



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
3 October 2018

Original: English
Arabic, English, French and
Spanish only

Committee on the Elimination of Racial Discrimination

Ninety-seventh session

26 November–14 December 2018

Item 4 of the provisional agenda

**Consideration of reports, comments and information submitted
by States parties under article 9 of the Convention**

List of themes in relation to the combined twenty-second to twenty-fifth periodic reports of Iraq

Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

The Convention in domestic law (arts. 1, 3 and 4)

2. Steps taken to incorporate the Convention into domestic law. Information on all legislative and other measures taken, including by the General Secretariat of the Council of Ministers, to harmonize the provisions of the Convention with national legislation. Information on measures taken to ensure that the provisions of the Convention take precedence over national legislation.

3. Whether victims of discrimination can invoke the Convention in national courts.

4. Examples of court cases and administrative decisions that applied the principles of the Convention, including cases that directly cited the Convention, and their outcomes.

National human rights bodies for combating racial discrimination (arts. 2–7)

5. The impact of activities aimed at countering discrimination against ethno-religious groups conducted by the High Commission for Human Rights, the Independent Board of Human Rights in the Kurdistan Region and other relevant institutions. The adequacy of budgetary and human resources to ensure the proper functioning of such institutions. Information on the planned activities of the High Commission for Human Rights and the Independent Board of Human Rights in the Kurdistan Region concerning the Convention. Information on the consideration by the State party of the proposals and recommendations made by the High Commission for Human Rights (CERD/C/IRQ/22-25, para. 94).

Legal framework for combating racial discrimination (arts. 2–7)

6. Measures taken to strengthen the existing legal framework on discrimination against ethno-religious groups, and their impact.



7. Updated information on the status of the bill on the protection of the rights of religious and ethnic minority groups (2016), including on how the bill addresses the prohibition of racial discrimination in compliance with article 1 (1) of the Convention.

8. The implementation and impact of legislative provisions that prohibit the dissemination of ideas based on racial superiority or hatred, and incitement to racial discrimination or acts of violence, as well as organizations that promote and incite racial discrimination, in accordance with article 4 of the Convention and the Committee's general recommendation No. 35 (2013) on combating racist hate speech. The implementation of Act No. 32 of 2016, read in conjunction with article 7 of the Constitution. Detailed information on application of the Act before the courts and examples of its implementation, including cases in which the courts imposed penalties. The impact of the Act on countering discrimination against ethno-religious groups.

9. The content and implementation of Act No. 37 of 2015 (the Labour Code) concerning the provisions of the Convention. Measures taken to ensure compliance of the definition of "discrimination" promulgated in article 1 of the Act with the Convention. Information on the impact of the Act on countering discrimination against employees belonging to ethno-religious groups and non-citizens, including migrant workers, and information on their access to related rights on a non-discriminatory basis.

10. Legislative and other measures taken to ensure social protection laws do not discriminate against some groups of persons, including the impact and implementation of these measures.

11. Whether criminal legislation defines motives based on race, colour, descent or national or ethnic origin as aggravating circumstances when imposing punishment for a crime, in accordance with article 4 of the Convention.

12. The content and implementation of Act No. 5 of 2015, concerning protection of the rights of the components of the Kurdistan region. The impact of the Act on countering discrimination against ethno-religious groups in the Kurdistan Region. Measures taken in the Kurdistan Region to strengthen the existing legal framework on discrimination against ethno-religious groups, and their impact.

Public policy framework for combating racial discrimination (arts. 2–7)

13. The State party's efforts to inform the public about relevant complaint mechanisms and legal remedies. The outcome of administrative, civil and criminal complaints, prosecutions, convictions, sanctions and remedies for acts of racial discrimination, racist hate speech and hate crimes, and incitement to racial hatred.

14. Information on how the objective of combating racial discrimination is incorporated into existing national and regional strategies and action plans. The progress made in national and regional strategies and action plans to combat racial discrimination.

Situation of ethnic and ethno-religious groups in Iraq (arts. 2 and 5–7)

15. Detailed statistical disaggregated data on the ethnic and religious composition of the State party's population. Statistical data, disaggregated by ethnicity, religion, age and sex, revealing the social and economic situation of different ethnic and ethno-religious groups and the enjoyment by ethno-religious groups of their human rights, including the right to just and favourable conditions of work, to freedom from exploitation and to access to housing, social security and health services.

16. Specific measures taken by the State party to remove all obstacles to the enjoyment of human rights by members of different ethnic and religious groups, in accordance with article 5 (d) of the Convention. Measures taken to tackle the root causes of discrimination against these groups and its multi-faceted impact.

17. Specific measures, including but not limited to legislative measures, policies and programmes, taken and/or adopted by the State party to protect and maintain the diversity of languages, religions, ethnicities and cultures in Iraq, and their impact. Detailed information on the measures taken under the Government's programme (2014–2018) to

protect the cultural heritage of all components of Iraqi society and their impact. Resources allocated for such plans and programmes.

18. Measures taken to tackle racial discrimination in the exercise of the freedom of religion or belief, including in the context of religious conversion.

19. Measures taken by the Kurdistan Regional Government to recognize Shabak and Yazidis as distinct ethnic groups.

Effective protection of ethnic and ethno-religious groups against acts of racial discrimination (arts. 2, 5 and 6)

20. Measures taken to guarantee the safety and security of persons belonging to ethnic and ethno-religious minority groups. Measures taken to address the suffering of these groups directly targeted by Islamic State in Iraq and the Levant. Measures taken to ensure the safety and security of these groups, including minority groups internally displaced because of the conflict, after regaining control of the territories by the Government. Whether these groups were consulted in taking these measures.

21. Measures taken to address sectarian insurgency in the State party leading to increased attacks against members of ethnic or ethno-religious minorities, their holy sites and businesses; including policies and programmes adopted to combat racial discrimination. Information on the impact of such measures and the results achieved.

22. Investigations into past ethno-religious-based attacks and the outcome of criminal court cases. Compensation provided to the victims of these attacks. Information on measures taken to bring the perpetrators of ethnic violence in Tuz Khurmatu to justice.

Representation of minorities in political life (arts. 2 and 5)

23. The representation of minorities in political life, including information on legislative and other measures taken to increase the number of reserved seats for minorities. The impact of quotas for minorities, including for women belonging to minority groups. Information on whether all groups in society can benefit from these quotas and whether they are sufficient to allow representation of the different components of the population in proportion to their demographic weight.

Ethnic composition of security and police apparatus (arts. 2 and 5)

24. Measures to ensure that ethnic and religious groups are part of the security and police apparatus, including in positions of command and authority.

Democratic transformation process and inter-ethnic relations (arts. 2–7)

25. Plans and measures taken to address the challenges of post-conflict transitional justice, after regaining the control of territories held by Islamic State in Iraq and the Levant, with a view to guarantee the enjoyment of rights by ethnic and religious groups.

26. Measures taken to resolve the issue of the disputed territories between the Central Government of Iraq and the Regional Government of Kurdistan, in accordance with article 140 of the Constitution. Detailed information on the impact of the escalating conflict between the Central Government of Iraq and the Regional Government of Kurdistan on the rights of minorities, following the referendum that was deemed unconstitutional by the Central Government of Iraq, and in which the Kurdistan Region voted in favour of independence from Iraq. Measures taken to guarantee the rights of ethnic and religious groups, both during the military operations and after gaining control of some of the disputed territories by the Central Government of Iraq.

Situation of persons of African descent and Roma communities (arts. 2–7)

27. Measures taken in regard to the fight against discrimination against persons of African descent and Roma (or “Kawliya”) communities in a comprehensive manner addressing the root causes of discrimination. Detailed information on the special measures taken to improve the living conditions of persons of African descent and Roma

communities and to ensure their enjoyment of economic, social and cultural rights, in particular the rights to freedom from poverty, to mainstream and higher education, and to adequate housing, health services and employment. The impact of these special measures, including disaggregated data to assess the progress made in the living conditions of persons of African descent and Roma communities.

Situation of women belonging to minority groups (arts. 2–7)

28. Measures taken to monitor, prevent and combat intersecting forms of discrimination against women belonging to minority groups. The impact of measures taken by the State party in this regard, including but not limited to raising the awareness of the public on gender issues and building skills with a view to increase the participation of women in the workforce.

Citizenship and nationality (arts. 5–7)

29. Updated statistics, disaggregated by ethnicity, age and sex, revealing the enjoyment by non-citizens of economic, social and cultural rights.

30. The progress made in the process of reinstating the citizenship of Faili Kurds. Detailed information on the activities of the national independent justice commission established to give effect to the judgment of the Iraqi Supreme Criminal Tribunal, including reinstating the nationality of Faili Kurds, return of their property, compensation and other measures.

Refugees and internally displaced persons (arts. 5–7)

31. The legal framework protecting refugees and internally displaced persons, including information on the drafting of the bill on refugees (CERD/C/IRQ/22-25, para. 135).

32. Measures taken to ensure equal application of the Nationality Law without discrimination against Palestinian refugees. Information on measures taken to ensure that the refugee law applies equally and without discrimination to Syrian refugees.

33. Measures taken to address ethnic-based violence against Palestinian and Syrian refugees.

Training, education and other measures to combat prejudice and intolerance (art. 7)

34. Training programmes on the prevention of racial discrimination and the rights enshrined in the Convention conducted for law enforcement officers, judges and lawyers, as well as representatives of State bodies, local government entities and associations, and the impact of such training programmes on the elimination of racial discrimination.

35. Information on human rights education, in particular as it relates to the elimination of racial discrimination. Information on the representation of ethno-religious groups in school textbooks and curricula. Efforts to promote racial tolerance in the State party, and their impact.
