



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

List of issues prior to submission of the third periodic report of Iraq*

**Specific information on the implementation of articles 1–16 of the Convention,
including with regard to the Committee’s previous recommendations**

Issues identified for follow-up in the previous concluding observations

1. In its previous concluding observations,¹ the Committee requested the State Party to provide information on follow-up to the Committee’s recommendations on the criminalization of torture, fundamental legal safeguards, conflict-related sexual violence and the death penalty (paras. 9, 11 (a) and (c), 21 and 31, respectively). Noting that a reply concerning the information sought by the Committee was provided on 11 May 2023,² and with reference to the letter dated 26 February 2024 from the Committee’s Rapporteur for follow-up to concluding observations,³ the Committee considers that the information provided by the State Party is insufficient to assess the implementation of the recommendations included in paragraphs 9 and 11 (a) and (c). Regarding the recommendations in paragraph 21, the Committee considers that they have been partially implemented, whereas it considers that the recommendations in paragraph 31 have not been implemented. These points are covered in paragraphs 2, 4, 21 and 14, respectively, of the present document.

Articles 1 and 4

2. Further to the Committee’s previous concluding observations⁴ and the information received from the State Party in follow-up to the concluding observations,⁵ please provide an update on the progress of the adoption of the anti-torture bill. Has the State Party taken steps to ensure that it defines torture as a specific offence, incorporating all the elements of article 1 of the Convention? Has the State Party taken steps to ensure that acts amounting to torture are punishable by appropriate penalties commensurate with their grave nature, in accordance with article 4 (2) of the Convention? Please also provide information on the measures taken to ensure that such acts are not subject to any statute of limitations.

* Adopted by the Committee at its eighty-second session (7 April–2 May 2025).

¹ CAT/C/IRQ/CO/2, para. 44.

² CAT/C/IRQ/FCO/2.

³ See

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FIRQ%2F57645&Lang=en.

⁴ CAT/C/IRQ/CO/2, para. 9.

⁵ CAT/C/IRQ/FCO/2, paras. 2–9.



Article 2⁶

3. Please provide information on the steps taken by the State Party to explicitly recognize in national legislation the principle of command or superior responsibility for acts of torture committed by subordinates.

4. Further to the Committee's previous concluding observations⁷ and the information received from the State Party in follow-up to the concluding observations,⁸ please provide updated information on measures taken by the State Party and procedures in place to ensure that all detained persons are afforded, in law and in practice, all fundamental safeguards against torture and ill-treatment from the outset of their deprivation of liberty, in particular the rights to have access to a lawyer of their choice or, if necessary, to free legal aid, to request and receive a prompt examination by an independent medical doctor free of charge, or by a medical doctor of their choice, to be informed of their rights and the charges against them, both orally and in writing, to have their detention recorded in a registry, and to notify a family member, or any other person of their choice, of their detention immediately after apprehension. In this regard, please provide information on measures taken to address inconsistencies between the provisions on procedural safeguards for the prevention of torture and ill-treatment in the Constitution of 2005, the Criminal Code (Act No. 11 of 1969), the Code of Criminal Procedure (Act No. 23 of 1971) and the Prisoners and Detainees Reform Act (No. 14 of 2018), on the one hand, and international standards prohibiting torture, on the other.⁹ Please further provide information on the number of complaints received regarding failure to respect fundamental legal safeguards and on the outcome of such complaints, including the type of disciplinary measures taken by the State Party to sanction officials who fail to grant detained persons and arrested persons fundamental safeguards.

5. Further to the Committee's previous concluding observations,¹⁰ please provide information on the measures planned to ensure the functional and operational independence of the Iraqi High Commission for Human Rights. Please also provide information on the steps taken to ensure that the process of appointing Commission members is fully consistent with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), that no government officials are members of or participate in the decision-making bodies of the Iraqi High Commission for Human Rights, and that the administrative and financial management of the Commission is not overseen by the Minister of Justice.

6. In the light of the Committee's previous concluding observations,¹¹ please provide information on the measures taken to prevent and combat all forms of violence against women, including domestic and sexual violence, especially those cases involving actions or omissions by State authorities or other entities that engage the international responsibility of the State Party under the Convention. In this regard, please provide specific information on the steps taken by the State Party to amend the provisions of the Criminal Code that allow a husband to punish his wife, parents to physically discipline their children, and sentences for acts of violence, including so-called honour crimes, to be mitigated. Please also provide information on the steps taken to amend the provision of the Criminal Code

⁶ The issues raised under article 2 could also touch on issues raised under other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee's general comment No. 2 (2007) on the implementation of article 2, the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps and is largely congruent with the obligation to prevent torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. See also section V of the same general comment.

⁷ CAT/C/IRQ/CO/2, para. 11.

⁸ CAT/C/IRQ/FCO/2, paras. 10–34.

⁹ See United Nations Assistance Mission for Iraq and Office of the United Nations High Commissioner for Human Rights (OHCHR), "Human rights in the administration of justice in Iraq: legal conditions and procedural safeguards to prevent torture and ill-treatment" (2021).

¹⁰ CAT/C/IRQ/CO/2, para. 41.

¹¹ Ibid., para. 39.

that allows perpetrators of rape and sexual assault to escape prosecution or have their sentences overturned if they marry their victims. Please provide further information on the status of adoption of the anti-domestic violence bill. Please also provide information on the possible impact of the amendments to the Personal Status Code (Act No. 188 of 1959) on the rights of women and girls in the State Party. In this regard, please provide information on the measures taken to ensure the prohibition of child marriage.

7. Please provide the following information on trafficking in persons for the period under review:

(a) Annual statistical data, disaggregated by age, sex, country of origin and sector of employment of the victim, on the number of victims of trafficking and the number of complaints lodged and reports registered with the police regarding this crime, the number of complaints investigated and resulting in prosecutions and convictions, and the sentences imposed;

(b) A brief description of the means of redress available to victims of trafficking, including information on whether medical and psychological assistance is provided, the number of shelters and their occupancy rates, social support schemes, vocational training, the procedure for obtaining compensation and the percentage of cases in which compensation has been awarded;

(c) Measures taken to proactively identify victims of trafficking, in particular children forced to beg and women forced into prostitution;

(d) The initiatives introduced to train migration and other law enforcement officials, prosecutors, judges and labour inspectors to investigate cases of trafficking, to prosecute and punish those responsible, to assist and protect victims, and to communicate with children who are victims;

(e) Any initiatives to strengthen regional cooperation to combat trafficking in persons.

Article 3

8. Please provide information on measures taken during the reporting period to ensure that no one is returned to a country where he or she would be at risk of torture, including if he or she has been convicted of terrorist offences. In this regard, please provide information on the steps taken by the State Party to ensure that national legislation clearly reflects the non-refoulement principle. Please also provide information on current procedures for the return or extradition of asylum-seekers whose claims have been rejected and, in particular, on the protection afforded to ensure that asylum-seekers and other persons who are extradited or sent back do not face any risk of refoulement if they would be at risk of torture. In this regard, please provide updated information on the progress made in finalizing the fourth draft of the law on refugees, and on the efforts made to bring it into line with international standards. Please also describe the measures taken to ensure that effective remedies, in particular review by an independent judicial body, especially at the appeal stage, are available during removal proceedings. Please indicate whether persons threatened with expulsion, return or extradition are informed of their rights to request asylum and to appeal against a deportation order. Please provide information on measures taken to revise national legislation on deportation or extradition to guarantee access to appeal mechanisms with suspensive effect. Please also provide information on measures taken to revise the Foreigners Residency Act (No. 76 of 2017), which provides for deportation as an additional punitive measure for persons detained for immigration-related reasons or on criminal charges, and on efforts to ensure that immigration detention is used in practice only as a measure of last resort. Please provide information on the measures taken to identify vulnerable persons seeking asylum in Iraq, including victims of torture or trauma, and to ensure that their specific needs are considered and addressed in a timely manner. Please further provide information on the intention of the State Party to accede to the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees.

9. Please provide up-to-date information on the number of asylum applications received during the reporting period, the number of successful applications and the number of asylum-seekers whose applications were accepted because they had been tortured or might be tortured if returned to their country of origin. Please include information, disaggregated by sex, age and country of origin or receiving country, on the number of persons who have been returned, extradited or expelled since the consideration of the State Party's previous periodic report. Please provide details of the grounds on which they were sent back, including the list of countries to which they were returned. Please also provide updated information on the type of appeal mechanisms that may exist, and on any appeals that have been made and their outcomes. Please also state how many removals, extraditions and expulsions were carried out by the State Party during the reporting period on the basis of diplomatic assurances or the equivalent thereof, specifying the States that provided the assurances, the minimum assurances or guarantees required and the mechanisms put in place to monitor whether such assurances or guarantees were respected.

Articles 5–9

10. Please provide information on any new legislation or measures that have been adopted to implement article 5 of the Convention. Please provide information on any extradition treaty concluded with any other State Party and indicate whether the offences to which article 4 of the Convention refers are cause for extradition thereunder. Please indicate what measures have been adopted by the State Party to comply with its obligation to extradite or prosecute (*aut dedere aut judicare*). Please indicate whether the State Party has concluded any mutual legal assistance treaties or agreements and if these treaties or agreements have been used to exchange items of evidence in connection with prosecutions concerning torture or ill-treatment. Please provide examples.

Article 10

11. Further to the Committee's recommendations in its previous concluding observations,¹² please provide information on educational programmes developed by the State Party to ensure that all public officials, in particular law enforcement officials, military personnel, prison staff and medical personnel employed in prisons, are fully acquainted with the provisions of the Convention and are aware that breaches will not be tolerated and will be investigated, and that any offenders will be prosecuted. Please also provide details on the programmes used in the training of police officers and other law enforcement officials in non-coercive investigating techniques, including the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles). Please indicate whether the State Party has developed a methodology to assess the effectiveness of training and educational programmes in reducing the number of cases of torture and ill-treatment and, if so, please provide information on that methodology. Please also indicate the measures taken to give effect to the provisions of article 10 (2) of the Convention. Please provide detailed information on the training programmes for judges, prosecutors, forensic doctors and medical personnel dealing with detained persons on detecting and documenting the physical and psychological sequelae of torture, including whether the programmes contain specific training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised, and on the Minnesota Protocol on the Investigation of Potentially Unlawful Death. Please further provide information on the steps taken by the State Party to ensure that all security forces are trained on the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement, and the principles of lawfulness, necessity, proportionality and precaution, which govern the use of force.

¹² Ibid., para. 43.

Article 11

12. Further to the Committee's previous concluding observations,¹³ please provide information on the State Party's efforts to ensure that conditions of detention comply with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and on the steps taken to reduce overcrowding, including by strengthening alternatives to detention. In this regard, please provide updated information on the status of advancement of the reform of the Iraqi prison system, including in the Kurdistan Region.¹⁴ Please also provide information on the efforts made by the State Party to ensure that conditions of detention for female detainees are in conformity with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), and on the measures taken to monitor and document incidents of sexual and gender-based violence in detention. Further to the Committee's previous concluding observations,¹⁵ please provide detailed information on the status of discussions on raising the age of criminal responsibility, currently set at 9 years and at 11 in the Kurdistan Region, to bring the minimum age into line with international standards, and on the measures taken to ensure good treatment of all detained minors in accordance with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Please further provide information on existing means to monitor the conditions of detention in all detention facilities. In addition, and further to the Committee's previous concluding observations,¹⁶ please provide detailed and updated information on the measures taken to ensure that children are not prosecuted solely for presumed or perceived affiliation with Da'esh.

13. Further to the Committee's previous concluding observations,¹⁷ please provide statistical data on deaths in custody during the period under consideration, disaggregated by place of detention, sex, age, ethnic origin or nationality, and cause of death. Please provide information on the manner in which these deaths were investigated, the results of the investigations and the measures taken to prevent similar cases from occurring in the future. Please indicate whether compensation has been paid to relatives of the deceased in any of the cases.

14. Further to the Committee's previous concluding observations¹⁸ and the information received from the State Party in follow-up to the concluding observations,¹⁹ please provide information on the status of implementation of the de facto moratorium on capital punishment in the Kurdistan Region, and on the State Party's intention to consider the establishment of a moratorium on executions throughout the territory of Iraq with a view to abolishing the death penalty, as well as on efforts to commute death sentences to alternative penalties. Please further provide up-to-date information on:

- (a) The number of prisoners on death row awaiting execution;
- (b) The most common offences for which convicted persons are sentenced to death;
- (c) The conditions of detention of prisoners on death row;²⁰
- (d) The average time between sentencing and execution;
- (e) The methods used by the State Party to carry out executions;

¹³ Ibid., para. 25.

¹⁴ Ibid., para. 24.

¹⁵ Ibid., para. 27.

¹⁶ Ibid., para. 19 (d).

¹⁷ Ibid., para. 29.

¹⁸ Ibid., para. 31.

¹⁹ CAT/C/IRQ/FCO/2, paras. 54–57.

²⁰ See communication IRQ 3/2024, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29197>.

(f) The measures taken to ensure that every person scheduled for execution has the opportunity to confer with counsel and to meet with family members prior to execution.

Articles 12 and 13

15. Further to the Committee's previous concluding observations,²¹ please provide updated information on the measures taken by the State Party to address the use of torture by public officials in detention facilities and the measures adopted to ensure effective accountability for perpetrators of such acts. Please also provide detailed statistical information on investigations opened into cases of torture in detention, on suspensions of public officials during investigations, and on prosecutions and punishments of perpetrators of acts of torture. Please further provide information on the measures taken to establish an independent complaints mechanism, and on existing measures to guarantee the protection of complainants and witnesses against reprisals, intimidation and any ill-treatment.

16. Further to the Committee's previous concluding observations,²² please provide up-to-date information on the status of investigations concerning the protests of 2019 and 2020. In this regard, please provide detailed information on:

(a) The number of open investigations; the number of arrest warrants issued against suspected perpetrators; and the number of convictions handed down since the events;

(b) The progress made by the various committees set up to investigate the killings and attempted killings, disappearances and injuries of protesters and activists during the Tishreen protests, and their findings to date.

17. Please provide detailed information on measures taken to ensure the efficient and effective investigation of complaints and reports of alleged torture, including statistical data, disaggregated by crime committed, ethnicity and gender, on complaints relating to torture, attempted torture and complicity or participation in torture, filed during the reporting period, and on related investigations, prosecutions, convictions and criminal and disciplinary sentences.

18. Please provide updated and detailed information on the results of the mass grave exhumation project supported until September 2024 by the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant. Please also provide information on the measures taken to support the Mass Graves Directorate of the Martyrs Foundation and the Medico-Legal Directorate of the Ministry of Health of Iraq in the implementation of this project, with a view to ensuring justice for the victims of the successive conflicts that have affected the State Party.

19. Please provide information on the standard operating procedures on the investigation of trafficking in persons and the smuggling of migrants adopted in 2024, and on the measures that the State Party intends to take to ensure their effective implementation by relevant officials.²³

Article 14

20. Further to the Committee's previous concluding observations,²⁴ please provide information on the measures taken to ensure that victims of torture and ill-treatment obtain redress, including the means for as full a rehabilitation as possible, as covered in the Committee's general comment No. 3 (2012) on the implementation of article 14.

21. Further to the Committee's recommendations in its previous concluding observations²⁵ and the information received from the State Party in follow-up to the

²¹ CAT/C/IRQ/CO/2, para. 13.

²² Ibid., para. 33 (c).

²³ See https://www.unodc.org/romena/en/press/2024/November/press-release_-iraq-finalizes-standard-operating-procedures-for-the-investigation-of-trafficking-in-persons-and-the-smuggling-of-migrants.html.

²⁴ CAT/C/IRQ/CO/2, para. 35.

²⁵ Ibid., para. 21.

concluding observations,²⁶ please provide information on the measures envisaged by the State Party to reverse the amendment to the Yazidi Survivors Act that created a requirement for survivors to file a criminal complaint in order to receive reparations.²⁷ Please also provide information on the existing measures and/or programmes for the medical and psychological rehabilitation of Yazidi survivors and other victims of conflict-related gender-based violence.

22. Please provide information on the process put in place to ensure that persons who were injured or who acquired a disability during the protests of 2019 and 2020 have easy access to compensation funds.

23. Please provide information on efforts to implement specific rehabilitation and reintegration measures for children formerly associated with armed groups.

Article 15

24. Further to the Committee's previous concluding observations,²⁸ please provide information on:

(a) Measures taken to ensure in practice the inadmissibility of evidence obtained through torture or ill-treatment;²⁹

(b) Measures taken to initiate and conduct prompt, thorough and impartial investigations into such cases;

(c) Measures taken by the judiciary to assess the legitimacy of confessions, in particular in cases where the sanction for the crimes confessed to is the death penalty;

(d) Measures taken to develop training modules for law enforcement officers and prison staff on non-coercive interviewing techniques and investigation techniques.

Article 16

25. Please elaborate on measures taken by the State Party to protect lesbian, gay, bisexual, transgender and intersex persons against harassment, discrimination and violence, including violations perpetrated by law enforcement officers, and to provide access to justice and remedies for victims. In addition, please provide detailed information on the amended provisions of Act No. 8 of 1988 and the bill recently passed by the Parliament of Iraq on same-sex relations.

26. Please provide information on the progress made towards the adoption of the bill on the protection of children, which was submitted to the Parliament of Iraq in June 2023.

27. Please provide information on the scope of the cybercrimes bill submitted to the Parliament of Iraq on 21 November 2022.

Other issues

28. Please provide information on the measures taken by the State Party to effectively implement the national plan adopted in 2021 for the return of internally displaced persons, the practical steps taken by the Supreme Committee for the Relief of Displaced Persons to monitor the situation of internally displaced persons and ensure the provision of assistance to them and dignified living conditions,³⁰ and the measures taken to ensure the reintegration of internally displaced persons and provision of basic services in their areas of origin.

29. Please provide updated information on the measures taken by the State Party to respond to threats of terrorism. Please describe whether those measures have affected human rights safeguards in law and in practice and, if so, how they have affected them.

²⁶ CAT/C/IRQ/FCO/2, paras. 35–53.

²⁷ See communication IRQ 3/2023, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28060>.

²⁸ CAT/C/IRQ/CO/2, para. 15.

²⁹ CRC/C/IRQ/Q/5-6, para. 5 (b).

³⁰ See E/C.12/IRQ/CO/5. See also CERD/C/IRQ/CO/26-27.

Please also describe how the State Party has ensured that counter-terrorism measures are compatible with all its obligations under international law, especially the Convention. In this regard, please provide information on the steps that the State Party has taken to ensure that all legislation related to combating terrorism, specifically the broad and vague provisions of the Anti-Terrorism Act, is in conformity with international standards. Furthermore, please indicate what training is given to law enforcement officers in this area; the number of persons who have been convicted under legislation adopted to combat terrorism; the legal remedies and safeguards available in law and in practice to persons subjected to counter-terrorism measures; and whether there have been complaints of non-observance of international standards in applying measures to combat terrorism and, if so, what the outcome was.

General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention

30. Please provide information on any other relevant legislative, administrative, judicial or other measures taken since the consideration of the State Party's previous report to implement the provisions of the Convention or the Committee's recommendations, including institutional developments, plans or programmes. Please indicate the resources allocated and provide statistical data. Please also provide any other information that the State Party considers relevant.
