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Summary record of the 3846th meeting*

Held at the Palais Wilson, Geneva, on Monday, 7 March 2022, at 10 a.m.

Chair: Ms. Pazartzis

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* No summary records were issued for the 3844th and 3845th meetings.

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Sixth periodic report of Iraq (CCPR/C/IRQ/6; CCPR/C/IRQ/Q/6; CCPR/C/IRQ/RQ/6)

1. *At the invitation of the Chair, the delegation of Iraq joined the meeting.*
2. **Mr. Hashim Mostafa** (Iraq) said that, despite facing serious economic challenges and ongoing attacks by the terrorist organization Da'esh, Iraq was careful to uphold its commitments, including its reporting obligations, under international human rights treaties, and particularly those under the International Covenant on Civil and Political Rights, which had such a direct impact on the life of individuals and of society. Although Iraq attached great importance to in-person participation in meetings, logistical constraints associated with the coronavirus disease (COVID-19) pandemic meant that the majority of the Iraqi delegation at the current meeting would speak via video link from Baghdad.
3. **Mr. Mohammed** (Iraq), speaking via video link and introducing his country's sixth periodic report (CCPR/C/IRQ/6), said that the text had been prepared by a ministerial committee in consultation with civil society organizations and with the Iraqi High Commission for Human Rights. A high-level national committee had been created with a broad mandate to oversee human rights-related issues, including the writing of reports for the treaty bodies. The Human Rights Directorate of the Ministry of Justice, which had been operational since 2018, worked with other ministerial and non-ministerial entities and with the Office for Coordinating International Recommendations of the Kurdistan Regional Government.
4. Courts had been set up to investigate the violations of international human rights and humanitarian law committed by Da'esh when, during its occupation of large swathes of the country, it had systematically targeted civilians, particularly from the Christian, Yazidi and Turkmen communities. Many suspects had been referred for trial and convicted. Allegations of unlawful acts committed by members of the security forces during the liberation of the country were also investigated, and a special court had been set up for that purpose, based in the governorate of Nineveh. Iraq cooperated with the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant (UNITAD), established pursuant to Security Council resolution 2379 (2017).
5. In response to demonstrations in Baghdad and the governorates, the Government had introduced a raft of reforms intended to create greater transparency and public trust in the election process. Measures taken included the adoption of a new electoral law and a restructuring of the Independent High Electoral Commission, which now included judges among its members. Parliamentary elections had been held on 10 October 2021. The Council of Ministers had approved the national human rights action plan for 2021–2025, which was to serve as a guide to the implementation of the recommendations of the Committee and of other human rights treaty bodies. The plan envisaged consultative and cooperative efforts by the parties involved, which included the Federal Government, the Kurdistan Regional Government, the Iraqi High Commission for Human Rights and civil society bodies.
6. A committee of retired judges was examining national legislation with a view to harmonizing it with international human rights standards, and had proposed amendments to the Criminal Code which were currently being scrutinized by legislators. The committee's efforts had led to the issuance of the Health Insurance Act and the Yazidi Female Survivors Act. The Central Committee to Combat Human Trafficking continued to operate in accordance with the Trafficking in Persons Act of 2012. The Ministry of Labour and Social Affairs ran a shelter for trafficking victims while the Ministry of the Interior operated a telephone and email hotline for reporting trafficking offences. Human trafficking investigations were conducted in cooperation with international organizations.
7. The Government had launched a programme to promote the country's cultural heritage and to protect the pluralistic cultural expressions of national minorities, particularly following the liberation of the areas that had been overrun by Da'esh. In addition, efforts had

been made to ensure that minorities were adequately represented inside security agencies. Iraq had been the first Arab State to take action at the national level to implement Security Council resolution 1325 (2000) on women, peace and security, and it had recently rolled out its second national plan for the implementation of the resolution.

8. An evidence-based policy paper for the protection of children had been issued. It was intended to direct decision-making, strategies and action plans over the coming 10 years with a view to creating an environment conducive to the protection of children's rights in Iraq. A child protection bill was in the process of being drafted that would be consistent with local and international developments in the area of children's rights. In 2021, Iraq had adopted a policy for the closure of displaced-person camps and the safe and voluntary return of internally displaced persons to their areas of origin. The policy envisaged the rehabilitation of infrastructure and the provision of security and means of sustenance in those areas.

9. The Iraqi High Commission for Human Rights ran training programmes and workshops on human rights for members of security agencies, the armed forces and the intelligence services, and modules on human rights had been incorporated into the basic curriculum of military and police academies. The Counter-Terrorism Service organized training courses on torture prevention in detention facilities, while the Ministry of Defence ran its own training programmes on human rights and international humanitarian law. Working with international organizations, the Human Rights Directorate of the Ministry of the Interior held workshops, lectures and seminars aimed at disseminating a human rights culture in the security forces.

10. The Iraqi judiciary was an independent and impartial body that had contributed greatly to the democratic system and respect for human rights. The use of the death penalty was restricted to the most serious crimes and was surrounded by strict legal and procedural safeguards. Efforts had been made to expand capacity in prisons and detention centres with a view to relieving overcrowding. In addition to the national bodies mandated to conduct prison visits, teams from the United Nations Assistance Mission for Iraq (UNAMI), in coordination with the Ministry of Justice, carried out inspections of places of deprivation of liberty. The courts had handed down numerous convictions for attacks on demonstrators in Basra, Kut and Baghdad.

11. **Mr. Zebari** (Iraq), speaking via video link on behalf of the Kurdistan Regional Government, said that national religious minorities in Kurdistan – such as Turkmens, Yazidis, Sabaeen Mandaeans and Christians of various denominations – enjoyed protection under the Kurdistan Communities Protection Act of 2015. The Kurdistan Ministry of Endowments and Religious Affairs had established a Directorate of Interfaith Coexistence. The number of seats reserved for national minorities in the Kurdistan National Assembly had been increased in 2005, from 5 to 11.

12. Women occupied many important positions in the region, including as ministers, prosecutors and judges. Some 30 per cent of the members of the Regional Assembly were women and there were more than 150 civil society organizations that worked to promote and advance women's causes. The Anti-Domestic Violence Act, which had been in force since 2011, was in the process of being amended. There were four shelters for female victims of violence and a home for victims of human trafficking. Campaigns had been run to raise awareness about children's rights and to combat female genital mutilation and early or forced marriage. The measures taken had led to a general decrease in domestic violence. All allegations of torture were duly investigated and a number of cases had come before the courts. Female officers were on hand to attend to the needs of girls in conflict with the law who were held in police custody.

13. The Peshmerga and other Kurdish security forces had paid a heavy human cost to defend Kurdish territory from Da'esh. The Kurdistan Regional Government had set up 30 camps for more than 660,000 internally displaced persons on its territory, and a further 9 camps for over 240,000 refugees from Syria, Turkey, Iran and elsewhere. The Government had embraced a policy of voluntary return and, in 2020, more than 30,000 displaced persons and more than 5,000 refugees had been able to go back to their homes in areas liberated from Da'esh.

14. Freedom of expression in the Kurdistan Region was regulated by a body of laws governing such issues as peaceful demonstration, press freedom, the correct use of the communications media and access to information. Currently, 144 television and 155 radio stations were licensed to operate in the region. A number of cases involving allegations of violence against journalists had come before the courts, and 31 persons had been convicted and ordered to pay fines.

15. Working with UNITAD, the Kurdistan Regional Government had gathered more than 70,000 pages of documentation concerning crimes committed by Da'esh. The Government was also continuing its efforts to determine the fate of abducted persons, in which regard more than 5,000 case files had been opened and a special information-gathering committee had been formed. Thanks to those efforts, 3,552 abducted persons had been liberated. Minors under the age of 18 who had been arrested on suspicion of involvement in terrorist activities were treated as victims and not as criminals.

16. The Kurdistan Regional Government had enacted legislation for the implementation of the Iraqi Government's Trafficking in Persons Act of 2012 and had set up an anti-human trafficking department in the Ministry of the Interior. Training was provided to government officials, while religious and civil society organizations ran campaigns to draw public attention to the perils of trafficking. Twenty-nine companies and 2,026 foreign citizens had been referred to the courts for trafficking offences.

17. Inspections of prisons and detention facilities were conducted by parliamentary committees, the Independent Human Rights Commission for the Kurdistan Region, international organizations and UNAMI. As of May 2021, 25 such visits had been conducted and more than 60 prisoners had been interviewed. A moratorium on the use of the death penalty had been in place in the Kurdistan Region since 2008. The more than 300 death sentences that had been handed down since then, including 36 in 2021, had been commuted to terms of life imprisonment.

18. **Mr. Ben Achour** asked why the submission of the State party's report, due in 2018, had been delayed by a year. Noting that the Iraqi Constitution provided that legislation must not contradict the "tenets of Islam", he said he would like to know what was meant by that term and how sharia was reconciled with the implementation of the Covenant and freedom of religion. He wished to know how the non-sectarian and non-religious nature of the demonstrations that had taken place in the country in 2019 aligned with the State party's overall sectarian and political composition. He also wished to know whether the State party intended to ratify the first Optional Protocol to the Covenant.

19. He would like to know if the procedure for appointing members of the Iraqi High Commission for Human Rights ensured the Commission's independence. Given that the objectivity of some of its members had been called into question, he would also like to know if the legislation governing their appointment would be amended to prevent political interference. Some members had reportedly been reappointed by means of a presidential decree, rather than by a committee of experts as stipulated by law: were there any plans to establish such a committee? An explanation for the pressure reportedly exerted on the Commission by the Government and armed militias, as well as for the lack of representativeness of its members, would also be welcome.

20. The State party's legislation did not fully align with the Covenant on the matter of torture; its definition of torture required revision. He would like to know what procedural steps remained before the anti-torture bill was adopted. He understood that the bill provided that orders to carry out torture should not be followed if they were illegal, which suggested that some such orders could be legal. He would welcome the delegation's comments on that, and also on the judiciary's reported failure to investigate allegations of torture in police stations in cases of terrorism and in the aftermath of the 2019 demonstrations. He would also appreciate information on the treatment of a number of French nationals held in custody.

21. **Mr. Bulkan** said that any resolution to the campaign of terror waged by Islamic State in Iraq and the Levant (ISIL) must uphold due process. The Committee had received reports of grave breaches of the right to due process in criminal trials, and there were significant shortcomings in the Counter-Terrorism Act. He therefore wished to know whether the State party planned to bring its anti-terrorism legislation and practice into line with international

human rights standards, particularly by defining terrorism more precisely, prohibiting the use of statements and confessions made in secret, making trials open to the public and ensuring the observance of guarantees of a fair trial.

22. He noted that the State party suffered the highest number of enforced disappearances in the world. The Committee had been informed that the Supreme Judicial Council's work on enforced disappearances was limited to documentation, and the State party's failure to criminalize the act hindered the reporting of cases. He therefore wished to know what processes existed to identify, prosecute and punish those responsible for enforced disappearances during the military operations in Anbar Province in 2015 and 2016; what the results of any investigations and prosecutions had been; whether a single procedure existed for families to report missing relatives and whether it was publicized; what legislative and policy measures were in place to protect families that reported missing persons from reprisals; whether any of the recommendations of the 2016 fact-finding committee had been implemented; and how the State party had addressed the capacity issues detected by the 2018 fact-finding committee. What legislative and policy measures had been adopted or considered to eradicate enforced disappearance? He would welcome, in particular, information on the status of the bill on the protection of persons from enforced disappearance; on any legislative measures already in place to ensure its prompt and independent investigation; on whether the State party would consider increasing its cooperation with the Committee on Enforced Disappearances; and on the search for missing human rights lawyer Ali Jasib Hattab Al Heliji, whose father had been murdered after advocating for his release.

23. Although persecution on the basis of sexual orientation or gender identity was illegal, there were reports of widespread discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons. The pressure to conform to conservative standards of dress and appearance was high in society at large, and men deemed to be too feminine, along with high-profile women with links to the beauty and fashion industries, had been murdered, with many killings going unsolved and unpunished. He would like to know what measures the State party would adopt to ensure accountability for those crimes, to end torture, disappearance and murder linked to sexual orientation and gender identity, and to investigate, prosecute and punish the perpetrators.

24. He wished to know whether the State party would consider repealing criminal laws used predominantly against lesbian, gay, bisexual, transgender and intersex persons, such as laws on immodesty, and condemning publicly all violence against members of that group; whether measures had been planned to enable victims to report crimes linked to their sexual orientation or gender identity without fear of arrest or harassment by the police; whether the State party would enact specific legislation to combat discrimination based on sexual orientation; and what steps were being taken to end the social stigma against lesbian, gay, bisexual, transgender and intersex persons and to communicate clearly that harassment, discrimination and violence against them would not be tolerated.

25. **Ms. Sancin**, commending the establishment of the ISIL Crime Investigation Unit to investigate the crimes perpetrated by ISIL against the Yazidi community, asked whether investigations into the worst human rights violations committed by ISIL were being prioritized and, if so, how. She said she would welcome disaggregated data on the results achieved by the Unit and by other bodies, including the judicial authorities, in prosecuting those crimes, including details of the number of complaints of sexual offences committed by ISIL against Yazidi women and girls, the related prosecutions and the sentences handed down. She wished to know whether the high-level committee within the Ministry of the Interior tasked with investigating alleged human rights abuses by members of the Emergency Response Division remained operational, and what the results of its work had been. In the light of reports that dozens of individuals had been executed for crimes committed at Camp Speicher following unfair trials that lacked the necessary due process, she would like to know what measures had been adopted to ensure respect for all rights under the Covenant, including the rights of persons accused of the most serious crimes.

26. Details of the content of the draft amendment to the Counter-Terrorism Act would be welcome. She would be interested to know what the main objectives and measures of the National Counter-Terrorism Strategy were, whether it was operational and, if so, what its impact had been. She would also welcome the delegation's comments on reports that the

Counter-Terrorism Act and the 2006 counter-terrorism law applicable to the Kurdistan Region continued to be applied excessively and that, when handing down sentences, judges often failed to cite the evidence that they had drawn on or to take coercion into account when assessing defendants' involvement with ISIL. She would also like to hear its views on concerns that foreign nationals facing prosecution for capital offences were at risk of human rights violations, including arbitrary deprivation of life.

27. **Mr. Muhumuza** said that he would welcome an update on the proposed amendments to the Criminal Code to repeal provisions that infringed upon women's rights, as well as information on awareness-raising and advocacy efforts for women in relation to those rights. He asked whether the bill on domestic violence had been enacted by the Council of Representatives, how successful the measures adopted by the State party to reduce domestic violence had been and whether the 24-hour domestic violence hotline was accessible to all. Rates of spousal rape, female genital mutilation, sexual harassment and stigmatization of victims of rape were reportedly high, and he wished to know how those issues were being addressed and how citizens' rights and dignity, particularly within the family, were protected. Lastly, he wished to know how the State party sought to protect women from forced marriage and what the results of the National Strategy to Combat Violence against Women had been.

28. **Mr. Yigezu** said that under the Criminal Code and the 2005 Counter-Terrorism Act, the death penalty was applicable to a wide range of crimes that went beyond the threshold set out in article 6 (2) of the Covenant. Furthermore, the Counter-Terrorism Act contained a very broad definition of terrorism. He would therefore like to know what steps the Government might consider taking to limit the use of the death penalty in line with the Covenant and revise the Counter-Terrorism Act accordingly.

29. Given that article 6 (4) of the Covenant provided that anyone sentenced to death should have the right to seek pardon or commutation of their sentence, he would like to know why the Iraqi Constitution expressly prohibited the pardoning of death sentences in the case of certain crimes, including international terrorism and corruption. He would welcome data on the number of death sentences issued and executions carried out over the past five years, disaggregated by year, sex, age and gender. He would also appreciate information on the number and type of cases in which an appeal for pardon or commuted sentence had been sought before the courts and the number of such appeals granted, as well as any amnesties granted in death penalty cases.

30. In the light of reports of breaches of due process by the State party in capital punishment cases, including a lack of access to legal counsel, the use of confessions extracted through the use of torture and a lack of transparency in court proceedings, he would like to know what steps the Government would take to address those issues.

The meeting was suspended at 11.20 a.m. and resumed at 11.35 a.m.

31. **Mr. Mohammed** (Iraq) said that the tenets of Islam were unchangeable and national legislation could not contravene those tenets. Under the Criminal Code, the death penalty was handed down for the worst crimes, including acts of terror. The accused benefited from legal guarantees to an impartial investigation and a fair trial. They also had the right to appoint a lawyer and review the evidence against them. When a death penalty was handed down, it had to be subsequently authorized by presidential decree.

32. Legislation had been adopted in 2008 and 2016 to enact the General Amnesty Act. That legislation contained guarantees that convictions would be reviewed and that those convicted would have the right to request a retrial. His Government considered the death penalty to be an appropriate punishment given the severity of the terrorist acts carried out in his country and the number of casualties and missing persons. The General Amnesty Act was a limited prerogative of the President and did not cover crimes of terrorism or corruption.

33. **Mr. Roudan** (Iraq), speaking via video link, said that the Constitution guaranteed the right to freedom of assembly and of association. With regard to the protests of 2019, the Supreme Judicial Council had ruled that all peaceful protesters must be released if they had not broken the law. The Council had also ruled that any person who had perpetrated violence or sabotage against peaceful protesters must be arrested and referred to the criminal courts. The sentences handed down for such violence ranged from fines to life imprisonment. Special

committees were still working to prosecute offenders. Peaceful protesters who had suffered injuries had been provided with compensation and monthly stipends.

34. In response to the Committee's question about Mr. Ali Jasib Hattab Al Heliji, he noted that the investigation had been transferred to a specialized court in Baghdad. Sentences had been handed down to two fugitives, whose cases had been transferred in absentia to the criminal court.

35. The Supreme Judicial Council had received complaints of confessions made under duress. Investigations had been undertaken, and sentences handed down. Any confession made under duress would be invalid before a court, unless corroborated by other evidence.

36. Enforced disappearance was an unavoidable consequence of the ongoing war on terror. When the Supreme Judicial Council received complaints of enforced disappearance perpetrated by security forces, it referred them to the courts in order that justice might prevail.

37. **Mr. Zebari** (Iraq) said that the Government was cooperating with United Nations bodies to combat terrorism perpetrated by ISIL. Both the Federal Government and the Kurdistan Regional Government had drafted legislation on a special court for ISIL crimes. The legislation had been revised by experts and had undergone a first reading in the Council of Representatives and parliament. The legislation called on the competent authorities to provide assistance to the courts and to victims.

38. Efforts were being made in the Kurdistan Region to liberate persons who had been abducted. The authorities there had issued a decision in 2014 whereby crimes against Yazidis were considered crimes against humanity. Many Yazidi women had been liberated and thousands of ISIL-related cases had been opened and were under examination.

39. Regarding freedom of the press, the case of Mr. Sherwan Sherwani had been carefully examined and it had been found that he had not been engaged in journalism, nor had he been a member of any reporters' association. He had been prosecuted in a public court and found guilty of just over half of the charges against him.

40. **Ms. Mohsin** (Iraq), speaking via video link, said that the Iraqi High Commission for Human Rights had two female elected members and one female deputy member.

41. Recent changes to the Criminal Code included the deletion of article 41 and the amendment of articles 398 and 409. Those changes had been submitted to the President and parliament for approval.

42. With regard to protection against domestic violence, a bill on the subject had been submitted to parliament in 2020; a specialized court had been established to examine cases of domestic violence, and local hotlines had been set up for victims. Cases of repeated violence were given priority by prosecutors and the Supreme Judicial Council. The Government had also drawn up a strategy to combat gender-based violence. Several centres for protection against such violence had been opened, with more planned. Discussions were under way with a variety of government departments to assess progress in that area and to examine women's issues in general. In 2021, seminars had been organized on gender issues and women's rights. Professional codes of conduct had been amended to reflect gender issues and protect women against violence.

The meeting rose at 12.05 p.m.