



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2687th meeting

Held at the Palais Wilson, Geneva, on Thursday, 29 November 2018, at 3 p.m.

Chair: Mr. Amir

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Combined twenty-second to twenty-fifth periodic reports of Iraq

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The meeting was called to order at 3 p.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 (CERD/C/IRQ/22-25 and CERD/C/IRQ/Q/22-25)

1. *At the invitation of the Chair, the delegation of Iraq took places at the Committee table.*

2. **Mr. Al-Zuhairi** (Iraq), introducing his country's combined twenty-second to twenty-fifth periodic reports on its implementation of the Convention (CERD/C/IRQ/22-25), said that the previous dialogue with the Committee in August 2014 had coincided with attacks carried out by Daesh terrorist groups. In the provinces of Diyala, Kirkuk, Nineveh and Salah al-Din, the terrorist groups had committed heinous crimes against the Iraqi people, in particular ethnic and religious minorities; destroyed historical monuments and places of worship; used innocent civilians as human shields; recruited women and children as suicide bombers; and forced thousands of Yazidi women into sexual slavery and enforced marriages, some of whom had committed suicide as a result of their psychological suffering. Millions of people had been displaced from their homes, fleeing towards safer areas of the country in extremely difficult conditions; women had been tortured and sentenced to death for refusing to comply with the orders of Daesh; and hundreds of prisoners and soldiers had been executed.

3. The Iraqi Government had taken measures to restore the rule of law through operations to liberate areas from terrorist control; establish camps and provide essential services for displaced persons, without discrimination; and address the human rights violations committed by Daesh. Inquiries had been launched to investigate those offences and ensure that perpetrators were brought to justice in accordance with the law. Human rights courts were being established and allegations of abuses attributed to the security forces during the liberation of areas under Daesh control were also being examined. That being said, liberation operations had been conducted by the Iraqi forces in line with the highest professional standards and respect for human rights. In addition, the process of liberating areas, restoring services and carrying out demining activities had facilitated the return of displaced persons to their homes.

4. In the Kurdistan Region, efforts had been made to preserve the culture, heritage and religious practices of all components of Iraqi society. A special committee had also been established to investigate and secure the release of kidnapped Yazidis and Christians. The Kurdistan Regional Government had borne the costs associated with that endeavour, including through the provision of housing and other measures of support to facilitate their reintegration into society. The amended Retirement and Social Security Act No. 39 of 1971 provided foreign workers with the same rights to social security benefits as those enjoyed by Iraqi workers.

5. The High Commission for Human Rights was an independent monitoring body with the authority to receive complaints of human rights violations from individuals, groups and civil society. The Commission had adopted its own procedures and was operating in most areas of the country. Its staff had been supplemented by personnel from the former Ministry of Human Rights. In drafting the report to the Committee, the Government had worked with the Kurdistan Regional Government and civil society and had held meetings with the Commission and other human rights bodies. An action plan had also been adopted and a committee for coordination and follow-up had been set up to ensure and monitor the implementation of the country's international obligations.

6. Several pieces of legislation had been adopted in the period since the previous dialogue with the Committee. For example, in line with the principles of justice, equality, freedom and respect for human rights enshrined in the Constitution, Act No. 32 of 2016 had been adopted, banning the Baath Party and racist or terrorist entities, parties and activities. Act No. 5 of 2015 had also been enacted to protect the rights of the national, religious and sectarian components of the Kurdistan Region, including Turkmen, Syrians, Yazidis, Christians and Zoroastrians. Efforts to formulate a draft law on the protection of diversity

and the prevention of discrimination were under way and included workshops attended by a broad range of stakeholders. Members of parliament had also voted in favour of a law to prohibit incitement to hatred, violence and exclusion on the grounds of nationality, ethnicity, religion or language. In that connection, the Official Languages Act No. 7 of 2014 sought to protect and give recognition to the linguistic diversity of the Iraqi population. Government programmes had also been put in place to safeguard the cultural heritage of all components of Iraqi society, including by prosecuting smugglers of Iraqi antiquities and protecting cultural sites. Lastly, with regard to persons of African descent and Roma communities, it should be noted that their situation related to their social backgrounds and that there were no legal provisions discriminating against them. The Government was taking measures to prevent discrimination and to promote human rights and the acceptance of others in Iraq.

7. The delegation looked forward to the interactive dialogue with the Committee and wished to express its appreciation for the work of civil society organizations and national human rights institutions in the country.

8. **Mr. Zibari** (Iraq) said that the Kurdistan Regional Government had played a significant role in the defeat of Daesh and had welcomed over 2 million internally displaced persons and refugees. The Kurdistan Regional Government had introduced a number of laws and administrative regulations concerning the well-being and protection of ethnic and religious minority groups living in the region. A large number of administrative regulations had also been amended and new ones had been introduced in a largely successful effort to resolve disputes over landownership between members of different religious groups and issues related to the transfer to the region of, and provision of accommodation for, employees from other parts of Iraq. Any such disputes that remained pending would be dealt with by the regional courts. The quota for ethnic or religious minority members of the Kurdistan Parliament had been increased to 11 out of a total of 111 parliamentarians. The draft Constitution of the Kurdistan Region redefined minorities as components of the local population. The Kurdistan Regional Government was currently working with the Federal Government to ensure that internally displaced members of religious and ethnic minorities could return to their regions of origin. Given the financial burden of hosting and large numbers of internally displaced persons and assisting in their return home, the international community should provide support in that regard.

9. **Mr. Avtomonov** (Country Rapporteur) said that, in recent years, the Federal Government had adopted a number of laws and decisions on issues such as trafficking in persons; the prohibition of the involuntary change of Iraqi nationality; the fight against terrorism; the official status of the Kurdish language; social protection; compensation for civilian victims of inter-ethnic violence that had broken out in 2015 and 2016 in the Tuz Khurmatu district of Salah al-Din Governorate; the designation as genocide of, and provision of remedies for, human rights violations perpetrated by Daesh militants against members of a number of ethnic and religious minority groups; and the reconstruction of Sinjar district. Although the State party report contained a great deal of information on the above-mentioned laws and the provisions of the Federal Constitution, it did not address the issue of their implementation. The Federal Constitution did not contain any reference to international human rights treaties or to the precedence of international law over domestic law in that regard. He would appreciate clarification regarding the implementation of the provisions of the Convention, the status of that instrument in relation to domestic legislation and its enforceability in the courts of the State party.

10. The Iraqi authorities were to be commended for the adoption and content of the Human Trafficking Act. However, in 2015, the Office of the United Nations High Commissioner for Human Rights had expressed concerns regarding the sale, enslavement and rape of Yazidi women and girls by Daesh militants, and the Human Rights Committee had highlighted reports that trafficking in persons and forced labour remained a significant problem in Iraq. Information would be welcome on the application in practice of the Human Trafficking Act, the number of investigations and prosecutions carried out under the Act, the penalties applied in that regard and the measures taken to protect victims of trafficking in persons.

11. The Committee had been informed that enforced disappearances continued to be carried out. It would be interesting to hear about the implementation of the Anti-Terrorism Law. Information would be welcome on air strikes against the town of Fallujah carried out in 2016 and the alleged torture and killing, partly on grounds of religious affiliation, of refugees from the nearby town of Saqlawiyah by pro-Federal Government militiamen. The Committee also wished to be provided with clarification regarding reports that, in January 2015, civilians in Diyala Governorate had been subjected to abuse and torture during operations against Daesh. Antiterrorist activities should not result in human rights violations.

12. It would be useful to have information on the application of the provisions of the Criminal Code and the Labour Code concerning the use of forced labour and on the sanctions imposed in that regard. He asked what measures had been taken to resolve cases of the disappearance of members of ethnic and religious minorities during the period in which Daesh had controlled their regions. Information would be welcome on reparations for victims of atrocities carried out by Daesh. The Committee would appreciate details of the measures taken to tackle, and provide reparation for, discrimination against black Iraqis. It would be interesting to hear about the situation of Roma, who faced pressure to leave Iraq and who had difficulty obtaining access to marriage and birth registration, identity documents and education. Additional information would be welcome on the situation of the Marsh Arabs and discrimination in their regard.

13. **Mr. Kut** (Follow-up Coordinator) said that, in its 2014 concluding observations on the combined fifteenth to twenty-first periodic reports of Iraq ([CERD/C/IRQ/CO/15-21](#)), the Committee had requested the State party to report back within one year on its follow-up to the recommendations contained in paragraphs 6 and 18. Unfortunately, however, no report had been forthcoming. It was true that the 2014 follow-up request had covered an exceptionally wide range of issues and that most of them had been addressed in the current periodic report before the Committee; nonetheless, the Committee attached great importance to its follow-up procedure, and he hoped that the request for follow-up that would be made in its forthcoming concluding observations would be met more promptly.

14. Regarding the Committee's 2014 request for the State party to establish an inclusive government representative of the various political and ethno-religious groups of Iraq, he would appreciate further information about the content and significance of two decisions concerning the representation of minority groups handed down by the Federal Court in 2010, which were referenced in paragraphs 20 and 21 of the periodic report.

15. The periodic report did contain information relevant to the Committee's request for the State party to accelerate the legal process necessary to resolve the issue of disputed territories once control over those territories taken over by Daesh had been regained by the Government. However, the information was unclear and the Committee still did not know if and how the Government was addressing that issue. In particular, he would appreciate it if the delegation could elaborate on a decision of the Federal Supreme Court, referenced in paragraph 44 of the periodic report, according to which "property ownership for the purpose of demographic change" was prohibited. How was that decision applied in practice and did it not risk denying minority groups the right to reclaim their territories?

16. He would welcome updated information on the Committee's request for the authorities to adopt protection measures to improve the security of minority communities, which the periodic report had dealt with only in rather general terms. The Government did seem to be taking measures to protect and maintain the country's diversity of languages, religions, ethnicities and cultures, but he would be interested to hear more detail about the results of such measures and the impact they had on the daily lives of citizens.

17. He wished to know if the bill on refugees, which according to the periodic report was in the final stages of completion, had been passed into law and if the State party had taken steps to accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Could the delegation provide more precise information about how refugees were guaranteed equal treatment and non-discrimination under the law? It was not sufficient to state, as the periodic report did, that the law made no distinction for refugees, particularly as the Committee had received information that groups of refugees, who had already

undergone terrible suffering at the hands of Daesh, continued to suffer discrimination even after the defeat of that group. He would be interested to know how the statement in the periodic report to the effect that the “last group of Iranians held in the former Ashraf camp left Iraq on 22 September 2016” was compatible with the principle of non-refoulement.

18. With reference to the Committee’s request for the State party to prevent and respond to ethnically based violence targeted at refugees, generalized statements that there were “no instances” of such violence were unhelpful and more detailed information was required. Lastly, he wished to draw attention to the fact that, under the State party’s federal structure, the Kurdistan Regional Government had, in the areas under its jurisdiction, the same obligations under the Convention as the central Government.

19. **Mr. Murillo Martínez** said that civil society appeared to be very active in the State party, particularly in child welfare and education, and in cooperation with the High Commission for Human Rights. He would like to hear what role civil society had played in drafting the periodic report and to receive more information and statistics about the real impact that civil society organizations had on national society, particularly with regard to racism, racial discrimination and social cohesion.

20. **Mr. Bossuyt** said that the situation in Iraq had improved greatly since 2014, when he had been country rapporteur, although much remained to be done. The presence on the delegation of a representative from the Kurdistan Regional Government seemed to indicate that the State party’s federal structure was working well. He would be interested to hear the delegation’s comments on the continuing prohibition of the Baath Party. The ban had been imposed by the United States of America following its invasion of the State party in 2003 and, although that measure had been widely criticized, it seemed to have been upheld by the Iraqi Government in a law dating from 2016. Like Mr. Kut, he wished to know which criteria had been employed in applying the ban on property ownership for the purpose of demographic change.

21. He would be interested to hear more about the State party’s language policy. Was he right in believing that Arabic and Kurdish, as official languages, were used across the country, while the use of other languages such as Turkmen and Syriac was restricted to particular regions? Iraq was to be commended for allowing freedoms that did not exist in many other States; in particular, the equal right of men and women to transmit their nationality to their offspring. Nonetheless, problems persisted. For example, the fact that a Muslim woman was unable to marry a non-Muslim man was a serious restriction of religious freedom. Lastly, he disapproved of the use of the term “*discrimination positive*”, which appeared in paragraph 127 of the French version of the periodic report.

22. **Ms. Shepherd** said that, although the State party was facing numerous challenges, it was to be commended for having begun the process of reconciliation, notably via the efforts of the National Reconciliation Committee. She hoped the delegation could throw some light on the staffing and funding levels of the High Commission for Human Rights and on its activities, particularly vis-à-vis complaints of racial discrimination. How many such complaints did it receive and what kind of solutions did it provide?

23. She also wished to commend the Government for having established a human rights section within the Ministry of Education. The section’s mandate to protect the rights of minorities by promoting tolerance and acceptance of others was especially important in a country such as the State party, where around 60 per cent of the population was under the age of 25 years. She would be interested to know how many young people were actually being educated to show tolerance and appreciation for diversity, and she hoped that such education also included an understanding of the causes of gender-based violence and how to prevent it.

24. **Mr. Diaby** said that, in view of the guarantee that minorities could be educated in their mother tongue, he would be interested to know if school textbooks also reflected the country’s linguistic diversity. He welcomed the abolition of the Ministry of Human Rights and the subsequent creation of the High Commission for Human Rights, and he wondered what steps had been taken to ensure that the Commission could be accredited with category A status in line with the Pairs Principles.

25. The delegation should respond to the Committee's concerns about allegations that the State party was using its fight against Daesh as a pretext for destroying minority religious communities in the country, notably the Sunnis. Were all religious communities duly represented in the exercise of political power? The Committee would also appreciate statistics about the decline in numbers of certain communities such as the Yazidis, Chaldeans and Roma. Did the State party plan to ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness?

26. He hoped the delegation could comment on allegations the Committee had received that some citizens had been issued with identity cards containing entries that would enable them to be identified as members of specific groups. He wished to know whether Law No. 105 of 1970 prohibiting all activities by the Baha'i community was still in force, and whether power-sharing between the various communities was being instituted.

The meeting was suspended at 4.55 p.m. and resumed at 5.20 p.m.

27. **Mr. Avtonomov** said that, according to information received, between 2 and 5 June 2016, more than 600 people, apparently neither members of the military nor Daesh combatants, had disappeared in Fallujah and their fate was unknown. He would appreciate the delegation's comments.

28. He would welcome clarification as to whether languages other than Arabic were taught in schools. He understood that Kurdish was taught in the Kurdistan Region but he wondered whether Syriac, Turkic and Aramaic languages, for example, were available in the State party's schools, and whether Circassians in particular had the possibility to study their own language.

29. There were allegations that, in certain places, Roma were separated from the rest of the community by a wall. He would like to know whether that was true, for if so, it would amount to a form of ghettoization and therefore discrimination.

30. He had also received reports that, in the Kurdistan Region, different car registration plates were issued depending on whether the vehicle owner was Arab or non-Arab, leading, among other things, to differential treatment at checkpoints. He would appreciate further information on that matter.

31. Although a far from easy task in the aftermath of conflict, the collection of statistics disaggregated by ethnicity, gender and age needed to begin as soon as possible, in order for the Government to understand and meet the needs of the population.

32. **Mr. Al-Zuhairi** (Iraq) said that, after 2003, the residents of the Ashraf camp had been granted all rights. No decisions had been imposed on them and the principle of non-refoulement had been strictly observed. They had been resettled in Baghdad, from where they had gone to the countries of their choice. They had every right to return to Iraq if they so wished.

33. Following the closure of the Ministry of Human Rights, the Ministry of Justice had taken over responsibility for human rights. A human rights monitoring committee had been established and coordinated the work of various other bodies. He wished to assure the Committee that the overdue interim reports on follow-up to the previous concluding observations would be forthcoming in due course.

34. Even though the democratic process dated only from 2003, civil society already had an important role to play. Indeed, a special government department had been created to encourage its participation. Women in particular were fully involved at all levels, to an extent that sometimes exceeded the role played by women in other countries. The Government coordinated with all stakeholders, including national institutions and administrative departments, in order to be able to meet its goal of guaranteeing women's rights.

35. On the question of the rank of international instruments in the domestic legal order, he said that specific legislation was required to incorporate such texts into national law. A bill to that effect was currently under consideration.

36. His Government was studying the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, with a view to accession. Meanwhile, although no final decision had yet been taken, new legislation was in the pipeline and progress was being made towards enactment of a bill on refugees.

37. With regard to national reconciliation, a committee had been created in the Prime Minister's office that, by focusing on women's rights in particular, had helped strengthen the peace in areas previously subject to sectarian tensions or where Daesh had been active. Women's pensions had been increased, for example, management training had been provided and loans had been granted for women's start-up projects in the camps.

38. In addition, real progress had been made in overcoming past sectarian divides, and coalitions representing the diversity of communities in all regions of the country had taken their place in government. With a new approach that emphasized reconstruction and rehabilitation of the liberated zones, the country had entered a new phase based on human rights and respect for all minorities and communities.

39. The High Commission for Human Rights had been established, in accordance with the Paris Principles, after the abolition of the Ministry of Human Rights. The Government worked closely with the Commission and fully supported its work, not only financially — the 2018 budget exceeded 91 billion Iraqi dinars — but also in terms of human and material resources, having transferred to it all the old Ministry's staff and premises throughout the country. The Commission was empowered to receive complaints and conduct investigations.

40. All communities in Iraq had suffered terrorist and other attacks, and in protecting minorities the Government did not discriminate between groups. Nonetheless, special efforts had sometimes been made to protect particular places of worship: considerable funds had been given to the church of Notre Dame du Salut, for example, following an attack there. In all, 127 sites were protected by the Government, including places of worship in the provinces and police stations.

41. In answer to the question regarding attacks on Sunnis carried out on the pretext of targeting Daesh, he wished to point out that the areas in question were inhabited not only by Sunnis but also by Shiites and Peshmerga, among others. Given that all groups had mounted a joint defence against Daesh and together had undergone indescribable criminal assaults, and that Shiites had sacrificed so much in liberating Daesh-controlled areas, what reason could there be for now targeting Sunnis? The attacks could not be described as attacks on Sunnis. In terms of resettlement of internally displaced persons, even if members of Daesh were said to take refuge among such groups, the matter needed to be addressed with due respect for human rights.

42. As to the matter of "positive discrimination", women's rights included not only equality of opportunity with men but also certain specific rights such as maternity leave on full pay and widow's benefits. To that extent, in attempting to guarantee women's rights, Iraq could be said to discriminate positively.

43. The Baha'i religion was still subject to Law No. 105 of 1970.

44. There was no discrimination against the Roma in education. Civil society organizations ran awareness-raising campaigns in order to combat all discrimination against that group.

The meeting rose at 6 p.m.