



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
5 December 2018

Original: English

Committee on the Elimination of Racial Discrimination Ninety-seventh session

Summary record of the 2688th meeting

Held at the Palais Wilson, Geneva, on Friday, 30 November 2018, at 10 a.m.

Chair: Mr. Amir

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The meeting was called to order at 10 a.m.

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

Combined twenty-second to twenty-fifth periodic reports of Iraq (continued)
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1. *At the invitation of the Chair, the delegation of Iraq took places at the Committee table.*
2. **The Chair** invited the delegation to continue to reply to the questions raised by Committee members at the previous meeting.
3. **Mr. Al-Zuhairi** (Iraq) said that article 140 of the Constitution, which stipulated that measures should be taken to resolve the issue of disputed territories, had never been effectively implemented. Moreover, there was a lack of consensus as to how it should be applied. The issue affected the whole of society, especially minorities such as Kurds, Turkmen, Yazidis and Christians. In order to tackle the problem, it was necessary to organize debates, hold elections and draw up agreements in the light of the current context in the State party.
4. The Government was paying close attention to the rights of minorities living in disputed territories, especially in view of the atrocities suffered by many minority groups at the hands of Daesh. It was worth noting that the political situation in Iraq had evolved significantly in recent years. All political parties and social groups had begun to settle their differences and work together in the interests of the federal Republic. The parliament was composed of various alliances and coalitions that had managed to overcome religious and community divides.
5. The Government had adopted a number of measures and policies to ensure that all basic services, including health, education and sanitation services, were provided to Marsh Arabs in a manner that was compatible with their specific way of life. Building on its collaboration with the Special Representative of the Secretary-General on Sexual Violence in Conflict, in June 2016 the Government had signed a declaration on its commitment to combating sexual violence. It had adopted a series of measures to ensure that Yazidi women and girls who had been subjected to sexual violence received appropriate support and social protection; around 1,500 persons had benefited from those measures. It had also set up commissions of inquiry to investigate rapes committed by members of criminal organizations. Measures had been taken to facilitate the social rehabilitation of women and girl victims of Daesh, including the establishment of a shelter in Baghdad; moreover, victims of Daesh were considered martyrs and thus eligible for certain benefits.
6. A specific government department had been established in 2006 to deal with the mass graves that had been dug during the dictatorship. The graves contained the remains of victims of the dictatorship and of Daesh. A high-level commission, chaired by a judge and composed of representatives of the Martyrs' Foundation and the various governorates, had been established; its task was to locate the mass graves and to exhume them in accordance with local customs and international standards. The exhumation of those graves, many of which were extremely large, was a costly operation. The Government lacked the necessary resources and needed additional support from the international community in order to be able to deal with the mass graves and investigate the crimes committed by Daesh, in collaboration with the Investigative Team established under Security Council resolution 2379 (2017).
7. There were no provisions in national law that were discriminatory against Roma or against persons of African descent (black Iraqis). Government services were provided to all citizens without discrimination. Under the new Nationality Act that had been passed in 2006, around 12,000 Roma and persons of African descent had received identity cards. The allegation that certain areas had been besieged was unfounded. The authorities had not received any allegations of discrimination against Roma.

8. **Mr. Mohammed Al-Obaidi** (Iraq) said that the Government was considering the possibility of acceding to the Convention on the Reduction of Statelessness but had not yet reached a decision in that regard.

9. **Mr. Dawood** (Iraq) said that all Iraqis were entitled to practise their religion freely, under articles 41 and 43 of the Constitution. Various diwans (chambers) had been established to protect the rights of specific religious groups and to build places of worship for those groups. The Government had instructed the property affairs authority to investigate offences against properties belonging to minorities and to ensure that all transactions related to such properties were conducted lawfully. The relevant diwan was a third party in any cases involving such offences.

10. **Mr. Al-Khafaji** (Iraq) said that a committee had been set up to investigate allegations of enforced disappearance, in accordance with international standards, under the supervision of the Ministry of Justice. Within the Ministry, a specific department was responsible for overseeing such investigations. Any information obtained as a result of those investigations was made available to the relevant international experts and international organizations.

11. **Mr. Al-Zuhairi** (Iraq) said that Iraq had acceded to the International Convention for the Protection of All Persons from Enforced Disappearances and was committed to its implementation. A department for missing persons, whether as a result of enforced disappearance or other reasons, had been set up in the Ministry of Justice. Swift action was taken in response to allegations or complaints of enforced disappearance, all of which were taken very seriously. In carrying out its investigations, the Ministry of Justice coordinated with the judicial and security authorities, the Ministry of the Interior, intelligence services and all other competent authorities to obtain the necessary information. In some cases, the allegations were fabricated, for example by terrorist or other groups with a vested interest in disrupting public order in Iraq. The Government did not seek to cover up enforced disappearances and was committed to working with the relevant authorities to reach the best possible outcomes.

12. The Baath Party and similar organizations that espoused racist views and incited their followers to hatred and discrimination were banned under the Constitution and specific legislation. The Baath Party, which of course had evolved into a dictatorship, had been responsible for so much suffering in Iraq, the aftermath of which continued to be felt, that every effort was being made to ensure that the values it had promoted were not reintroduced in the country.

13. **Mr. Zebari** (Iraq) said that the registration of vehicles was an integral part of the overall refugee reception process carried out by the Kurdistan Regional Government. A special committee had been set up under the auspices of the Ministry of the Interior; the administrative procedures that had been introduced at the governorate level had resolved the problem, and no complaints had been received in that respect.

14. The Assyrian Church of the East had a church in Moscow, which had provided disaggregated data on the members of that religious group. Unfortunately, the collection of statistics in Iraq had been lacking since 2003.

15. **Ms. Al-Salihi** (Iraq) said that all educational curricula were based on humanitarian values, with a view to protecting the rights of all individuals without discrimination and creating a new generation of educated young people who embraced the values of tolerance and peaceful coexistence. The Iraqi Constitution guaranteed the education of minorities in their own languages in public and private educational institutions, in accordance with strict standards. There were special directorates for Turkmen, Assyrian and Kurdish education, for example. A department for the study of the Assyrian language had recently been opened in the College of Languages at the University of Baghdad. The directorate for Assyrian education had introduced Christian school syllabi in the Assyrian language and taught the language via broadcasts on satellite television channels.

16. **Mr. Al-Zuhairi** (Iraq) said that, in accordance with the law establishing its mandate, the High Commission for Human Rights was carrying out its duties in a professional manner and its performance had improved considerably.

17. Concerning the question by the Follow-up Coordinator on property ownership for the purpose of demographic change and the Federal Supreme Court case cited in paragraph 44 of the State party report, article 23 of the Iraqi Constitution referred to an obsolete system that was no longer applied. The relevant administrative procedures were not in any way linked to demographic change. The right to ownership was safeguarded under the Constitution, and there was no contradiction between constitutional provisions and the decision of the Federal Supreme Court.

18. It was true that marriage between a Muslim woman and non-Muslim man was prohibited under the Personal Status Code of 1959. In accordance with article 2 of the Constitution, Iraqi legislation must be in line with the principles of Islam and sharia law, one of the tenets of which was that a Muslim woman could not marry a non-Muslim man.

19. **Mr. Ryadh Al-Obaidi** (Iraq) said that any person who violated the provisions of the 2015 Labour Code related to child labour, forced labour, sexual harassment or direct or indirect discrimination was liable to a 6-month prison sentence, a fine of 1 million Iraqi dinars or both. As the Labour Code was a relatively new instrument, no cases involving sexual harassment, discrimination or forced labour had yet been brought before the labour courts; however, reports concerning the employment of children under the age of 15 years had been received by the Ministry of Labour and Social Affairs.

20. Under the Human Trafficking Act No. 28 of 2012, survivors were entitled to receive support for their social, physical and psychological rehabilitation. Specialized shelters for victims of trafficking were being established in a number of governorates under the auspices of the Ministry of Labour and Social Affairs, in cooperation with human rights organizations, with particular attention being paid to persons with special needs.

21. **Mr. Salman** (Iraq) said that Iraqi law contained stringent provisions on the crime of human trafficking. The Government had already acceded to a number of international protocols and treaties in that area and a committee had been set up, chaired by the Minister of the Interior, to prepare reports on human trafficking in the country and cooperate with the competent authorities and international counterparts in preparation for its accession to several other relevant instruments. Awareness-raising activities were conducted, including poster campaigns and television debates, and seminars on the subject had been held at Iraqi universities. A total of 266 complaints in relation to trafficking had been received in 2017, as a result of which 244 persons had been prosecuted. In 2018, 304 complaints had been received and 51 individuals prosecuted. Thanks to international cooperation, an Iraqi national had been convicted for his involvement in an illegal network trafficking Iraqis and other Arab nationals to Europe via the Maldives. Two Indian and Nepalese nationals had also been arrested for trafficking in the Kurdistan Region.

22. **Mr. Zebari** (Iraq), responding to questions on the Kurdistan Region and the situation of women there, said that of the 2,000 non-governmental organizations (NGOs) registered in the region, approximately 150 were active in the area of women's rights. Several shelters were operating in the four governorates of the north, and a number of cases had been referred to the judicial authorities. Successful work had been carried out over a number of years, and many women had received the shelter and safe conditions they needed.

23. Many of the region's internally displaced persons were living in camps, where there had been problems with trafficking in persons and violence against women. Mobile teams had been set up to provide services and assist in resolving family disputes in the camps. Consultation centres had recently been created by NGOs, and international partners had been given full access to operate in the camps. There was a total of 39 camps in the Kurdistan Region: 9 for refugees from Syria, Iran and Turkey and 30 for internally displaced Iraqis. Concerning the allegations about the Dumiz camp in the Governorate of Dahuk, a special committee had been set up and a fact-finding mission had been carried out to investigate the violence among families of displaced persons and Syrian refugees and provide the necessary support. A small number of cases had been recorded and referred to the court of investigation in Dahuk. Further details could be provided in writing.

24. There were still more than 270,000 refugees living in Kurdistan, including 21,000 from Turkey, 13,000 from Iran and 242,000 from Syria, which represented a heavy burden.

Some 139,000 Christians had been rescued and accommodated in the Kurdistan Region. Dealing with the 71 as yet unopened Yazidi mass graves would be a major challenge. He therefore called on the international community to facilitate entry of experts and the specially established United Nations committee to those areas. The Kurdistan Regional Government stood ready to cooperate with the Iraqi federal authorities in that regard.

25. The Kurdistan Regional Government had been participating in international anti-trafficking and gender-based violence mechanisms together with the Iraqi federal authorities. The Kurdistan Regional Government attached great importance to the participation of women in all fields. Women were now well represented in the judicial system following the recent recruitment of many female prosecutors, judicial investigators and judges in the region.

26. The Kurdistan Regional Government had hosted 49,317 foreign workers in recent years. They had the same rights and responsibilities as local workers and were subject to the same rules and regulations. A number of new procedures, including electronic applications, had been introduced to facilitate access to the region for foreign workers.

27. There had been a number of reports on the conduct of both Iraqi and Kurdistan government forces between 2014 and 2017. The Kurdistan Regional Government had responded to most of those reports and conducted several fact-finding missions, following which details had been disclosed. Most of the destruction in the areas concerned had been the result of the bombardments by the coalition forces, using sophisticated explosive devices, and the nature of the fighting with Daesh, which involved a high proportion of suicide attacks and non-traditional military attacks. There was a ministry responsible for supervising the conduct of the Peshmerga forces that had fought Daesh.

28. With regard to minority education in Kurdistan, 21 schools provided education in the Turkmen language and 56 in Assyrian. Religious minorities in the region were afforded full protection, and all religious groups had coexisted peacefully in Kurdistan for years.

29. **Mr. Salman** (Iraq) said that a single national identity card had been introduced as proof of Iraqi citizenship. The card, which replaced a number of other documents, included a personal identification number and a family identification number, which gave citizens access to online services and to their online personal data records. It also allowed inspectors from the Ministry of the Interior to cross-check the biometric data of citizens with the information recorded in the civil registry. Online personal data records were subject to additional checks and could be consulted by different departments to ensure that all necessary procedures were undertaken in respect of individual citizens. Efforts were being made to create a single electronic civil registry. The national identity card made no mention of citizens' religion, so as to prevent discrimination on that basis.

30. **Mr. Avtonomov** (Country Rapporteur) said that the State party should include, in its next periodic report, additional information on the situation of migrant workers in Iraq and on the provisions of the Labour Code protecting their rights, accompanied by examples of complaints filed by those workers. The State party might also explain how it ensured that article 372 of the Criminal Code prohibiting and punishing denigration of religion was applied in a manner that was compatible with the Convention. It would also be useful to receive information on cases involving racial discrimination brought before the national courts and on the decisions handed down. He also wished to know whether the State party was considering making the voluntary declaration under article 14 recognizing the competence of the Committee to receive and consider individual communications.

31. The discrimination suffered by persons of African descent was often structural in nature and not always directly attributable to specific State policies. Although the State party maintained that persons of African descent living in the country did not suffer racial discrimination, the Committee had received reports contradicting that assertion. Moreover, the prevalence of everyday, structural discrimination experienced by persons of African descent could well dissuade them from filing a complaint when their rights had been infringed. Collecting statistical data on persons of African descent would help the State party to ensure that they enjoyed rights on an equal footing with the rest of the population.

32. The Committee had received reports of attacks against members of certain ethno-religious minorities and their places of worship. It would therefore appreciate more information on the measures taken by the State party to address long-standing inter-ethnic violence and sectarian conflict in the country and on its efforts to monitor the prevalence of ethno-religious violence in the post-conflict phase, particularly in Nineveh Governorate, which was home to several minority groups. While the Committee understood that the State party was facing budgetary constraints owing to falling oil prices, it nevertheless had an obligation to pursue its efforts to protect all persons living in the national territory who might be vulnerable to racial discrimination.

33. He was concerned by reports that around 600 persons belonging to the same tribe had been subjected to enforced disappearance, and he would welcome any additional information that the State party could provide on that situation. It would also be useful to know whether, given the primacy of Islamic law in Iraq, the Government drew upon the provisions of the Arab Charter on Human Rights and the Cairo Declaration on Human Rights in Islam to guide its efforts to implement the Convention, and how it dealt with perceived conflicts of law between Islamic law and international human rights instruments. The State party might also describe the nature and extent of its cooperation with the Independent Permanent Human Rights Commission of the Organization of Islamic Cooperation. He would also appreciate additional information on the bill concerning the rights of the Turkmen minority group.

34. **Ms. Mohamed** said that it would be useful to know whether instruction in minority languages was provided in both public and private institutions, and whether television-based Syriac lessons were a part of the official curriculum or provided according to need. She asked whether the Constitution contained provisions that made explicit reference to marriage between a Muslim man and a non-Muslim woman and, if so, whether they were routinely applied.

35. Noting that there were a large number of foreign workers in the country, she asked whether that figure included domestic workers. She also wished to know whether domestic workers were employed under contracts and, if so, whether those workers had statutory rights such as paid sick leave and whether they were entitled to terminate their contract. She asked how often labour inspections were carried out and what opportunities domestic workers had to raise complaints of violations of their rights. Was it standard practice for employers to confiscate domestic workers' passports upon arrival in Iraq?

36. **Mr. Diaby** said that it would be helpful to learn more about how the State party ensured that the school curriculum and textbooks reflected the country's cultural diversity and promoted the visibility of vulnerable minority groups, such as the Roma and the Yazidi. He wished to know whether the national identity card made specific mention of certain minority groups and would appreciate receiving more information on the procedure to be followed by members of such minority groups wishing to renew their identity documents. He asked whether any steps had been taken towards repealing the legislation prohibiting the Baha'i faith and the inclusion of that faith in civil status records, which prevented many Baha'is from obtaining identity documents and from accessing rights and services. He also wondered whether the imbalance in the distribution of power in favour of the majority population group was attributable to a constitutional provision or another piece of legislation or simply to entrenched practices. In any case, it would be useful to hear more about how the State party intended to remedy that disparity and to guarantee all persons equal access to high-ranking government positions.

37. He would welcome statistical data on cases in which persons had been stripped of their Iraqi citizenship, disaggregated by population group. He asked whether the State party had taken steps towards ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

38. Noting that the staff of the former Ministry of Human Rights had been transferred to the High Commission for Human Rights, which had only category B status, he asked how the independence and impartiality of that institution would be guaranteed, given that the majority of its staff were now State officials. What measures did the State party plan to take

to ensure that the High Commission for Human Rights was fully compliant with the Paris Principles?

The meeting was suspended at 11.45 a.m. and resumed at 12.15 p.m.

39. **Mr. Al-Zuhairi** (Iraq) said that recognition or non-recognition of the Baha'i faith or other minority religions was a matter of law. The members of the delegation could only state the official position of the Government of Iraq on the matter and could offer no personal opinions. The legislation governing that religion was still in force and could only be reviewed by the legislative authorities of the State.

40. The Constitution provided for the separation of powers and regulated the formation of government and the exercise of ministerial functions. The leader of the political party that obtained a majority in legislative elections was entrusted with the task of forming a government by the President of the Republic. Every effort was made to ensure that all religious minority groups were represented in all governments, regardless of the political party that held the majority of seats in parliament.

41. Family relations were governed by the Personal Status Code (Act No. 188) and civil rules regarding religious groups. The Constitution did not regulate such relations in detail but merely provided an overall framework. The fact that Muslim women could not marry non-Muslim men was not mentioned in the Constitution but in the Personal Status Code. The Constitution only stated that Islam was the religion of the country and the source of legislation, and that no laws were to be passed that contradicted Islamic tenets and principles. Marriage constituted one of those principles of Islam that could not be violated.

42. The bill on Turkmen rights had been submitted to parliament and had had its first and second readings. It had then been suspended after a number of minorities objected and requested a law that represented all components of society. The bill would be redrafted and submitted to parliament as a more comprehensive law incorporating all minorities, not only Turkmen.

43. The employees who had been transferred from the Ministry of Human Rights to the High Commission for Human Rights reported to the High Commission and had no contact with the executive authority. The High Commission reported to parliament, was fully independent of government and could not be influenced by the executive. The only input of the Government was to assign the budget through law, as it did for the entire Iraqi State.

44. **Mr. Riyadh Al-Obaidi** (Iraq) said that he would give a concrete example of the protection given to migrant workers. The Embassy of the Philippines had informed the Ministry of Foreign Affairs of discrimination against Philippine citizens regarding working hours and weekly rest days. On investigation, it was discovered that 25 Filipino workers in a restaurant in Baghdad worked overtime without double pay and did not have a day off at the weekend. The relevant committee had visited the premises and met three of the workers who had filed a complaint. Evidence was found of a discrepancy between the salary stated in their contracts and the actual pay. As a result of the investigation, disciplinary action had been taken, the employer had been sanctioned and the Embassy had sent a letter of thanks to the Ministry of Labour and Social Affairs.

45. Regarding domestic workers and their relationship with employers, labour law was applicable to all workers in Iraq, Iraqis and foreigners alike. The Ministry of Labour and Social Affairs implemented the relevant articles of the law by issuing or withdrawing permits. The Minister was able to implement directives in that respect. Under the International Labour Organization Hours of Work (Industry) Convention, 1919 (No. 1), the working day should not be longer than eight hours, but it could be difficult to apply that to domestic work. For example, since the private home was sacrosanct, it was not possible to carry out inspections. It was necessary to take into account international principles and put in place guidelines to cover such issues. Specific contracts between employers and employees did exist, and leave was regulated by those contracts.

46. **Mr. Al-Safi** (Iraq) said that all States aimed to protect their sovereignty, for example by requiring entry visas, but sometimes migrant workers arrived in Iraq illegally. Legal measures were then undertaken in that respect. Legislation provided for guarantees with

respect to employment contracts. There was a legal requirement to inform the Ministry of Labour and Social Affairs when migrant workers entered Iraqi territory.

47. Regarding discrimination against the Roma people and persons of African descent, Iraqi criminal legislation prohibited all kinds of discrimination, abuse and exploitation, whether verbal or physical, and aimed to guarantee non-discrimination and equality before the law for all. The penalties stipulated included custodial sentences. Iraqi legislation also protected the right to worship, prohibited attacks on faith communities and provided for legal measures against the persons responsible for such acts. Iraq was committed to implementing its international obligations to protect the lives and property of its citizens. The Ministry of Foreign Affairs worked with all relevant bodies, especially the Ministry of Justice and the Ministry of the Interior, to undertake the necessary investigations when conflicts arose and also worked with international organizations in a spirit of transparency.

48. Iraq, which had been prey to terrorism, was often portrayed in the media in a very negative light. Unfortunately, civil society organizations had not always maintained a professional approach and had sometimes based their work on unreliable information. He wished to reiterate the delegation's commitment to respecting the international Conventions ratified by Iraq and to highlight the significant legislative and judicial efforts made, with the establishment of independent institutions and governmental agencies, which sought to guarantee the professionalism of the relevant procedures and to provide training for officials handling those subjects. The Government had participated in international conferences related to the matters at hand.

49. **Mr. Mohammed Al-Obaidi** (Iraq) said that, with regard to article 14 of the Convention, the Government was continuing to consider international instruments and was currently examining the possibility of adhering to a number of conventions and protocols but wished to improve judicial procedures before its accession, and it would be premature to adopt them at the current time. Article 2 of the Iraqi Constitution set out a special mechanism which guaranteed the constitutionality of legislation, and the laws enshrining Islam as the official religion of the State had not been found to be contradictory to the principles of human rights. There was no contradiction between the principles enshrined in the Constitution and human rights principles. Membership of conventions and agreements, as well as the treatment that was accorded to human rights under those conventions, was voluntary. Sometimes there were special cases and sometimes a great deal of time was required to implement the criteria. He wished to highlight the fact that the Government was not contesting elements of the Convention, for example in relation to equality between men and women, but on the contrary was working through domestic legislation to guarantee all its principles. A number of laws were in place to combat discrimination and to ensure compensation and reparations for victims of discrimination. Numerous different laws guaranteed human rights. There might be isolated cases of violations but those were exceptional.

50. **Ms. Marwa** (Iraq) said that minority languages were taught in both public and private schools. The teaching of minority languages in regions where the corresponding minority groups resided was mandated by law.

51. **Mr. Avtonomov** said that it was very important to have a sincere exchange of opinions. The Committee would need time to consider the difficult post-war situation in Iraq in order to provide the delegation with fruitful and helpful recommendations.

52. **Mr. Al -Zuhairi** (Iraq) said that the meeting had been an important opportunity for the Iraqi delegation to discuss the issue of human rights in Iraq. Iraq was a very diverse country that had experienced an atrocious war, in which it had suffered from terrorist acts. He expressed his gratitude to the Committee for the interactive dialogue, which had been undertaken in a spirit of transparency and professionalism. He also thanked the civil society representatives who had submitted parallel reports, which bore witness to the freedom enjoyed by such organizations in Iraq. The Government was working to prohibit any acts of reprisals against civil society organizations for their work. He would also like to underline the fruitful cooperation that had taken place with the Kurdistan Regional Government.

53. The dialogue had touched on a number of issues that needed to be studied from a legal point of view or which required further investigation in order to ensure a situation in

which all human rights were guaranteed. Human rights in Iraq were a topic of very high priority for the Government, and Iraq currently had a legal structure that would guarantee human rights. The concluding observations that would be the outcome of the interactive dialogue would guide the Government in drafting new legislation and amending certain laws. The delegation would return to Iraq and work on the issues raised during the dialogue.

54. **The Chair** said that he thanked the delegation for the important exchange of views, which would strengthen the principles of equality and justice. The constructive dialogue had been particularly fruitful and would allow some important results to be achieved in the interest of human rights and working against all forms of racial discrimination.

The meeting rose at 12.55 p.m.