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Compilation on Iraq

Report of 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 periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1, 2}

2. The United Nations Human Settlements Programme (UN-Habitat) noted that Iraq had ratified eight major international human rights instruments: the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the International Covenant on Civil and Political Rights; the International Convention for the Protection of All Persons from Enforced Disappearance; the Convention on the Elimination of All Forms of Discrimination against Women; the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child; and the Convention on the Rights of Persons with Disabilities.³

3. In 2019, the Committee on the Elimination of Racial Discrimination recommended that Iraq fully incorporate the International Convention on the Elimination of All Forms of Racial Discrimination into its domestic legal order, and ensure that it took precedence over domestic legislation in case of conflict.⁴

4. In 2015, the Committee on Enforced Disappearances recommended that Iraq adopt the legislative measures necessary to establish its competence to exercise jurisdiction over the offence of enforced disappearance in the terms set forth in article 9 (1) and (2) of the International Convention for the Protection of All Persons from Enforced Disappearance.⁵

5. The International Labour Organization (ILO) noted that, in its observations adopted in 2018 under the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the ILO Committee of Experts on the Application of Conventions and



Recommendations had acknowledged the inclusion of legal provisions prohibiting discrimination on the basis of a number of grounds in employment and occupation in the new Labour Code (Labour Law No. 37/2015) as an important step in addressing the matters covered by the Convention.⁶

6. The United Nations Assistance Mission for Iraq (UNAMI) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) urged Iraq to amend the Criminal Code (Law No. 111 of 1969) or enact legislation to ensure that domestic courts had jurisdiction in relation to international crimes committed in Iraq. They also recommended that Iraq accede to the Rome Statute of the International Criminal Court and, as an immediate step, that it refer the specific situation in the country to the Court's jurisdiction pursuant to article 12 (3) of the Rome Statute.⁷

III. National human rights framework⁸

7. In 2015, the Committee against Torture recommended that the principle of the absolute prohibition of torture be incorporated into Iraqi legislation and be strictly applied, in accordance with article 2 (2) of the Convention against Torture, which stipulated that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, might be invoked as a justification of torture.⁹

8. The Human Rights Committee recommended that Iraq ensure that the High Commission for Human Rights was 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), that it had sufficient financial and human resources, that it was equally accessible to all persons throughout the State's territory and that all public authorities fully cooperated with it.¹⁰

9. In 2017, the Special Rapporteur on minority issues recommended that Iraq establish, in close consultation with minority communities, a comprehensive legal and policy framework for the protection of minorities, including the adoption of a law that was in conformity with the binding international human rights law to which Iraq was a party and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; that it establish an institutional framework dedicated to minorities; and that it undertake a population census at the earliest opportunity following the end of the conflict with the Islamic State in Iraq and the Levant (ISIL) and the return or resettlement of internally displaced and refugee communities.¹¹

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

A. Cross-cutting issues

1. Equality and non-discrimination¹²

10. The Human Rights Committee recommended that Iraq vigorously combat stereotypes about and negative attitudes towards persons on the basis of their sexual orientation or gender identity and ensure that all persons could fully enjoy all the human rights enshrined in the Covenant, including the right to peaceful assembly, irrespective of their sexual orientation or gender identity. It also recommended that Iraq effectively prevent acts of discrimination and violence against persons on the basis of their sexual orientation or gender identity and effectively investigate such acts, bring to justice perpetrators and compensate the victims. It further recommended that Iraq collect comprehensive data on cases of violence against persons on the basis of their sexual orientation or gender identity and 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 gender identity.¹³

2. Development, the environment, and business and human rights¹⁴

11. The Committee on Economic, Social and Cultural Rights recommended that Iraq, in cooperation with neighbouring countries, conclude agreements concerning the fair and equitable use of the river courses within its territory. It recommended developing a human rights-based strategy on drought preparedness, taking into consideration the national drought management policy guidelines of 2014, and taking effective steps, other than compensation for farmers, to assist those most affected by drought.¹⁵

3. Human rights and counter-terrorism¹⁶

12. The Human Rights Committee recommended that Iraq address the breadth of the definition of terrorism and ensure that any existing or new counter-terrorism legislation, including the draft law before the legislature, was fully compliant with the International Covenant on Civil and Political Rights and that measures taken to combat terrorism were fully compatible with the Covenant, did not include the mandatory imposition of the death penalty and were never abusively applied.¹⁷

B. Civil and political rights

1. Right to life, liberty and security of person¹⁸

13. In 2015, the Committee on Enforced Disappearances called on Iraq to consider establishing a single nationwide register of forcibly disappeared persons that provided exhaustive and detailed information about all cases perpetrated in the past, including the sex, age, nationality and ethnic group or religious affiliation of the disappeared person, the place and date of the disappearance and information that could help to determine whether the case was one of enforced disappearance.¹⁹

14. The Committee observed that, in five cases, the Iraqi Supreme Criminal Tribunal had convicted former senior regime officials for enforced disappearance as a crime against humanity in relation to offences perpetrated between 1968 and 2003. It regretted, however, not having received clarifications about the number of perpetrators that had been convicted and in relation to how many victims. Taking into consideration that, as affirmed by Iraq, enforced disappearance was widely used by the dictatorial regime, the Committee also regretted not receiving sufficient information about other investigations into enforced disappearances relating to the same period that were still under way. Furthermore, the Committee was concerned at allegations making reference to numerous cases of enforced disappearance reportedly perpetrated in Iraq since 2003 by State officials or militias acting with the authorization, support or acquiescence of State officials. In that respect, it regretted that it had not received information on reports of enforced disappearances submitted after 2003, investigations conducted and the outcomes thereof, including sentences handed down.²⁰

15. The Committee recommended that the Government ensure that all cases of enforced disappearance perpetrated in any territory under its jurisdiction were investigated thoroughly, impartially and without delay by an independent body, even if there had been no formal complaint; and that all those involved in the perpetration of an enforced disappearance, including military and civilian superiors and State officials giving their authorization, support or acquiescence to militias, were prosecuted and, if found guilty, punished in accordance with the gravity of their acts, even upon clarification of the fate and whereabouts of the disappeared person.²¹

16. The Committee on the Rights of the Child urged Iraq to promptly and independently investigate all allegations of torture and other cruel, inhuman or degrading treatment or punishment of children in order to avoid impunity for perpetrators, and ensure that evidence obtained through the use of torture be declared inadmissible; to establish a complaint mechanism accessible to children deprived of liberty and ensure that personnel working

with juvenile offenders were properly trained and informed about their role and responsibilities; and to provide child victims of torture and ill-treatment with the means of physical and psychological recovery, ensure their social reintegration and provide them with compensation.²²

17. The Committee on Economic, Social and Cultural Rights recommended that Iraq strengthen measures, including through technical cooperation with and international assistance from the United Nations Educational, Scientific and Cultural Organization (UNESCO) and other organizations, to stop destruction and looting of sites and objects with cultural heritage significance, and take steps to bring perpetrators to justice.²³

18. The Mine Action Service noted the vast contamination left behind, which demanded the continued effective and efficient collaboration with national mine action authorities for comprehensive mine action operations to ensure the safe and sustainable living conditions for host communities and returnees in both urban and rural areas, and the safe, sustainable, voluntary and dignified return of internally displaced persons to their areas of origin.²⁴

19. The Mine Action Service observed that the widespread explosive hazards contamination left behind from several violent conflicts inhibited freedom of movement and posed a threat to life for current inhabitants and an impediment to the safe and sustainable return of internally displaced persons. It welcomed the continued efforts of the Government to work effectively through its national mine action and security authorities to ensure freedom of movement in all areas.²⁵

20. In 2018, UNAMI and OHCHR noted that at least 202 reported mass grave sites had been discovered since 2014 in territory formerly controlled by ISIL and that it was anticipated that more graves might be discovered in the coming years.²⁶

21. UNAMI and OHCHR reported that they had monitored the situation of the Yazidi since the attack on Sinjar in August 2014. Individuals and families had rendered accounts of their terrified and chaotic flight from their homes and the horrors they had witnessed and experienced. In Ba'aj, Mosul, Tall Afar and other areas under ISIL control, many Yazidi had been killed during the initial attack and thousands had been captured. Men and women were systematically separated, with girls and young women often then further separated from the older women and forced into sexual slavery. Two individuals had repeatedly described how they had been subjected to forced labour and ill-treatment, mainly in Tall Afar District, Ninawa Governorate, while others had told of being trafficked into the Syrian Arab Republic and sold to ISIL members. Thousands of Yazidi remained missing. Furthermore, shrines and other sites of religious and cultural significance for the Yazidi had been deliberately and systematically destroyed by ISIL in an attempt to eradicate the religious, physical and material culture of the Yazidi people.²⁷

22. In 2017, UNAMI and OHCHR reported that large numbers of women and girls but also some men and boys, mainly from ethnic and religious communities, had been subjected to conflict-related sexual violence by ISIL. ISIL had subjected women, girls, men and boys to various forms of sexual violence, such as rape and sexual enslavement, physical and psychological violence and trafficking. Women and girls had suffered differentially from the impact of armed conflict in general; it had increased their vulnerability and impaired their access to basic humanitarian services, while their specific needs had been disregarded. Regardless of the efforts made, ensuring appropriate care and protection for women and girls remained challenging.²⁸

2. Administration of justice, including impunity, and the rule of law²⁹

23. The Human Rights Committee recommended that Iraq make more vigorous efforts to raise awareness about the International Covenant on Civil and Political Rights and its applicability in domestic law among judges, lawyers and prosecutors to ensure that its provisions were taken into account by the courts.³⁰

24. The Committee against Torture was concerned about the reported lack of independence, impartiality and adequate training of the judiciary, which hindered the full realization of human rights, such as the prohibition of torture and other cruel, inhuman and degrading treatment or punishment. It was also concerned about reports regarding

questionable judicial practices under the Anti-Terrorist Law of 2005 and the Code of Criminal Procedure, such as arrests without warrants, protracted pretrial detention, indefinite detention of suspects and convictions based on the testimony of secret informants.³¹

25. The Committee urged Iraq to ensure that the judiciary was fully independent, impartial and well-trained, in conformity with the Bangalore Principles of Judicial Conduct and other relevant international standards. In particular, the Government should reform and strengthen the judiciary to effectively address issues of impunity, victim redress and due process, in line with the Convention against Torture and the commitment made by Iraq during the universal periodic review in November 2014.³²

26. The Committee on the Elimination of Racial Discrimination urged the State to prioritize national reconciliation and transitional justice processes, including by establishing a strategy to address the human rights violations perpetrated by all parties to the armed conflict against ethnic and ethno-religious minorities in Iraq.³³

27. The Committee against Torture recommended that Iraq undertake prompt, thorough and impartial investigations into all allegations of torture and other ill-treatment, including enforced disappearances and summary executions, committed on any territory under its jurisdiction.³⁴

28. UNESCO called on Iraq to provide due accountability for war crimes relating to allegations of violations perpetrated during the period of ISIL occupation, starting with investigative work carried out by the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant. That would be crucial to shed full light on the impact of those crimes on the plural cultural identity of Iraq that could inform cultural and educational policies and programmes aimed at promoting social cohesion and peace.³⁵

29. UNAMI and OHCHR urged the Government to put an end to the human rights abuses being perpetrated by ISIL, in strict compliance with applicable international law, including international humanitarian law and international human rights law. They also urged the Government to protect civilians from the effects of such abuse and to investigate effectively, promptly, thoroughly and impartially all allegations of violations or abuses of international law and crimes and hold those responsible to account, making the findings public.³⁶

30. UNAMI and OHCHR recommended that information gathered as a result of mass grave investigations be expeditiously made available to judicial investigating authorities to facilitate prosecutions in accordance with international standards. They also recommended that the Government establish a public, centralized registry of missing persons that family and community members could both contribute and refer to for information and a federal office of missing persons.³⁷

3. Fundamental freedoms³⁸

31. UNESCO encouraged Iraq to introduce a freedom of information law in accordance with international standards. It recommended that the Government decriminalize defamation and insult and place those offences within the civil code in accordance with international standards.³⁹

32. The Human Rights Committee expressed concern at allegations that journalists and media workers had been subjected to attacks and intimidation by both State and non-State actors, and that they had been prevented by security forces from covering stories.⁴⁰ The Committee said that Iraq should increase its efforts to protect journalists and media workers against any kind of attack or intimidation, ensure that all human rights violations perpetrated against them were thoroughly investigated and that those responsible were brought to justice, and guarantee that officials avoided any interference with the legitimate exercise of the right to freedom of expression.⁴¹

33. UNESCO encouraged the Government to investigate the cases of journalists who had been killed and continue to voluntarily report on the status of judicial follow-up to UNESCO. It invited the Government to take advantage of the United Nations Plan of

Action on the Safety of Journalists and the Issue of Impunity as a means to strengthen protection of journalists.⁴²

4. Prohibition of all forms of slavery⁴³

34. The Committee on the Rights of the Child recommended that Iraq amend in its national legislation the definition of sale of children, which was similar but not identical to trafficking in persons, in order to implement adequately the provision on sale of children contained in the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.⁴⁴

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work⁴⁵

35. In 2015, the Committee on Economic, Social and Cultural Rights expressed concern about the rising unemployment rate, the fact that Roma and Black Iraqis were disproportionately represented among the unemployed and that internally displaced persons faced serious difficulties in accessing regular work. It was also concerned about the lack of disaggregated statistics on employment, including for persons with disabilities.⁴⁶

36. The Committee recommended that Iraq intensify its efforts to implement effectively its employment policy, making available work opportunities, in particular for the most disadvantaged and marginalized individuals and groups. It called on Iraq to step up efforts to ensure that employment quotas for persons with disabilities in both the public and the private sectors were effectively enforced, in line with Law No. 38 of 2013. Furthermore, the Committee requested that Iraq provide disaggregated statistics on the extent of unemployment in its next periodic report.⁴⁷

37. The Mine Action Service welcomed the labour law of 2015, which enshrined equality between the sexes. However, it recommended amendments to article 85 (2), which prevented women from engaging in employment that was “arduous” or “harmful to health”, thereby limiting their opportunities for economic empowerment.⁴⁸

2. Right to social security⁴⁹

38. In 2015, the Committee on Economic, Social and Cultural Rights called on Iraq to reduce poverty, including by adopting a human rights-based poverty reduction strategy that addressed the needs of disadvantaged and marginalized individuals and groups and by allocating sufficient funds for its implementation. In that regard, Iraq was referred to the Committee’s statement on poverty and the International Covenant on Economic, Social and Cultural Rights (E/C.12/2001/10).⁵⁰

3. Right to an adequate standard of living⁵¹

39. The Committee requested information on measures taken by Iraq to address more effectively the incidence of homelessness and forced evictions to which persons living in informal settlements were vulnerable. It recommended improving the housing conditions of internally displaced persons and ensuring that they had access to basic services. It also recommended further efforts to achieve long-term housing solutions for all displaced populations, as set out in the national housing policy and national strategy on longer-term shelter solutions.⁵²

40. The Mine Action Service stressed that a focus of clearance operations was damaged or destroyed key infrastructure, to enable the rehabilitation and reconstruction of essential services in retaken areas. Despite the clearance efforts, an estimated 130,000 residential homes in the retaken areas had been reported as damaged or destroyed and likely contained explosive hazards.⁵³

41. UN-Habitat observed that, before the start of the conflict in 2014, housing demands had been increasing due to the countrywide population increase, a lack of new investments

in the housing sector and unaffordable housing. It was estimated that more than 2 million housing units would be required to fulfil the demand by 2016.⁵⁴

42. UN-Habitat stated that, after the conflict, housing demands had increased rapidly and on a larger scale due to the total or partial damage of housing units in seven conflict-affected governorates. According to the UN-Habitat Iraq Programme, approximately 60,000 houses had been partially or heavily destroyed. The overall needs for reconstruction and recovery in the housing sector alone were \$17.4 billion, which complicated the needs of housing on a wider scale in Iraq.⁵⁵

4. Right to health⁵⁶

43. The Committee on Economic, Social and Cultural Rights recommended that Iraq gradually increase the health budget. It also recommended prioritizing interventions to restore emergency and essential primary and secondary health services, including in newly liberated areas, and ensuring the availability of life-saving emergency services for the affected populations. In that regard, the Committee drew the State's attention to its general comment No. 14 (2000) on the right to the highest attainable standard of health. The Committee further recommended that the State continue to seek technical cooperation, in particular, with the World Health Organization.⁵⁷

44. UNAMI and OHCHR urged Iraq to respect, protect and fulfil the right of women to access specific educational information to ensure the health and well-being of their families, including information and advice on family planning. UNAMI and OHCHR also called for support to be offered to pregnant women and girls covering the full range of their reproductive rights and for services to be made available to assist them with whatever choices they made.⁵⁸

45. The Mine Action Service remained troubled by the low levels of investment in the health sector but was encouraged by efforts to effectively survey and clear health-care facilities, such as the al-Shifa Hospital Complex in Mosul. It called for the Government to increase access to essential services, of which health care was a vital part.⁵⁹

5. Right to education⁶⁰

46. The Committee on Economic, Social and Cultural Rights called on Iraq to revise its educational curricula, with a view to reflecting the culture and heritage of all minorities in Iraqi society.⁶¹

47. UNESCO said Iraq should be encouraged to strengthen the educational system, including through an increased budget for the education sector, in line with the requirements of Sustainable Development Goal 4, and increase efforts to provide education in the Kurdistan Region. It should also be encouraged to extend the duration of compulsory primary and secondary education to at least 9 years and free primary and secondary education to at least 12 years, in accordance with international standards laid out in the Education 2030 Framework for Action.⁶²

48. UNESCO advised the progressive introduction of at least one year of compulsory and free pre-primary education, in accordance with the Education 2030 Framework for Action, and addressing the decrease in enrolment and attendance rates and the increase of school dropouts and illiteracy rates.⁶³

49. Furthermore, UNESCO said Iraq should be encouraged to eliminate discrimination against and promote access to education for marginalized groups; to provide access to education to migrants, refugees and internally displaced people; to promote gender equality and increase access of women and girls to education; and to eliminate harmful practices that hindered access to education and retention of girls, such as early marriages, by ensuring appropriate punishment for those who infringed the law.⁶⁴

D. Rights of specific persons or groups

1. Women⁶⁵

50. The Committee against Torture recommended that Iraq protect women and eliminate the impunity enjoyed by perpetrators of acts of sexual violence in the context of the armed conflict, whether State officials or non-State actors; conduct prompt, impartial and thorough inquiries; try the perpetrators of such acts and, if found guilty, sentence them to punishment commensurate with the gravity of their acts; and provide adequate redress to victims, including those fleeing ISIL-controlled areas, in particular ensuring that women fleeing such violence had access to shelter, medical and psychological care and rehabilitation and public services, and were able to access such services without discrimination on the basis of gender or other status.⁶⁶

51. The Human Rights Committee recommended that Iraq prevent and eradicate harmful practices that discriminated against women and girls, particularly early, “temporary” and forced marriages and female genital mutilation, including by generating public awareness about their negative effects. The State should also ensure that all forms of female genital mutilation were prohibited in all its territory and that relevant criminal legislation in the Kurdistan Region was efficiently enforced.⁶⁷

52. The Mine Action Service was encouraged by the continued training of women police officers to improve their skills and build their capacity to respond to field-based crises; however, it noted that women constituted only 2 per cent of the national police, which impeded the police from effectively protecting communities. It recommended that the Government increase efforts to empower women within its police security forces, as well as throughout all government bodies and institutions.⁶⁸

53. In 2015, the Committee on the Rights of the Child urged Iraq to apply a zero-tolerance policy towards gender-based crimes committed in the name of “honour” and ensure prompt and effective investigation into all cases. In particular, it urged Iraq to repeal without delay articles 409, 128, 130 and 131 of the Criminal Code and any other legal provisions that might be used or interpreted as permitting “honourable motives” to serve as a mitigating factor and ensure that the defence of “honour” might not be invoked under any circumstances and that perpetrators of gender-based violence and crimes committed in the name of “honour”, including extrajudicial killings, received sanctions commensurate with the gravity of their crimes.⁶⁹

54. The Human Rights Committee called on Iraq to prevent and combat all forms of violence against women and, in particular, to facilitate the reporting of cases of violence against women and promptly and thoroughly investigate all such cases, bring to justice perpetrators and ensure that victims had access to full reparation and means of protection.⁷⁰

2. Children⁷¹

55. The Committee on the Rights of the Child urged Iraq to prohibit corporal punishment explicitly in all settings and ensure that laws prohibiting corporal punishment were implemented effectively and that legal proceedings were initiated promptly and conducted systematically against those responsible for mistreating children.⁷²

56. The Committee noted with concern that existing policies and programmes were insufficient to address the root causes of the sale of children, child prostitution and child pornography, which included severe gender-based discrimination and violence, poverty, discrimination against children belonging to minorities, internal displacement and migration, lack of access to education and children being forced to live and/or work in the streets.⁷³

57. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict said that, in 2017, the United Nations had verified the recruitment and use of 109 children. The majority of cases were attributed to ISIL, which used children as combatants and suicide bombers, including in the Syrian Arab Republic (59). Many children had been abducted by ISIL for the purpose of recruitment and sexual abuse (32). The remaining children had been recruited and used by unidentified groups (35) and other

parties including the Kurdistan Workers' Party and other Kurdish armed groups. However, in 2018, recruitment and use of children had decreased as the Government of Iraq had consolidated its control over former ISIL-controlled territory.⁷⁴

58. The Committee on the Rights of the Child urged Iraq to provide specialized medical care for child victims of sexual violence, ensure timely medical care within 72 hours to reduce the risk of sexually transmitted diseases and infections, in particular HIV, and provide victims with access to emergency contraception and abortion services. It also urged Iraq to provide special psychological care to child victims of sexual violence and ensure their physical and psychological recovery and reintegration and to prosecute and punish perpetrators.⁷⁵

59. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict said that the detention of children on national security-related charges, including for association with armed groups, primarily ISIL, remained a key child protection concern. In 2017, at least 1,036 children (12 girls), including 345 in the Kurdistan Region, had been detained and, in 2018, over 900 children had been detained. There had been reports of lack of due process for children allegedly affiliated with ISIL and of ill-treatment and torture of children while in detention. Furthermore, 1,090 child casualties (killing and maiming) had been verified in 2017.⁷⁶

60. The Office of the Special Representative of the Secretary-General also reported that cases of sexual violence continued to be underreported, often due to stigma. In 2017, the country task force on monitoring and reporting verified cases of sexual violence against boys, as well as multiple cases of sexual violence against Yazidi girls and girls forced to marry ISIL fighters.⁷⁷

61. The Special Representative of the Secretary-General for Children and Armed Conflict urged all parties to the conflict to immediately cease all grave violations against children and to abide by their obligations under international law to protect children from all forms of violence, including by respecting the principles of distinction, proportionality and precaution, and encouraged Iraq to swiftly proceed with the signing of an action plan with the United Nations to end and prevent the recruitment and use of children by the popular mobilization forces.⁷⁸

62. In its observations adopted in 2018 under the Worst Forms of Child Labour Convention, 1999 (No. 182), the ILO Committee of Experts deeply deplored the current situation of children affected by armed conflict in Iraq, especially as it entailed other violations of the rights of the child, such as abductions, murders and sexual violence. It recalled that, under article 3 (a) of the Convention, the forced or compulsory recruitment of children under 18 years of age for use in armed conflict was considered to be one of the worst forms of child labour and that, under article 1 of the Convention, member States had to take immediate and effective measures to secure the elimination of the worst forms of child labour as a matter of urgency.⁷⁹

63. Furthermore, the ILO Committee of Experts once again expressed its deep concern at the practice of the detention and conviction of children for their alleged association with armed groups. In that regard, the Committee emphasized that children under the age of 18 years associated with armed groups should be treated as victims rather than offenders.⁸⁰

3. Persons with disabilities⁸¹

64. The Mine Action Service expressed alarm at the continued lack of consistent and quality care for victims and survivors of explosive hazards (as defined by the International Mine Action Standards) and of the specialized care required for women and girls, who often became secondary victims and caregivers, thus impinging on their opportunities for empowerment. The Mine Action Service urged the Government to ensure improved, indiscriminate and consistent provision of services to victims and survivors of explosive hazards accidents, in accordance with its commitments under the National Strategic and Executive Plan on Mine Action 2017–2021.⁸²

65. In 2018, the Committee on the Rights of Persons with Disabilities requested Iraq to indicate how disability was mainstreamed in gender equality legislation and policy, such as

the ongoing review of legislation by the sectoral committee chaired by the Minister of State for Women's Affairs and national strategies to empower women and combat gender-based violence, in order to change the current perception of women with disabilities in society. It also asked about measures taken to mainstream gender equality into disability-specific legislation and policy.⁸³

66. The Committee also enquired about progress in drafting the child protection bill and ensuring that it was in accordance with the Convention on the Rights of Persons with Disabilities. In particular, it wished to know how the bill ensured the full inclusion of children with disabilities in society, the development of individualized support services in local communities, inclusive education, support for families with children with disabilities, protection against neglect and abuse, and clear prospects for adult life.⁸⁴

4. Minorities and indigenous peoples⁸⁵

67. According to UNAMI and OHCHR, in August 2014, ISIL had swept across northern Iraq and, over the course of the attack, ISIL members had systematically targeted members of the Yazidi community, killing and capturing thousands in their villages located in Ninawa Governorate. Tens of thousands of residents had fled first to Sinjar Mountain, while many others had fled towards Dohuk Governorate of the Kurdistan Region of Iraq. Since that time, an estimated 360,000 Yazidi remained displaced, unable to return to their places of origin. They continued to live in dozens of camps for internally displaced persons or in host communities located throughout the Kurdistan Region of Iraq.⁸⁶

68. UNAMI and OHCHR expressed grave concern at the situation of civilians who remained in areas under ISIL control, particularly the approximately 3,500 women, girls and men, predominantly from the Yazidi community but also from a number of other ethnic and religious communities, who continued to be held captive by ISIL.⁸⁷

69. The Committee on the Elimination of Racial Discrimination called on the Government to guarantee the safety and security of members of all ethnic and ethno-religious groups, in consultation with the communities concerned; ensure the safety and security of internally displaced persons voluntarily returning to their location of origin; use all means available to ensure that Yazidis and others still being held captive by Daesh were rescued; address the root causes of inter-ethnic and interreligious violence and structural racial, ethnic and ethno-religious discrimination; and continue to promote tolerance, intercultural dialogue and respect for diversity, with a view to protecting the historic diversity of languages, religions, ethnicities and cultures in Iraq.⁸⁸

5. Internally displaced persons⁸⁹

70. The Mine Action Service noted that, in the Ninawa, Tall Afar, Mosul and Sinjar Governorates in particular, the clearance of homes before agricultural land and farms had prevented some internally displaced persons from returning. It urged the Government and relevant mine action authorities to ensure that a transparent conflict-sensitive mine action prioritization system was established with immediate effect.⁹⁰

71. In 2016, the Special Rapporteur on the human rights of internally displaced persons stated that internally displaced persons had a right to move freely and to seek safety, and that measures should be taken to facilitate that right, irrespective of a person's ethnic or religious identity.⁹¹ The Special Rapporteur also stated that, while legitimate security concerns required responses, they had to be temporary, have a legal basis and be non-discriminatory both in international humanitarian law and international human rights law.⁹²

Notes

¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Iraq will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/IQIndex.aspx.

² For the relevant recommendations, see A/HRC/28/14, paras. 127.1–127.21, 127.24–127.31, 127.33–127.35, 127.49, 127.67, 127.74–127.75, 127.78–127.81, 127.121 and 127.157.

³ UN-Habitat submission for the universal periodic review of Iraq, p. 1.

- ⁴ CERD/C/IRQ/CO/22-25, para. 8.
- ⁵ CED/C/IRQ/CO/1, para. 18.
- ⁶ ILO Regional Office for Arab States submission for the universal periodic review of Iraq, p. 1.
- ⁷ UNAMI and OHCHR, “A call for accountability and protection: Yazidi survivors of atrocities committed by ISIL”, August 2016, p. 19.
- ⁸ For relevant recommendations, see A/HRC/28/14, paras. 127.36–127.48, 127.50–127.56, 127.59–127.62, 127.65, 127.73, 127.76–127.77, 127.83–127.86, 127.88, 127.95, 127.102, 127.104, 127.106–127.120, 127.125–127.128, 127.130, 127.135–127.136, 127.146, 127.152–127.155, 127.159, 127.164–127.165, 127.167–127.168, 127.204, 127.214, 127.217 and 127.220–127.222.
- ⁹ CAT/C/IRQ/CO/1 and Corr.1, para. 10.
- ¹⁰ CCPR/C/IRQ/CO/5, para. 8.
- ¹¹ A/HRC/34/53/Add.1, para. 82 (a)–(b) and (e).
- ¹² For relevant recommendations, see A/HRC/28/14, paras. 127.90 and 127.98.
- ¹³ CCPR/C/IRQ/CO/5, para. 12.
- ¹⁴ For relevant recommendations, see A/HRC/28/14, paras. 127.64, 127.99, 127.176–127.177, 127.198, 127.207, 127.217–127.219 and 127.228.
- ¹⁵ E/C.12/IRQ/CO/4, para. 52.
- ¹⁶ For relevant recommendations, see A/HRC/28/14, paras. 127.100, 127.105, 127.216 and 127.221–127.229.
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- ⁸⁰ Ibid.
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- ⁸⁵ For relevant recommendations, see A/HRC/28/14, paras. 127.47, 127.59, 127.81, 127.98, 127.146, 127.149, 127.154, 127.162–127.164 and 127.196–127.205.
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