

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	1569
Land:	Irak
Kilde:	United Nations – Committee on the Elimination of Racial Discrimination
Titel:	Concluding observations on the combined twenty-sixth and twenty-seventh periodic reports of Iraq
Udgivet:	18. september 2024
Optaget på baggrundsmaterialet:	7. februar 2025



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
18 September 2024

Original: English

Committee on the Elimination of Racial Discrimination

Concluding observations on the combined twenty-sixth and twenty-seventh periodic reports of Iraq*

1. The Committee considered the combined twenty-sixth and twenty-seventh periodic reports of Iraq,¹ submitted in one document, at its 3093rd and 3094th meetings,² held on 14 and 15 August 2024. At its 3102nd meeting, held on 21 August 2024, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the combined twenty-sixth and twenty-seventh periodic reports of the State party. The Committee also welcomes the constructive dialogue with the high-level delegation and thanks the delegation for the information that it provided during the Committee's consideration of the reports.

B. Positive aspects

3. The Committee further welcomes the following legislative, institutional and policy measures taken by the State party:

(a) The adoption, in 2021, of the national human rights plan for the period 2021–2025, through Council of Ministers Decree No. 112 of 2021;

(b) The adoption, in 2021, of the Yazidi Female Survivors Act (Act No. 8 of 2021) to provide reparation for women belonging to ethnic and ethno-religious minority groups in the light of crimes against humanity and war crimes committed by Da'esh;

(c) The establishment of the Legal Review and Amendment Committee by the Supreme Judicial Council to propose amendments to the domestic legislative framework in order to incorporate international treaties signed or ratified by the State party;

(d) The adoption, in 2021, of the national plan for the return of internally displaced persons, to provide a general framework for the return process and ensure their integration, through Council of Ministers Decree No. 100 of 2021;

(e) The establishment, in 2021, of the Supreme Committee for the Relief of Displaced Persons, in accordance with the Council of Ministers Administrative Order No. 40 of 2021, to monitor the situation of internally displaced persons and ensure the provision of assistance to them.

* Adopted by the Committee at its 113th session (5–23 August 2024).

¹ CERD/C/IRQ/26-27.

² See CERD/C/SR.3093 and CERD/C/SR.3094.



C. Concerns and recommendations

Statistics

4. While noting the statistics provided by the delegation during the dialogue on non-citizens, the Committee is concerned about the lack of comprehensive statistics on the demographic composition of the population, disaggregated by ethnicity, including with regard to members of the Roma minority group, people of African descent, stateless persons and non-citizens, such as migrants and refugees, and on the socioeconomic situation of the various population groups. This lack limits the Committee's ability to properly assess the situation of such groups, including their socioeconomic status and any progress achieved by implementing targeted policies and programmes. Noting the information and explanation provided by the delegation that the population census will take place in October 2024, the Committee regrets that it will not include data on the ethnic composition of the population. The Committee notes with concern that the lack of data disaggregated by ethnicity is a barrier to the formulation and implementation of effective policies that consider the specific needs of the various groups (arts. 1, 2 and 5).

5. **Recalling its general recommendation No. 8 (1990) concerning the interpretation and application of article 1 (1) and (4) of the Convention, and its guidelines for reporting under the Convention,³ the Committee recommends that the State party collect and provide to the Committee comprehensive and disaggregated statistics on the demographic composition of the population, particularly on ethnicity, while respecting the principle of self-identification in the 2024 population census, together with statistics on the socioeconomic situation of ethnic and ethno-religious minority groups, including Roma, and of people of African descent, internally displaced persons, stateless persons and non-citizens, such as refugees and migrants, and on their access to education, employment, health care and housing, with a view to creating an empirical basis for assessing and monitoring the equal enjoyment of the rights enshrined in the Convention.**

Convention in the domestic legal order

6. The Committee notes the information provided on the establishment of the Legal Review and Amendment Committee by the Supreme Judicial Council to propose initiatives to harmonize the national legislation with international treaties signed or ratified by the State party, and on the proposed legislation to incorporate the Convention into the domestic legal order, which is still being considered by the Council of Representatives. The Committee is concerned that the status of the Convention, and its relation to domestic legislation, is unclear. It is also concerned about the lack of information on court cases in which the Convention's provisions were invoked or applied by the domestic courts (art. 2).

7. **Reiterating its previous recommendations,⁴ the Committee recommends that the State party expedite the adoption of legislation to fully incorporate the Convention into the domestic legal order and ensure that the Convention takes precedence over domestic legislation in case of conflict. It also recommends that the State party conduct training programmes and awareness-raising campaigns, in particular for judges, prosecutors, lawyers and law enforcement officials, to ensure that the provisions of the Convention are invoked when relevant by and before the domestic courts. It requests the State party to include in its next periodic report specific examples of the application of the Convention by the domestic courts.**

Prohibition of racial discrimination

8. The Committee notes the information provided on the legislative framework regarding equality and non-discrimination, particularly in accordance with article 14 of the Constitution. Nevertheless, the Committee regrets the lack of comprehensive anti-discrimination legislation containing an explicit definition of racial discrimination on all the grounds enumerated in article 1 of the Convention and expressly prohibiting structural,

³ CERD/C/2007/1.

⁴ CERD/C/IRQ/CO/22-25, para. 8.

direct, indirect and intersecting forms of discrimination in the public and private spheres (arts. 1, 2 and 5).

9. **Reiterating its previous recommendations,⁵ the Committee recommends that the State party adopt comprehensive anti-discrimination legislation that contains a clear definition of racial discrimination and encompasses structural, direct, indirect, and intersecting forms of discrimination in both the public and the private spheres, in accordance with article 1 of the Convention.**

National human rights institution

10. The Committee welcomes the information that the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions accredited the High Commission for Human Rights with A status in June 2021. However, the Committee is concerned about the lack of measures taken to amend the legislative framework to ensure a transparent, participatory and merit-based process for the selection of commissioners that guarantees the institution's independence. It is also concerned about the lack of commissioners since 2021, notwithstanding the information provided by the delegation that the selection process is ongoing. The Committee is further concerned that the Council of Ministers, through its resolution No. 23516 of 2023, made the Minister of Justice responsible for overseeing the administrative and financial matters of the High Commission (art. 2).

11. **Reiterating its previous recommendations,⁶ and recalling its general recommendation No. 17 (1993) on the establishment of national institutions to facilitate the implementation of the Convention, the Committee recommends that the State party amend the legislative framework concerning the High Commission for Human Rights to ensure that it is able to carry out its mandate in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including by introducing and implementing a transparent, participatory and merit-based process for the selection of commissioners and by repealing the decision of the Council of Ministers whereby the Minister of Justice was made responsible for overseeing the High Commission. It also recommends that the State party expedite the process of selecting the commissioners.**

Complaints of racial discrimination

12. The Committee notes the information that specialized courts for human rights have been established under each appeal court and that these courts are considering more than 1,400 cases related to torture, ill-treatment and gender-based violence. However, the Committee is concerned about:

(a) The lack of information on the mandate of the specialized courts for human rights, particularly in relation to cases of racial discrimination, on complaints of racial discrimination filed with national courts and on investigations, prosecutions, convictions and sanctions relating to cases of racial discrimination;

(b) The low number of complaints of racial discrimination received by the High Commission for Human Rights, with only one complaint related to racial discrimination since 2019, recalling that an absence of complaints and legal action relating to racial discrimination may reveal a lack of suitable legislation, poor awareness of the legal remedies available, a lack of trust in the judicial system, a fear of reprisals or a lack of will on the part of the authorities to prosecute the perpetrators of such acts;

(c) The lack of measures taken, in accordance with the Committee's previous recommendations,⁷ to address the low level of complaints of racial discrimination (arts. 6 and 7).

⁵ Ibid., para. 10.

⁶ Ibid., para. 12.

⁷ Ibid., para. 16.

13. The Committee draws the State party's attention to its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, and recommends that the State party:

(a) Take measures to assess the effectiveness of remedies available to groups vulnerable to racial discrimination such as members of ethnic and ethno-religious minority groups (including Roma), people of African descent and non-citizens, facilitate the filing of complaints on racial discrimination and ensure the accessibility and availability of reporting channels to victims;

(b) Conduct training programmes for police officers, prosecutors and law enforcement officials on the identification and registration of incidents of racial discrimination;

(c) Undertake public education campaigns on the rights enshrined in the Convention and on how to file complaints of racial discrimination, particularly among members of ethnic and ethno-religious minority groups (including Roma), people of African descent and non-citizens;

(d) Collect statistics, disaggregated by age, gender and ethnicity, on complaints of racial discrimination submitted to the national courts, including the specialized courts for human rights, and to the High Commission for Human Rights, on investigations and prosecutions undertaken, convictions handed down and sanctions imposed, and on reparations provided to victims, and include those statistics in its next periodic report.

Hate speech and hate crimes

14. The Committee notes the information provided by the delegation on the drafting of a bill on combating racist hate speech and hate crimes, pursuant to article 7 of the Constitution, and the creation of a ministerial committee at the Office of the Prime Minister to combat hate speech. While noting the information provided on the legal framework to combat hate speech and hate crimes, particularly article 372 of the Criminal Code (Act No. 111 of 1969), the Committee is concerned:

(a) That the legislative framework does not contain provisions that expressly criminalize racist hate speech and hate crimes in accordance with article 4 of the Convention and on all the grounds of discrimination recognized under article 1 of the Convention;

(b) About reports of the prevalence of hate speech and of the dissemination of negative stereotypes against members of ethnic and ethno-religious minority groups (including Roma), people of African descent, stateless persons and non-citizens, including in the media and on the Internet and social media, notwithstanding the measures taken by the State party to combat hate speech in the media and on the Internet;

(c) About reports of the use of racist hate speech by politicians and by public figures;

(d) About the lack of information, including statistics, on complaints filed, investigations and prosecutions undertaken, convictions handed down and sanctions imposed against those responsible (arts. 4, 6 and 7).

15. Reiterating its previous recommendations,⁸ and recalling its general recommendations No. 7 (1985) relating to the implementation of article 4 of the Convention, No. 15 (1993) on article 4 of the Convention and No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party:

(a) Expedite the adoption of the bill on combating racist hate speech and hate crimes and ensure that it explicitly criminalizes racist hate speech and hate crimes in accordance with article 4 of the Convention and includes all the grounds of discrimination recognized in article 1 of the Convention;

⁸ Ibid., para. 14.

(b) **Take measures to monitor and address the spread of racist hate speech in the media and on the Internet and social media, in close cooperation with media outlets, Internet service providers and social media platforms;**

(c) **Condemn any form of hate speech, distance itself from racist hate speech expressed by politicians and other public figures and ensure that such acts are investigated and appropriately sanctioned;**

(d) **Conduct training programmes for police officers, prosecutors and law enforcement officials on the identification and registration of incidents of racist hate speech and hate crimes;**

(e) **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 next periodic report.**

Racial profiling and racially motivated police violence

16. The Committee notes the information provided by the delegation during the dialogue on the code of conduct for law enforcement officials and the information on complaints and investigations against offences and violations committed by law enforcement officials. Nevertheless, the Committee is concerned that the legislative framework on law enforcement does not explicitly prohibit racial profiling, and that detailed information has not been provided on measures taken to combat racial profiling and racially motivated police violence (art. 4).

17. **Recalling its general recommendation No. 36 (2020) on preventing and combating racial profiling by law enforcement officials, the Committee recommends that the State party:**

(a) **Review its legislative framework on law enforcement to explicitly prohibit and prevent racial profiling by law enforcement officials during police stops, identity checks and other police operations, and racially motivated police violence;**

(b) **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;**

(c) **Collect and include in its next periodic report data on complaints of racial profiling and racially motivated police violence, on investigations, prosecutions, convictions and sanctions, and on reparations provided to victims.**

Transitional justice

18. The Committee welcomes the various measures taken by the State party under the transitional justice process following the armed conflict with Da'esh. In particular, the Committee welcomes the adoption of the Yazidi Female Survivors Act to provide reparation for women belonging to ethnic and ethno-religious minority groups affected by the armed conflict, including as victims of slavery, abduction and sexual and gender-based violence, including rape, the financial allocation for its implementation between 2022 and 2025, and the information provided on investigations into violations and abuses committed by members of Da'esh and prosecutions before the specialized courts, notwithstanding the remaining cases. However, the Committee is concerned about:

(a) Reports of the high number of women survivors of grave human rights violations and abuses whose applications under the Yazidi Female Survivors Act are still being considered; reports that a criminal complaint may be required in order to submit such an application, which may lead to the retraumatization of the women survivors; and reports of lack of acceptance and inclusion of Yazidi child survivors in their communities;

(b) The delay in adopting the bill to amend the Supreme Iraqi Criminal Tribunal Act (Act No. 10 of 2005), to grant domestic courts jurisdiction over genocide, crimes against humanity and war crimes;

(c) The lack of information on investigations and prosecutions of human rights violations and abuses perpetrated by the Iraqi security forces and affiliated militia in the context of the armed conflict with Da'esh and counter-terrorism measures;

(d) Reports of low levels of representation of members of ethnic and ethno-religious minority groups in transitional justice institutions;

(e) The lack of information on measures taken to address the root causes of inter-ethnic and interreligious violence and structural racial, ethnic and ethno-religious discrimination (arts. 1–7).

19. Reiterating its previous recommendations,⁹ the Committee recommends that the State party strengthen its efforts to foster reconciliation and achieve transitional justice. In particular, the Committee recommends that the State party:

(a) 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 does not lead to retraumatization of the women survivors, and address the exclusion of Yazidi child survivors;

(b) Expedite the adoption by the Council of Representatives of the bill to criminalize genocide, war crimes and crimes against humanity and grant jurisdiction to domestic courts to prosecute those crimes;

(c) 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 do not discriminate against ethnic and ethno-religious minority groups;

(d) Ensure the effective and meaningful participation and representation of ethnic and ethno-religious minority groups in the national processes for reconciliation and transitional justice, particularly in transitional justice institutions;

(e) Take effective measures to address the root-causes of inter-ethnic and interreligious violence and structural racial, ethnic and ethno-religious discrimination.

Internally displaced persons

20. The Committee notes the information provided by the delegation on the implementation of the national plan for the return of internally displaced persons, the closure of various camps in the State party and support provided for the resettlement and reintegration of returnees. Nevertheless, the Committee is concerned:

(a) About the decision to close all camps by the end of 2024, which may lead to the forcible or involuntary return of internally displaced persons belonging to ethnic and ethno-religious minority groups;

(b) That areas of origin of the internally displaced persons have been destroyed as a result of the armed conflict, and have inadequate infrastructure, substandard living conditions and a lack of basic services and security;

(c) About reports that some internally displaced persons may face stigmatization and marginalization by the communities upon their return to the areas of origin owing to their perceived ties to Da'esh (arts. 2 and 5).

⁹ Ibid., para. 18.

21. **The Committee recommends that the State party:**

(a) **Take effective measures to ensure that the process of returning internally displaced persons or resettling them to new areas is conducted safely and on a genuinely voluntary basis, while ensuring the effective and meaningful participation in the process and consultation of internally displaced persons belonging to ethnic and ethno-religious minority groups;**

(b) **Take measures to ensure the reintegration of internally displaced persons and the provision of basic services in their areas of origin, to reconstruct their communities and tackle the damage caused to their lives and property, to combat stigmatization and to ensure their enjoyment, without discrimination, of the rights protected under the Convention, particularly the rights to education, health care, employment and housing.**

Minority groups in public and political life

22. The Committee notes the information provided by the delegation on the quota system, pursuant to the provisions of the Elections Act (Act No. 9 of 2020). However, the Committee is concerned:

(a) That the quota system at the federal and regional levels does not allow for adequate political representation of ethnic and ethno-religious minority groups, proportional to their real demographic weight in society, particularly pursuant to the provisions of the Constitution;

(b) That several ethnic and ethno-religious minority groups, including Roma, and people of African descent are not included under the quota system and thus not represented in the Council of Representatives or at the regional level;

(c) That the level of representation of ethnic and ethno-religious minority groups under the quota system is set to be reduced from 11 to 5 seats in the Parliament of the Kurdistan Region ahead of the elections scheduled for October 2024, following decisions by the Federal Supreme Court, on 21 February 2024, and the Independent High Electoral Commission;

(d) About the inadequate representation of ethnic and ethno-religious minority groups, including Roma, and people of African descent in law enforcement agencies, public administration and the judiciary, particularly in senior and decision-making positions (arts. 2 and 5).

23. **Reiterating its previous recommendations,¹⁰ the Committee recommends that the State party:**

(a) **Review its legislative framework, including the Elections Act, to improve the quota system to ensure the adequate representation of all ethnic and ethno-religious minority groups, including Roma, and people of African descent in federal and regional elective bodies, while ensuring the effective and meaningful participation of and consultation with members of ethnic and ethno-religious minority groups and people of African descent;**

(b) **Take measures to ensure fair and equitable representation of ethnic and ethno-religious minority groups, including Roma, and people of African descent, particularly women, in the public sector and in decision-making and high-ranking positions, including through special measures and by identifying and removing the barriers that members of ethnic and ethno-religious minority groups face in this respect.**

Right to education

24. The Committee notes that the legislative framework guarantees education in the languages of ethnic and ethno-religious minority groups in public schools, pursuant to article 4 of the Constitution and the provisions of the Official Languages Act (Act No. 7 of

¹⁰ Ibid., para. 26.

2014) and the Kurdistan Region Official Languages Act (Act No. 6 of 2014). However, the Committee is concerned about reports of challenges in access to education in the languages of ethnic and ethno-religious minority groups, the low number of qualified teachers and the inadequate level of resources allocated to schools in which mother-tongue education is offered. It is also concerned about reports of the prevalence of disparities in access to education, particularly among Roma and people of African descent (arts. 1, 2 and 5).

25. The Committee recommends that the State party strengthen its efforts to effectively guarantee the right to education without discrimination and ensure equal access to education for all ethnic and ethno-religious minority groups, particularly Roma, and people of African descent. It also recommends that the State party take measures to ensure access to mother-tongue education for children belonging to ethnic and ethno-religious minority groups, increase the human, technical and financial resources allocated to high-quality instruction in the languages of ethnic and ethno-religious minority groups and improve school infrastructure.

Right to health

26. The Committee is concerned about reports that members of ethnic and ethno-religious minority groups, particularly Roma, and people of African descent face barriers in their enjoyment of the right to health, in particular with regard to access to health-care services, owing to the inadequate and limited infrastructure in areas inhabited mainly by them. It is also concerned about reports of discriminatory treatment by medical personnel and reports of high rates of infant mortality (arts. 1, 2 and 5).

27. The Committee recommends that the State party strengthen its efforts to ensure that persons from ethnic and ethno-religious minority groups, including Roma, and people of African descent have adequate and gender-responsive access to health-care services, including by increasing the availability of health-care facilities in areas inhabited mainly by them, and take measures to reduce infant mortality. It also recommends that the State party take measures to combat racial discrimination against members of ethnic and ethno-religious minority groups, including Roma, and people of African descent in the health-care system, including by conducting training aimed at raising awareness among medical personnel to eliminate racially discriminatory acts or practices.

People of African descent

28. The Committee is concerned about the lack of measures taken to address and combat structural discrimination, marginalization and stigmatization targeting people of African descent, which impedes their enjoyment of the rights protected under the Convention. It remains concerned that people of African descent are facing extreme poverty and discrimination in the enjoyment of their rights to education, health and employment. The Committee is concerned about reports of substandard living conditions faced by people of African descent in informal settlements with no proper infrastructure or basic services (arts. 1, 2 and 5).

29. Recalling its general recommendations No. 32 (2009) on the meaning and scope of special measures in the Convention and No. 34 (2011) on racial discrimination against people of African descent, the Committee recommends that the State party take effective measures, including special measures, to combat structural racial discrimination, stigmatization and marginalization targeting people of African descent, to reduce poverty and social exclusion among them and to increase their access to adequate living conditions, education, health care and employment. It also recommends that the State party provide effective solutions to housing problems faced by people of African descent, including by improving infrastructure and providing basic services.

Roma

30. The Committee is concerned about the lack of information and official statistics on the situation of the Roma community in the State party, particularly on their social and economic situation. It remains concerned about the marginalization and discrimination faced

by Roma, who are reportedly affected by extreme poverty, high levels of unemployment and low levels of education among children. The Committee is concerned about reports that members of the Roma community do not hold unified national identity documents, which exposes them to discrimination in access to education, health care, housing and employment (arts. 2 and 5).

31. Recalling its general recommendations No. 27 (2000) on discrimination against Roma and No. 32 (2009) on the meaning and scope of special measures in the Convention, the Committee recommends that the State party take effective measures, including special measures, to address the extreme poverty, marginalization and structural discrimination faced by Roma and to ensure their access to education, employment, health care and housing. It also recommends that the State party ensure that all members of the Roma community are granted unified national identity documents. The Committee further recommends that the State party include, in its next periodic report, statistics about Roma, particularly concerning their economic, social and cultural situation.

Stateless persons

32. While noting the information provided on the draft amendments to the Iraqi Nationality Act (Act No. 26 of 2006), the Committee notes with concern that these amendments were not adopted, and that no other measures have been taken to simplify the reinstatement of Iraqi citizenship to Feyli Kurds. It is concerned that Feyli Kurds still face administrative obstacles to the reinstatement of their citizenship owing to burdensome requirements for applicants. The Committee is also concerned about the lack of a policy to combat statelessness (arts. 2 and 5).

33. Reiterating its previous recommendations,¹¹ the Committee recommends that the State party take effective measures, including by amending the legislative framework on nationality, to facilitate the process of reinstating Iraqi citizenship to Feyli Kurds and removing all administrative obstacles throughout the process. It also recommends that the State party adopt and implement a policy to combat statelessness.

34. The Committee is concerned about:

(a) Reports that members of ethnic and ethno-religious minority groups, particularly non-Muslims, are reluctant to obtain unified national identity documents or birth certificates for their children as they are arbitrarily registered as Muslims in the civil registry system, which leads to discrimination and stigmatization by their communities, the risk of statelessness and discrimination in the enjoyment of the rights protected under the Convention;

(b) Reports of shortcomings in the administration of the civil registry system, in particular the complex procedures and requirements for obtaining unified national identity documents in the case of members of ethnic and ethno-religious minority groups, including Roma, and internally displaced persons who have lost their documents or lack them, which leads to discrimination in access to employment, education, health care and other basic services and the risk of statelessness;

(c) The lack of measures taken to address the discriminatory practice of, in the absence of paternity documents, automatically registering children born of rape to Yazidi women who were held captive by Da'esh and children born to non-Muslim mothers and undocumented or deceased fathers as Muslims, leading to stigmatization and rejection by their communities and the risk of statelessness;

(d) The lack of a dedicated determination procedure in relation to statelessness (arts. 2 and 5).

35. The Committee recommends that the State party:

(a) **Review its legislative framework on civil registration to address the arbitrary and automatic registration of members of ethnic and ethno-religious minority**

¹¹ Ibid., para. 34.

groups as Muslims, including in the case of children born to non-Muslim mothers where the father is unknown or uninvolved in the life of the child, in particular children born of rape to Yazidi women who were held captive by Da'esh;

(b) Take effective measures to address the administrative shortcomings of the civil registry system and complex procedures and requirements to prevent statelessness, while taking into account the situation of members of ethnic and ethno-religious minority groups, including Roma, and internally displaced persons who have lost their documents or lack them;

(c) Establish a dedicated and effective determination procedure in relation to statelessness.

Refugees, migrants and asylum-seekers

36. The Committee notes the information provided about the Political Refugee Act (Act No. 51 of 1971) as a legal framework in relation to the protection of refugees in the State party. However, the Committee is concerned about the lack of information on measures taken to finalize and adopt the draft refugee legislation, as previously recommended by the Committee.¹² It is also concerned about the lack of an asylum procedure, impeding the enjoyment by persons in need of international protection, including protection against refoulement, of their fundamental rights. It is further concerned about reports of the deportation and forcible return of refugees and migrants in need of international protection, in violation of the principle of non-refoulement. The Committee is concerned about reports that refugees and migrants are facing difficulties and delays in renewing their residency documents, leading to obstacles in access to education, employment and health care (arts. 2 and 5).

37. Recalling its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party:

(a) Adopt the draft refugee legislation and ensure that it provides an adequate legal framework for the protection of refugees and asylum-seekers and establishes an asylum procedure, in accordance with internationally recognized standards, including the principle of non-refoulement;

(b) Take effective measures to address undue delays and obstacles faced by refugees and migrants in renewing their residency documents;

(c) Refrain from deporting, returning or extraditing any individuals, regardless of their status and in accordance with the principle of non-refoulement, when there are substantial grounds for believing that they would be at risk of irreparable harm upon return on account of torture, ill-treatment or other serious violations of human rights;

(d) Conduct investigations into cases of deportation, extradition and forcible return of migrants and refugees by law enforcement agencies.

Migrant workers

38. The Committee notes the information provided by the delegation on the situation of migrant workers and on labour inspections that have been carried out by the Kurdistan Regional Government. Nevertheless, the Committee is concerned about reports that migrant workers are still subjected to discrimination, including with regard to remuneration, and face harsh working conditions, abuse and exploitation. The Committee is also concerned about the barriers faced by migrant workers who are victims of racial discrimination, particularly migrants in an irregular situation, in access to justice and remedies (art. 5).

39. Reiterating its previous recommendations,¹³ the Committee recommends that the State party take effective measures to combat abuse and exploitation of migrant workers, including by assessing and reviewing the legislative framework on the

¹² Ibid., para. 38 (a).

¹³ Ibid., para. 32.

employment of migrant workers to reduce their vulnerability to exploitation and abuse, particularly by their employers. It also recommends that the State party take measures to ensure access to justice for migrant workers, irrespective of their status, and conduct awareness-raising campaigns among migrant workers on their rights and on existing remedies.

Training, education and other measures to combat prejudice and intolerance

40. The Committee notes the information provided by the delegation on the integration of human rights into school curricula and the teaching of human rights topics at universities. It also notes the measures taken with regard to the promotion of understanding and tolerance in the education system. However, the Committee is concerned about the prevalence of racist stereotypes and stigmatization in the State party, which have a negative impact on inter-ethnic relations (art. 7).

41. The Committee recommends that the State party increase its efforts to conduct public awareness-raising campaigns, with measurable outcomes, targeting the general public, civil servants, law enforcement officials and members of the judicial authorities on the promotion of ethnic and cultural diversity, tolerance, inter-ethnic understanding and respect for diversity.

D. Other recommendations

Ratification of other treaties

42. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization. The Committee encourages the State party to accede to the Convention relating to the Status of Refugees and the Protocol thereto, the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

Declaration under article 14 of the Convention

43. The Committee encourages the State party to make the optional declaration provided for in article 14 of the Convention recognizing the competence of the Committee to receive and consider individual complaints.

Follow-up to the Durban Declaration and Programme of Action

44. In the light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

International Decade for People of African Descent

45. In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015–2024 the International Decade for People of African Descent, and Assembly resolution 69/16 on the programme of activities for the implementation of the International Decade, and considering that the International Decade is in its final year, the Committee requests the State party to include in its next periodic report information on the outcome of the measures taken to implement the programme of activities and on the sustainable measures and policies put in place in collaboration with people of African descent and their organizations, taking into account the Committee's general recommendation No. 34 (2011) on racial discrimination against people of African descent.

Consultations with civil society

46. The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

Dissemination of information

47. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly made available to all government bodies entrusted with the implementation of the Convention, including at the regional level, in the official and other commonly used languages, as appropriate.

Common core document

48. The Committee encourages the State party to update its common core document, which dates to September 2019, in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies, held in June 2006.¹⁴ In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for such documents.

Follow-up to the present concluding observations

49. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 13 (b) (Complaints of racial discrimination), 15 (b) (hate speech and hate crimes) and 37 (d) (refugees, migrants and asylum-seekers) above.

Paragraphs of particular importance

50. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 13 (complaints of racial discrimination), 15 (hate speech and hate crimes), 17 (racial profiling and racially motivated police violence) and 19 (transitional justice) above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

¹⁴ [HRI/GEN/2/Rev.6](#), chap. I.

Preparation of the next periodic report

51. The Committee recommends that the State party submit its combined twenty-eighth to thirtieth periodic reports, as a single document, by 15 March 2029, taking into account the reporting guidelines adopted by the Committee during its seventy-first session¹⁵ and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.

¹⁵ [CERD/C/2007/1](#).