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Summary record of the 3848th meeting

Held at the Palais des Nations, Geneva, on Tuesday, 8 March 2022, at 10 a.m.

Chair: Ms. Pazartzis

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Sixth periodic report of Iraq (continued) (CCPR/C/IRQ/6; CCPR/C/IRQ/Q/6;
CCPR/C/IRQ/RQ/6)

1. *At the invitation of the Chair, the delegation of Iraq joined the meeting.*
2. **The Chair** invited the delegation to continue replying to the questions raised by Committee members at the previous meeting.
3. **Mr. Roudan** (Iraq), speaking via video link, said that a committee, whose members included the President of the Court of Appeal and the director of the Judicial Training Institute, was responsible for appointing judges, subject to a range of criteria that included three years' experience in the legal profession and Iraqi nationality by birth. A disciplinary committee ruled on the dismissal of judges, and its decisions must be endorsed by the Supreme Judicial Council and the President. The judiciary bore sole responsibility for the selection, removal and transfer of judges, with no interference from any other authority.
4. **Mr. Salim** (Iraq), speaking via video link, said that the Directorate for Family and Child Protection from Domestic Violence had received complaints of domestic violence from victims across the country since its inception. It offered 24-hour assistance to victims and examined them for physical signs of violence so as to produce forensic reports for the competent authorities. The Directorate had set up camps for the victims of the atrocities committed by Islamic State in Iraq and the Levant (ISIL), including unaccompanied children, child victims of torture and women who had been subjected to forced marriage. Victims received food, health care, educational services, legal assistance and assistance in obtaining identity documents. No complaints of rape from women in the camps had been recorded.
5. **Mr. Al-Quraishi** (Iraq), speaking via video link, said that, in an effort to facilitate voting by the 120,000 internally displaced persons who had the right to vote, the Independent High Electoral Commission had been assisted by the Ministry of Migration in drawing up a list of all internally displaced persons in the country and had dispatched mobile teams to the camps housing them. During elections, more than 300 polling stations had been set up in and around the camps, and transportation to them had been provided for residents of the camps where necessary.
6. **Mr. Abo Senah** (Iraq), speaking via video link, said that more than 650 death sentences had been commuted in recent years, and an executive order issued in 2020 had allowed a special amnesty to be granted in around 140 cases. Work was under way to expand and refurbish detention facilities in an effort to resolve the persistent problem of prison overcrowding. Legislation adopted in 2018 allowed for unannounced visits to all prisoners; 80 such visits had taken place to date.
7. There were 14 French nationals in custody; the majority of them were facing the death penalty, while the rest had been sentenced to life imprisonment. All received visits from their relatives, French embassy staff and other bodies, and there was no record of any of them having been subjected to torture.
8. **Mr. Al-Obaidi** (Iraq), speaking via video link, said that the family of Ali Jasib Hattab Al Heliji had not submitted any request for witness protection. The Constitution struck a balance between sharia and human rights standards, and the Constitutional Court was responsible for ensuring harmony between the two. Regarding the reference to damage to property in the legal definition of terrorism, the demolition of certain buildings was an act deliberately designed to undermine the country's social fabric and so could be considered an act of terrorism. The country's accession to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was under consideration pending the establishment of a number of human rights bodies and accession to other international instruments. There were plans to extend the already extensive powers of the Iraqi High Commission for Human Rights to enable it to undertake individual visits to persons deprived of liberty.

9. **Mr. Zebari** (Iraq), speaking via video link, said that the flow of migrants and internally displaced persons through the Kurdistan Region had increased the area's population by more than 20 per cent, creating a significant economic burden that had been exacerbated when those individuals had begun to return to their places of origin. The local authorities met the majority of their needs, with a degree of assistance from United Nations agencies and other States. Work was under way to ensure their safety, for example through the prohibition of weapons for all but the security and police forces. Migrants and internally displaced persons enjoyed freedom of movement within the camps that housed them, where specific measures to guard against violence and attacks by ISIL had been adopted. Children could attend local schools, and the authorities had worked with the United Nations Children's Fund to provide vaccinations against coronavirus disease (COVID-19). Women in the region had benefited from a number of recent legislative amendments, for example to combat so-called "honour crimes" and enhance the assistance provided in cases of divorce, of which there had been 11,000 in 2020. The high rate of domestic violence in the Kurdistan Region had prompted the adoption of special protection measures for women there.

10. **Mr. Yigezu** said that he would welcome updated, yearly statistics from the State party's human trafficking database, along with information on the results of the National Plan to Combat Human Trafficking and on the alleged use of forced and temporary marriage to traffic women within the State party and to neighbouring countries. He wondered whether the State party's sole shelter for victims of trafficking had been refurbished and whether the Government planned to build others. Several of the State party's legal provisions contravened the Covenant's guarantees of freedom of religion and belief, including provisions on marriage between Muslims and non-Muslims that discriminated on the basis of gender and the National Unified Identity Card Act, which did not grant Muslims the right to convert and forced the children of Muslim converts to Christianity to continue to study and practise Islam at school. He wondered why such discriminatory laws, which were incompatible with both the Covenant and the Constitution, remained in force, and whether there were plans to repeal them. The Committee had received reports that the State party refused to recognize some religious groups, including evangelical churches, and he wished to know what those groups' legal status was, why they had been denied recognition, and whether the State party would take steps to ensure that the registration of religious organizations was based on clear, objective criteria in line with its obligations under the Covenant. Lastly, he asked whether the State party planned to repeal legislation that prohibited the practice of the Baha'i faith.

11. **Mr. Ben Achour** said that article 43 of the Criminal Code could restrict freedom of expression. Reports from civil society organizations indicated that the authorities had placed arbitrary restrictions on freedom of opinion in an attempt to limit opposition parties' activities, that in 2019 they had closed down radio and television stations and that they had prosecuted several journalists. With reference to the human rights violations mentioned in paragraph 23 of the list of issues, he wished to know whether and how much compensation had been awarded to the victims or their families. He would be grateful for information on the outcome of the prosecution of officials alleged to have committed offences during the demonstrations in 2019. Did the State party intend to pursue the policy of prosecuting officials who had injured or killed demonstrators? He wondered whether the delegation could comment on reports that, despite the fact that counter-terrorism laws should not be used to punish demonstrators or members of opposition parties, the federal Counter-Terrorism Act had been applied to persons who had taken part in the demonstrations between October and December 2019.

12. While the State party's efforts to promote equality between men and women and boost women's political representation had clearly borne fruit in parliament, the judiciary, academia, the diplomatic corps and the armed forces, he would like to know what proportion of senior civil service positions were held by women.

13. Lastly, he asked whether the State party had any plans for securing the political participation of Iraqi women of African descent by establishing a quota for them, as had been done for other ethnic minorities.

14. **Mr. Muhumuza** said that he was curious to know what the State party had done to guarantee the safety of all citizens when they exercised their right of freedom of expression.

He would like to have precise details of any cases in which State officials who had violated that right had been held to account, as well as a description of any penalties imposed.

15. He would appreciate information on the status of investigations into the abduction of persons who had taken part in the 2019 protests. He would like to know whether any of those missing persons had been found, whether any of the perpetrators had been apprehended and brought before courts of law, and whether the delegation considered that justice had been served.

16. He would like to receive a description of the measures taken to investigate violence against, and the abduction or killing of, journalists. Had the bill on freedom of expression and opinion, assembly and peaceful protest been enacted by the Council of Representatives? Could the State party comment on the provisions of the Criminal Code that criminalized freedom of expression? What could be done to guarantee freedom of expression and opinion? He would like to know whether justice had been done in the cases of Hisham Fares Al-Adhami and Ahmed M. Al-Lami. He would also like to know whether it was true that Iranian-backed militias had been responsible for shooting protesters. What were the findings of any investigations into those shootings? Lastly, he would be interested to hear what steps had been taken to guarantee the right of freedom of peaceful assembly.

17. **Ms. Sancin** said that she would be grateful for an update on progress on amending the Juvenile Welfare Act and wondered whether there were any plans to raise the age of criminal responsibility, both at the national level and in the Kurdistan region, to an age consonant with internationally accepted standards. She would like to have up-to-date figures, disaggregated by sex and age, on the number of persons under 18 years of age who were currently in pretrial detention. She would be grateful for details of how the legislative framework setting the age of marriage at 18 was being implemented in reality, in light of reports that the practice of early, “temporary” and forced marriages still existed in the State party. She would likewise appreciate information on the genuine impact of any specific measures to combat and completely eliminate the practice of female genital mutilation throughout the State party’s territory.

18. She would like to know whether the national policy to prioritize the protection of children in areas of displacement and in liberated areas was being applied to children who were reportedly abandoned, or who had been separated from their mothers or left with their biological fathers. Had any legislative measures been taken to ensure that those children were not subjected to discrimination, stigmatization or social rejection? In addition, she wished to know whether a mechanism to address the problems of children born as a result of sexual violence or children born to parents who were reputedly members of ISIL existed in law and in practice. What measures had been taken to help families to search for children who had been separated from their mothers and ensure that their births were registered and that they had access to social services, including education and health?

19. **Mr. Gómez Martínez** said that he would like to have a brief description of the procedure for appointing judges. Were oral or written examinations held? If so, did they cover specific areas of the law? He wondered whether women could take part and, if they could, how many women judges there were in Iraq. He wished to know whether the examinations were held in public with external monitors, whether there was a pre-established syllabus for the examinations and, if so, whether it could be altered by the Supreme Judicial Council or any other authority.

20. **Mr. Roudan** (Iraq) said that vacancies in the judiciary were published on various authorities’ websites. Any qualified candidate could apply and, if they passed the examination, they could become judges. The Government did not interfere in any way in the selection procedure. The Supreme Judicial Council published the names of successful candidates. Four women had recently been appointed judges. There was no quota system for Iraqi women of African descent. Out of a total of 1,144 judges, 41 were women, and out of approximately 400 prosecutors, 60 were women.

21. In 2019, the Federal Supreme Court had ruled that demonstrators should not be tried under the federal Counter-Terrorism Act but under the Criminal Code. Officials who committed crimes were arrested and appropriate legal measures were taken. The military

criminal court had passed the death sentence on two police officers who had caused the deaths of protesters in Mosul. The Government did not interfere in any way with the judicial process.

22. **Ms. Abdulridha** (Iraq), speaking via video link, said that the bill on freedom of expression and opinion, assembly and peaceful protest had been fast-tracked with a view to its rapid adoption. The right to demonstrate was a fundamental human right guaranteed by the Constitution. Violence against protesters was a punishable act under the Criminal Code, and the Government was striving to hold perpetrators of such violence accountable for their acts. The Counter-Terrorism Act was applicable when persons were killed or injured during protests; some 5 million dinars had been paid in compensation to victims under the Act. The Ministry of Health had set up a committee to take follow-up action with regard to permanent disabilities caused by injuries sustained during the protests. The Act on Compensation of Victims of War Operations, Military Mistakes and Terrorist Operations was applicable to such cases. The authorities had closed down some radio and television stations because the stations had failed to abide by the Code of Ethics for the media.

23. The bill on peaceful assembly was currently before parliament. All political parties and international organizations could comment on it. The Government was also considering a bill on freedom of expression and a bill on freedom to obtain information. The former provided for the establishment of human rights courts to consider complaints of violations of the right of freedom of expression. The freedom to obtain information was related to that right but it encompassed an issue which required separate treatment: hence the need for two separate bills. The legal department of the General Secretariat of the Council of Ministers was responsible for assessing the bills. The Journalist Protection Act of 2011 made it clear that the right to freedom of expression must be respected in order to promote democracy. The Ministry of the Interior had stated its willingness to consider complaints concerning violations of that right. A number of other bodies were involved in examining the allegations of attacks on journalists.

24. **Ms. Naqshabandi** (Iraq), speaking via video link, said that her Government had been working with the United Nations Population Fund on a plan to combat female genital mutilation. Eleven health centres had been opened and awareness-raising campaigns on the risks of that practice had been conducted. Under national law, female genital mutilation was considered one of the worst forms of sexual violence. Those involved were subject to fines and prison sentences. Health-care professionals participating in female genital mutilation could also be struck off for a period of three years.

25. A law had been adopted in 2018 to combat domestic violence. Subsequently, a number of cases had been examined and a special court had been established to hear cases of domestic violence.

26. **Ms. Mohsin** (Iraq), speaking via video link, said that women currently held 80 seats in parliament, which was an increase from the previous election cycle. In the most recent elections, 50 women had stood as independent candidates and five political parties were led by women. The necessary logistical support had been provided to women during the electoral process. Government strategies prioritized women to guarantee their participation in public life. There were 3 female ministers in the executive branch, 12 female ambassadors and 116 female judges, and women held a range of ranks in the Ministry of Defence.

27. In response to the Committee's question about women of African descent, she said that all women enjoyed constitutional guarantees of their rights with no discrimination on grounds of race.

28. **Mr. Mazel** (Iraq), speaking via video link, said that, following the identification of legal loopholes in the Trafficking in Persons Act, a committee had been formed to suggest amendments. Those suggested amendments had been sent to the Council of Ministers and parliament for approval. Temporary marriage for the purpose of sexual exploitation was considered a crime and was punishable under the Trafficking in Persons Act. The Central Committee to Combat Human Trafficking was working on legislative amendments and seeking greater regional and international cooperation. Government funds had been allocated to combating human trafficking, providing compensation to victims and developing guidelines on the identification of victims. Officials responsible for handling cases of human trafficking had received training and awareness-raising campaigns had been carried out. In

2021, 50 victims of human trafficking had been identified. They had either been returned to their families or placed in institutions. Cooperation between the Government and international organizations to set up additional shelters for the victims of trafficking was ongoing.

29. **Mr. Mussa** (Iraq), speaking via video link, said that, under the Personal Status Act, the minimum age of marriage for girls was 15 years, provided that they had reached puberty. Any marriage contract that did not conform to those rules would be invalid. A hotline had been set up to receive complaints of forced marriage. Persons officiating at such marriages were subject to penalties.

30. With regard to children born to ISIL fighters, the Government was currently dealing with eight such cases. The children had been found abandoned and had been placed in care. Citizens could apply to adopt those children, and the children would be given Iraqi nationality.

31. **Mr. Salim** (Iraq) said that, in order to answer the Committee's questions on specific cases of enforced disappearance, he needed more detailed information on the missing persons, including their full names, mothers' names and the date and place of disappearance.

32. Persons who gained Iraqi nationality at birth could not be stripped of it. The Nationality Act provided that, if a person was stripped of their nationality for political reasons, they could request its restoration. Children with one Iraqi parent could request citizenship. The examination of proposed amendments to the Nationality Act was ongoing.

33. **Mr. Zebari** (Iraq) said that the Government had given instructions for the building of new churches and any Christian group could ask to build places of worship. Legislation had been passed in 2015 to protect the different communities in the Kurdistan Region and prohibit the incitement of hatred or violence on the grounds of ethnicity or religion. Schools had been opened to teach the different languages spoken in the region, including Syriac and Assyrian. The Roma population in Iraq totalled around 15,000; Roma people were able to access the education system.

34. The right to protest was enshrined in law. Some 6,000 security personnel had been trained on how to deal with protesters. In 2020, protesters had attacked security personnel, damaged property and injured police officers and civilians. When they had been arrested, some of the protesters had been found to be carrying weapons.

35. Of the five cases of alleged use of violence or torture against journalists, two were being examined by the courts. There was also one case in which the public prosecutor was taking legal action against journalists.

36. **Mr. Abo Senah** (Iraq) said that the Government had ordered investigations into allegations of violence by members of the security forces against protesters and the evidence had been submitted to the courts. Some of the accused had been prosecuted, while others had been removed from their positions. A senior military commander had ordered that live ammunition could not be used during protests.

37. With regard to the Committee's question on "Iranian-backed militias", he would like to emphasize that the Government did not officially use that expression, which was used by the media for political reasons. The Iraqi authorities dealt with all crimes equally, regardless of the perpetrator.

38. **Mr. Ben Achour** said that, given that judges were required to be Muslim, he would like to know whether the Government considered their faith to be a guarantee of integrity and competence.

39. **Mr. Mohammed** (Iraq), speaking via video link, said that his delegation appreciated the Committee's efforts to examine the progress made in his country in implementing the Covenant. He would like to assure the Committee that his Government would work to integrate the Committee's concluding observations into its policies and the national plan on human rights.

40. **Mr. Hashim Mostafa** (Iraq) said that his Government considered the promotion of civil and political rights to be of the utmost importance, and had submitted its periodic report

with minimal delay, despite the security and economic challenges it was facing. He wished to thank the Committee for the constructive dialogue and to assure Committee members of his Government's willingness to enhance the protection of civil and political rights and fundamental freedoms for all Iraqi people.

41. **The Chair** thanked the delegation for the fruitful and constructive dialogue and its efforts to provide answers to the Committee's many questions.

The meeting rose at 12.05 p.m.