



**International Covenant on  
Civil and Political Rights**

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**Human Rights Committee**

**Replies of Iraq to the list of issues in relation to its sixth  
periodic report\***

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



## Introduction

This document contains the replies of the Republic of Iraq to the list of issues in relation to its sixth periodic report contained in document CCPR/C/IRQ/Q/6. The Iraqi delegation will provide more details during the interactive dialogue to discuss the sixth periodic report on its implementation of the International Covenant on Civil and Political Rights.

### Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. With reference to the Committee's previous concluding observations (CCPR/C/IRQ/CO/5, paras. 5–6) and the information provided by the State party, please provide information on measures taken to raise awareness of the Covenant, including by providing relevant training to judges, lawyers and prosecutors. In that regard, please comment on steps taken to have the Covenant invoked or applied by national courts. Noting the decision to authorize the State party's High Commission for Human Rights to receive individual complaints, the Committee requests updated information on the State party's efforts to ratify the first Optional Protocol to the Covenant. Please provide information on the coexistence of statutory law with sharia law and on how compliance with the Covenant is ensured in that regard.

1. The judiciary hands down its rulings on the basis of the Iraqi laws in force, but there is nothing to prevent the courts from basing their rulings on any international agreement ratified by Iraq in accordance with the legal frameworks adopted in this regard. Such agreements are considered part of domestic law and have the same status as ordinary internal laws issued by the legislature. The Iraqi courts apply international conventions, including the International Covenant on Civil and Political Rights, after they have been incorporated into national legislation under a law transposing the provisions of the instrument into detailed national legislation that is binding on the courts and can serve as the basis for judicial rulings. The principles established in the Covenant have been incorporated into Iraqi laws and, as such, the application of justice closely follows the provisions of the Covenant.

2. With regard to training for judges and lawyers, the Supreme Judicial Council, through its development programmes for judges and prosecutors, has conducted many introductory and continuing development courses on all matters relating to laws and procedures for the implementation of the procedures related to civil and political rights provided for under the Covenant. Many judges have also received specialized training in various areas, such as dealing with human rights violations that constitute crimes, including crimes of a sexual nature, conducting investigations and trials and dealing with victims in accordance with the latest international standards.

3. With regard to the coexistence of statutory law with sharia law, most statutory laws have taken into account sharia law and sharia teachings in their applications of the law, without prejudice to public and private freedoms. Article 2 of the Constitution stipulates the following:

“First: Islam is the official religion of the State and is a fundamental source of legislation:

- (a) No law may be enacted that contradicts the established tenets of Islam.
- (b) No law may be enacted that contradicts the principles of democracy.
- (c) No law may be enacted that contradicts the basic rights and freedoms stipulated in the present Constitution.

Second: The present Constitution guarantees preservation of the Islamic identity for the majority of the Iraqi people. At the same time, it guarantees religious rights and freedom of belief and practice to all individuals, such as Christians, Yazidis and Sabaeans Mandaeans.”

2. **With reference to the Committee's previous concluding observations (paras. 7–8) and the information provided by the State party (paras. 14–23), please provide updated information on measures to ensure that the High Commission for Human Rights is able to carry out its mandate fully, effectively and independently, in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).**

**In particular, please explain the decrease in the budget of the High Commission between 2014 and 2018 and clarify whether the current budget and human resources are sufficient to enable the High Commission to effectively discharge all of its mandated activities. In addition, based on Act No. 47 of 2017, please indicate whether the current membership of the board ensures effective representation of different population groups and complies with the Paris Principles.**

4. Pursuant to the High Commission for Human Rights Act, the Commission was established as an independent national institution with a broad mandate. The Act spells out the objectives and working methods of the High Commission, which entail: receiving complaints from individuals, groups and civil society organizations about human rights violations committed before and after the entry into force of the Act, conducting preliminary investigations into human rights violations on the basis of available information, and instituting legal proceedings in cases involving human rights violations and referring them to the Office of the Public Prosecution for legal action.

5. The mechanism for selecting the members of the Commission is set out in article 8 (3) of the High Commission for Human Rights Act. At its first meeting, the Council elects a president and a vice-president from among its members by secret ballot and by a majority of the votes. Paragraph 4 establishes that women must make up at least one third of the members of the Commission, while paragraph 5 stipulates that at least one full member and one reserve member must be a representative of a minority.

6. Following the abolition of the Ministry of Human Rights in 2016, the Iraqi Government provided support to the High Commission by transferring 525 staff from the former Ministry to the Commission, together with financial allocations for those staff. In addition, the Iraqi Government has provided the High Commission with 2 buildings in the Iraqi capital and a further 14 across most of the governorates, excluding Kurdistan Region.

7. In 2015, the High Commission was accredited with B status as an observer member of the Global Alliance of National Human Rights Institutions. Members of the board of commissioners of the High Commission for Human Rights were selected in 2017. They number 15 in all, 4 women and 11 men.

8. With regard to the decrease in the High Commission's budget, the 2019 general budget included a notable innovation, particularly with respect to guaranteeing civil and political rights. Through financial allocations to the competent government agencies in this area, a total of 26,497,210 Iraqi dinars was allocated to the High Commissioner for Human Rights, compared to 25,667,290 dinars in 2018, in recognition of its important and active role in protecting human rights.

9. The High Commission's role in monitoring and promoting a culture of human rights, receiving complaints and providing training has enabled it to increase the number of activities and results, particularly in the liberated areas. The High Commission guarantees, protects and promotes respect for human rights and protection of rights and freedoms under the Constitution and in international laws, treaties and conventions.

### Transitional justice (arts. 3, 6, 7, 9, 14 and 26)

3. **With reference to the Committee’s previous concluding observations (paras. 19–20), please provide information on the legal guarantees in place during the criminal trials that were held under the counter-terrorism laws in 2018 and 2019, in the aftermath of the widespread violence perpetrated by Islamic State in Iraq and the Levant (ISIL). In particular, please provide information on guarantees in place to ensure (a) equality before the courts, including an indication of whether appointed lawyers were granted access to court files, especially during the investigation phase, and if they had sufficient time to familiarize themselves with the case and prepare their defence; and (b) the presence of lawyers during interrogations by police or other security forces and during court hearings. Please respond to reports indicating that anonymous witness statements and information based on security or intelligence reports was admitted as primary evidence for criminal conviction and that evidence obtained through torture or ill-treatment was admitted in criminal proceedings.**

10. Legal guarantees are provided for by law, as stipulated in article 19 (11) of the Constitution, in the section on rights and freedoms, and the Code of Criminal Procedure (Act No. 23 of 1971), which provide that the lawyer has the right to follow the investigation procedures from the beginning until the case concludes with the issuance of a final ruling. The lawyer has the right to review the case file and obtain a copy of the documents, in accordance with the law. Under article 144 (b) of the Code, the appointed lawyer must attend the proceedings and defend the accused or be replaced by another lawyer, in which case the court imposes a fine on him or her. In addition, under Iraqi law, any testimony given by the accused under torture is not recognized, and any admission is thus considered invalid in such cases. During all stages of the investigation and trial the accused has the right to request to be brought before the medical committees to verify the validity of his or her claims.

11. Article 218 of the Code of Criminal Procedure states that the confession of a crime must not have been extracted under coercion.

12. Article 16 of Act No. 58 of 2017, concerning the protection of witnesses, experts, informants and victims, provides that the maximum penalty stipulated in the Criminal Code (Act No. 111 of 1969) and the amendments thereto shall apply to informants who give incorrect information that leads to the detention or imprisonment of an accused person who later proves his or her innocence, witnesses who give false testimony and experts who deliberately give false information.

13. The Coalition Provisional Authority’s memorandum No. 3 of 2003 also clarifies the details of criminal procedures which include legal guarantees for the accused.

4. **Please indicate whether there is a prosecution strategy in place that gives priority to addressing the worst human rights abuses. Please explain the low number of prosecutions in cases involving sexual offences committed by ISIL members against Yazidi women and girls during the armed conflict.**

14. A specific prosecution strategy is not required, as the justice system investigates and processes every case brought before it and follows up, in coordination with all the security services concerned, the procedures for implementing decisions until the accused are arrested and brought before the courts.

15. The Iraqi authorities, including the Supreme Judicial Council, have taken steps to pursue and bring to justice the perpetrators of the sexual violence that accompanied the terrorist crimes committed by ISIL, and appropriate sentences have been handed down against them. Iraqi courts of the highest levels have been involved in implementing Security Council resolution 1325 (2000) on violence against women.

16. Iraq in general, and the judicial authority in particular, cooperates with the international Investigative Team established by virtue of Security Council resolution 2379 (2017) to collect evidence of crimes committed by ISIL in the areas under its control in 2014, including crimes against minorities and sexual crimes.

17. A centre has been set up to investigate crimes of genocide, where legal specialists, psychologists and sociologists are on hand to provide services to Yazidi women rescued from ISIL. Assistance has been given to more than 2,000 women, over 1,000 of them above the age of 18, who were taken to hospital where they received treatment and psychological assistance from specialists. A total of 2,036 cases of sexual assault against Yazidi women and girls have been recorded in Dahuk governorate, of which 1,052 were over the age of 18 and 984 under the age of 18. More than 1,278 people have received psychological, social and legal assistance at the counselling centre in Dahuk from the psychological and social treatment unit, whose staff were trained by the Commission for International Justice and Accountability. They signed a contract with the Kurdistan Regional Government to assist in the investigation and documentation of crimes and gathering of evidence. To this end, the ISIL Crime Investigation Unit has been established and has done a lot of good work, especially in preparing hundreds of legal files for cases related to the slavery of Yazidi Kurdish girls, women and children and persons belonging to other communities.

18. A special judicial body has been set up to investigate the terrorist crimes committed against the Yazidis in the governorate of Nineveh in order to document the offences perpetrated against this community and to ensure that those responsible do not go unpunished. Steps have been taken to ensure that women and girls freed from the clutches of ISIL, as well as children abducted by that terror group, receive the support they need to ensure their physical and psychological recovery and reintegration. A total of 1,529 women who suffered violence at the hands of the ISIL terror group have, with the approval of the Minister, exceptionally been included under Social Protection Act No. 11 of 2014. The same applies to 88 Shabak women who were also rescued from the hands of ISIL. Under the Act, the Vocational Training Service also works to establish educational, vocational and entrepreneurial training courses aimed at teaching various professions. These courses are open to all unemployed Iraqi persons without exception or discrimination. The Employment and Loans Service is also working to create jobs and grant loans without exception or discrimination, especially in the liberated areas, in order to encourage people to return to those areas. Clinical measures have been rolled out by the Ministry of Health and the Environment for survivors of sexual violence, and 28 free legal clinics have been opened across Iraq. Mobile teams have been set up in camps of displaced persons who fled from ISIL terror groups. The teams work to protect the displaced persons, prevent violence against them and combat impunity. A counter has been set up in each camp to receive complaints from female victims of violence.

5. **Please report on measures taken to clarify the fate of the approximately one thousand males, including boys, who were allegedly forcibly disappeared or victims of related violations, including extrajudicial execution, torture, arbitrary arrest and unlawful detention, perpetrated by pro-government forces during combat and subsequent clearing operations in Anbar province, targeting fighters belonging to ISIL or its supporters.**

**In that regard, please provide up-to-date information on the establishment of two fact-finding committees, one in 2016 and one 2018; the bill on the protection of persons from enforced disappearance currently being considered by the Council of Representatives; and the national reconciliation and peacebuilding work conducted under the leadership of the Permanent Higher Committee of Peaceful Coexistence and Social Peace, mandated to examine allegations of abductions, disappearances and other detention-related issues. Please comment on reports received by the Committee of allegations of enforced disappearances perpetrated in other provinces, including Babil, Baghdad, Diyala, Kirkuk, Ninawa and Salah al-Din.**

19. With regard to the measures taken to clarify the fate of the approximately one thousand men and others who are missing or forcibly disappeared, the Supreme Judicial Council has taken a range of measures, including supervision by the Judicial Oversight Commission of the courts of investigation, especially in the liberated areas, with regard to disappeared persons and facilitating procedures for their families when submitting complaints. The courts of investigation also follow up with and monitor all the competent security services in order to find out the fate of disappeared persons and hold perpetrators

accountable. There is also direct coordination between the Committee and the committee set up pursuant to Administrative Order No. 46 of 2018 for the same purpose. The Human Rights Division of the Office of the Public Prosecution receives requests from citizens and also follows up with the courts and security services to determine the fate of the disappeared persons.

20. The Counter-Terrorism Service carries out its duties in accordance with the law and has not arrested anyone unlawfully. Wanted persons are arrested pursuant to arrest and investigation warrants issued by the judge competent to hear anti-terrorism cases.

21. The Counter-Terrorism Service receives requests from various bodies such as the Human Rights Commission, the Ministry of Foreign Affairs and the Ministry of Justice regarding cases involving persons who are missing or forcibly disappeared. The Service responds to each request by checking the available information about the individuals in question, reporting accurately on their status and notifying the requesting authorities.

22. On 23 October 2020, the Working Group on Enforced or Involuntary Disappearances issued a decision to suspend consideration of a malicious complaint filed by an organization against Iraq on the pretext that Iraq had not cooperated with the Committee on Enforced Disappearances.

### **Non-discrimination and equality between men and women (arts. 2, 3, 18, 23 and 26)**

6. **Please provide information on the measures taken to ensure equality between men and women. With reference to the Committee's previous concluding observations (paras. 25–26), the Committee's 2017 follow-up report (CCPR/C/122/2) and the information provided by the State party (paras. 69–96), please provide information on measures taken to repeal all provisions that discriminate on the basis of sex in the Criminal Code, the Code of Criminal Procedure and other legislation, regulations and directives, including the provisions on**

**(a) rape, contained in articles 393 and 398 of the Criminal Code; (b) domestic violence, contained in article 41 (1) of the Criminal Code; and (c) so-called honour killings, contained in article 409 of the Criminal Code. Please also provide updated information on the draft act on protection against domestic violence and indicate whether it is in line with the Covenant. Please further provide information on the application of the Kurdistan Region Act (Act No. 8) of 2011 on domestic violence and on whether the State party intends to extend its scope so that all forms of violence against women are fully covered.**

23. In 2017, the Supreme Judicial Council established a committee of retired judges to study the Criminal Code, the Code of Criminal Procedure, the Evidence Act, the Personal Status Act, the Anti-Terrorism Act, the Juvenile Welfare Act, the Code of Civil Procedure and the Civil Code in order to bring them into line with the country's international obligations. The committee has submitted bills to amend the legislation in question. The committee's recommendations include deleting article 41 (1) of the Criminal Code, which gives the husband the right to discipline his wife. Under the new draft Criminal Code, the husband is prohibited from disciplining his wife. The committee also proposes amending article 398 of the Criminal Code, under which if a person accused of rape then lawfully marries the victim, any action becomes void and any investigation or other procedure is discontinued and, if a sentence has already been passed, then the sentence will be quashed. Under the proposed draft amendment to the Criminal Code, the fact that the perpetrator has lawfully married the victim is no longer considered a reason to suspend the execution of his sentence or to discontinue the procedure and investigation, in line with human rights principles. As part of its plan of action, the Department for the Empowerment of Women will follow up on the amendment of these legislative texts by running awareness workshops to discuss discriminatory legal provisions in cooperation with international organizations.

24. With regard to the right to equality and non-discrimination, attention is drawn to the Ministerial Council for Human Development's decision No. 3 of 2020, under which it was

decided to abide by the provisions of article 14 of the Constitution. Accordingly, the Supreme Judicial Council does not support the enactment of legislation concerning a specific segment of the population that would give rise to any form of discrimination. Article 14 establishes the principle of non-discrimination, stipulating that Iraqis are equal before the law without discrimination based on gender, race, nationality, origin, colour, religion, sect, belief or opinion, or economic or social status.

25. The bill on domestic violence is still being legislated. The bill was approved by the Council of Ministers pursuant to resolution 94 of 2020 and referred to the Council of Representatives for enactment.

26. Articles 128, 130 and 131 of the Criminal Code, under which offenders can claim defence of honour as a mitigating factor, are general provisions and are applicable to all offences, not merely to a single offence. Legislators have left it to judges' discretion to decide to what extent those provisions should be applied depending upon the circumstances of each case.

27. Honourable motives are considered a mitigating factor, but the Iraqi judiciary interprets this article as including all honourable motives and not only "washing off dishonour", for example, where victims are always women. The same applies to article 409 of the Criminal Code. Draft amendments to the articles in question are currently under consideration by the Council of State.

28. The High Commission for Human Rights also engages in active efforts to raise awareness. Under article 4 (6) of the High Commission for Human Rights Act, the Commission works to promote a culture of human rights through the following means:

- (a) Incorporating a culture of human rights in educational curricula
- (b) Holding conferences, seminars and technical and social events, producing flyers and publications and preparing media programmes on human rights issues.

29. Modules on human rights and combating domestic violence have been added to the curriculum of the Police Academy, and the principles of protection against domestic violence have been incorporated into the subject of family education for the fifth grade of secondary school.

30. With respect to the intensification of efforts to prevent and eliminate violence against women and girls in all its forms, in 2013 the Council of Ministers approved the National Strategy to Combat Violence against Women, which aims to promote and protect Iraqi women's throughout their lives, protect them from all forms of negative discrimination and violence and reduce the effects of such discrimination. The Strategy comprises four areas of focus: prevention, care, protection and policies and implementation. The Kurdistan Region also adopted a strategy to combat violence against women for the period 2013–2019.

31. A shelter for female victims of violence has been opened in Baghdad, and a mechanism has been established to refer female victims in all governorates to the shelter. The Supreme Judicial Council issued a directive requiring investigating judges to refer abused women in all governorates who wish to be placed in such a facility to the shelter. Protection for the shelter is provided by the Ministry of the Interior. In the Kurdistan Region, four centres have been opened for victims, and the National Strategy to Combat Violence against Women was adopted and extended to cover the period up to 2027, covering four areas: the law, prevention, protection and care.

32. In accordance with the Regulations on shelters for victims of human trafficking (No. 7 of 2019), the Ministry of Labour and Social Affairs has adapted the human trafficking shelter in Baghdad to take in children who had been subjected to abuse and who escaped from the crimes perpetrated by ISIL terror groups. The shelter accommodates all children in need of assistance, without discrimination or exception.

33. Social Welfare Act No. 126 of 1980 was amended by Act No. 28 of 2013, which includes a reference to domestic violence. Article 29 (1) of the Act states: "Care homes are mandated to provide care for children, minors, juveniles and adults who encounter family problems, who have lost one or both parents, or who are victims of domestic violence. The

homes offer a healthy environment aimed at compensating for the loss of family care and affection and at overcoming any feelings of solitude.”

34. The Directorate for Family and Child Protection from Domestic Violence has also taken a number of measures to help women overcome the obstacles they face in reporting cases of domestic violence and to prevent perpetrators from going unpunished. The measures are as follows:

35. A free 24-hour hotline (number 139) has been set up to receive reports of domestic violence and respond to inquiries from all governorates in Iraq. A female officer with the rank of captain, who holds degrees in law and English, has been appointed to handle reports received via the hotline. Complaints received through the hotline are then referred to the director of the division to look into the details of the case and decide which division should deal with it. The relevant department is then contacted via a wireless device in order to save time, and an official letter with the details of the incident is later sent to the family protection department in the geographical area where the incident has taken place so that legal proceedings can be taken against the perpetrator after obtaining the approval of the investigating judge.

36. Efforts are made to attract women to work in the departments for family and child protection from domestic violence in Baghdad and the governorates.

37. Staff in the Directorate for Family and Child Protection from Domestic Violence and its departments wear civilian clothes, from which the word “police” has been removed from the names of the departments.

38. Female victims of violence are met by a female officer in a room designated for this purpose, which facilitates the process of recording their statements and the detailed explanation of the violence to which the women have been subjected, freely and without restrictions.

39. The Directorate for Family and Child Protection from Domestic Violence has prepared a plan to provide training for its staff on the bill on protection against domestic violence, in coordination with the Directorate of Training and Rehabilitation and civil society organizations, after the bill is adopted and approved by the Council of Representatives. A plan is also being prepared with a view to increasing the admission of female officers with higher degrees (doctorates and masters) and bachelor’s degrees (in psychology, sociology and law) to the ranks of departments for family and child protection from domestic violence in Baghdad and the governorates in order to enhance the competence of the departments in these areas.

40. Under the bill on domestic violence, responsibility for establishing and managing shelters is entrusted to the Ministry of Labour and Social Affairs. If the Ministry opens a shelter, coordination with the Directorate for Family and Child Protection from Domestic Violence will be ensured so that abused women who have nowhere else to go can be sent there. Currently, there is coordination with the shelter for victims of human trafficking to accommodate women victims of violence.

41. Since 2015, the Directorate for Family and Child Protection from Domestic Violence has maintained a database with information on all forms of violence against women classified by age, region, disability, the relationship between the victim and the perpetrator, and socioeconomic parameters.

### **In the Kurdistan Region**

42. Article 377 (2) of the amended Criminal Code has been amended to provide that men and women charged with adultery shall receive the same punishment. Articles 128, 130 and 131 have been amended to provide that honour killings are not considered justification for mitigation of sentence. Article 41 (1) has been amended to provide that men do not have the right to discipline women. The General Amnesty Act does not cover the perpetrators of honour killings.

43. Act No. 8 of 2011 also deals with all forms of domestic violence with the aim of protecting women and children in particular, who are most often the victims of domestic



violence. The Ministry of Labour and Social Affairs in the Region must set up shelters for victims of domestic violence and ensure that the assistance provided via the social welfare network is also extended to victims of domestic violence. The Ministry of Labour and Social Affairs issued directive No. 2 of 2014 to establish a shelter for women subjected to violence and threats. Accordingly, specialized shelters have been set up in the three governorates of the Region. Cases are taken in by order of the competent domestic violence court, while responsibility for the protection of the women lies with the Ministry of the Interior. Special courses are run for staff on legal, social, psychological and administrative matters.

44. In cooperation with the United Nations and civil society organizations, the Directorate to Combat Violence Against Women has formed 23 roving teams to improve functionality, deliver assistance and provide face-to-face information about services to displaced persons and refugees from cities and governorates in Kurdistan Region. More than 1,500 cases are registered each year, some of which are handled directly while others are referred to the courts for legal measures to be taken.

45. As part of the joint operating framework between the Directorate, the United Nations and civil society organizations, awareness-raising workshops and courses have been run inside the camps, attended by more than 12,000 people. Relevant legislation includes the Kurdistan Region Domestic Violence Act and the Kurdistan Region Act on the Misuse of Communications Media (Act No. 6 of 2008). The teams also focus on how domestic violence arises, give psychological advice to solve domestic problems and mitigate their impact on families and children, and provide legal and psychological services.

46. Liberation of disappeared women who are victims of ISIL residing in territories formerly occupied by ISIL, (e) compensation and rehabilitation of women victims of gender-based violence at the hands of ISIL, and their children; and (f) provision of protection for women who are victims of rape and for children born as a result of rape from stigma, discrimination and abandonment.

47. Reference is made to the reply in paragraph 17.

- 7. With reference to the Committee's previous concluding observations (paras. 11–12) and the information provided by the State party (paras. 39–40), please comment on reports of persistent allegations of acts of discrimination and violence against persons on the basis of their real or perceived sexual orientation or gender identity, as well as the social stigmatization and social exclusion of those persons. In that regard, please provide updated information on the investigation into the killing of the actor and model, Karar Nushi, in Baghdad on 2 July 2017. Please also provide information on any awareness-raising campaigns to promote sensitivity and tolerance among law enforcement officers, prosecutors, courts and the general public with regard to sexual orientation and gender identity. Please indicate whether the State party is considering revising articles 394 and 401 of the Criminal Code.**

48. With regard to sexual orientation, the Iraqi Constitution and statutory laws clearly and explicitly provide for individual freedom when it comes to sexual orientation. There are no provisions establishing penalties for sexual orientation per se, unless it includes an infringement of public freedoms and social and religious norms or it constitutes a crime of sodomy or a violation of the rights of the child or harassment or one of the offences covered by the Anti-Prostitution Act. Since public morals and sharia law form the basis for societal behaviour, any violations to which people are subjected on the basis of their sexual orientation are prompted by personal motives, and there are no legal grounds for such discrimination. There is no legal recognition of the independent rights of this group, but nor are there any provisions against them. Persecution of these persons is a crime under the law, and perpetrators are punished according to the type of offence and its consequences.

49. In the case of Karar Nushi, the accused Nayef Muttani Lafta Anizan was released on 22 October 2018 for lack of evidence connecting him to the killing of Karar Nushi Jassim. He was released as there was no legal impediment to doing so, and the investigation against him was temporarily closed on the basis of the provisions of articles 130 (b) and 264 of the Code.

### Counter-terrorism measures (arts. 9 and 14)

8. With reference to the Committee’s previous concluding observations (paras. 9–10) and the information provided by the State party (paras. 24–26), please provide information on any initiative to revise the broad definition of terrorism contained in the 2005 federal Counter-Terrorism Act. Please also provide information on the draft Iraqi counter-terrorism strategy developed by the counter-terrorism agencies and the results of the discussions of the National Security Council at its meetings Nos. 4/2017 and 9/2017. Please comment on information received that the 2005 federal Counter-Terrorism Act and the 2006 counter-terrorism act applicable to the Kurdistan Region continue to be used excessively, including in the context of demonstrations and relating to “association with” or “membership of” terrorist organizations. Please provide specific information on the number of persons who have been detained and prosecuted under those two acts and the sentences imposed in the past five years.

### Right to life (arts. 6 and 14)

50. The draft amendment of the Counter-Terrorism Act is going through the legislative process and is under consideration by the Council of State.

51. With regard to the number of persons who have been detained and prosecuted under the federal Anti-Terrorism Act, it should be noted that the Counter-Terrorism Service detention centre allows the accused to contact with their families after their statements have been certified by the judge and they can inform their families that they are being detained by the Counter-Terrorism Service. This is among the rights of the accused; in addition, each defendant is assigned a court-appointed lawyer if his or her family does not appoint one, under the supervision of the competent judge.

52. The national counter-terrorism strategy was prepared and finalized by the National Security Advisory in coordination with the relevant authorities. A section on the recruitment of minors by terrorist gangs and their impact on military operations has been added to the national strategy.

53. The table below shows the number of convicted and released persons for the period from 1 January 2015 to 3 October 2020 at the Counter-Terrorism Service detention centre.

<i>Number of accused persons released</i>	<i>Number of accused persons convicted</i>				
1 510	1 505				
<i>Number of accused persons released by the investigating judge and criminal courts</i>	<i>Number of accused persons covered by the General Amnesty Act</i>	<i>Death penalty</i>	<i>Life sentence</i>	<i>Limited prison term</i>	<i>Monetary fine</i>
1 432	78	341	615	542	7

9. **With reference to the Committee’s previous concluding observations (paras. 27–28), the Committee’s 2017 follow-up report and the information provided by the State party (paras. 98–111), please provide information on steps taken to revise the current legislation to ensure that the death penalty is authorized only for the most serious crimes, is never mandatory, and that pardon or commutation of the sentence is available in all cases, regardless of the crime committed. In particular, please indicate whether the State party intends to review the mandatory death penalty imposed on a wide range of activities defined as terrorist acts. While noting the information provided by the State party that the death penalty is now applied on a smaller scale, the Committee requests the State party to comment on information it has received indicating that the number of executions in Iraq doubled between 2018 and 2019. Please clarify the legal situation pertaining to the application of the death penalty in the Kurdistan Region. Please comment on reports indicating that trials at which the death penalty is imposed do not always comply with the provisions of article 14 of the Covenant.**

54. The law guarantees the rights of all citizens and persons without discrimination. In the event of a breach of the law, article 19 (3) of the Iraqi Constitution guarantees the right to litigate. With respect to the death penalty, the position of Iraq is clear, as the provisions of the Criminal Code and the Anti-Terrorism Act stipulate that the death penalty is applicable only to the most serious crimes, such as terrorist crimes, aggravated murder, kidnapping and the import and export of narcotic substances for the purpose of trafficking in cases others than those authorized by law. Articles 152 to 154 of the Criminal Code provide for general and special amnesty. The death penalty is required because of the exceptional security situation in the country and serves as a deterrent to terrorist acts. The death penalty also provides justice to dozens of victims of violence and terrorism. However, death sentences are not carried out until a presidential decree to that effect has been issued and in accordance with the procedures set out in the Criminal Code (Act No. 111 of 1969).

55. With regard to the increase in the number of death sentences imposed in 2019, this penalty is handed down only for the most serious crimes and on dangerous criminals who do not respect human life. The death penalty is the legal punishment they deserve for the acts they have committed.

56. Circumstances in which the death penalty for different kinds of crimes can be cancelled or commuted are defined in the Criminal Code, including in articles 59, 199, 218, 229, 273, 258, 303 and 311. Those provisions give judges broad powers of discretion when determining the punishment of convicted persons, allowing them to take account of the circumstances of the offence and of the offender. In the event of any violation of fair trial procedures, the sentence or ruling of the court may be challenged on appeal by the representative of the Office of the Public Prosecution, the accused party or his or her lawyer, or the civil party, in accordance with the Code of Criminal Procedure (Act No. 23 of 1971), as amended. The sentence or ruling may also be challenged before the Federal Court of Cassation or the criminal court acting as a court of cassation. The cassation judgment may be corrected and a retrial ordered in accordance with articles 249–279 of the Code of Criminal Procedure.

## **Prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 7 and 9)**

10. **With reference to the Committee’s previous concluding observations (paras. 29–30), please respond to reports of allegations of widespread torture and ill-treatment of prisoners in police custody and detention centres, and the use, in court, of confessions obtained under torture. In that regard, please also comment on information received by the Committee about the extensive use of torture in secret detention. Please provide information regarding the number of reports of torture and detainee abuse received in the past five years, the number of investigations, prosecutions and convictions in such cases, the sanctions imposed and the reparations granted to the victims. Please comment on information received by the Committee that inmates reporting cases of torture fear reprisals and believe that their complaints will be fruitless.**

57. Articles 322 to 333 of the Criminal Code criminalize acts of torture against any accused, and this crime is not subject to any conditions on the grounds of exceptional circumstances.

58. With regard to the use of torture in police stations, such allegations need to be substantiated. When accused persons are brought before a judge, they are asked if they have been tortured in order to obtain an admission or confession from them. They are sent to the forensic doctor to verify the validity of their claims and if they are proven, the person responsible for the acts of torture is punished by law, regardless of his or her rank or position.

59. All departments of the Ministry of the Interior follow professional methods when questioning the accused, taking into account national and international human rights principles in this regard. In the event of negligence or a violation of human rights, legal measures are taken against the perpetrators and they are referred to the competent courts to be duly punished in accordance with the law.

60. All allegations of torture and ill-treatment are immediately investigated, and precautionary and procedural measures are taken to prevent torture in all its forms, including education and awareness-raising on the legal repercussions for persons responsible for torture and the formation of inspection committees to visit pretrial detention centres and provide the management of those centres with official forms to be used for the medical examination of detainees before they are placed in detention. In addition, hotlines have been opened to receive complaints related to torture.

61. An anti-torture bill is still under consideration and discussion by the Council of State. The bill provides for the right of those subjected to torture, ill-treatment or cruel or inhuman treatment or punishment to inform the public prosecutor and stipulates that measures must be taken within a specified period to guarantee the rights of the victim. The bill also provides for the punishment of perpetrators of acts of torture. Article 37 (1) (c) of the Constitution prohibits all forms of psychological and physical torture and inhuman treatment and establishes that any confession made under coercion, threat or torture shall not be relied on, and the victim shall have the right to seek compensation for material and moral damages incurred, in accordance with the law. The laws in force prohibit the use of any form of torture, as stipulated in article 333 of the Criminal Code.

11. **Please indicate whether non-governmental organizations, United Nations agencies and the High Commission for Human Rights have access to places of detention and, if so, indicate the number of visits carried out during the reporting period. In that regard, please also indicate whether the High Commission was able to make unannounced visits to detention facilities, and provide information on measures taken to follow up on visit reports and to implement the High Commission’s recommendations. Please also indicate whether the State party plans to accede to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.**

62. Article 29 of Prisoners and Detainees Reform Act No. 14 of 2018 states: “Staff of diplomatic missions and embassies may, if the competent minister approves a reasoned request submitted in accordance with the norms of diplomatic protocol, visit their citizens

who are being held as inmates or detainees in correctional institutions or correctional institutions for juveniles in Iraq, on condition that members of Iraqi diplomatic missions may similarly visit Iraqi citizens held in prisons or detention centres in the country of the inmate or detainee in question. Prisoners who are citizens of States that do not have diplomatic or consular representation in Iraq may be visited by diplomats from the State that looks after their country's interests in Iraq. Likewise, prisoners who are refugees or stateless may be visited by diplomats from the State that looks after their interests in Iraq, in accordance with the provisions of this article."

63. Article 45 of the Prisoners and Detainees Reform Act reads: "First: The Iraqi Department of Corrections and the Department of Juvenile Corrections shall be subject to inspection by the following bodies:

- (a) The Council of Representatives
- (b) The Office of the Public Prosecution
- (c) The High Commission for Human Rights
- (d) The inspectorate of the competent ministry
- (e) The Council for the Maintenance of Prisons and Detention Centres
- (f) Any entity legally authorized to perform inspections

Second: The Department of Corrections and the Department of Juvenile Corrections shall be required to facilitate the access of inspectors to correctional units and shall provide them with any information they require;

Third: In all prisons and correctional units operated by the Department of Corrections and the Department of Juvenile Corrections, a committee for the enforcement of sentences shall be established, chaired by the Public Prosecutor and comprising as members the director of the prison or the correctional unit. The committee is to monitor and oversee the lawful enforcement of sentences and of procedures for sentence calculation and the classification and separation of prisoners and detainees;

Fourth: Personnel of the inspection bodies mentioned in article 45 (a) of the present Act may enter prisons and detention centres at times to be agreed with the Department of Corrections whenever the committee conducting the inspection so requests. They may likewise scrutinize the health-care procedures in place in prisons and detention centres, check the hygiene and living conditions, and interview prisoners and detainees in private. They may also make note of information concerning prisoners or detainees and pass on correspondence from them to their families or vice versa in the presence of the official assigned to receive and accompany the committee.

64. After the visit, the Department of Corrections is provided with a detailed report on the visit, including a set of recommendations. The recommendations are followed up with the relevant departments. These visits are conducted regularly throughout the year, although fewer have been carried out this year due to the current situation related to the coronavirus disease (COVID-19) pandemic. Approximately 75 visits have been conducted, including visits by humanitarian organizations, diplomatic entities, committees of the High Commission for Human Rights and committees of the Ministry of Health.

65. With regard to accession to the Optional Protocol, the central report-writing committee did not support the idea that, at the present time, Iraq should accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Regarding the death penalty, Iraq already applies all the safeguards envisaged under international human rights law and domestic legislation.

## **Liberty and security of person and treatment of persons deprived of their liberty (arts. 7, 9 and 10)**

12. **Please provide information on the effectiveness of applications for habeas corpus. Please comment on reports received by the Committee that the role of the investigative judge, which in addition to the investigative function also includes the ability to dismiss charges or take the action necessary to ensure justice in an individual case, may hinder the effectiveness of that recourse.**

66. Investigating judges conduct investigations into serious offences themselves and record the accused person's statement if it is an admission that he or she committed the offence in question. In accordance with articles 123 to 128 of the Code of Criminal Procedure, this takes place in the presence of the defence lawyer and of a member of the Office of the Public Prosecution. Article 127 of the Code of Criminal Procedure makes it clear that under no circumstances is it permissible to use unlawful methods to influence an accused person in order to obtain a confession. Moreover, under article 249 of the Code, rulings issued by an investigating judge are subject to appeal before the Court of Cassation by the parties involved in the case and by the Office of the Public Prosecution. Thus, an array of legal guarantees is available to accused persons and they can appeal against the rulings of an investigating judge if the latter fails to respond to a request – from the accused or his or her lawyer – to be examined by a medical committee to verify whether signs of torture are present. In addition, the court must disregard confessions if it is not convinced that they satisfy the requirements set forth in article 37 (1) (c) of the Iraqi Constitution and article 218 of the Code of Criminal Procedure. Furthermore, courts of investigation are under an obligation to conduct inquiries into all reports they may receive concerning torture. The investigation takes place under the supervision of the Office of the Public Prosecution, in accordance with the Criminal Code and article 1 of the Code of Criminal Procedure. All this goes to show that the national judiciary is rigorously committed to providing justice to all parties involved in proceedings before all Iraqi criminal courts, under the supervision of the Office of the Public Prosecution. Investigations and trials are closely monitored and visits take place to all prisons and places of detention.

67. Under article 123 of the Code of Criminal Procedure, the investigating judge or the investigator must question suspects within 24 hours, after having first established their identity and made them aware of the charges against them. The suspects' statements are to be recorded and they may present any exculpatory evidence. Investigators may re-question a suspect as they consider necessary in order to uncover the truth. No party is allowed to delay bringing the suspect before a judge for longer than the established period; any party that does so shall be held accountable. During their visits to police stations, prosecutors record their observations in this respect, submit them to the chief of public prosecutions and follow up on the matter with the competent investigating judge, holding the negligent party accountable.

13. **Please provide up-to-date data, disaggregated by facility, on the official and actual capacities of places of detention and specify what measures have been taken to reduce overcrowding and improve prison conditions, including addressing reports of, inter alia, inadequate health care and sanitary conditions. Please provide information on measures taken to ensure that remand detainees are segregated from convicted persons and to improve conditions of detention for women and children suspected of affiliation with ISIL.**

**Please respond to reports of severe overcrowding in Tallkayf and Al-Faisaliah detention centres. Please elaborate on measures taken to investigate deaths that have occurred in the prison system, including by the Standing Investigations Committee, which is in charge of investigating cases of death in custody. Please provide information on the number of deaths in custody in Iraq in the past five years and the number of investigations, prosecutions and convictions in that regard. In particular, please provide information on the alleged 24 deaths in custody in Al-Hoot prison and the results of the special committee established to review that incident.**

68. With regard to the issue of overcrowding in prisons, the Department of Corrections has introduced a number of projects to establish modern prisons in accordance with international standards and to expand some of them as part of the investment plan for 2020.

With regard to rehabilitation and reform programmes, in 2019, a total of 5,599 training courses for women were run in the areas of hairdressing, sewing, handicrafts, calligraphy and drawing, literacy, computers, calligraphy and sculpture, learning and memorizing the Qur'an, sculpture and pottery and woodwork. Between 1 January 2019 and 31 December 2019, a total of 2,893 sports courses were provided for inmates in bodybuilding, morning exercise, football, five-a-side football, volleyball and physiotherapy.

69. Remand detainees are segregated from convicted prisoners, as are juveniles and women.

70. All correctional facilities suffer from overcrowding, which exceeds their designated capacity; overcrowding has reached 200 per cent of capacity. In order to improve prison conditions, the municipal prison was opened as a facility for women, and reconstruction work is under way at Baghdad Central Prison and work on Babil Central Prison is at an advanced stage.

71. The official capacity and the actual number of detainees in places of detention varies daily depending on release orders, amnesties, deaths and other factors. Updated information on the matter will be provided during the interactive dialogue.

72. A total of 1,130 juveniles are in reform schools for convicted young offenders, which exceeds the capacity of most reform schools. There are 68 young people in the Baghdad juvenile observation centre, which has a capacity of 209, and 6 in the rehabilitation school for girls, which has a capacity of 84.

73. As for the measures taken to address overcrowding and improve prison conditions, the Department of Juvenile Corrections maintains official correspondence and monitors the allocation of plots of land in all governorates of Iraq suitable for the construction of model correctional complexes that would address overcrowding in the juvenile correctional facilities and reform schools in Baghdad governorate. The Department of Juvenile Corrections has also taken the necessary measures to expand existing buildings to increase their capacity and to rehabilitate and restore the alternative premises for the Nineveh juvenile observation centre, in line with the financial resources available to the Department of Juvenile Corrections until the general budget is approved. The Department of Juvenile Corrections takes a number of health measures in coordination with the health departments in terms of the placement of medical and pharmaceutical staff.

74. To ensure the separation of pretrial detainees from convicted prisoners, pretrial detainees are held in Baghdad juvenile observation centre, which is designated for this category of detainees only. There are four reform schools for convicted juveniles, according to the age group (boys, girls, young men), in accordance with the Juvenile Welfare Act (No. 76 of 1983).

**14. With reference to the Committee's previous concluding observations (paras. 33–34), please report on information received about the high number of prisoners in pretrial detention and prolonged pretrial detention of a year or more. Please also provide information on non-custodial alternative measures to pretrial detention and their application in practice. Please provide data on the number of persons being held in pretrial detention compared with the number of convicted criminals.**

75. The investigation and trial procedures must respect due process, and the investigating judge must examine and investigate all the circumstances of the offence and ask each person or party concerned for all the information necessary to complete the investigation and establish the truth. Therefore, it cannot be said that procedures are prolonged insofar as the aim is to establish the truth and ensure that justice is done. The criminal courts are working at full capacity and for very long hours every day to resolve the cases referred to them. These measures are normal procedures, and the investigation and trial proceeds in an orderly manner and without delay.

76. There were two juveniles who were in pretrial detention for a year or more. As at 24 August 2020, there were 68 juveniles in pretrial detention at Baghdad juvenile observation centre.

77. The number of persons being held in pretrial detention compared with the number of convicted criminals changes depending on factors such as amnesty, release, termination of sentence, death and others.

**15. Please provide information on measures taken in detention centres to prevent the spread of coronavirus disease (COVID-19), including the potential release of detainees and measures taken to improve sanitary conditions. Please comment on reports that individuals breaking the curfew imposed to curb the spread of COVID-19 have been deprived of their liberty and provide information on the guarantees in place for those deprived of their liberty and how those measures are compatible with the Covenant. In particular, please comment on information received by the Committee that in Baghdad, between 17 March and 23 May 2020, security forces arrested 49,233 individuals for breaking the curfew.**

78. The most important measures taken in detention centres to prevent the spread of COVID-19 are as follows:

1. All staff members and officials of all administrative and correctional facilities are subject to preventive measures when entering the workplace, in the form of temperature checks and hand sanitizer.
2. Priority is given to officials to enter prison facilities.
3. Staff members and officials are not to mix during working hours.
4. All staff must practise social distancing during official working hours.
5. All staff members and officials are required to wear protective masks during and after working hours.
6. Only authorized persons are allowed to enter the prison.
7. Staff members are not allowed to wander around during their breaks.
8. Frequent hand washing and sanitizing and no shaking hands or kissing.
9. Continuous disinfection and fumigation of administrative and prison facilities and attention to public hygiene (officials, staff members and inmates).
10. Attention to the entry and exit of staff members and officials to and from all prison and administrative facilities.

79. Regarding the arrest of persons for violating the curfew, the Supreme Judicial Council immediately released all persons detained and arrested for violating the curfew on the order of the Supreme Judicial Council.



## Refugees, asylum seekers and internally displaced persons (arts. 2, 6, 7, 9, 10, 12, 13 and 25)

16. With reference to the Committee's previous concluding observations (paras. 21–22), please provide up-to-date information on the situation of internally displaced persons and the measures taken by the Government to address their predicament and find durable solutions to their displacement. In particular, please provide information on the "security clearance procedure", including the criteria used to assess applications, and whether it complies with article 12 of the Covenant. Please indicate whether restrictions are placed on internally displaced persons' right to vote and respond to reports that the closing of some camps for internally displaced persons has resulted in secondary displacement.

80. Iraq has established reception centres and shelters for displaced families in the camps for displaced persons set up by the State. There were 89 inhabited camps in 2019, which reflect human rights standards and guarantee respect for the dignity of displaced persons.

81. Field teams have been established to oversee the registration of displaced families, ensure that their rights are respected and provide them with food aid. Each family in the camps receives two food rations per month, with a health basket and heating and cooling necessities for one year from the date of the return of the displaced family. In addition, these families are provided with financial assistance in the amount of 2.5 million dinars, divided into three instalments for each family. Some 30,000 returning families were given a return grant of 1.5 million dinars, while 899 Yazidi survivors received grants of 2 million dinars. A total of 225,038,545,450 dinars was allocated for the implementation of the relief and social aid programme for internally displaced persons.

82. In response to the State's policies to support internally displaced persons, some 233,825 families have returned to their original places of residence; 81,937 families returned to Anbar governorate, 74,692 to Nineveh governorate, 29,094 to Salah al-Din governorate, 28,914 to Diyala governorate, 15,206 to Baghdad governorate and 3,982 to Kirkuk governorate (data from 1 December 2019).

83. Iraq has continued to pay the salaries of staff displaced from areas controlled by ISIL terrorist groups by issuing smart cards so that they can receive their salaries in the areas to which they had been displaced. They are also allowed to work in the corresponding departments and receive their salaries from them in order to facilitate their livelihood until they return home.

84. Humanitarian assistance and protection are guaranteed for internally displaced persons in accordance with the norms of international law. Reception facilities are provided for children, and care is provided in special homes for older persons and persons whose families have broken apart as a result of the conflicts in the country. The persons cared for are provided with basic needs such as food, clothing, health care, cultural and recreational programmes and pocket money. Humanitarian cases involving all age groups and both sexes are monitored. In case of need, people are taken into shelters and provided with the necessary requirements.

85. Displaced persons with disabilities are provided with the necessary services and privileges. The following table provides statistics relating to the governorates of Nineveh, Salah al-Din and Anbar for 2017, in accordance with the law and the commission set up pursuant to Administrative Order No. 374 of 2016:

<i>Activity</i>	<i>Nineveh</i>	<i>Salah al-Din</i>	<i>Anbar</i>	<i>Total</i>
Appointment of staff as full-time helper	6	92	28	126
Appointment of non-staff as full-time helper	712	2 066	1 204	3 982
Recipients of grants for a full-time helper	629	1 097	835	2 561

86. Displaced families are provided with legal services, and staff from the Ministry of Migration undertake tasks related to the promotion of return procedures, estimating the length

of service, dismissal for political reasons and return to work. A team of lawyers handles procedures for displaced persons and defends them in personal cases in the various governorates.

87. Efforts to stabilize the security situation and facilitate the return of displaced persons include removing landmines, explosives and remnants of war from towns and cities, reopening police stations in liberated areas, deploying troops in surrounding areas and at points of access to liberated areas, cooperating with members of the public with a view to detecting infiltrators and terrorist cells and providing information to intelligence services, and ensuring that women heads of household can benefit from the grants allocated to returning families.

88. Activities have been carried out in the area of community-based rehabilitation, through the Small Enterprise Support Fund, the National Poverty Reduction Strategy and the Small Loans Programme. The beneficiaries of these programmes include persons with disabilities whose degree of disability is no less than 50 per cent, women heads of household (widowed and divorced) who are not covered by the social welfare allowance, unemployed persons registered in the database of the Department of Employment and Loans, including those returning to their areas of origin and covered by community rehabilitation, entrepreneurs covered by the Small Enterprise Support Act (No. 10) of 2012, those affected by terrorist operations, the heads of precarious families living in landfills, and graduates.

(c) Registered and unregistered unemployed persons

(d) The minimum amount of subsidy grants was:

(e) Community-based rehabilitation programme, 3 to 5 million Iraqi dinars

(f) Small Enterprise Support Fund programme, 8 to 20 million dinars

(g) National Poverty Alleviation Strategy, 8 to 10 million dinars

(h) Average number of individuals who received the minimum grants from 24 November 2013 to 31 March 2018: 27,052.

89. Some 1,529 Yazidi women who were subjected to violence by ISIL terror groups have been provided with social assistance without having to fulfil the normal prerequisites. The same applies to 88 Shabak women who were also rescued from the hands of ISIL.

90. The shelter for victims of human trafficking in Baghdad has been adapted to take in children who were subjected to abuse at the hands of ISIL gangs.

91. Since 2014, a strategy has been in operation to deliver health-care, preventive and therapeutic services to internally displaced persons and persons returning to liberated areas.

92. Social protection outlets have been opened in the governorates to take in displaced women and facilitate procedures.

93. Teams from the Ministry of Health undertake visits to displaced persons' camps where they provide health-care services. They run screening campaigns, conduct X-rays, provide vaccinations and offer reproductive health care. They also carry out tests and provide treatment and follow-up for persons with tuberculosis. Specialists in clinical pathology conduct laboratory tests to detect cases of infection with HIV/AIDS or sexually transmitted diseases, and preventive services are provided to help combat non-communicable diseases.

94. The Ministry of Health has produced a national plan based on guaranteeing safety and basic human needs and providing psychosocial support and psychological services. The plan focuses on ways and means of providing mental health and psychosocial support services in humanitarian emergencies and promoting recovery and rehabilitation for people with mental disorders and psychosocial problems.

95. The Ministry of Health has intensified its field visits to camps. The visits are conducted by working groups that seek to ensure the sustainability of the health-care services provided to displaced persons. Working alongside local teams in the governorates where displaced persons are located, the groups oversee the delivery of medications and medical supplies to internally displaced persons in camps and at other locations.

96. The Ministry of Health promotes procedures for joint action with the Ministry of Health in Kurdistan Region, which it provides with logistical support based on the number of displaced persons and the governorates in which they are located. Maternal and childcare services are provided, nutritional assessments and early detection of chronic diseases are undertaken, the requisite medicines for such diseases are supplied, and cases of cancer are registered and their treatment overseen.

97. Ambulance services are provided for displaced persons in camps and at other locations, with the participation of health-care departments in the governorates. In addition, the camps are provided with mobile clinics in partnership with the World Health Organization and other agencies.

98. The Iraqi Government has taken a series of measures to ensure that internally displaced persons enjoy the right to education, including extending the transfer period for displaced persons until the end of the spring break. To ensure that their education is not interrupted, there is coordination between the directorates to provide students with transfer documents after the liberation of their areas in the governorates of Nineveh, Anbar, Salah al-Din and Kirkuk. The Directorates General of Education are directed to return displaced members of educational staff to their governorates after the liberation of their areas. Efforts are made to ensure that internally displaced persons remain in the governorates to which they have been displaced because of the demolition of their homes and that their children continue to attend school and that the academic year is not interrupted. Forty-nine “Your Right to Education” centres have been opened for the enrolment of students between the ages of 10 and 18 in the displaced communities and host communities in the governorates. The Ministry of Education has set up an operations room to handle the cases of displaced students and take qualitative and practical measures with a view to solving their problems to ensure their return to the governorates from which they were displaced. This has contributed to a return to normal life and stability in these governorates through the adoption of a number of decisions and the implementation of cultural and social programmes to spread a culture of community integration and promote civil peace as well as psychological awareness programmes for groups of society in the liberated areas through special workshops, research and studies.

99. With regard to security clearance procedures, the Ministry of Migration and Migrants provides relief services and shelter to all displaced persons and works in coordination with the concerned authorities to address all their security and health problems. It also works in the field of education and supplies them with basic necessities. It also works with international partners to provide the best possible assistance to them, in accordance with the available government budget and international support. The problem of security clearance procedures affects the security authorities purely because of the terrorist crimes committed by ISIL. In general, all families wishing to return obtain security clearance, except in some areas where there are tribal or ethnic conflicts. The Ministry continues to resolve such cases in coordination with the concerned parties.

100. A total of 567,619 families have received the grants for returning families, while 686,942 families have received the grant of 1 million dinars. As for the grant of 250,000 dinars, a total of 685,044 families received the first instalment, while 631,241 received the second.

101. Restrictions on the movement of some categories of internally displaced persons are based on national security considerations and are consistent with the provisions of article 12 of the International Covenant on Civil and Political Rights. Scientific practice confirms the Iraqi Government’s point of view.

102. The Ministry of Migration and Migrants has developed a national plan to close all camps for internally displaced persons in Iraq, with the exception of the Kurdistan Region, in early 2021.

17. **Please provide information on the measures taken to combat discrimination against and stigmatization of women and children with perceived ties to ISIL who are living in camps for internally displaced persons. Please comment on reports that those women and children are subjected to multiple violations, including being denied access to food, water and health care; not having access to identity cards and other civil documents which facilitate their access to many social services; being subjected to severe restrictions on movement; and being subjected to sexual violence, including rape and sexual exploitation.**

103. The management of the camps is under the authority of local governments, as directed by the Council of Ministers. There are many local and international partner organizations working in the field, some of them in the area of legal protection and tasked with monitoring the situation of displaced persons. The Ministry of Migration has not received any complaints or detailed reports of violations against displaced persons. The Ministry is constantly striving to provide protection for target groups through humanitarian and material programmes.

104. The Prime Minister directed the Ministry of the Interior to issue identity documents to all Iraqis in the camps who lost their papers, regardless of whether one of their family members has ties to ISIL. Work is under way under the direction of the Prime Minister.

### **Access to justice and independence of the judiciary (arts. 2 and 14)**

18. **Recalling the Committee's previous concluding observations (paras. 35–36) and the information provided by the State party (paras. 222–228), please provide information on measures taken to prevent and punish threats or acts of intimidation aimed at lawyers or judges, any interference in their work and any arbitrary disciplinary measures taken against them.**

**Please describe the procedures and criteria used to appoint judges and subject them to disciplinary measures, such as suspension or dismissal, based on the Supreme Judicial Council Act No. 45 of 2017. Please describe the strategies adopted to prevent corruption and to ensure the accountability of judges, prosecutors, prison officers, members of the police and other members of judicial authorities.**

105. The independence of the judiciary is a very important constitutional principle, as established in article 88 of the Constitution. Any person who attacks a member of the judiciary shall be prosecuted in accordance with articles 229 to 232 of the Criminal Code.

106. The Iraqi judiciary is independent and impartial, and no one may bargain with, threaten or exert pressure on it. The Supreme Judicial Council provides the necessary human resources to protect judges and the judicial institution so that they can carry out their work without threat or intimidation. Judges and prosecutors who make mistakes are brought before a committee constituted by the Supreme Judicial Council called the judges' and prosecutor's personnel committee. They are held accountable for professional and personal mistakes, and the appropriate penalties are handed down depending on the type of act committed, in accordance with the Judicial Organization Act.

19. **Please provide information on the use of tribal courts, including to resolve disputes involving major crimes, and indicate how the State party's obligations under the Covenant are given effect in such proceedings.**

107. With regard to tribal disputes and rulings, the Supreme Judicial Council has issued a number of directives and considers, with a view to maintaining public order and security, that tribal threats and armed conflicts between clans constitute terrorist acts.

20. **With reference to the Committee’s previous concluding observations (paras. 33–34), please respond to reports of warrantless and arbitrary arrests and detentions, including secret detentions. Please provide information on steps taken to ensure that detainees are promptly brought before a judge and are informed, from the outset of their detention, of the reasons for their arrest, of the charges against them and of their rights. In that regard, please specify whether the right to have access to a lawyer promptly upon detention is guaranteed in all circumstances and whether lawyers are present during interrogations. Please clarify whether medical check-ups are conducted in all instances of detention and if medical doctors in places of detention are independent from penitentiary management. Please respond to reports that detainees’ communication with lawyers and family is restricted, particularly in the initial phases of detention. Please explain how the provision contained in article 181 (d) of the Code of Criminal Procedure allowing convictions based solely on confessions complies with the Covenant.**

108. The officers of any official authority who detain individuals or accused persons for a long period of time without charge or do not bring them promptly before the investigating authorities are legally responsible under the Criminal Code. All prisons and detention centres are subject to periodic unannounced visits by prosecutors to prevent any violation of the safeguards enjoyed by accused persons, especially when it comes to bringing them before a judge within the time limits established by law.

109. The investigating authorities in the Ministry of Interior provide legal and humanitarian guarantees to detainees by promptly completing the regular and legal investigation and bringing them before the competent court. The investigation is conducted under the supervision of the investigating judge in accordance with legal and regulatory deadlines, and the person at fault is held accountable in the event of any delay in bringing the accused before the judge.

110. With regard to medical examinations conducted in detention centres, each prison facility of the Department of Corrections has units and health centres affiliated with the Ministry of Health that are independent of the prison administration.

111. With respect to the procedures relating to the detention of persons deprived of their liberty in appropriate places, the Ministry of Defence has a single regular detention centre (the central prison at Al-Muthanna Airport) in which detainees are placed in the custody of the Ministry of Defence and other security services by order of the competent investigating judge. Located on the centre’s premises is an investigative and judicial body affiliated to the Central Investigative Court. The centre is subject to regular inspection by national and international committees. In addition, the directorate’s committees carry out monitoring to determine administrative and technical requirements that will help to raise the level of performance of its administration, which carries out its work in accordance with human rights principles and based on the provisions of the Prisoners and Detainees Reform Act (No. 14) of 2018. Detainees enjoy all the rights established in the Act, such as weekly family visits, the opportunity to meet with lawyers, medical and therapeutic services in the centre, food rations, good treatment and being kept up to date with developments in their case until a final judgment is issued. None of the national or international committees that regularly visit the pretrial detention centre has made any negative observations on the performance of the persons running the centre.

## Elimination of slavery and servitude (art. 8)

21. **With reference to the Committee’s previous concluding observations (paras. 31–32) and the information provided by the State party (paras. 156–178), please provide information on the impact of Act No. 28 of 2012. Please indicate whether the relevant guidelines have already been finalized and whether there has been any initiative to establish a national action plan to combat trafficking in persons. Please provide information on measures taken to combat the increasing incidence of internal and cross-border trafficking in women and children. Please provide information on the number of shelters available in the State party for victims of trafficking and clarify whether the refurbishment of the shelter in the Salikh neighbourhood has been concluded. The Committee takes note of the statistics provided by the State party on the number of cases and sentences handed down in 2016, but requires additional data on the number of complaints, investigations, prosecutions and convictions, and the reparations and assistance afforded to victims in the past five years.**

112. The judicial system is independent and impartial, and Iraqi laws guarantee the access of all persons to justice. The judiciary takes action to address issues of impunity and reparations for victims, including the sections of the population most in need of care. It also takes the necessary steps to conduct confidential and comprehensive investigations into human rights violations. With regard to jurisdiction, the Criminal Code establishes the rules of territorial, personal and universal jurisdiction, which apply to anyone who commits crimes of human trafficking, whether inside or outside Iraq or whether the perpetrator is Iraqi or a foreign national.

113. The Government has taken steps to strengthen national institutional capacity and update the legal framework to combat crime, ensure its implementation and coordinate efforts in the region through a range of measures aimed at combating human trafficking and the exploitation of children, reducing their prevalence and negative effects on individuals and society and punishing perpetrators through a strategy for action that includes legislative, executive and international elements. The implementation of the Anti-Trafficking Act (No. 28) of 2012 has had a significant positive impact, as has the imposition of penalties on perpetrators, who are prosecuted and convicted according to the type of crime committed, which is sufficient punishment to serve as a deterrent for other criminals. The Act also provides for the protection and assistance of victims who have been exploited for a crime of trafficking in persons; they are to be provided with the necessary services, starting with shelter, securing their basic needs, and rehabilitating them for reintegration into society for those who have been subjected to crime and injustice as a result of their exploitation by criminals. The provisions of the Act are clearly and specifically deterrent. Under article 6, perpetrators of this crime face life imprisonment, while under article 8 they face the death penalty in the event of the death of the victim. In addition, fines of between 5 million and 25 million Iraqi dinars are imposed. All of this has had a direct impact on the activities of gangs and individuals and has reduced criminal behaviour.

114. Under article 11 of the Act, the competent State departments have an obligation to assist victims of human trafficking, taking into account the special needs of children and the confidentiality of information on victims of human trafficking. In order to complement previous government efforts and measures to address this phenomenon and the unacceptable practices that harm the morality of our society, drawing on Iraqi experience in combating human trafficking, the Ministry of the Interior’s Central Committee to Combat Human Trafficking prepared the National Plan to Combat Human Trafficking in mid-2019. The Plan envisages a series of measures and programmes aimed at developing and building capacity and evaluating a strategy to combat these crimes, bring the perpetrators to justice and protect victims of human trafficking.

115. As for the reasons for the increasing incidence of internal human trafficking registered in the database, this is attributed to the activation, through procedures and other efforts, of the role and work of the investigative offices specialized in combating crimes of human trafficking crimes on both sides of Baghdad – in Karkh and Rusafa – and in other governorates, which has made it possible to identify victims of trafficking and prosecute the perpetrators, as well as dismantling the centres and sources of corruption linked to crimes of

human trafficking, which have spread under the cover of other names, such as massage centres, cafes, coffee shops, hotels, brothels and houses of prostitution. All of this has resulted in the arrest and detention of the masterminds of these operations, the dismantling of the groups involved in the commission of these crimes and their promoters, and their criminal conviction, documented in a database. It has also resulted in the support of the Iraqi judiciary for law enforcement agencies and the unlimited support of the administrative authorities of the Ministry of Interior in the form of support and assistance, capacity-building of staff with human resources and logistical work tools, and coordination between law enforcement agencies and local and international organizations. There is also an increased level of public trust in the procedures of the agencies involved in combating human trafficking, a crime which, owing to its seriousness, has a direct negative impact on societies and leads to the disintegration of families, as it is a contemporary crime that extends across national borders. The audiovisual media also play an important role, as do instructions and guidance posted on social media and on the website of the Anti-Trafficking Directorate and the free hotline and website of the Directorate for Combating Crime and Confidential Sources, which have contributed to raising public awareness and encouraging the reporting of such crimes.

116. As for the available shelters, there is one shelter that provides care for victims. It is located in the Salikh area and has previously undertaken its tasks in receiving victims and providing psychological, health-care, medical and social assistance, as well as physical services and to help victims reintegrate into society. The shelter continues to welcome and provide accommodation to victims. The refurbishment of the shelter comes under the remit of the Ministry of Labour and Social Affairs. No cases of cross-border crimes involving women and children have been registered. The Ministry of the Interior receives reports and information via the helpline and the email address for reporting crimes committed against children.

117. Investigation committees have been set up in most governorates to investigate cases of human trafficking crimes in coordination with the security services and the Supreme Judicial Council. They maintain the confidentiality of sources of information and witnesses.

### **Freedom of conscience and religious belief (arts. 2, 18 and 26)**

22. **Recalling the Committee's previous concluding observations (paras. 37–38) and the information provided by the State party (paras. 231–237), please report on the measures taken to ensure that the right to freedom of conscience and religious belief is fully respected, on a non-discriminatory basis. Please provide information on steps taken to ensure that registration of religious organizations is based on clear and objective criteria that are compatible with the State party's obligations under the Covenant. Please also provide a list of officially recognized religious institutions, and indicate the number of non-Muslim places of worship licensed to operate. Please provide information on the provisions of the 2016 law concerning the National Identity Card that deal with religious conversion and on their compatibility with the Covenant.**

### **Freedom of opinion and expression, peaceful assembly and freedom of association (arts. 6, 19, 21, 22, 25 and 26)**

118. Articles 41 to 43 of the Constitution provide for freedom of thought, conscience and belief, and the State guarantees freedom of worship and protects places of worship.

119. The bill on the protection of religious and ethnic minority group rights confirms that Iraq is a multi-ethnic, multi-faith, multi-confessional and multicultural country that promotes the principles of equal citizenship, mutual understanding, social cohesion and building civil peace.

120. Many terrorist operations have targeted religious minorities, and the Iraqi Government has worked to protect and rebuild places of worship after the liberation of areas from ISIL control.

121. The Supreme Yazidi Spiritual Council for the Management of Yazidi Religious and Secular Affairs is affiliated with the Office of Baba al-Sheikh, the supreme religious authority of the Yazidis, to manage their social and religious affairs.

122. As regards Yazidi religious sites, there are 27 shrines in Nineveh governorate (Sinjar/Bashiqa and Bahzani) and Dahuk governorate (Shekan/Sharya).

123. There are 11 religious institutions and places of worship belonging to the Mandaean community.

- 23. Recalling the Committee's previous concluding observations (paras. 41–42), please provide information on the safeguards that exist to ensure the rights to freedom of expression and of peaceful assembly, pursuant to articles 19 and 21 of the Covenant. Please respond to reports that, in relation to the incidents that took place from October to December 2019 and in 2020, protesters were subjected to arbitrary restrictions of their freedom of expression and assembly. In particular, please comment on information received that (a) security forces used excessive force, including lethal force, to disperse demonstrators from the first day of demonstrations, resulting in hundreds of deaths and injured protesters; (b) hundreds of demonstrators were arbitrarily arrested across the country, in some cases based purely on their presence and participation in the demonstrations; (c) a number of arrests or detentions were conducted at people's home, without warrants, by armed men without insignia who were wearing black and whose faces were covered; and (d) security forces entered hospitals, intimidated health workers, interfered in the provision of health care and arrested patients. Please explain what steps are being taken to prevent the excessive use of force for dispersal of assemblies, and provide information on the investigations into the excessive use of force against and the deaths, arbitrary detention and mistreatment of protesters.**

124. The right to demonstrate is guaranteed under the Constitution and the law. Acts of violence that take place during demonstrations are the result of the action-reaction dynamic. Accordingly, all offences committed during a demonstration are covered by the Criminal Code, as has been concluded by the Federal Court of Cassation.

125. The right to peaceful assembly is guaranteed under article 38 of the Constitution of 2005. In the light of this, the Ministry of the Interior is directed to ensure the necessary protection for demonstrators and respect their freedom to express their legitimate demands in a way that preserves public morals and order and does not interfere with the freedoms of others. In cases in which it has been proven that any kind of human rights violation has been committed against peaceful demonstrators or that officers of the Ministry of the Interior have used unnecessary, illegitimate or disproportionate force or violence, an investigation is immediately opened against those involved and they are brought to justice in accordance with the law.

126. Concerning the persons killed and injured during the 2019 demonstrations, the Iraqi Government instructed that the rights of martyrs and other relevant laws should be extended to them. The Martyrs' Foundation dealt with the procedures in respect of these persons, and the Iraqi Government has worked to ensure that the appropriate health care is provided to the injured and that their state of health is monitored.



24. **Please provide information on steps taken to protect human rights defenders' and journalists' exercise of their right to freedom of expression, as explained in the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression. Please comment on allegations of repression of the coverage of the demonstrations that took place in October, November and December 2019, including attacks against media outlets, orders not to cover the demonstrations, arbitrary arrest of journalists, harassment and intimidation. Please also comment on allegations that the Internet was blocked on some days during the demonstrations and that the security forces maintain a watch list of journalists, human rights defenders and civil society activists involved in protests. Please provide information on measures taken to ensure that all the serious human rights violations that were perpetrated were thoroughly investigated and that those responsible were brought to justice. In addition, please indicate the measures taken to guarantee that officials do not interfere with the legitimate exercise of the right to freedom of expression.**

127. The Government of the Republic of Iraq came to power following an escalation of popular pressure and demonstrations and is a product of those sacrifices. It has set the objective of holding accountable all those responsible for rights violations during the demonstrations and has set up investigation committees to refer anyone found responsible to the courts.

25. **Please clarify whether charges of terrorism, under article 2 of the federal Counter-Terrorism Act, are used to punish demonstrators who take part in protests, particularly those that took place in October, November and December 2019.**

128. On 19 January 2020, 13 protesters were detained by the investigating judge of the Central Investigative Court at the 54th Brigade Reserve Detention Centre. They were visited by the International Committee of the Red Cross accompanied by the Coordinator of the Ministry of Defence, who did not make any negative reports about the conditions of detention at the time.

129. The cases of eight of the protesters were resolved and they were released on the same day, while the other five remain in detention on criminal charges of attacks on public and private property.

130. The rest of the accused were released under a special amnesty issued by the Prime Minister.

26. **Please provide information on the investigations carried out into the cases of 25 individuals who participated in the demonstrations or provided support to demonstrators, and who were allegedly abducted and some of them tortured and/or ill-treated by members of unidentified armed groups between 1 October 2019 and 29 February 2020. In that regard, please provide information on the results of the fact-finding mission conducted by the Human Rights Directorate of the Ministry of Justice. Please indicate whether the State party has taken any steps to locate the missing persons or to identify and prosecute those responsible.**

131. In order to perform the duties involved in protecting major social events, maintain the law, promote freedom of peaceful demonstration, protect demonstrators and their freedom to express opinions based on the principle of respect for human rights and preserve public and private property, the Command of Law Enforcement Forces was established.

132. When reports were received of breaches by members of these forces, they were restructured and transferred to a command attached to one of the units of the Ministry of Interior and the accused were referred for investigation. Directives were issued to enrol all members of the force in rehabilitation and educational courses on human rights.

133. Concerning the questions about the abduction of protesters and journalists, the Iraqi Government has formed investigation committees whose aim is to locate the abducted individuals, collect information on the perpetrators of these crimes and refer them to the courts for punishment.

134. Regarding allegations of enforced disappearances of demonstrators made by the Committee on Enforced Disappearances and the United Nations Assistance Mission for Iraq (UNAMI), the committee established in the Human Rights Department of the Ministry of Justice has cooperated effectively with security and judicial institutions to identify the fate of these individuals. It has held many joint meetings, including one attended by an official from the UNAMI Human Rights Office, Ms. Danielle Bell. The committee succeeded in revealing the fate of many cases and sent information to the relevant United Nations committee on 21 cases, 6 of which were closed and the remainder of which are being followed up with the judiciary and the security services at the time of writing the report.

27. **With reference to the Committee’s previous concluding observations (paras. 39–40) and the information provided by the State party (paras. 238–245), please provide information on the status of the independent media in the country. In that regard, please provide updated information on the bill on freedom of expression and opinion, assembly and peaceful protest, which is currently before the Council of Representatives. Please comment on allegations of continuing attacks against and intimidation of journalists and media workers. In particular, please comment on reports of (a) a number of arrests and harassment of journalists since the outbreak of COVID-19; (b) the case of Samir al Daami, a journalist allegedly arrested in October 2017, held incommunicado and released after two months in prison; and (c) the case of Khalil Abed Khalil al Jumaili, a journalist allegedly arrested on 30 November 2019 and released on 6 January 2020.**

135. The bill on freedom of expression and opinion, assembly and peaceful protest is currently being legislated in the Council of Representatives.

#### **Rights of the child (arts. 7, 8, 9, 14 and 24)**

28. **Please indicate whether there are plans to raise the minimum age of criminal responsibility in the State party. Please provide data disaggregated by sex and age on the number of persons under 18 years of age who are currently being held in pretrial detention. With reference to the Committee’s previous concluding observations (paras. 15–16) and the information provided by the State party (paras. 62–68), please comment on reports of the persistence of the practice of early, “temporary” and forced marriages in the State party. Please provide information on measures taken to combat the practice of female genital mutilation in the State party.**

136. Concerning the minimum age of criminal responsibility, the Department of Juvenile Corrections has submitted important amendments to the Juvenile Welfare Act (No. 76 of 1983). The articles to be amended include article 47, which set the age of legal responsibility at 9. The amendment would raise the minimum age of criminal liability to 11. The Regional Parliament of Kurdistan has raised the age of criminal responsibility to 11.

137. With regard to the number of persons under 18 years of age who are currently being held in pretrial detention, please see the reply in paragraph 76.

138. With regard to the issue of early and forced marriages, under article 7 (1) of the Personal Status Act (No. 188 of 1959), the age of marriage is set at 18 years. Article 9 (1) of the Act provides that no relative or third party may coerce a person, male or female, to marry without consent. Coerced marriages shall be considered null and void if the marriage was not consummated. No relative or third party may prevent the marriage of individuals who are eligible to marry in accordance with the provisions of the Act. Article 9 (2) establishes that anyone who violates the provisions of paragraph 1 shall be punished with imprisonment of a maximum of 3 years and/or a fine if it is a first degree relative. If the person breaching the said provisions is not a first-degree relative, he or she shall be liable to a minimum of 3 and a maximum of 10 years’ imprisonment.

139. Female genital mutilation is classified as an offence of causing disability and is punishable under the Iraqi Criminal Code (Act No. 111 of 1969). In particular in the Kurdistan Region, the following measures have been taken.

1. The phenomenon of female circumcision exists only in certain villages and rural areas of Kurdistan Region. It does not exist in central and southern Iraq.

2. Under article 2 (1) of Anti-Domestic Violence Act No. 8 of 2011 of Kurdistan Region, no member of a family may commit any act of physical, sexual or psychological violence within the family, and genital mutilation is one of the practices defined as an act of domestic violence.

3. According to article 6 of Anti-Domestic Violence Act No. 8 of 2011 of Kurdistan Region:

- Anyone who instigates an operation of female circumcision is liable to payment of a fine of between ID 1,000,000 and ID 5,000,000.
- Anyone who undertakes or assists in an operation of female circumcision on a minor is liable to a term of imprisonment of between 6 months and 2 years and/or to payment of a fine of between ID 2,000,000 and ID 5,000,000 and ID 10,000,000.
- An aggravating factor shall be considered if the offender is a doctor, pharmacist or midwife, or one of their assistants. The court may order that they are unable to exercise their profession for a period of up to 3 years.
- In cooperation with Heartland Alliance International and the United Nations Children's Fund, the Supreme Council for Women's Affairs and the Ministry of Planning conducted a survey on female circumcision in Kurdistan Region, the results of which showed a sharp drop in the prevalence of the phenomenon.

29. **Please provide information on the situation of children born as a result of sexual violence and children born of parents perceived to be ISIL affiliates or sympathizers. Reportedly, such children are often abandoned, taken from their mothers to unknown whereabouts or to the armed forces and militias in conflict zones or left with their biological fathers. Please provide information on the measures taken, including legislative measures, to ensure that those children are not discriminated against, stigmatized or rejected by society. In particular, please provide information on measures taken to assist families in the search for children who have been separated from their mothers and to ensure that those children have access to birth registration and social services, including education and health.**

140. The Council of Ministers issued Decree No. 146 of 2017 under which it endorsed the national child protection policy proposed by the Ministry of Labour and Social Affairs. The policy, which prioritizes the protection of children in areas of displacement and in liberated areas, is currently being activated thanks to international support.

141. As for children born as a result of sexual violence and children born to parents perceived to be ISIL members, there is a specialized committee working to find the right mechanism to address their problems in accordance with the law.

### **Right to participate in public life (arts. 25 and 26)**

30. **Please comment on reports that, despite the reserved quotas to protect the political rights of certain religious and ethnic minorities, those groups continue to face challenges in achieving adequate political representation. Please report on measures taken to boost women's political participation, including measures to raise awareness of the role of women in decision-making processes and in political and public life. In that regard, please provide updated data on the number of women currently holding positions in the Council of Representatives.**

142. Iraq is working to promote the active participation of women in public and political life. Under the democratic and administrative system in Iraq, there are no legal obstacles to such participation. However, in the short and medium term, it is necessary to overcome some social and political obstacles through the development of capacities and spreading of culture among the widest possible audience. These policies began to bear fruit during the recent

elections, in which the status of women and their contribution to the elections and parliament were strengthened. More than 20 women won seats without the need for a quota, and some of the political parties running in the elections were headed by women. The representation of women in the Council of Representatives and the number of women candidates in the 2018 elections to the Council are discussed earlier in this report.

143. Under article 13 (2) of the Electoral Code (No. 9) of 2020, each of the communities (Christian, Yazidi, Sabaeen Mandaean, Shabak and Fayli Kurd) has been assigned a quota of seats, provided that this does not affect the percentage that already applies if they participate in the national lists. Article 14 of the Act stipulates that when presenting an open list, the representation of women should be taken into account, with one woman for every three men. In the most recent government reform, two women joined the Council of Ministers, one as Minister for Migration and Displaced Persons and the other as Minister for Construction and Housing. The President of the Council of State (a minister) and four ambassadors are also women. The proportion of women in the Council of Representatives is at least 25 per cent; 86 women serve as judges, 117 are general directors or deans of colleges, and there are 10,049 women working for the Ministry of the Interior.

144. Iraqi women occupy jobs in United Nations offices operating in Iraq, and the Government does not impose any restrictions on their work at the international level. On 3 March 2015, the Prime Minister issued a directive to the ministries to nominate a percentage of women to fill leadership positions at the level of director general and above. The results of this step were evident in the recent decisions of the Council of Ministers to appoint a large number of women to senior positions in ministries and independent bodies.

145. Within the package of government reforms, the Ministerial Reshuffle Committee, made up of 13 experts, 2 of them women, was set up to select technocratic ministers. With regard to the representation of women in public life, the following data indicate the status of women's empowerment at the political level and their right to hold public office:

- Political Parties Act No. 36 of 2015 includes provisions regarding quotas of female representation on the founding body and the general council of political parties. Article 11 (1) (a) of the Act states: "For the purposes of registration, an application to establish a party is to be submitted in writing, signed by a party representative, to the Parties and Political Organizations Department. A list of no fewer than 7 names of members of the founding body must be annexed to the application as must a list of names of no fewer than 2,000 members from different governorates, with due respect for female representation." The Independent High Electoral Commission strives to raise awareness about the need for women to participate in all fields. We share civil society's opinion that there is a need to establish a quota for the representation of women in political parties.
- Laws relating to the participation of women in elections and in political and party activities contribute effectively and positively to the development of gender perspectives and help to eradicate stereotypical attitudes towards the involvement of women, so that they can play their role in all areas.

146. The High Independent Electoral Commission has also ensured women's representation by stipulating that two of the seven members of its board must be women. The same is true for the General Authority for Political Parties and Political Organizations. Many political parties have been established and are headed by women engaged in politics. These political parties were among the first to obtain a licence from the Authority.

147. The female quota of not less than 25 per cent in the Council of Representatives provides effective assistance to women in political life. This may be seen in the executive branch of government and in senior positions such as deputy ministers or officials with special grades.

148. Women play an active role in decision-making and as staff of ministries and civil organizations. They make valuable contributions, as they have achieved a number of high-level positions, such as the most senior civil servant in the ministry. In addition, in the context of Security Council resolution 1325 (2000), the percentage of women participating in important tasks and decision-making has increased.

149. The Prime Minister supervised the formation of the National Council for Women's Affairs; the relevant procedures are in progress.

150. The law discriminates positively in favour of women in terms of their right to participation in political life and, in fact, Yazidi, Sabeen and Christian women are all represented on the Council of Representatives and on governorate councils. The right of women to participate in working life and to enjoy equal opportunities in education, recruitment and employment is also guaranteed under current laws, regulations and directives.

151. With regard to women's participation in the administration of justice, the judicial authority, since its restructuring on 18 September 2003, pursuant to Order No. 53 and acting independently of the executive authority, has endeavoured to increase the percentage of women in the justice system by opening the door for the admission of women to the judiciary and the public prosecution after a period when this was not possible. The Supreme Judicial Council continues to support and assist women in their judicial careers without imposing any conditions. The judicial authority has left the door open to the admission of women and has not placed restrictions or conditions on their entry into the judiciary, except that they must have the necessary legal competence.

152. The Department for the Empowerment of Women in the general secretariat of the Council of Ministers has conducted several workshops related to women's leadership and political participation, in cooperation with the Canadian Institute of Governance and local and international organizations, within the participation pillar in the draft implementation plan of Security Council resolution 1325 (2000), which includes enhancing the participation of women in leadership and decision-making to enhance security and peace-building.

### **In the Kurdistan Region**

153. Women also hold leading positions, including Speaker and Secretary, in the current session of the Regional Parliament. Women have also been appointed to the judiciary, with 31 female judges, 49 female prosecutors, 94 female investigating judges and 289 female assistant investigating judges. More than 880 women work in the regional police force as officers, other ranks and civilian staff.

154. The Kurdistan Regional Parliament has issued the following laws: Act No. 2 of 2009 on the Fourth Amendment to the Election Act of the Kurdistan National Assembly (Iraq); Act No. 1 of 1992, as amended, and specifically article 4 ("Conditions for the nomination of women within political entities: women must make up at least 30 per cent and the order of their names in the list must be such that it guarantees the participation of women, provided that the number of female candidates in each list is not less than three"); Act No. 4 of 2009, the Election Act for Provincial, District and Sub-District Councils in the Kurdistan Region (Iraq), specifically article 7 (2) ("The list of candidates must be organized in such a way that the percentage of women candidates is not less than 30 per cent); and Act No. 7 of 2009, the Act on the Judicial Institute in the Kurdistan Region (Iraq) ("This decision allows for the appointment of women as judges or public prosecutors").

155. The most important position held by a woman in the Region is the presidency of the Kurdistan Regional Parliament. In addition, the positions of Secretary of the Kurdistan Regional Parliament and Deputy Speaker of Parliament in the last legislative term were held by women.

156. Women in the justice system: In the Kurdistan Region, 49 female public prosecutors, 30 female judges in the courts of appeal, 94 female judicial investigators and 289 assistant judicial investigators have been appointed. There are more than 150 civil society organizations for women in the Kurdistan Region, and a total of 882 female officers, staff members and civil servants in the Region.

157. Women play an active role in decision-making and as staff of ministries and civil organizations. They make valuable contributions, as they have achieved a number of high-level positions, such as the most senior civil servant in the ministry. In addition, in the context of Security Council resolution 1325 (2000), the percentage of women participating in important tasks and decision-making has increased.

158. Great importance is attached to women officers and commissioned officers in all directorates, divisions and departments. One such example is the Garmian Directorate, which is led by a woman with the rank of colonel and whose offices are led by officials with the rank of major, where women make up 55 per cent of the civilian staff and 28 per cent of the military staff.

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