Flygtningenævnets baggrundsmateriale

Bilagsnr.:	**1601**
Land:	Irak
Kilde:	United Nations, Office of the United Nations High Commissioner for Human Rights (OHCHR)
Titel:	Iraq. Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights
Udgivet:	14. november 2024
Optaget på baggrundsmaterialet:	1. april 2025

United Nations A/HRC/WG.6/48/IRQ/2

General Assembly

Distr.: General
14 November 2024

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Forty-eighth session
Geneva, 20–31 January 2025

Iraq

Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.[1] It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. The Committee on the Elimination of Discrimination against Women and the Committee on Economic, Social and Cultural Rights encouraged Iraq to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.[2]

3. The Committee on Economic, Social and Cultural Rights encouraged Iraq to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.[3]

4. The same Committee also encouraged Iraq to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.[4] It recommended that the Government take the steps necessary to incorporate the rights enshrined in that Covenant fully into its domestic legal order.[5]

5. The Committee on the Rights of Persons with Disabilities recommended that Iraq ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities.[6]

6. The Committee on the Elimination of Discrimination against Women urged the Government to expedite its efforts towards withdrawing its reservations to articles 2 (f) and (g) and 16 of the Convention on the Elimination of All Forms of Discrimination against Women, which were incompatible with the object and purpose of that Convention and constituted an obstacle to its implementation as a whole.[7]

7. The United Nations country team encouraged Iraq to align the federal child protection law and the law on children's rights with the standards established in the Convention on the Rights of the Child and to approve to those laws in the parliament.[8]

Please recycle

8. The United Nations Educational, Scientific and Cultural Organization (UNESCO) called on Iraq to ratify the Global Convention on the Recognition of Qualifications concerning Higher Education and the Revised Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in the Arab States.[9]

9. The United Nations country team recommended that Iraq enhance collaboration with the Committee on Enforced Disappearances to ensure implementation of the Committee's recommendations, and that it enact comprehensive legislation on the protection of persons from enforced disappearance in accordance with its international human rights obligations.[10]

III. National human rights framework

1. Constitutional and legislative framework

10. The Committee on Enforced Disappearances urged Iraq to ensure that domestic legislation explicitly prohibited the invoking of superior orders or instructions to justify an offence of enforced disappearance, and that criminal legislation provided for criminal responsibility, in accordance with article 6 (1) and (2) of the International Convention for the Protection of All Persons from Enforced Disappearance.[11]

11. The Committee on the Elimination of Racial Discrimination recommended that Iraq expedite the adoption of legislation to fully incorporate the International Convention on the Elimination of All Forms of Racial Discrimination into the domestic legal order and ensure that the Convention took precedence over domestic legislation in case of conflict.[12]

12. The same Committee recommended that Iraq expedite the adoption of the bill on combating racist hate speech and hate crimes and ensure that it explicitly criminalized racist hate speech and hate crimes in accordance with article 4 of the Convention and included all grounds of discrimination recognized in article 1 of the Convention.[13]

13. The Committee on the Elimination of Discrimination against Women recommended that Iraq repeal article 41 of the Constitution, which stated that "Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs or choices, [as] regulated by law", with the aim of guaranteeing equality between women and men, in line with the Convention on the Elimination of All Forms of Discrimination against Women and article 14 of the Constitution.[14]

14. The same Committee urged Iraq to: (a) repeal all sex-discriminatory provisions of the Penal Code, the Code of Criminal Procedure and other legislation, regulations and directives; and (b) review and enact the draft act on protection against domestic violence, with a view to ensuring that adequate penalties were imposed on perpetrators of violence against women.[15]

15. The Committee on the Rights of Persons with Disabilities urged Iraq to review its legislation, including through the ongoing review of Law No. 38 (2013), and bring it into line with the human rights model of disability enshrined in the Convention on the Rights of Persons with Disabilities.[16]

2. Institutional infrastructure and policy measures

16. The Committee on the Elimination of Discrimination against Women recommended that Iraq speed up the finalization and adoption of the second national action plan (2019–2023) for the implementation of Security Council resolution 1325 (2000), in cooperation with the Kurdistan Regional Government and representatives of women's civil society organizations.[17]

17. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict recommended that Iraq institutionalize child protection by developing preventive frameworks, including by adopting the draft child protection law, in line with the Convention on the Rights of the Child and other international human rights law.[18]

18. The Committee on Economic, Social and Cultural Rights recommended that Iraq appoint a board of human rights commissioners, increase the human and financial resources

allocated to the Iraqi High Commission for Human Rights to enable it to discharge all its duties effectively and independently and in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and guarantee its independence.[19]

IV. Promotion and protection of human rights

A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

19. The same Committee recommended that Iraq enact comprehensive anti-discrimination legislation that provided full and effective protection against discrimination in all spheres and contained a comprehensive list of prohibited grounds for discrimination, including sexual orientation and/or gender identity.[20]

20. The Committee on the Elimination of Racial Discrimination recommended that Iraq condemn any form of hate speech, distance itself from racist hate speech expressed by politicians and public figures and ensure that such acts were investigated and appropriately sanctioned.[21]

21. The same Committee recommended that Iraq take measures to encourage the reporting of racist hate speech and hate crimes, ensure the safety, availability and accessibility of reporting channels, collect detailed data on the number and types of complaints of racist hate speech and hate crimes, the number of investigations, prosecutions and convictions, and the compensation provided to victims, disaggregated by age, gender and ethnic and national origin of the victims, and include those data in its forthcoming periodic report.[22]

22. The same Committee recommended that Iraq establish an independent monitoring body with the competence to receive complaints of racial profiling and racially motivated police violence, with safe and accessible reporting channels for victims, and to conduct thorough and impartial investigations into all allegations of racial profiling and racially motivated police violence.[23]

23. The Committee on Economic, Social and Cultural Rights recommended that Iraq ensure that cases of crimes against persons based on their sexual orientation and/or gender identity, whether in the public space or as domestic violence, were promptly and thoroughly investigated, that perpetrators were prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offence and that victims received full reparation.[24]

24. The Committee on the Rights of Persons with Disabilities recommended that Iraq undertake a comprehensive legislative and policy review with a view to adopting and enforcing laws and policies that prohibited discrimination on the basis of disability.[25]

25. The United Nations country team recommended that Iraq repeal the amendment of the anti-prostitution law and take steps to ensure that everyone, without distinction, was able to enjoy all human rights, including the right to privacy, to be treated as equal before the law and to protection from discrimination, including on the grounds of sexual orientation and gender identity.[26]

2. Right to life, liberty and security of person, and freedom from torture

26. The United Nations country team recommended that Iraq: (a) halt all executions and ensure a retrial for prisoners on death row; and (b) place a moratorium on executions.[27]

27. The Committee on Enforced Disappearances recommended that Iraq establish a consolidated nationwide database in which all cases of disappearance in Iraq since 1968 were registered. To that effect, the information from different sources must be compiled and systematized so that it could be incorporated into the database. The database should be systematically and promptly updated so that the authorities could generate reliable statistics.[28]

28. The same Committee stated that the database should include at least: (a) the total number and identity of all disappeared persons; (b) the sex, gender identity, age, nationality and, if applicable, the ethnic group or religious affiliation of the disappeared person; (c) the status of the search procedure and investigation, including detailed information, where applicable, on exhumation and identification procedures and autopsy results; and (d) the place, date and circumstances of the disappearance, including all elements relevant to determine whether the case was an enforced disappearance.[29]

29. The United Nations country team recommended that Iraq allocate funding for the implementation of the Security Sector Reform Strategy and work towards its implementation.[30]

3. International humanitarian law

30. The United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant (UNITAD) found that there were reasonable grounds to believe that Da'esh had used chemical weapons in Tazah Khurmatu with genocidal intent towards Shi'a Turkmen as a protected group, in terms of killing and/or causing serious physical and mental injuries to members of that group. For UNITAD, in order to reach a finding that there were reasonable grounds to believe that the act might amount to genocide, other instances of Da'esh killings against Shi'as within the territory controlled by the armed group and in the context of a Da'esh genocidal policy towards the Shi'as of Iraq must be corroborated and examined together. Such instances included the massacre at the Tikrit Air Academy, the Badush prison massacre and crimes committed against Shi'a members of the Shabak community, as well as other crimes committed against Shi'a Turkmen.[31]

31. UNITAD also found that there were reasonable grounds to believe that the Da'esh chemical weapons programme, its use of chemical weapons against the civilian population in Tazah Khurmatu and the testing of chemical agents on prisoners had been acts that might amount to the war crimes of murder, torture, use of poisonous weapons and/or use of asphyxiating gases, directing attacks against the civilian population and spreading terror among the civilian population, and to the crimes against humanity of murder and torture.[32]

32. UNITAD collected evidence on the damage and/or destruction by Da'esh of cultural and religious heritage in all communities of Iraq. In particular, evidence was collected in relation to Yazidi, Christian, Kaka'i, Shi'a Shabak and Shi'a Turkmen sites in the Ninawa Governorate, in Shi'a Turkmen sites in the Kirkuk Governorate and Sunni sites in Salah al-Din and Anbar Governorates. The main sources of evidence included witness interviews, Da'esh propaganda materials and site visits by UNITAD.[33]

33. The Committee on the Elimination of Racial Discrimination recommended that Iraq take effective measures to ensure the provision of support and adequate reparation to women survivors of grave human rights violations and abuses, including by accelerating the verification of pending applications under the Yazidi Female Survivors Act and by ensuring that the application process did not lead to retraumatization of the women survivors, and that it address the exclusion of Yazidi child survivors.[34]

34. The same Committee recommended that Iraq conduct effective, thorough and impartial investigations into reports of violations and abuses of human rights perpetrated by the Iraqi security forces and affiliated militia in the context of the armed conflict with Da'esh and counter-terrorism measures, prosecute those responsible, punish those convicted adequately, and ensure that counter-terrorism measures did not discriminate against ethnic and ethno-religious minority groups.[35]

35. The United Nations Human Settlements Programme (UN-Habitat) noted that, since the 1970s, Iraq had experienced several waves of population displacement related to land and property issues. Ethnic or religious minorities had been disproportionately affected. During the Da'esh conflict, millions of people had been displaced, forcing families into informal housing arrangements in overcrowded and substandard living conditions and leaving them unable to access adequate housing. At the peak of the Da'esh crisis, there had been 6 million internally displaced persons within the country, mostly in urban and peri-urban areas.[36]

4. Human rights and counter-terrorism

36. The Committee on Enforced Disappearances recommended that Iraq take all measures necessary to ensure that: (a) only officials authorized by law to arrest and detain persons could deprive persons of their liberty, in strict compliance with the law; and (b) all persons deprived of liberty, including suspects of terrorism, had access to a lawyer from the outset of the deprivation of liberty and could communicate without delay with and be visited by their relatives, counsel or any person of their choice and, in the case of foreigners, with their consular authorities.[37]

5. Administration of justice, including impunity, and the rule of law

37. The same Committee recommended that Iraq ensure that all acts defined in article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance committed without the authorization, support or acquiescence of State officials by the so-called Islamic State in Iraq and the Levant or any other group were promptly, thoroughly and impartially documented and investigated, and that those responsible were brought to justice and punished if found guilty.[38]

38. The Committee on Economic, Social and Cultural Rights recommended that Iraq safeguard, in law and in practice, the full independence, impartiality and safety of judges and prosecutors and prevent them from being influenced in their decision-making by any form of undue political pressure, violence, threats or corruption.[39]

39. The same Committee recommended that Iraq ensure that procedures for the selection and appointment of judges and prosecutors complied with the International Covenant on Economic, Social and Cultural Rights and relevant international human rights instruments.[40]

40. The same Committee recommended that Iraq ensure that all violations of the rights of human rights defenders, journalists and lawyers working on economic, social and cultural rights, including those perpetrated by non-State actors, were promptly, effectively and impartially investigated, that those responsible were appropriately prosecuted and, if found guilty, punished with penalties commensurate with the gravity of the offence and that victims obtained redress and full reparation.[41]

41. The United Nations country team recommended that Iraq enhance protection of due process rights and fair trial guarantees through legislative, policy and institutional reforms, in accordance with international standards.[42]

42. The United Nations country team recommended that Iraq promote meaningful accountability for human rights violations and criminal acts committed in the context of the 2019 Tishrin demonstrations.[43]

43. The United Nations country team recommended that Iraq train judges, prosecutors and law enforcement officials on international human rights standards related to freedom of expression, as such training could help ensure that legal professionals were equipped to handle cases involving free speech appropriately and justly.[44]

6. Fundamental freedoms and the right to participate in public and political life

44. The Committee on the Rights of Persons with Disabilities recommended that Iraq repeal discriminatory provisions that prevented persons with intellectual or psychosocial disabilities from exercising their rights to vote and to stand for election, and amend Law No. 38 (2013) by including in it the right of persons with disabilities to participate in political and public life.[45]

45. The United Nations country team recommended that Iraq ensure full respect for freedom of expression by strengthening its commitment to safeguarding freedom of expression across all platforms, including social media, repealing restrictive laws that stifled free speech and adopting measures that allowed individuals to express personal opinions without fear of reprisal.[46]

46. UNESCO encouraged Iraq to investigate the cases of journalists who had been killed and continue to report to it voluntarily on the status of judicial follow-up. It noted that the Government might wish to consider taking advantage of the United Nations Plan of Action

on the Safety of Journalists and the Issue of Impunity as a means of strengthening the protection of journalists.[47]

47. The United Nations country team recommended that Iraq align its national legislation with international human rights standards, ensuring that laws governing defamation, insult and blasphemy did not infringe upon the right to freedom of expression and that legal reforms prioritized protecting journalists, activists and ordinary citizens who engaged in public discourse.[48]

48. The United Nations country team recommended that Iraq implement specific protection measures for journalists and media workers to prevent harassment, intimidation and unjust prosecutions, establish independent bodies to investigate attacks on journalists and ensure accountability for such actions.[49]

7. Right to marriage and family life

49. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict recommended that Iraq urgently facilitate legal documentation, such as birth registration, for all children in Iraq.[50]

50. The United Nations country team recommended that the Government, especially the Directorate of Civil Documentation, implement simplified and expedited procedures for obtaining civil documentation for children and their caregivers, particularly those in vulnerable situations or conflict-affected areas.[51]

51. The United Nations country team recommended that the Government advocate with the supreme judicial authority to develop and disseminate clear guidelines and legal frameworks outlining the rights of children and caregivers to obtain civil documentation, regardless of their circumstances.[52]

52. The United Nations country team called on the Government, especially the Directorate of Civil Documentation, to expedite procedures for obtaining civil documentation for births of girls and boys and marriage registration for women and men, particularly for those in vulnerable situations or conflict-affected areas.[53]

8. Right to work and to just and favourable conditions of work

53. The Committee on Economic, Social and Cultural Rights recommended that Iraq increase its efforts to address unemployment and underemployment, for example by implementing targeted public sector employment schemes, vocational training and partnerships with the private sector, paying particular attention to internally displaced persons, youth, persons with disabilities and women.[54]

54. The same Committee urged Iraq to facilitate the transition of workers from the informal to the formal sector of the economy, in particular in rural and peripheral areas, by, for example, earmarking and increasing the transfer to regional and local administrations of federal funds for that purpose.[55]

55. The same Committee recommended that Iraq establish a clear regulatory framework for companies operating in its territory to ensure that their activities promoted and did not negatively affect the enjoyment of economic, social and cultural rights.[56]

56. The same Committee urged Iraq: (a) to adopt all measures necessary to ensure just and favourable conditions of work, especially for workers in the oil and gas and construction industries and in agriculture, including by increasing labour inspections and allocating more funding for operating costs and an increase in the number of inspection staff; and (b) to ensure that all categories of workers had access to medical and accident insurance, as well as to adequate compensation for injuries and work-related diseases.[57]

9. Right to an adequate standard of living

57. The same Committee recommended that Iraq: (a) increase the resources allocated to the construction of new housing units and to the repair of damaged ones; and (b) provide durable, adequate housing solutions to people living in informal settlements, slums and refugee camps and, in the meantime, improve their living conditions and access to safe

drinking water, sanitation facilities, healthcare, education, public transport, electricity, waste disposal services and other services.[58]

58. The United Nations country team recommended that the Government introduce a national housing policy that included equitable rent policies, to ensure access to housing for different income groups, the renovation of houses in historic areas and promoted the rehabilitation and/or adaptive reuse of existing buildings, which was energy-efficient, lowered the carbon footprint and was more cost-efficient than constructing new housing.[59]

59. UN-Habitat recommended that the Government and relevant institutions consider integrating the available data, geographic information system-based maps and other land-based information that UN-Habitat had collected into the current real estate registration office system. It also recommended officially upgrading the occupancy certificates it had issued to formal title deeds and registering the name of the rightful occupants, owners or inheritors, ensuring that women had equal access.[60]

10. Right to health

60. The Committee on Economic, Social and Cultural Rights recommended that Iraq allocate additional resources to expanding asset creation interventions with a view to further increasing the productivity of smallholder farmers, including by providing seeds, greenhouses, livestock and other means of support.[61]

61. The same Committee recommended that Iraq continue and strengthen its cooperation and coordination with the World Food Programme and the Food and Agriculture Organization of the United Nations to alleviate food insecurity.[62]

62. The Special Rapporteur on the human rights of internally displaced persons recommended that the Government ensure the access of displaced households to food distribution programmes, including the universal public distribution system of Iraq, combined with targeted cash assistance programmes to tackle food insecurity and poverty.[63]

63. The same Special Rapporteur recommended ensuring that internally displaced persons inside and outside camp settings had, regardless of their documentation status, access to healthcare services, including specialized sexual and reproductive health services for survivors of sexual and gender-based violence, and maternal and infant care.[64]

64. The same Special Rapporteur recommended ensuring that internally displaced persons and returnees had access to mental health and psychosocial support services to help them with the challenges of living in displacement, and providing specialized support for traumatized children and survivors of sexual and gender-based violence, including members of ethnic and religious minorities.[65]

65. The United Nations country team recommended that the Government prioritize universal access to health coverage to promote and protect the right to health for all in Iraq, including by addressing the special needs of children and adults with physical and mental disabilities, and vulnerable populations, and by improving the mental health of children and young people.[66]

66. The United Nations country team recommended that the Government improve the quality of care for newborns at all levels, focusing on improving community health systems, evidence and data systems to inform actions, enhance the capacities of health workers on newborn care and improve follow-up during pregnancy, childbirth and after childbirth.[67]

11. Right to education

67. UNESCO encouraged Iraq to ensure at least nine years of compulsory education and to report education data, including on enrolment and financing, regularly to the UNESCO Institute for Statistics.[68]

68. UNESCO encouraged Iraq to continue to submit regular, comprehensive national reports for the periodic consultations on education-related standard-setting UNESCO instruments, and notably for the ongoing eleventh consultation on the Convention against Discrimination in Education (2024–2025).[69]

69. The Committee on Economic, Social and Cultural Rights recommended that Iraq allocate sufficient and earmarked funding to construct new schools and repair damaged ones, and in the meantime increase its international cooperation to ensure that students' education was affected to the least possible degree pending the repair and construction of schools.[70]

70. The United Nations country team recommended that Iraq: (a) address regional disparities in teacher distribution by ensuring a decent living wage and enhancing the profession through training and capacity-building; (b) develop a cost action plan to align key system components – curriculum, learning environments and school management – with the targets of Sustainable Development Goal 4; and (c) implement a unified education management information system to improve the quality and timeliness of education data.[71]

71. The United Nations country team recommended that the Ministry of Education strengthen alternative education pathways and provide digital, flexible open learning opportunities and non-formal education programmes. That would increase enrolment of out-of-school children, especially girls and young women, and retain learners in pre-primary, primary and secondary levels, especially girls, learners affected by conflict and displacement and students with special needs.[72]

12. Cultural rights

72. The Committee on Economic, Social and Cultural Rights recommended that Iraq take all measures necessary to ensure the reconstruction and protection of cultural and religious sites and ensure that all cases of vandalism and attacks were investigated promptly, effectively and impartially and that perpetrators were prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offence.[73]

73. The same Committee recommended that Iraq ensure adequate funding for the Directorate for the Protection of Antiquities and Heritage to carry out its mandate.[74]

74. The United Nations country team recommended that Iraq ensure adherence to its obligations regarding cultural rights and identify opportunities to ensure implementation of the Final Declaration of the UNESCO World Conference on Cultural Policies and Sustainable Development, and other possible policy avenues to support cultural rights.[75]

13. Development, the environment, and business and human rights

75. The Committee on the Elimination of Discrimination against Women welcomed the international support for the Sustainable Development Goals and called for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, throughout the process of implementing the 2030 Agenda for Sustainable Development.[76]

76. The Committee on Economic, Social and Cultural Rights recommended that Iraq redouble its efforts to improve its ability to collect taxes, broaden its revenue base and conduct cohesive economic policies, and to reduce its dependency on fluctuating oil and gas prices.[77]

77. The same Committee recommended that Iraq revise and supplement the legal framework and physical protection regimes to better protect whistle-blowers, investigators, journalists and private individuals, prevent undue harassment of lawful anti-corruption activities and ensure access to publicly held information.[78]

78. The same Committee recommended that Iraq adopt a national action plan for business and human rights and, in that regard, the Committee recalled its general comment No. 24 (2017).[79]

79. The United Nations country team noted that water scarcity had become the country's most critical environmental issue. Of particular concern was the increasing vulnerability of children to climate and environmental hazards, shocks and stresses due to lack of access to safe water, sanitation and hygiene services. As water quality declined, families experiencing poverty and marginalization were more likely to use unsafe water sources, contributing to morbidity and mortality in children and young people. Limited and/or negative water flows in river systems were increasing salinity, which was linked to bacterial infections such as

cholera and other waterborne diseases. There was currently only a limited set of procedures to support children affected by disasters.[80]

80. The United Nations country team recommended that the Government improve data collection on the impact of climate change on children with regard to health, school and social protection, and work with children and young people as agents of change.[81]

81. The United Nations country team recommended that the Ministry of Health, Climate and Public Management adopt measures to decrease water pollution and implement water meters to influence behaviour change and increase awareness of water scarcity issues in Iraq.[82]

82. The United Nations country team recommended that the Government adopt measures for the use of renewable energy sources, especially for child services – which were essential for the full realization of human capital from a young age – namely, solar energy in schools and health facilities.[83]

B. Rights of specific persons or groups

1. Women

83. The United Nations country team noted that, with the support of the United Nations Development Programme, Iraq had developed the 2023–2030 strategy on women's empowerment to enhance women's participation in leadership positions. After the most recent election, women had accounted for 29 per cent of the parliament in Iraq (and 25 per cent of the previous parliament).[84]

84. The United Nations country team recommended that the Government allocate the financial resources necessary to fund strategies to combat violence against women and to fund the National Action Plan for the Implementation of United Nations Security Council Resolution 1325 (2000) on Women, Peace and Security.[85]

85. The United Nations country team recommended that the Government adopt measures to enhance the reporting of domestic violence cases, ensure protection for survivors and hold perpetrators accountable, in line with international human rights standards.[86]

86. The United Nations country team recommended that Iraq repeal article 41 (1) of the Penal Code (Law No. 111 of 1969, as amended in 2010), which stipulated that no crime had been committed when a husband "disciplined" his wife, providing legal exemptions for domestic violence; article 398, which exempted offenders who committed rape from prosecution if they married their victim; and articles 128, 130, 131 and 409, which allowed perpetrators to invoke "honour" as a mitigating circumstance for homicide.[87]

87. The United Nations country team encouraged the Government to enact and enforce comprehensive legislation to combat gender-based violence and honour killings, and to strengthen women's participation in the workforce.[88]

2. Children

88. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict recommended that Iraq treat children primarily as victims and in line with international juvenile justice standards, ensuring that they were detained only as a last resort and for the shortest possible period of time. It also recommended releasing children to child protection actors and ensuring access for formerly detained children to services, assistance and protection.[89]

89. The same Office recommended that Iraq continue repatriating Iraqi children from Hawl camp in the north-eastern Syrian Arab Republic and provide them with specialized services, including in the areas of health, nutrition, education, mental health and psychosocial support.[90]

90. The United Nations country team encouraged the Government to implement the inclusive education framework, ensuring equitable access to quality education for girls and boys and young women and men with disabilities.[91]

91. The United Nations country team recommended advocating for adequate budget allocations to the ministries responsible for child protection and for responsive services implemented by a funded and qualified social service workforce to support the most vulnerable children and families.[92]

3. Persons with disabilities

92. The Committee on the Rights of Persons with Disabilities recommended that Iraq strengthen mechanisms for persons with disabilities exposed to discrimination to obtain redress, including compensation, and rehabilitation and for perpetrators to be sanctioned, ensure that such mechanisms were accessible to persons with disabilities and raise awareness among persons with disabilities, public officials and service providers on the available legal remedies.[93]

93. The same Committee recommended that Iraq: (a) mainstream disability rights in national legislation, strategies and action plans for children; and (b) ensure that children with disabilities enjoyed all the rights under the Convention on the Rights of Persons with Disabilities and address stigma and discrimination against and stereotypes that were harmful to children with disabilities, particularly children with disabilities facing multiple and intersectional forms of discrimination.[94]

94. The same Committee recommended that Iraq explicitly include denial of reasonable accommodation as a form of discrimination on the basis of disability in Law No. 38 (2013) and take all measures necessary to ensure the provision of individualized supports and the implementation of specific measures to ensure equality.[95]

95. The same Committee recommended that Iraq take effective measures, with the active involvement of organizations of women and girls with disabilities, to mainstream a disability perspective into all gender-specific policies and legislation, including the bill on protection against domestic violence, and to mainstream a gender perspective in all disability-specific policies and legislation.[96]

96. The same Committee recommended that Iraq: (a) step up efforts and take effective measures to combat multiple and intersectional forms of discrimination against women and girls with disabilities; and (b) develop and adopt affirmative measures aimed at the empowerment and full inclusion of women and girls with disabilities in all spheres of life.[97]

97. The same Committee recommended that Iraq ensure, in cooperation with persons with disabilities, that accessibility requirements and the universal design concept were incorporated in all legislation, policies and programmes related to post-conflict reconstruction.[98]

4. Migrants, refugees and asylum-seekers

98. The United Nations country team recommended that the Government continue its efforts to ensure the availability, accessibility and quality of healthcare services for all returnees, internally displaced persons and migrants in all areas of return, displacement and mobility routes.[99]

99. The United Nations country team recommended that the Government ensure that basic education was accessible to all children, including stateless, refugee and migrant children and children with disabilities, and that it establish a formal mechanism for identifying and referring out-of-school children to formal education and other learning opportunities.[100]

100. The United Nations country team recommended that the Government accede to the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees.[101]

101. The United Nations country team recommended that the Government finalize, adopt and implement a new refugee law and relevant administrative instructions that clearly defined the rights of, and scope of protection for, refugees and asylum-seekers.[102]

102. The United Nations country team urged the Government to expand and improve the quality of registration procedures for asylum-seekers and to ensure that all refugees and

asylum-seekers had access to documentation and a fair and efficient refugee status determination procedure.[103]

103. The United Nations country team recommended that Iraq ensure full respect for the principle of non-refoulement by applying the procedural safeguards provided for in national law.[104]

5. Internally displaced persons

104. UN-Habitat noted that, according to the Ministry of Displacement and Migration, 180,000 people remained displaced in Iraq. They could not return to their area of origin and did not have the financial resources to rebuild their destroyed homes, and were thus unable to re-establish their lives. That affected their ability to access an adequate standard of living and related rights, such as to drinking water and sanitation.[105]

105. The United Nations country team recommended that the Government adopt a holistic approach to solving internal displacement in Iraq within a reasonable time frame for both internally displaced persons residing in camps and internally displaced persons living in informal settlements and urban settings. The approach should allow all internally displaced persons to make a free and informed choice and provide them with appropriate support to ensure the sustainability of the option chosen.[106]

106. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict recommended that Iraq continue clearing contaminated areas, prioritizing areas for the return of internally displaced persons and child-friendly spaces, and providing education regarding the risks of explosive ordnance and assistance to victims.[107]

107. The Special Rapporteur on internally displaced persons recommended that the Government ensure appropriate and secure shelter and housing options for internally displaced persons and returnees, including the upgrading of emergency housing facilities, particularly for long-term internally displaced persons.[108]

108. The same Special Rapporteur recommended that the Government cease the illegal and discriminatory restrictions on the freedom of movement of internally displaced persons on the grounds of their perceived affiliation to Da'esh due to alleged family or tribal ties, and facilitate their passage through checkpoints; and ensure that any restrictions were provided for by law and were necessary, proportionate and consistent with international human rights law.[109]

109. The same Special Rapporteur recommended that the Government ensure that future camp consolidations or closures were based exclusively on returns or resettlement that were voluntary, safe and dignified, respecting the right of internally displaced persons to decide on their preferred durable solutions.[110]

110. The same Special Rapporteur recommended that the Government facilitate access to civil documentation, including birth certificates, for all internally displaced persons by issuing documents in their area of displacement and reducing administrative requirements; and continue and expand initiatives for the provision of civil documentation to displaced populations through mobile units.[111]

Notes

1 A/HRC/43/14, A/HRC/43/14/Add.1 and A/HRC/43/2.
2 CEDAW/C/IRQ/CO/7, para. 47, and E/C.12/IRQ/CO/5, para. 59.
3 E/C.12/IRQ/CO/5, para. 59.
4 Ibid., para. 58.
5 Ibid., para. 5.
6 CRPD/C/IRQ/CO/1, para. 6.
7 CEDAW/C/IRQ/CO/7, para. 10.
8 United Nations country team submission for the universal periodic review of Iraq, p. 20.
9 UNESCO submission for the universal periodic review of Iraq, para. 22.
10 United Nations country team submission, p. 2.
11 CED/C/IRQ/OAI/1, para. 11.

[12] CERD/C/IRQ/CO/26-27, para. 7.
[13] Ibid., para. 15.
[14] CEDAW/C/IRQ/CO/7, para. 14.
[15] Ibid.
[16] CRPD/C/IRQ/CO/1, para. 8 (a).
[17] CEDAW/C/IRQ/CO/7, para. 12.
[18] Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission for the universal periodic review of Iraq, p. 2.
[19] E/C.12/IRQ/CO/5, para. 7.
[20] Ibid., para. 23 (a).
[21] CERD/C/IRQ/CO/26-27, para. 15 (c).
[22] Ibid., para. 15 (e).
[23] Ibid., para. 17 (b).
[24] E/C.12/IRQ/CO/5, para. 23 (c).
[25] CRPD/C/IRQ/CO/1, para. 8 (c).
[26] United Nations country team submission, p. 7.
[27] Ibid., p. 3.
[28] CED/C/IRQ/OAI/1, para. 5.
[29] Ibid.
[30] United Nations country team submission, p. 4.
[31] See https://www.unitad.un.org/sites/www.unitad.un.org/files/general/chemical_and_biological_weapons_factsheet_en.pdf.
[32] See https://www.unitad.un.org/sites/www.unitad.un.org/files/general/chemical_and_biological_weapons_factsheet_en.pdf.
[33] See https://www.unitad.un.org/sites/www.unitad.un.org/files/general/destruction_of_cultural_heritage_factsheet_en.pdf.
[34] CERD/C/IRQ/CO/26-27, para. 19 (a).
[35] Ibid., para. 19 (c).
[36] UN-Habitat submission for the universal periodic review of Iraq, para. 1.
[37] CED/C/IRQ/OAI/1, para. 19 (a) and (b).
[38] Ibid., para. 9 (a).
[39] E/C.12/IRQ/CO/5, para. 9 (a).
[40] Ibid., para. 9 (b).
[41] Ibid., para. 11 (b).
[42] United Nations country team submission, p. 4.
[43] Ibid., p. 9.
[44] Ibid., p. 8.
[45] CRPD/C/IRQ/CO/1, para. 54 (a).
[46] United Nations country team submission, p. 8.
[47] UNESCO submission, para. 27.
[48] United Nations country team submission, p. 8.
[49] Ibid.
[50] Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission, p. 2.
[51] United Nations country team submission, p. 26.
[52] Ibid.
[53] Ibid., p. 27.
[54] E/C.12/IRQ/CO/5, para. 27 (a).
[55] Ibid., para. 27 (b).
[56] Ibid., para. 13.
[57] Ibid., para. 29.
[58] Ibid., para. 41.
[59] United Nations country team submission, p. 9.
[60] UN-Habitat submission, para. 20.
[61] E/C.12/IRQ/CO/5, para. 45.
[62] Ibid.
[63] A/HRC/44/41/Add.1, para. 72 (b).
[64] Ibid., para. 72.
[65] Ibid., para. 72 (e).
[66] United Nations country team submission, p. 22.

[67] Ibid.
[68] UNESCO submission, para. 21.
[69] Ibid., para. 23.
[70] E/C.12/IRQ/CO/5, para. 51.
[71] United Nations country team submission, pp. 10 and 11.
[72] Ibid., p. 21.
[73] E/C.12/IRQ/CO/5, para. 55.
[74] Ibid.
[75] United Nations country team submission, p. 10.
[76] CEDAW/C/IRQ/CO/7, para. 6.
[77] E/C.12/IRQ/CO/5, para. 17.
[78] Ibid., para 19 (c).
[79] Ibid., para. 13.
[80] United Nations country team submission, p. 23.
[81] Ibid.
[82] Ibid.
[83] Ibid.
[84] Ibid., p. 5.
[85] Ibid.
[86] Ibid., p. 6.
[87] Ibid.
[88] Ibid., p. 27.
[89] Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission, pp. 2 and 3.
[90] Ibid., p. 3.
[91] United Nations country team submission, p. 28.
[92] Ibid., p. 20.
[93] CRPD/C/IRQ/CO/1, para. 12 (a).
[94] Ibid., para. 16.
[95] Ibid., para. 12 (b).
[96] Ibid., para. 14 (a).
[97] Ibid., para 14 (b) and (c).
[98] Ibid., para. 20 (b).
[99] United Nations country team submission, p. 12.
[100] Ibid., p. 10.
[101] Ibid., p. 28.
[102] Ibid.
[103] Ibid.
[104] Ibid., p. 29.
[105] UN-Habitat submission, para. 2.
[106] United Nations country team submission, p. 29.
[107] Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission, p. 2.
[108] A/HRC/44/41/Add.1, para. 72 (a).
[109] Ibid., para. 72 (m).
[110] Ibid., para. 72 (j).
[111] Ibid., para. 72 (h).