigns, including a 16-day campaign on combating

violence against women, featuring posters and leaflets, television programmes and educational and cultural seminars. The focus is on:

- Raising the awareness of and training rural women and extending loans;
- Reopening family and child protection departments in Salah al-Din, Anbar and Nineveh governorates, enabling them to continue to receive reports of domestic abuse.

171. Family and child protection departments in liberated areas organize conferences, forums and meetings with groups of children and young people to raise awareness, educate and warn of the dangers posed by extremist ideology.

172. Family and child protection departments arrange field visits to kindergartens, primary schools and middle schools to raise awareness of the dangers posed by extremist ideology.

173. Brochures and posters targeting children and young people in liberated governorates have been designed and printed in coordination with civil society organizations to warn of the dangers posed by extremist ideology.

174. Women and children are informed of the domestic abuse complaints hotline.

### **Role of the government of Kurdistan Region in helping to liberate the Yazidis**

- The government of Kurdistan Region formed a committee to collect information on and follow up the abduction of Yazidis. A budget has been allocated to aid their liberation and provide for their shelter and rehabilitation after liberation. On 21 August 2014, the Cabinet of Kurdistan Region adopted a decision to form a higher committee, chaired by the Minister of Martyrs and Anfal Affairs, to define the crimes committed against the Yazidis as genocide.
- Some 4,206 complaints have been filed with the courts concerning crimes committed by ISIL during the occupation of the districts of Sinjar and Mosul, including 1,191 cases of crimes against women; 2,036 complaints have been filed with the courts of Duhok. On 7 September 2014, the judicial council of the Region took the decision to form a judicial board, chaired by a judge and with a membership of two examining magistrates, to investigate crimes committed against the Yazidis.
- As at 16 February 2020, the number of Yazidi survivors (male and female) stood at:
  - 6,417 abductees, including 3,548 females;
  - 3,530 male and female survivors, including 1,199 women and 1,041 girls.
- A centre housing legal experts, psychologists and social workers has been set up to investigate crimes of genocide and help female Yazidi survivors; some 2,000 women, half of them over the age of 18, have received medical and psychological help. Furthermore, special courses and workshops have been opened to assist their reintegration into society.

### **Recommendation 42**

175. The Personal Status Act (1959) holds that coercing any person, male or female, to marry against their will is a crime and penalizes persons who conclude a contract of marriage outside the courts. The Act allows separation, if the marriage contract was concluded while one of the spouses was under the age of 18 without the approval of a judge. Separation is also allowed if the marriage takes place outside the court and has been consummated. Forced marriage is held to be null and void, if it has not been consummated. Furthermore, the Act recognizes the equality of the girl and the boy, allowing her to withhold from her inheritance from her father or mother in the same way that he can withhold from his inheritance.

176. Article 2 (3) of the Domestic Abuse Act in Kurdistan Region refers to the early marriage of girls as a domestic crime. In 2016, the Higher Council for Women issued a behaviour change plan (COMBI plan), designed to reduce the instance of child and underage marriage in the Region. Commencing at the beginning of 2017, the plan continued in operation for three years. Act No. 3 (2015) suspended article 409 of the Criminal Code, which provides for mitigation of the sentence for a man who kills or assaults his wife or a female

relative, if he surprises her in the act of adultery or in bed with another man. Act No. 15 (2008) was also adopted in the Region, prohibiting polygamy save in rare and specific cases specified by law.

177. Regarding recourse to the judiciary, many non-Iraqi women have been tried for terrorism-related offences. Some, including several juvenile girls and women accompanied by children, have been released and repatriated after completing their sentences. Most come from a civilian background and none have disabilities. The majority are Muslim, of various nationalities, although some hold Iraqi nationality. Women and girls charged with terrorism offences enjoy the legal guarantees provided under Iraqi law, including the right to apply for legal aid, a transparent trial, the right to appoint a defence attorney at the investigation and trial stages and the right to appeal decisions of the investigating court and felony court.

178. Iraqi law treats Iraqis and non-Iraqis equally and, as regards women and girls holding foreign nationalities charged under the counter-terrorism act, measures are taken to ensure their right to legal aid, a thorough investigation and a fair and transparent trial.

179. Regarding forced and child marriage, marriage is a bilateral contract, which means that there must be two parties without whose agreement and consent the marriage cannot take place. No one has the right to force either of the parties and marriage cannot take place in the absence of consent. A marriage contract concluded under duress is null and void. Article 5 stipulates that the spouses must be fully legally competent. "Legally competent to marry" means that both spouses (the man and the woman) are capable of concluding the contract of marriage by themselves.

180. Regarding child marriage, article 7(1) of the Personal Status Act refers to the legal competence to marry: it is a condition for full competence to marry that the parties be of sound mind and have reached the age of 18. Accordingly, an adult woman of sound mind may marry whomever she chooses of her own free will. Likewise, an adult man of sound mind may marry the woman he chooses, as long as she is lawfully permitted to marry him, and no one has the right to object. The Personal Status Act does not discriminate between the man and the woman in such a situation and she is not required to have a male guardian. The choice is hers alone.

181. To minimize and eliminate instances of marriage outside the courts, the Personal Status Act was amended by Act No. 21 (1978), which contains a new exception allowing a person who has reached the age of 15 to obtain the permission of his father/legal guardian to marry, with the agreement of the judge.

182. Under the Domestic Abuse Act in Kurdistan Region, early marriage is held to be a domestic crime and punishable appropriately.

183. The Iraqi government is keen to promote laws supportive of women and a number of decisions have been issued. Furthermore, national plans promoting women's issues have been adopted, the most significant of these being:

184. A strategy for the advancement of women and national action plan for implementation of United Nations Security Council resolution 1325 have been adopted.

185. Cabinet Decision No. 175 (2015) exempts widows from downsizing measures due to overstaffing.

186. Cabinet Decision No. 429 (2012) extinguishes the debt and interest obligations of those martyred after 9 April 2003 as a result of terrorist operations, including employees of ministries, bodies not attached to a ministry, governorates and security institutions, holders of special grades, employees of the three presidential offices and all their staff.

187. The National Housing Council reduced by 75 per cent the price of accommodation for the needy, including widows, in housing complexes that have been or will be allotted in the future, pursuant to a decision of the General Secretariat of the Council of Ministers.

188. On 10 July 2013, the Prime Minister directed all government institutions to appoint widows, grant them salary advances and allocate housing units at a 75 per cent discount, with the balance to be repaid in easy instalments.

189. The Department of Women's Empowerment is working in coordination with the Ministry of Planning to address women's issues, needs and empowerment in the national development plan soon to be launched by Iraq.

190. National development plans, sector-specific strategies and policies adopted by the Ministry of Planning give concrete form to the provisions of the Constitution on non-discrimination in education, employment and health services in order to achieve gender equality, which is a right for all, with the focus on vulnerable groups, such as widows, divorcées and orphans.

191. Under the national poverty reduction strategy, the Ministry of Labour and Social Affairs awarded 11,090 loans between 1 December 2012 and 27 December 2016; 24,033 loans were granted to small income-generating businesses between 24 November 2013 and 30 June 2017 and 370 loans were awarded under the industrial services system between 1 October 2015 and 30 June 2017. Some 388 loans for community rehabilitation projects were granted up to 30 June 2017.

Loans granted in 2019:

<i>Community rehabilitation</i>	<i>Industrial services</i>	<i>Fund</i>	<i>Poverty reduction</i>
462	380	41 499	11 120

192. An administrative order was issued on 30 October 2019, forming the Higher Council for Women, chaired by the Prime Minister and with a membership consisting of female representatives of relevant government bodies. The Council is tasked with implementing commitments, formulating policy, studying reports on women's rights, regulating the relationship between domestic and international sectors in this area and monitoring the situation of Iraqi women.

#### **Recommendation 44**

193. Iraq is a party to the Convention on the Rights of the Child (1989), the Optional Protocol to the Convention on the Involvement of Children in Armed Conflict (2000) and the Geneva Conventions (1949) as well as to the Convention on the Elimination of the Worst Forms of Child Labour, 1999 (No. 182) which includes the conscription of children as being one of the worst forms of child labour. Iraq has a duty to prevent the recruitment of children into the regular armed forces, as well as their recruitment by armed groups or terrorist organizations and to punish the perpetrators. Article 30 of the Military Service and Retirement Act No. 3 (2010) sets the minimum age for enlistment in the armed forces at 18, while article 66 of the Military Criminal Code stipulates that whoever writes or submits a report, statement or official document relating to service or position, knowing it to be false, shall be sentenced to a term of imprisonment.

194. Pursuant to Administrative Order No. 35 (2018), a high-level national committee was formed, chaired by the Minister of Labour, to monitor the abuse of children and denial of their rights in times of armed conflict.

195. The Child Welfare Commission was formed, chaired by the Minister of Labour and attached to the Prime Minister's office, with a membership consisting of the representatives of nine ministries. Its task is to set broad child welfare policy, identify the appropriate executive bodies and monitor programme implementation. The Commission has adopted a project to formulate national child protection policy in Iraq, in partnership with the United Nations Children's Fund (UNICEF). A priority of this project is to identify problems facing Iraqi children that amount to gross violations of the rights of the child as recognized by the international community. One of the project outcomes, as set out in the policy document, has been a comprehensive system for monitoring, reporting and collecting data on child protection issues.

196. Under the Labour Code, the inspection department is responsible for monitoring and supervising the employment of children under the age of 15 and ensuring that the Code is enforced in the case of employers found to be in violation. One immediate deterrent measure

is a media campaign in the press, radio and television, in coordination with UNICEF, to highlight the worst forms of child labour.

197. A field committee has been formed within the Child Welfare Authority (anti-child labour section/juvenile reform department/social welfare division). Furthermore, the Special Needs Department has made welfare payments to parents conditional upon school-age children being sent to school. Under the Compulsory Education Act, a written undertaking to this effect must be submitted to the department.

198. The case file on so-called “Cubs of the Caliphate” children in liberated governorates, who were used and exploited by ISIL terrorists, is being monitored with a view to developing therapy to help liberate the children intellectually and psychologically. This includes subjecting them to ideological immunization programmes to cure them of the ideology that ISIL instilled in their minds. It also involves designing courses based on the special educational curricula developed by the Ministry of Education, in cooperation with the ministries of youth and the interior, following up the cases of children born to members of the ISIL terrorist organization and monitoring the phenomenon of child abuse with the appropriate authorities.

199. The Prisoner and Detainee Reform Act, No. 14 (2018), brings the juvenile reform department under the Ministry of Justice. The Act observes international human rights standards for those deprived of their liberty and the rules pertaining to the rights of specific groups of prisoners. Other rights and freedoms are provided for under the Juvenile Welfare Act.

200. The Juvenile Welfare Act, No. 76 (1983), seeks to provide care for juveniles and curb the phenomenon of delinquency by creating an integrated system based on scientific principles.

201. Pursuant to Administrative Order No. 374 (13 October 2016), a committee was formed to document the crimes committed by ISIL terrorist gangs, including the exploitation of children in armed conflict.

202. The child protection policy document published pursuant to Cabinet Decision No.146 (2017) includes programmes designed to rehabilitate children in liberated areas and reintegrate them into society. Programmes have been developed to rehabilitate children, including orphans, and reintegrate them into their communities. Programmes have also been developed for widows in areas liberated from the control of ISIL terrorist gangs. In addition, funds have been set aside for the Ministry of Labour in the 2017 State budget. These programmes, to which several ministries, the Child Welfare Authority and civil society organizations contributed, aim to promote national values among children, eradicate the extremist ideology instilled in their minds by ISIL and reformulate the curriculum along modern lines, repudiating violence and extremism and promoting tolerance and peace.

203. Regarding legal accountability, children involved in armed conflict are covered by the provisions of the Juvenile Welfare Act, No. 76 (1983, amended). The law discriminates in favour of the juvenile delinquent as regards investigation procedures and subsequent judicial rulings. Furthermore, special juvenile courts applying national and international standards of children’s rights have been formed. Delinquents are placed in juvenile homes.

204. A board of investigation was formed to look into cases of Yazidi women captives, pursuant to a decision of the 12th session of the Supreme Judicial Council (11 June 2017), based in the Nineveh Court of Appeal.

205. Displaced persons in Iraq were processed under a government programme (2014–2018). However, given the importance of coordinating the efforts of the parties concerned with administering and delivering the services and assistance needed by the displaced in Iraq, a working group was formed, made up of representatives of the relevant bodies and working in direct coordination with the National Security Advisory, with the aim of preparing a national policy on the management of displaced persons in Iraq. Embracing a specific vision and set of goals and mechanisms, the policy is based upon national legislation and laws, informed by the principles of the United Nations. Members of the Council of Representatives, High Commission for Human Rights, the governorates and domestic and international non-

governmental organizations took part in formulating the policy, which was approved by Cabinet Decision No. 414 (2015).

206. A child protection bill was drafted in Kurdistan Region in cooperation with UNICEF, the ministries of labour and social affairs, education, health, culture and youth, the Independent Commission for Human Rights, Save the Children Kurdistan and Save the Children International. A number of meetings and seminars were held with legal organizations and bodies during which the bill was reviewed and scrutinized. Drafted in cooperation with UNICEF and the Ministry of Labour, the national policy to protect the rights of the child was signed off at the end of 2014 but has not yet entered into force. However, the committee for the protection of the rights of the child is active and meets regularly, following a period of suspension of activity. The committee is made up of representatives of the ministries of labour, health, education, culture, youth, justice, and endowment and religious affairs, the Independent Commission for Human Rights, UNICEF and the Higher Council for Women.

207. As well as these activities, the State has several institutions in Erbil, Duhok, and Sulaymaniyah responsible for providing pedagogical services, including homes run by the Ministry of Labour for adolescent boys and girls and shelters for children made homeless due to domestic, social, educational, mental or economic problems.

208. Children and persons with special needs (blind and deaf persons, persons with disabilities and persons with autism) can study and receive physical and psychological treatment. Teachers have been trained and special programmes developed in these areas. Furthermore, courses have been introduced in the juvenile sections of correctional centres in Erbil, Duhok and Sulaymaniyah to educate juveniles found guilty by the courts.

209. Children in care homes are sent to school to continue their education and complete their studies; special institutions cater for children with disabilities. In addition, a cooperation programme between the Iraqi government and the British Council focuses on “Capacity-building in primary and secondary education: improving the quality of teaching and equal opportunities in education”.

## **Article 11 and recommendations 46, 48, 50 and 52**

### **Recommendation 46**

210. The ministry of labour in Kurdistan Region provides services for elderly persons in need of social care who are unable to look after themselves and have no one to care for them. There are homes for the elderly in Erbil, Duhok and Sulaymaniyah.

211. Under the social welfare act, the government of Kurdistan Region supports poor families with up to ID 150,000 in assistance, distributed in accordance with the needs of family members. Those covered by this assistance include widows, divorcées, children and orphans with no one to care for them and families whose head of household is in prison or missing, on condition that they have no other source of livelihood.

212. In 2016 the government of Kurdistan Region, in cooperation with the World Bank, set up a programme under the strategic framework for social care in the Region to 2020, with the aim of raising the standard of living, addressing the economic and social changes in Kurdish society and applying sound policies to promote economic reform in order to rid the Region of economic crises.

213. The Ministry of Labour set up a committee to formulate new instructions on implementing the social care network programme, which helped about 95,000 families. Note that the national strategy to combat violence against women has contributed to a reduction of violence due to its economic and social empowerment of women.

214. A poverty reduction strategy (2018–2022) was adopted pursuant to Cabinet Decision No. 363 (2017), approving adoption of the poverty database designed by the Ministry of Planning in cooperation with the Ministry of Labour to underpin the planning and implementation of social policies and programmes targeting the poor. The strategy seeks to reduce the level of poverty nationwide by 25 per cent by 2020, transform the poor into

socially and economically integrated producers and achieve the long-term goals of ending poverty in all its forms everywhere, eliminating hunger, achieving food security, improving nutrition, promoting sustainable development, ensuring high quality, life-long education for all, promoting inclusive and sustainable economic growth, productive employment and decent work for all, putting an end to inequality and making human communities inclusive, secure and sustainable.

215. The strategy aims to reduce poverty among the poorer groups in society with schemes targeting displaced persons and returnees, the families of martyrs, the disadvantaged, poor widows and divorcées. The strategy achieved a reduction in poverty from 22.4 per cent in 2007 to 18.9 per cent in 2012 (a fall of 16 per cent). However, poverty subsequently rose to 22.4 per cent due to the financial crisis at the beginning of 2015.

#### **Recommendation 48**

216. Cabinet Decision No. 340 (2019) cleared the way for 17,000 housing units to be allocated to deserving low-income families in Basra governorate. Pursuant to Cabinet Decision No. 70 (2019), applications were invited for residential land allocated to limited-income families and other groups.

217. A national housing programme has been prepared and implemented, involving the construction of 100,000 housing units nationwide, with priority given to the poorest governorates and areas. The Ministry of Finance is responsible for strengthening the balance of the housing fund to increase the number of borrowers and enable them to build houses on plots of land earmarked for distribution to citizens; loans are interest-free.

218. A number of housing-related goals have been set within the framework of the national development plan (2018–2022) and general framework document of the national plan for reconstruction and development of governorates affected by terrorist and military operations. These goals include the construction of 700,000 housing units nationwide, excluding Kurdistan Region, employing appropriate legislation and encouraging private banks to finance housing schemes; construction of 100,000 housing units to make up for those destroyed during terrorist and military operations; ensuring the return to their homelands of displaced families by encouraging investment and delivery of services, including clean drinking water; improving the quality and increasing the volume of wastewater treatment, expanding coverage to 97 per cent in Baghdad and 72.66 per cent in other governorates; and proper treatment of wastewater before discharging it into the rivers. Pursuant to Cabinet Decision No. 355 (2017), the national housing document (2018–2022) is to be updated in the areas of land management, house building, financing, infrastructure, management, maintenance and building materials. Overlapping with the poverty reduction strategy (2018–2022), the national programme for the rehabilitation and regularization of informal settlements has set the goal of achieving decent housing and creating an environment responsive to the challenges in three stages: preparation, addressing the worsening situation and treating the causes of the phenomenon.

#### **Schedule showing distribution of families by occupancy of housing unit (2016)**

<i>Owned by family</i>	<i>Rental</i>	<i>Free by agreement of owner</i>	<i>Free without agreement of owner</i>	<i>Camp</i>	<i>Informal housing</i>
74.1	13.0	9.1	5.0	0.0	

219. Cabinet Decision No. 244 (25 July 2017) charges the security forces and rapid response teams with dealing with encroachments on State property. Note that this issue is addressed in several current laws.

220. On 12 March 2019, the Cabinet resolved to set aside suitable areas in governorates, districts and subdistricts for the expansion of municipal boundaries and implementation of previously unimplemented parts of the original plan. It further resolved to prepare maps and designs in line with modern scientific building standards that take into account the future expansion and requirements of State institutions, observing privacy, employing new building

materials and reducing energy use. Residential land will be demarcated and distributed to certain groups of citizens, including those covered by the social care network, persons with disabilities and others. The Ministry of Housing, Construction, Municipalities and Public Works will provide the finance necessary to cover basic services until such time as charges can be collected from the beneficiaries. The ministry will build 33,000 low-cost housing units nationwide, excluding Kurdistan Region.

221. In 2017, a specialized ministerial committee was formed to resolve the issue of encroachment upon the homes of displaced persons in Mosul, under the auspices of the committee for the implementation of national reconciliation recommendations. Solutions were developed on the basis of the law with input from the judiciary.

#### **Recommendation 50**

222. The electronic ration card scheme was put before the relevant bodies prior to finalization to enable the ordinary legislative session to consider the impact thereof on food security.

223. As part of the poverty reduction strategy and in implementation of the recommendations of the higher committee for reform of the ration card system, formed pursuant to Administrative Order No. 39 (2015), the pilot ration card scheme was introduced.

224. As a member of the Higher Committee for the Relief and Shelter of Displaced Families, the Ministry of Trade is charged with prioritizing the regular monthly distribution of rations, on the basis of the ration card system. The necessary finance is set aside in the general budget.

#### **Recommendation 52**

225. The Federal Budget Act covers the annual allocations shown below, which represent government subsidies for social groups living below the poverty line. Of these allocations, we might mention subsidies for farmers (ID 451.749 billion) and subsidies for wheat and rice production (ID 1,520.758 billion).

226. Cabinet Decision No. 8 (2012) sets out measures for compensating farmers for damage sustained due to drought and adopts the recommendation of the economic affairs committee to submit applications for compensation for natural disasters separately to the Cabinet; the Ministry of Finance then secured compensation from the 2012 financial year emergency reserve. This allocation has been made.

227. Dysentery and cholera are controlled by a number of measures, including the supply of clean drinking water.

228. Seeking the accession of Iraq to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki, 1992) – the amendment to which entered into force on 6 February 2013 – the Cabinet approved the bill of accession on 25 July 2018, which has been referred to the Council of Representatives.

229. Iraq acceded to the Ramsar Convention on Wetlands (1971) in 2007; the marshes of Iraq have been listed under that Convention.

230. In 2013, Iraq acceded to the Convention on the Law of the Non-navigational Uses of International Watercourses (1997).

231. The Ministry of Agriculture, in coordination with the Ministry of Water Resources, is responsible for allocating agricultural land, including desert land with a financial share, to unemployed agricultural workers and others. It is also responsible for setting up special cooperative investment societies, without fragmenting large plots of agricultural land. The concessional Agricultural Loan Fund has been activated and sums recovered from agricultural initiatives are earmarked for lending to the unemployed and those allocated agricultural land.

## Article 12 and recommendation 54

### Recommendation 54

232. Article 31 (First) of the Constitution stipulates that every citizen has the right to health care. The State shall concern itself with public health and provide means of prevention and treatment by building different types of hospitals and health institutions. Article 32 stipulates that the State shall care for those with disabilities and special needs and ensure their rehabilitation in order to reintegrate them into society; this shall be regulated by law. Act No. 38 (2013) was adopted in implementation of the above constitutional provisions.

233. The total health budget for 2017 amounted to ID 3,834,515 million, excluding Kurdistan Region, representing a per capita share of ID 120,000, excluding Kurdistan Region.

234. The health situation in Iraq has improved over the last two decades, with average life expectancy at birth rising from 58.2 in 2006 to 69.3 in 2014 and 70.3 in 2017. This is a reflection of the progress in levels of health care despite the security situation in the country. The rate of population growth is 2.2 per cent. Spending on health accounted for 3.18 per cent of total government expenditure in 2017. Spending on health in Kurdistan Region was 5.77 per cent of the budget of the Region.

235. The number of infections and deaths from HIV/AIDS by sex nationwide stood at 95 and 7, respectively, in 2017; 85 males were infected, compared with 10 females.

236. Liberated areas in Anbar, Salah al-Din, Kirkuk and Nineveh have been supplied with water sterilization tablets and action has been taken to raise awareness of health and environmental risks.

237. The Ministry of Health formulated a strategic plan for 2013–2017, focusing on the creation of a health care system based on primary health care and delivery of health services that meet the needs of the individual and society in accordance, as far as possible, with global standards, ensuring the sustained delivery of high quality health services at all levels (primary, secondary and tertiary) and integration of public and private sector services. The ministry budget is 5 per cent of the total State budget. Allocations for treatment of patients outside Iraq increased by USD 30,262,801 to cover a larger number of cases in 2015.

238. The Ministry of Finance allocates funds to the medicines account, enabling the Ministry of Health and health departments in the governorates to purchase medicines to cover the largest possible number of people, particularly low-income families, as follows:

<i>Account name</i>	<i>Years</i>			
	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>
Medicines	1 515 063	645 970	900 000	1 500 000

## Articles 13–14 and recommendation 56

239. Institutions in Iraq have taken a number of measures designed to implement this recommendation, as follows:

- Transferring students from evening schools to morning schools to ensure they continue their studies and do not drop out.
- Admitting students by affiliation in order to deal with cases of sickness, illiteracy etc.; having students sit half-year and end of year examinations; obtaining the approval of the Minister of Education to extend periods of registration and attendance by affiliation for all students; extending the registration period for students who failed to register for medical or security-related reasons or because of tribal threats; reinstating all students without exception; allowing all students over the statutory age to continue to study at evening school; and allowing students who have completed their studies to return to the classroom.

240. Inclusion of several schools due to their association with the UNESCO region; inclusion of primary level pupils by affiliation in school year 2017/18; reinstatement of pupils who failed to register for the current year; cancellation of dismissal notices; and facilitation of the movement of pupils between and within governorates.

241. In 2016, 322 accelerated learning schools and classes were opened nationwide to attract primary school dropouts in the 12–18 age group.

*Proportion of females to males in primary, secondary and university education (2014–2015–2016)*

<i>Academic year</i>	<i>Primary</i>	<i>Secondary</i>	<i>University</i>
2014	0.97	0.84	0.88
2015	0.95	0.83	0.92
2016	0.98	0.93	...

242. Vocational education is supported by distributing agricultural land, training a qualified workforce to set up small and medium-size businesses and providing job opportunities in the agricultural sector.

243. It is allowed to use the technical and professional capacities of vocational education schools for productive and service purposes.

244. Pursuant to Act No. 24 (2013), on full time agricultural work, the Ministry of Agriculture may allocate agricultural land with a financial share to graduates of agricultural preparatory schools, as well as to graduates of agricultural and veterinary colleges and institutes, with a view to setting up special cooperative associations and developing the land.

### **Recommendation 56**

245. The national strategy for education (2012–2022) includes numerous projects concerning the provision of basic services for children, such as:

- Seeking to extend compulsory education to intermediate level;
- Building 15,366 schools for all levels and classes during the years covered by the plan to eliminate double shift and triple shift schooling in existing schools, minimize overcrowding and address the annual growth in student numbers;
- Providing equal opportunities for all and increasing enrolment of pupils and students in the target year as follows: Kindergarten: 30 per cent; primary: 99 per cent; intermediate: 70 per cent; preparatory: 60 per cent; vocational: 10 per cent;
- Reducing failure and dropout rates at all levels.

Schemes to improve the school environment include:

246. Rehabilitation of 3,000 school gardens; ensuring all pupils receive an eye test; installation of a clean drinking water and waste water disposal system; refurbishment of 3,500 sports grounds; repair of school auditoriums and provision of school meals for all primary school pupils.

247. Increasing the number of special education schools to 6,000; increasing the number of special schools for adolescents to 600 and schools for the gifted to 28; establishing 12,000 libraries and 1,900 laboratories. However, progress in most of these projects has slowed or been brought to a standstill due to the country's economic situation, which has resulted in a shortfall in allocations to the Ministry of Education.

248. Article 14 of the Constitution guarantees the right to gender equality in respect of enrolment in school and there is no discrimination in this regard. Government bodies, in cooperation with civil society, organize awareness campaigns in rural areas to encourage people to register their children (both male and female) in school to secure their basic rights. The school curriculum likewise affirms gender equality and guarantees the right of girls to enrol in school and access job opportunities just like their male counterparts, thereby encouraging girls to engage confidently with and play an active part in society.

249. The accelerated learning project has been implemented in cooperation with UNICEF. This covers the 12–18 age group and aims to absorb students who have dropped out of school, enabling them to complete their primary education in three years instead of six and catch up with their peers in intermediate school. Special curricula have been prepared, as well as a teacher’s manual. These schools are located nationwide and all teachers (male and female) have received special training.

250. The “Your right to education” has been implemented, in cooperation with Mercy Corps International. This is the second stage of a programme designed to improve the future of education for displaced persons in Iraq in the 10–20 age group and host communities. The programme seeks to encourage pupils and students back into the classroom by providing a suitable school environment. It seeks to ensure the return of 10,000 pupils and students, with the focus on females in Rusafa 1 and 2, Karkh 1 and 2, Diyala, Kirkuk and Salah al-Din.

251. Pursuant to the national strategy for education, the Ministry of Education Act (2011) and instructions concerning adolescents (1990), the opening of schools for children and adolescents in the 10–15 age group who have given up schooling has been stepped up.

**Schedule showing number and percentage of registered students and dropouts at all levels (2015–2016)**

<i>Stage</i>	<i>Total No. of registered students</i>	<i>Total net enrolment rate</i>	<i>Total No. of student dropout</i>	<i>Percentage dropout</i>
Primary	4 997 052	95.0	110 223	2.2
Intermediate	1 630 121	56.0	64 925	4.0
Preparatory	812 814	29.0	17 018	2.1
Secondary	2 442 935	58.0	81 943	3.4
Vocational	51 138	1.1	2 679	5.2

**Schedule showing number and percentage of registered students and dropouts (2016–2017)**

<i>Stage</i>	<i>Total No. of registered students</i>	<i>Total net enrolment rate</i>	<i>Total No. of student dropout</i>	<i>Percentage dropout</i>
Primary	5 473 997	93.0	127 050	2.3
Intermediate	1 733 817	55.0	55 437	3.2
Preparatory	890 323	30.0	11 940	1.3
Secondary	2 624 140	57.0	67 377	2.6
Vocational	53 003	1.2	1 888	3.6

252. The above highlights the role of education in the life of communities, nations and peoples. It underpins social, economic, cultural and political development and, in its power to address challenges and developments, is the principal means of the continuation of mankind. The Human Rights Department of the Ministry of Education has a key role to play, as follows:

253. Inclusion of the concepts of human rights within the curriculum at all levels, given the role of up-to-date, advanced curricula in building peace, ensuring social justice, providing a better health system and guaranteeing stable social development, while affirming the concepts of citizenship, tolerance, repudiation of violence and peaceful coexistence; the curriculum is reviewed and revised annually, with a view to removing anything that conflicts with the principles of human rights. This also includes:

- Dissemination of the culture of human rights through forums and conferences organized by the department;
- Dissemination of the culture of human rights through the Iraqi educational satellite channel;

- Dissemination of the culture of human rights through educational means, pamphlets and wall posters.

254. The English language curriculum embraces the concepts of human rights concepts at all stages, from first grade primary through preparatory. The most important of such concepts are citizenship, tolerance, peaceful coexistence, respect for minorities and other religions, respect for the views of others, knowledge of Iraqi civilization and other civilizations, respect for the law, helping others and preserving the environment.

255. Some 166 primary schools have been rebuilt, including 68 in Nineveh, 55 in Kirkuk, 5 in Salah al-Din, 28 in the outskirts of Baghdad and 40 in Anbar.

256. The University of Nineveh and three universities in Anbar have been rebuilt.

### **Package of measures to combat illiteracy**

257. Given that learning to read and write is a precondition for the enjoyment of human rights, the executive seeks to promote lifelong learning opportunities. Implementing the principle of lifelong learning and improving standards of living are premised upon literacy, which is one of the sustainable development goals to be achieved by 2030. The government's efforts in support of literacy and adult education came to the fore after UNESCO estimated the number of illiterates in Iraq at between five and six million in 2010 on the basis of surveys conducted by the organization. In the light of this, the government adopted the current Literacy Act, No. 23 (2011), under which an executive office was formed with the aim of eradicating literacy; this body began work in August 2012. Subsequently, literacy centres were opened and teaching began on 16 November 2012. Article 1 (Fourth) of the aforementioned act stipulates that each citizen aged 15 or over who does not have a literacy certificate is to be processed by the executive office as follows:

- Citizens who cannot read, write and count must take a two-stage literacy course at a literacy centre, after which a certificate is awarded; the basic course and complementary course both last for seven months.
- Citizens who are able to read, write and count (the "half-educated") are required to take a test given by a special literacy department committee, followed by an examination for the "half-educated", after which they are awarded a literacy certificate.

Pursuant to the above act, the executive office has worked tirelessly to open literacy centres for primary grades five and six and allow primary grade six graduates to complete their intermediate studies in evening schools, waiving the age requirement in order to support their continued education in line with the demands of lifelong learning. There is a focus on eradicating illiteracy among State employees.

Pursuant to Arab Literacy Decade (2015–2024), the Executive Office for Literacy prepared a 10-year literacy and adult education strategy, launched by the League of Arab States and submitted to the General Secretariat of the Council of Ministers for approval.

Work is under way on increasing the number of adult education (i.e. literacy) centres, currently numbering 17,086. These have been opened in five stages by school year, starting from the launch of the literacy project, as follows:

- First stage, school year 2012/13: 5,699 centres;
- Second stage, school year 2013/14: 7,224 centres;
- Third stage, school year 2014/15: 3,914 centres;
- Fifth stage, school year 2015/16: 1,149 centres;
- Fifth stage, school year 2016/17: 744 centres.

258. These statistics do not include the third, fourth and fifth stages in Nineveh and Anbar governorates due to the security situation there and in view of the increasing number of illiterates among families displaced to Kurdistan Region. In coordination with representatives of the Ministry of Education in Erbil, Sulaymaniyah and Duhok, large numbers of the displaced have engaged with the literacy centres opened for them in displaced persons camps.

Statistical information and data (number of centres, learners, teachers, etc.) have been taken into account in the preparation of literacy programmes adopted by the Executive Office.

259. Key measures taken to boost enrolment at all levels include:

1. Monitoring of application of the Compulsory Education Act by the enrolment committees of general directorates of education to determine the numbers covered by the Act each year; monitoring enforcement of the Act following the transfer of powers to the governorates in 2017–2018 under the Governorates Act;
2. Opening of special schools for adolescents and accelerated learning schools to attract children in the 10–15 and 12–18 year age groups who abandoned primary education;
3. Opening of “Your right to education” centres to attract children in the 10–15 year age group in displaced persons camps and host communities in school years 2016/17 and 2017/18;
4. Following up measures taken by general directorates of education to increase enrolment (parent-teacher association meetings, wall posters and educational campaigns, in cooperation with civil society organizations);
5. Admission of pupils by affiliation;
6. Obtaining approval to attend classes for those who missed the opportunity to enrol;
7. Allowing pupils aged 18 and above to sit the graduate examination and allowing intermediate and preparatory students to sit the external examination, in accordance with instructions issued annually by the General Directorate of Evaluation and Examinations;
8. Allowing students of both sexes to attend evening classes.

260. As regards the institutional aspect (theme one) of the national strategy for education, the following legislation and laws have been adopted:

- Instructions No. 3 (2012), on the licensing of private kindergartens; instructions on pedagogical counselling;
- Teaching staff remuneration act;
- Government and private school pupil and student grant act, No. 1 (2014); Instructions No. 1 (2017), on facilitating implementation of government and private school pupil and student grant act; and the fourth amendment to the instructions concerning the Central Education Fund.

261. Theme two of the strategy is infrastructure, with the goal being to build 18,740 primary, secondary and kindergarten schools. However, only 2,084 schools had been built by 2017. This small number is due to inadequate allocations in the investment budget post-2014 and the fact that many projects have been delayed. The ministry hopes to achieve a higher level of completion by 2022.

262. Theme three of the strategy is availability of opportunity, with the goal being to achieve a net enrolment rate of 99 per cent at primary level by 2022. To date, a rate of 94 per cent has been achieved, up from 91 per cent in 2012. At secondary level, a rate of 57 per cent has been achieved, up from 36 per cent in school year 2009/10 and 46 per cent in 2012; the target is 70 per cent. There has been no increase in net enrolment at vocational level due to lack of interest in following this type of education in recent years.

263. As regards the theme of quality in education, the achievement has been excellent: sections and divisions have been created in general directorates of education in the governorates and high standards have been set for students, teachers and supervisors; there have also been achievements in other qualitative aspects of the educational process.

264. Teaching staff, pedagogical supervisors and officials participate in development courses to improve their skills and capacities. Furthermore, curricula are designed, updated and developed to keep abreast of scientific developments. Note that austerity has had an impact on the implementation of these measures.

265. Reduced budget allocations have had a negative impact on education, causing problems such as:

- Double and triple shifts due to a shortage of school buildings;
- Total or partial destruction of schools in Nineveh, Salah al-Din, Diyala, Babil, Baghdad (Karkh 2) and Anbar governorates as a result of counter-terrorism operations against ISIL;
- Student overcrowding;
- Failure to pay pupil grants, which would help reduce the number of children dropping out of school to work in order to help their parents;
- Teachers, heads of parent-teacher associations and school principals in liberated areas need to attend psychological and social support courses, which require allocation of funds to training departments, in accordance with the teacher training and pedagogical development plans of each general directorate;
- Pupils in liberated areas need to be reintegrated through education and by engaging in artistic and sporting activities to promote the values of citizenship and repudiation of violence; this needs allocation of funds to sports departments;
- A standing committee must be formed to study and monitor the needs of persons with disabilities and special needs and establish the proper bases for dealing with this issue; in its annual plan, the Ministry of Education seeks to spread the culture of pedagogical inclusion and step up the opening of integrated schools.

266. Thousands of students displaced from their homelands and forced to leave school due to violence have been thrown a lifeline:

1. Three representative offices of the ministry have opened in Kurdistan Region;
2. An emergency plan has been prepared to address the educational situation of students displaced by military action;
3. In cooperation with the Higher Committee for Relief and Shelter of Displaced Families, an emergency curriculum has been developed for teaching in displaced communities to meet the needs of students in Kurdistan Region and representative offices of the ministry;
4. Some 473 schools have been opened nationwide for 224,457 displaced students (male and female);
5. A total of 61 buildings in Kurdistan Region have been leased for displaced persons and supplied with caravans; 14 caravan schools have been set up on the Najaf-Karbala road, with capacity for 12 classes; 690 fully equipped caravans have been distributed to schools to address overcrowding;
6. Teaching staff receive psychological and social support training in coordination with international humanitarian agencies;
7. Examination procedures have been simplified for displaced students and examination centres have been opened outside Iraq;
8. Educational television and the General Directorate of the Curriculum play a significant role in ensuring delivery of educational content for displaced students through digital portals.

267. The Ministry of Education has taken certain measures with regard to the curriculum in liberated areas:

- A higher ministerial committee has been formed, chaired by the minister, to formulate policies, plans and programmes to address the educational, psychological and social situation of pupils, students and teachers in the liberated areas;
- An analysis has been made of the content of textbooks adopted by ISIL terrorists to enable their concepts, ideology and claims to be countered; a skills training guide for teachers and staff has been prepared;

- An e-learning project has been introduced for displaced students and dropouts;
- Work has been carried out in cooperation with UNICEF (Education in emergencies and crisis);
- A life skills and education for citizenship project has been launched, as well as a national strategy for positive education and two projects designed to spread the spirit of peace, tolerance, peaceful coexistence, sense of belonging, citizenship and cooperation among pupils.

### **Teaching persons with disabilities**

268. Article 32 of the Constitution stipulates that the State shall care for persons with disabilities and those with special needs and ensure their rehabilitation in order to reintegrate them into society; this shall be regulated by law. Iraq acceded to the Convention on the Rights of Persons with Disabilities in 2012 and Act No. 38 (2013), on the care of persons with disabilities and special needs, was subsequently adopted. Article 2 of the Act states that it is designed to achieve the following:

1. Care for persons with disabilities and special needs and eliminate discrimination on the basis of disability or special need;
2. Put in place the requirements for the integration of persons with disabilities and special needs in society;
3. Ensure a decent life for persons with disabilities and special needs;
4. Respect and accept disability as a part of human diversity and of being human;
5. Create job opportunities for persons with disabilities and special needs in government departments and the public, private and mixed sectors.

269. Pursuant to article 4 of the above act, the Commission for Persons with Disabilities and Special Needs was created, attached to the Ministry of Labour and Social Affairs and enjoying corporate personality and financial and administrative autonomy. The commission is represented by its chairperson.

270. Article 4 of the Constitution guarantees the right to education. One of the key legislative measures designed to guarantee access to schooling and teaching materials and provide the reasonable accommodation and support needed by persons with disabilities to ensure their full and active integration has been the Compulsory Education Act (1976). Article 1 of the Act states that primary education shall be free and compulsory for all children who have reached the age of 6 at the start of the school year or by 31 December of that year. Article 9 (amended) stipulates that the Ministry of Education shall expand the opening of special education classes at primary level in regular schools for children with learning difficulties, students with visual and hearing impairment and other students who are not classified as having disabilities under the Social Welfare Act, No. 126 (1980, amended 1987) to ensure their education, care, guidance and development.

271. Pursuant to the regulation of the Ministry of Education (1972), a special section for persons with disabilities was opened, attached to the Directorate General of Public Education and known as the Special Education Section.

Article 34 of the Constitution stipulates the following:

First: Education is a fundamental factor for the progress of society and is a right guaranteed by the State. Primary education is mandatory and the State guarantees to combat illiteracy.

Second: Free education in all its stages is a right for all Iraqis.

Third: The State shall encourage scientific research for peaceful purposes that serve humanity and shall support excellence, creativity, invention and all aspects of ingenuity.

### **Relative distribution of persons with disabilities by educational status**

272. The results of the survey indicate that 62.2 per cent of persons with disabilities aged 6 and above are not enrolled in any form of education, compared with 35.3 per cent who are enrolled; 2.5 per cent are enrolled in a rehabilitation regime.

The proportion of females not enrolled in education is 71.7 per cent, compared with 55.2 per cent of males; 25.1 per cent of females are enrolled in some form of education, compared with 42.8 per cent of males; the smallest proportion is of females enrolled in a rehabilitation regime (3.2 per cent compared with 2.0 of males).

### **Relative distribution of persons with disabilities by educational sector**

273. The results of the survey indicate that the highest proportion of persons with disabilities aged 6 and above enrolled in an educational system or rehabilitation regime are enrolled in the government education sector (69.3 per cent), followed by persons with disabilities in the government rehabilitation sector (25.8 per cent). In the private rehabilitation sector, the proportion is 3 per cent. Other sectors constitute a small proportion of the total number of persons with disabilities enrolled in some form of education.

The results indicate that the proportion of males enrolled in the government education sector is 73.3 per cent of all males with disabilities. This is higher than the proportion of females enrolled in government education, which stands at 64.7 per cent of all females with disabilities in the government education sector.

### **Relative distribution by academic attainment**

274. The survey data show that the highest proportion of persons with disabilities aged 6 and above are illiterates (77.5 per cent), followed by persons with disabilities holding primary school certificates (12.3 per cent). The smallest proportion is persons with disabilities holding master's degrees (0.1 per cent). The data show that the proportion of holders of master's degrees and doctorates among persons with disabilities stands at 0.1 per cent and 0.00004 per cent respectively, with males forming 100 per cent of the total and females 0 per cent. The proportion of illiterates stands at 77.5 per cent, of whom 53.3 per cent are females and 46.7 per cent males.

### **Relative distribution of the population with disabilities by type of educational need**

275. The number of persons with disabilities in the 6–30 age group stands at 132,654, each of whom has 3 educational-needs options. Thus, the number of educational needs for persons with disabilities stands at 273,907.

276. The results of the survey show that 22.5 per cent of persons with disabilities in the 6–30 age group need transportation between home and school; 20.6 per cent need special courses for persons with disabilities, in accordance with type of disability. The lowest priority among persons with disabilities is for an appropriate curriculum (1.6 per cent).

277. The results of the survey at environmental level show that the greatest need among persons with disabilities aged 6–30 in the countryside is for transportation between home and school, accounting for 27.7 per cent of education-related needs (falling to 21 per cent among persons with disabilities in urban areas), followed by the need for special facilities for persons with disabilities (21.3 per cent, compared with 18.5 per cent in urban areas).

See annex No. 4.

### **Information on education in Iraq (2017–2018)**

278. In school year 2017/18, the number of government schools in Iraq, excluding Kurdistan Region, stood at 23,019, including 719 kindergartens, 16,051 primary schools (regular, accelerated and adolescent), 6,639 secondary schools (regular and Islamic studies preparatory), 305 vocational schools and 24 institutes. In addition, there were 2,321 private schools (476 kindergartens, 1,032 primary and 813 secondary).

279. In school year 2017/18, the number of pupils and students in all types of government education in Iraq, excluding Kurdistan Region, stood at 9,074,495, as follows: kindergarten

(172,376), primary (6,033,301), secondary (2,809,059), vocational (50,039) and institutes (9,720). The number of pupils and students in private education stood at 341,742, as follows: kindergarten (30,561), primary (198,498) and secondary (112,683).

280. In school year 2017/18, the number of teaching staff in all types of government education in Iraq, excluding Kurdistan Region, stood at 153,589, as follows: kindergarten (5,952), primary school (274,290), secondary (153,589), vocational (11,245) and institutes (1,191). The number of educational and teaching staff in private education stood at 26,327, as follows: kindergarten (2,352), primary (13,998) and secondary (9,977).

281. In school year 2017/18, the number of classrooms for all types of government education in Iraq, excluding Kurdistan Region, stood at 235,838, as follows: kindergarten (2,754), primary (158,902), secondary (70,939), vocational (2,620) and institutes (623); there was a total of 18,130 classrooms in the private education sector, including kindergarten (1,479), primary (9,863) and secondary (6,788).

282. A higher committee was formed by the advisory council to prepare a national strategy for education (2020–2030). It is hoped that work will be concluded and the strategy launched at the end of this year. Key measures to implement the government programme in this field include:

- Ensuring continuous development in order to help build a knowledgeable and highly educated generation ethically, socially and academically, bearing goodwill toward others and repudiating violence, extremism and racism; introduction of advanced computer programmes to enhance the quality of teaching;
- Holding continuous development support courses for teaching staff to keep them up-to-date with modern ideas and global trends;
- Increasing the rate of completion of schools by the Ministry of Education, in partnership with the private sector, to end the school crisis (e.g. the same building used by more than one school, overcrowded classrooms); all modern and up-to-date facilities are provided.

283. The private sector is encouraged to build schools that meet the inclusive pedagogical and scientific design specifications set by the Ministry of Education. The State supplies suitable land and provides long-term banking facilities with generous repayment terms and low rates of interest to help meet the needs of the education sector.

284. The civil sector receives subsidies to open private schools and institutes that meet the conditions to ensure coordination and integration between the public, civil and private sectors.

285. Efforts and measures to facilitate access to education by children with disabilities and internally displaced children to education:

The Ministry of Education seeks to extend government measures and procedures applicable to the right to education for all in order to include students with disabilities and special educational needs. The Ministry also seeks to update laws to bring them into line with the international treaties ratified by Iraq. Furthermore, it endeavours to raise society's awareness of disability and the differences between people with disabilities in order to create an environment supportive and welcoming of the culture of inclusive education.

286. Key measures taken:

- Inviting displaced pupils with disabilities to attend the Ministry's representative offices in Erbil, Sulaymaniyah and Duhok (Kurdistan Region);
- Training teachers to teach persons with disabilities and offering them special-purpose development courses;
- Monitoring schools with pupils with disabilities by pedagogical supervisors trained in special education for the displaced;
- Identifying and supplying essential equipment to help pupils with disabilities access education and training free of charge;

- Making use of parent-teacher associations to spread the culture of educating children with disabilities, in cooperation with school administrations; reaching out to children with disabilities; and seeking to convince families who are unwilling to enrol their children with disabilities in school.

287. Key measures taken to reintegrate children affected by armed conflict into the education system:

- Preparation of an emergency plan to address the educational situation in war-torn areas;
- Opening of three representative offices of the Ministry in Kurdistan Region to address the situation;
- Preparation of an emergency curriculum to be taught in the camps, with printing costs borne by UNICEF;
- Opening of a number of literacy centres in displaced person camps;
- Leasing of 101 buildings in Kurdistan Region for displaced persons; supplying Sulaymaniyah governorate with 31 caravans and Erbil governorate with 30 caravans;
- Creation of 84 caravan schools;
- Coordination with support organizations and facilitators to establish 18 fully equipped schools of different levels;
- Training teaching staff how to provide psychological and social support, in coordination with international organizations and with the help of the Norwegian Refugee Council;
- Ensuring access to education via electronic portals by students affected by armed conflict;
- Simplification of examination procedures for displaced students;
- Focus on the role of teaching staff in building children's resistance to extremist ideology;
- Focus on the role of educational counselling in addressing extremist ideology among children;
- Making use of the Iraqi educational satellite channel, wall posters and pamphlets.

288. As regards measures taken to ensure access to education by the internally displaced, children from displaced families are sent elsewhere to continue their education and complete their studies. Special institutions have been established for children with disabilities pursuant to a cooperation programme between the government of Iraq and British Council ("Capacity-building in primary and secondary education, improving the quality of education and ensuring equality of cooperation in education to enable the integration of persons with disabilities and special needs").

### **Article 15 and recommendation 58**

289. In this context, we might make reference to the following government measures:

Iraq has actively sought the inclusion of several sites on the World Heritage List with a view to benefiting from international measures to protect and promote them. The most recent of these sites is the marshes of southern Iraq. Iraq continues to seek the inclusion of other sites.

290. Iraq is coordinating with UNESCO and other bodies to protect and restore antiquities and heritage sites damaged by ISIL during its occupation of several regions in Iraq. UNESCO maintains that the crimes committed by ISIL are war crimes that must be punished.

291. Iraq is working in coordination with several crime-fighting bodies to recover smuggled antiquities currently circulating in certain countries.

292. The responsible bodies in Iraq continue to organize national and international seminars and forums on crimes committed against archaeological sites.

293. It is planned to conclude memorandums of understanding and scientific agreements with international universities and institutes, focusing on scientific and archaeological aspects, with a view to promoting the country's antiquities and heritage, specifically with regard to the city of Mosul, most of whose archaeological monuments and sites have been damaged.

294. Iraq is engaged in joint cooperation with antiquities departments and inspectorates, governments and international organizations to stop the destruction, demolition and looting of sites and to recover and return smuggled artefacts to Iraq. Through its scientific research and participation in international forums, Iraq seeks to support the refurbishment and conservation of archaeological sites and monuments and demand the recovery and restoration of artefacts and acquisitions smuggled out of the country and sold by ISIL terrorist gangs.

295. Specialized committees have been formed to review and revise the curriculum and imbue it with the spirit of tolerance, solidarity and social cohesion, spreading the culture of citizenship and embracing all minorities. Lectures for college students are organized to deepen and consolidate the principles and values of citizenship, encourage the participation of all religions, sects, denominations and nationalities in building the country, spread the culture of citizenship and respect for all, contribute to the development and promotion of the culture of peaceful coexistence and defend the rights and interests of all nationalities and stripes of real Iraqi society.

#### **Recommendation 59**

296. Iraq regularly studies accession to international treaties and will take the appropriate decision when legal conditions are right. Note the efforts of Iraq to include a complaints mechanism in the High Commission for Human Rights Act.

#### **Recommendation 60**

297. In its reports under international human rights treaties, Iraq endeavours to take into account the digital indicators issued by reliable, specialist bodies (for example, the Central Statistical Organization) relevant sector-specific bodies. Official statistics supplied by these bodies have been included in the present report.

298. In 2019, the Cabinet decided to hold an e-census; this will provide a range of statistics for possible conclusion in future reports.

#### **Recommendation 61**

299. Iraq and the United Nations Assistance Mission for Iraq (UNAMI) have developed joint cooperation frameworks between Iraqi institutions and United Nations bodies and agencies to ensure effective cooperation in addressing relevant issues, including economic, social and cultural rights-related issues.

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