



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

Distr.: General
2 October 2013
English
Original: Arabic

Committee on the Elimination of Racial Discrimination

**Consideration of reports submitted by States
parties under article 9 of the Convention**

**Fifteenth to twenty-first periodic reports of States parties due
in 2011**

Iraq* **

[18 June 2013]

-
- * This document contains the fifteenth, sixteenth, eighteenth, nineteenth, twentieth and twenty-first periodic reports of Iraq, due on 13 February 1999, 2001, 2003, 2005, 2007, 2009 and 2011 respectively, submitted in one document. For the fourteenth periodic report and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/320/Add.3 and CERD/C/SR.1344, 1345 and 1360.
- ** In accordance with the information transmitted to States parties regarding the processing of their reports, the present document has not been edited.

GE.13-47286 (E) 100214 110214



* 1 3 4 7 2 8 6 *

Please recycle A recycling symbol consisting of three chasing arrows forming a triangle.



Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction.....	1–17	3
II. Implementation of articles 2 to 7 of the Convention.....	18–110	8
Article 2	18–52	8
Article 3	53–55	14
Article 4	56–59	14
Article 5	60–91	16
Article 6	92–95	21
Article 7	96–110	22

I. Introduction

1. The Republic of Iraq expresses its support for international human rights mechanisms and reiterates its firm belief in the unity and complementarity of human rights, as well as in the ability of national human rights mechanisms to work with their international counterparts to provide an environment conducive to the exercise of rights, in which human dignity is respected and upheld. Iraq is adopting the human rights standards enshrined in the national Constitution and incorporating them in Government policy. It should be noted that Iraq is a party to seven core human rights treaties and is in the process of acceding to an eighth. Moreover, it is making determined efforts to establish and support independent, governmental and non-governmental human rights institutions in the country. In this context, Iraq is undertaking a comprehensive, ongoing review of its international human rights obligations in order to strengthen human rights and translate them into national government policy. It has been underscored that Iraq should expedite the submission of its overdue reports to the different committees. The submission of these reports has been delayed for various reasons, including the political situation in the country, the economic, social and cultural changes that have taken place as a result of the adoption of specific policies that have led Iraq into the midst of numerous wars, and, moreover, the challenges arising from the wave of violence that has swept the country, which terrorist groups have sought to use to create further challenges to the country's progress.

2. The present report is the twenty-first report. It includes the fifteenth, sixteenth, seventeenth, eighteenth, nineteenth and twentieth reports.

3. A number of governmental bodies representing different sectors contributed to the preparation of the report. Those bodies are the Ministry of Foreign Affairs, the Ministry of Human Rights, the Ministry of the Interior, the Ministry of Finance, the Ministry of Planning, the Ministry of Education, the Ministry of Health, the Ministry of Culture, the Ministry of Labour and Social Affairs, the Ministry of Youth and Sport and the Ministry of Justice. The initial draft of the report was published on the Ministry of Human Rights website for over a month and its publication was announced in three major national newspapers, with a view to obtaining feedback from civil society organizations, academics and interested parties. Moreover, an expanded consultative meeting with civil society organizations was held in order to discuss the content of the report, with a view to engaging non-State actors in its preparation. At the same time, the Ministry of Human Rights, through the National Institute for Human Rights, has established numerous workshops and courses for government employees and members of civil society in order to raise awareness of the Convention. Moreover, the Convention is a fundamental element of the basic education programme in training sessions run by the National Institute for Human Rights in the Ministry of Human Rights for government officials and the members of civil society organizations and independent bodies.

4. The concluding observations of the Committee¹ issued following the discussion of the fourteenth report² were received with great interest. We would like to make the following points in respect of the main concerns raised by the Committee and the list of recommendations made in respect of Iraq.

5. The northern governorates (Arbil, Sulaymaniyah and Dahuk) are currently a federal region of the Republic of Iraq. The region has a Constitution, the first article of which provides that: "Kurdistan is a federal region within the federal State of Iraq. It is a

¹ CERD/C/304/Add.80.

² CERD/C/320/Add.3.

republican parliamentary democracy and is based on political pluralism, the peaceful transfer of power and the principle of the separation of powers.” The region was established in the wake of the second Gulf War in 1991, when the armed forces and government departments withdrew from parts of Kurdistan. In the face of an administrative vacuum and a double blockade, the Kurdish Front — which represents a number of political parties — organized general elections. The aim of the elections was to establish an administration and to give effect to the strong desire of the populace to choose its representatives. General regional elections were held on 19 May 1992 and led to the establishment of the first Kurdish National Council (subsequently called the Kurdish Parliament) and the Kurdistan regional government. The leadership and people of the region decided that the region would remain part of Iraq and would adopt and abide by all national laws, with the exception of those that violated human rights and general rights.

6. The Kurdish parliament has substantial negotiating and legislative power in numerous areas, including: health services, education and training, police and security, environment, natural resources, agriculture, housing, trade, industry and investment, social affairs and social services, transport and roads, culture and tourism, sports and leisure, landmarks and historic buildings, in addition to employment services.

7. The Kurdish parliament shares legislative power with federal institutions in the following areas, priority being given to the laws enacted by the Kurdish parliament: customs, electrical power generation and distribution, public planning, internal water resources. Moreover, under article 121 of the federal Iraqi Constitution, the Kurdish parliament has the right to modify the application of Iraqi federal law in the region in respect of matters outside the exclusive authority of the federal government. Minority groups are represented in the Kurdish parliament; out of a total of 111 seats, Turkmen hold 5 seats and Christians hold 6 seats.

8. The Iraqi Government shares the concerns expressed by the Committee in connection with the forced relocation policies pursued by the previous regime in various areas of Iraq, in particular those referred to above. The enforced deportations carried out in the disputed areas by the former regime, particularly in the city of Kirkuk, had a significant impact on the Kurdish, Turkmen and Arab populations; the former regime relocated them, seized their property and deprived them of their residential and agricultural land. Following the changes that took place in Iraq in 2003, the Coalition Provisional Authority (CPA) issued Regulation No. 12 of 2004 — as amended by Act No. 2 of 2006 and, subsequently, by Act No. 13 of 2010 — establishing the Iraq Property Claims Commission for the resolution of property disputes and the restoration of agricultural lands and estates to their owners or to persons with rights of usufruct to agricultural lands. The Commission commenced work, establishing offices in Iraq and in the governorates of the region of Kurdistan; it has two offices in Kirkuk, which is the capital of Kirkuk governorate, in addition to district offices in Daquq and sub-district offices in Dibis and Tazah.

9. Article 58 of the Transitional Administration Act of 2004 (the Law of Administration for the State of Iraq for the Transitional Period) aims to resolve the legacy of the former regime’s policy with regard to forced displacement and demographic alterations. It provides that:

“(A) The Iraqi Transitional Government, and especially the Iraqi Property Claims Commission and other relevant bodies, shall act expeditiously to take measures to remedy the injustice caused by the previous regime’s practices in altering the demographic character of certain regions, including Kirkuk, by deporting and expelling individuals from their places of residence, forcing migration in and out of the region, settling individuals alien to the region, depriving the inhabitants of work, and correcting nationality. To remedy this injustice, the Iraqi Transitional Government shall take the following steps:

“(1) With regard to residents who were deported, expelled, or who emigrated; it shall, in accordance with the statute of the Iraqi Property Claims Commission and other measures within the law, within a reasonable period of time, restore the residents to their homes and property, or, where this is unfeasible, shall provide just compensation.

“(2) With regard to the individuals newly introduced to specific regions and territories, it shall act in accordance with article 10 of the Iraqi Property Claims Commission statute to ensure that such individuals may be resettled, may receive compensation from the state, may receive new land from the state near their residence in the governorate from which they came, or may receive compensation for the cost of moving to such areas.

“(3) With regard to persons deprived of employment or other means of support in order to force migration out of their regions and territories, it shall promote new employment opportunities in the regions and territories.

“(4) With regard to nationality correction, it shall repeal all relevant decrees and shall permit affected persons the right to determine their own national identity and ethnic affiliation free from coercion and duress.

“(B) The previous regime also manipulated and changed administrative boundaries for political ends. The Presidency Council of the Iraqi Transitional Government shall make recommendations to the National Assembly on remedying these unjust changes in the permanent constitution. In the event the Presidency Council is unable to agree unanimously on a set of recommendations, it shall unanimously appoint a neutral arbitrator to examine the issue and make recommendations. In the event the Presidency Council is unable to agree on an arbitrator, it shall request the Secretary General of the United Nations to appoint a distinguished international person to be the arbitrator.

“(C) The permanent resolution of disputed territories, including Kirkuk, shall be deferred until after these measures are completed, a fair and transparent census has been conducted and the permanent constitution has been ratified. This resolution shall be consistent with the principle of justice, taking into account the will of the people of those territories.”

10. This article was incorporated under article 140 of the current national Constitution of 2005, which provides for the establishment of a committee for the implementation of article 140, known as the Committee for the Implementation of Article 140 of the Constitution of the Republic of Iraq. The Committee is a constitutional, executive and legal interministerial body established pursuant to Diwani Order No. 46 (MRN/48/1373) of 9 August 2006 designating the chairperson and membership of the Committee. Pursuant to article 58 of the Transitional Administration Act, article 140 of the Constitution of the Republic of Iraq and paragraph 22 of the Prime Minister’s Government Programme, the Committee’s main task is to remedy the wrongs and injustices committed against the Iraqi people as a result of the policies and practices of the former regime. Those policies and practices included the relocation and expulsion of individuals from their places of residence; displacement and forced migration; the settlement of individuals from outside the region; deprivation of the right to work; confiscation of property and land; expropriation and extinguishing of rights of usufruct. They also include altering the population and the ethnic and demographic character of the regions, including Kirkuk, covered by article 38 of the Transitional Administration Act and article 140 of the Constitution of the Republic of Iraq. The Committee is responsible for restoring the situation as it was prior to 17 July 1968; its work covers the period from 17 July 1968 to 9 April 2003. In order to fulfil its

mandate, the Committee has adopted a number of decisions and a variety of mechanisms and procedures. It has:

- Established special procedures for persons affected by the decisions of the Committee in the areas covered by article 140 of the Constitution;
- Issued decision No. 1 of 16 January 2007 concerning the return to the disputed areas, including Kirkuk, of all employees (Kurds, Turkmen, Assyrians, Chaldeans and Arabs) originally from those areas who were dismissed and ousted for political, ethnic, sectarian or religious reasons during the period from 17 July 1968 to 9 April 2003;
- Issued decision No. 2 of 16 January 2007 concerning the return of displaced and migrant families who left the disputed areas, including Kirkuk, as a result of the policies of the former regime during the period from 17 July 1968 to 9 April 2003, to their original areas, with compensation
- Issued decision No. 3 of 4 February 2007 concerning the return of families who came to the disputed areas, including Kirkuk, as a result of the policies of the former regime during the period from 17 July 1968 to 9 April 2003, to their original areas, with compensation;
- Issued decision No. 4 of 4 February 2007 cancelling all agricultural contracts concluded in the context of policies for demographic change (Arabization) in the disputed areas, including Kirkuk, and restoring the status quo ante;
- Issued decision No. 5 of 13 August 2007 concerning the commencement of payment of compensation;
- Issued decision No. 6 of 1 October 2007 concerning the provision of remedies for the wrongs and injustices suffered by the residents of the districts of Tis`in and Hamzah Ali and the restoration of all agricultural lands wrongfully expropriated or [the rights to such lands wrongfully] extinguished, to the rightful owners or holders;
- Issued decision No. 7 of 21 July 2009 concerning the provision of remedies for the wrongs and injustices suffered by the population of central and southern Iraq as a result of the policies of relocation, migration, displacement and expulsion and of confiscation and expropriation of agricultural lands pursued by the former regime during the period from 17 July 1968 to 9 April 2003;
- Established eight Committee offices — in Kirkuk, Al-Basrah, Maysan, Babil, Wasit, Dhi Qar, Sinjar and Khanaqin — for the purpose of distributing forms and receiving files of citizens affected by the decisions of the Committee; appointed liaison members for these offices in the remaining governorates;
- Formed fact-finding committees in Kirkuk, Al-Basrah, Maysan, Babil, Wasit, Dhi Qar, Sinjar and Khanaqin to establish the facts and consider cases;
- Formed a technical committee in Kirkuk and Babil to coordinate with the relevant departments in the governorates and meet the technical needs of offices and fact-finding committees;
- Designed special forms for relocated and displaced persons who wish to return to their areas of origin and forms for persons concerned in the central and southern governorates of Iraq;
- Developed a mechanism for the transfer of the civil records of relocated and displaced persons wishing to return to their areas of origin, in coordination with the General Directorate for Nationality, Passports and Residence;

- Developed a mechanism for the transfer of ration cards for relocated and displaced persons wishing to return to their areas of origin, in coordination with the Department of Supply and Planning in the Ministry of Trade;
- Developed a mechanism to address the consequences of the cancellation of agricultural contracts, in coordination with the Legal Department in the Ministry of Agriculture;
- Established a committee to draft the necessary recommendations for the changes taking place for political reasons on the administrative borders of the northern, central and southern areas of Iraq;
- Established a committee to cancel agricultural contracts covered by the Committee's decision No. 4, adopted by the Council of Ministers, and to remedy the consequences of doing so.

11. A rapid overview should be made at this point of the developments that have taken place at the political, economic, social and cultural levels since spring 2003. Following the occupation of Iraq in 2003, the Office of Reconstruction and Humanitarian Assistance was established to take care of the administration of Iraq. The first Interim Government was formed on 30 June 2004 and assumed full authority, sovereignty and administrative powers pursuant to Security Council resolution No. 1546 (2004). A national transitional council, the National Assembly of Iraq, was established under the Transitional Administration Act for the purpose of drafting an interim constitution for submission to a referendum.

12. On 30 January 2005, elections for the National Assembly were held. The 100-member National Assembly was entrusted with drafting a permanent national constitution and preparing for general parliamentary elections, held subsequently on 15 December 2005. Iraq voted on the permanent national constitution on 15 October 2005; a comprehensive review of the legislative architecture was subsequently conducted, to bring it into line with the new political, economic and social regime.

13. The permanent Iraqi Constitution of 2005 provides, in the basic principles, article 1, that: "The Republic of Iraq is a single, independent federal State with full sovereignty. Its system of government is a republican parliamentary democracy. This Constitution is the guarantor of the unity of Iraq." Article 2, paragraph 2 provides that: "This Constitution guarantees the Islamic identity of the majority of the Iraqi people and guarantees full rights to freedom of religious belief and practice to all individuals such as Christians, Yazidis and Sabian Mandeans." Article 3 provides that: "Iraq is a country of many nationalities, religions and creeds. It is a founding and active member of the Arab League and is committed to the Charter of the Arab League. Iraq is a part of the Islamic world." Moreover, article 4 provides that: "Arabic and Kurdish are the official languages of Iraq. The right of Iraqis to educate their children in their mother tongue, such as Turkmen, Syriac and Armenian, in government educational institutions in accordance with educational guidelines, or in any other language in private educational institutions, is guaranteed." Furthermore, articles 2, 3, 4, 5, 7, 9, and 125 affirm the cultural, educational and political rights of minorities and their right to assume public office, while other articles affirm other minority rights that will be addressed in the report on the implementation of the Convention.

14. New legislation is being enacted and other legislation is being amended to guarantee the rights of minorities under the Constitution. The Government of Iraq would like to draw attention to the fact that since 2003, successive Iraqi governments have taken a series of measures designed to eliminate racial discrimination and to protect minority rights. The report that the Republic of Iraq has submitted to the Committee highlights its ongoing efforts to promote and give effect to the Convention.

15. The Republic of Iraq is committed to human rights principles, which are enshrined in the national Constitution and at the international level. It has spared no effort to introduce legal and institutional initiatives to foster a culture of human rights and to reject all forms of racial discrimination. Perhaps the most notable feature of the post-2003 era is that the Republic of Iraq has established a Ministry of Human Rights, in order to examine and analyse the situation with regard to the exercise of all rights, to consider shortcomings and to identify the policies needed in order to overcome them.

16. In this connection, the Republic of Iraq established a process for the examination of past gross human rights violations and, in order to do so, established the Martyrs Foundation, the Political Prisoners Foundation and the Iraqi Property Claims Commission. These institutions have received and investigated complaints from victims and organized general hearings at which victims have had the opportunity to recount the violations to which they were previously subjected, as mistakes to be avoided in the future. By various means, these institutions have been able to examine past gross human right violations, identify victims and determine the appropriate compensation that should be paid to them.

17. At the social and economic level, the drafting of a national human development report gave Iraq the opportunity to evaluate the political, administrative, social, economic and cultural policies pursued during this period.

II. Implementation of articles 2 to 7 of the Convention

Article 2

18. The Republic of Iraq emphasizes its enduring commitment to the principles of dignity and equality between all human beings and reaffirms its adherence to universally recognized human rights principles. It strongly condemns all forms of discrimination and prohibits any form of inequality within its territory.

19. Section 2 of the Constitution contains provisions pertaining to rights and freedoms. Under that section, article 14 provides that: "Iraqis are equal before the law without discrimination based on gender, race, ethnicity, origin, colour, religion, creed, belief or opinion, or economic and social status." The diverse origins of the population of Iraq — which consists of Arabs, Kurds, Turkmen and Assyrians and of Muslims, Christians, Sabians, Yazidis and others — has been and continues to be a source of richness and diversity that strengthen unity. A special and distinguishing feature of the Iraqi people is that these groups have lived side by side for centuries.

20. The Government of Iraq is creating an enabling political, social and economic environment for peace and stability, as the foundation on which the State can give sufficient priority to human rights in general and to human development, including issues relating to food security and poverty eradication. The International Compact with Iraq (ICI) initiative, which aimed to establish a new partnership with the international community, was a commitment that needed to be translated into a specific government policy. The objective of the Compact was to achieve a national vision for Iraq which would consolidate peace and achieve social, economic and political development over the following five years, in accordance with article 30, paragraph 2 of the Constitution which provides that: "The State shall guarantee social and health security to Iraqis in case of old age, sickness, employment disability, homelessness, orphanhood or unemployment and shall work to protect them from ignorance and poverty. The State shall provide them with housing and with special care and rehabilitation programmes. This shall be regulated by law."

21. Government policies are based on the principle that social justice and the associated practices are central to economic and labour relations as a means of achieving social integration. Broadly speaking, measures taken by the Government are designed to eliminate any provisions that could contribute to racial discrimination. The legal and administrative provisions that apply to government institutions prohibit activities that could promote sectarian, tribal or social divisions.

22. The Government has emphasized its commitment to eliminating all forms of racial discrimination by reviewing all of its civil, political, economic, social, and cultural policies. Moreover, it has supported institutions for the protection of human rights and provided a legislative framework for the abolition of all forms of discrimination, as part of an encompassing perspective that aims to establish a participatory and community-based approach.

23. The Republic of Iraq is committed to the prevention of discrimination in Iraq and to the equality of all before the law. Consequently, legal requirements relating to the conditions in which inmates and persons placed in correctional institutions are held have been introduced, in order to ensure that they are held in decent, humane conditions that take into account international standards for the treatment of prisoners, without discrimination. Section 2 of the Prisons Administration Act provides that legal standards shall be applied impartially and without discrimination. This provision is consistent with section 2, article 14 of the Constitution, which provides that: "Iraqis are equal before the law, without discrimination."

24. With regard to the status of women in general, considerable efforts have been made to combat discrimination. A number of laws and legislative amendments have been enacted in support of the principle of equality for all and the elimination of all forms of gender discrimination. Under article 18, paragraph 2 of the Iraqi Constitution, "An Iraqi is any person born to an Iraqi father or mother. This provision shall be regulated by law." Consequently, the Nationality Act No. 26 of 2006 grants men and women equal rights to transmit Iraqi nationality to their children.

25. The extent to which Iraq is engaged in the international human rights system is evident in the fact that it has:

- Signed and ratified a number of human rights instruments and removed various reservations thereto;
- Submitted periodic reports to the United Nations treaty body monitoring committees;
- Taken the observations of the treaty body monitoring committees into account;
- Replied to reports received from various States and international human rights organizations;
- Submitted its national report to the universal periodic review, an important step for Iraq in fulfilment of its international obligations. Through the report, Iraq had the opportunity to draw attention to its human rights policy, to the pledges it has made and to the initiatives that it has undertaken in order to strengthen the legal and institutional framework in this area.

26. In terms of strengthening national mechanisms for the protection of human rights, Iraq has taken steps to increase its involvement in national and international efforts to promote human rights and to create and maintain protection mechanisms, in addition to government departments tasked with the protection and promotion of human rights. The leading department in this respect is the Ministry of Human Rights, which is responsible for maintaining, defending and promoting human rights and ensuring that all individuals enjoy

fundamental rights and freedoms, without discrimination. In accordance with the Paris Principles, Act No. 53 of 2008 establishing the High Commission for Human Rights as an independent national institution was promulgated. The Act grants a broad mandate to the High Commission, whose members are elected by the national parliament. The aims of the High Commission include: coordination with the relevant authorities in the development of strategies and joint working mechanisms and the preparation of studies and research; making recommendations and giving opinions on issues related to the promotion and strengthening of human rights; study and assessment of the laws in force and their conformity with the Constitution and making recommendations to the Council of Representatives; submission of proposals and recommendations on the accession of Iraq to international human rights instruments; cooperation and coordination with independent and non-governmental international human rights institutions in furtherance of the aims of the Commission; dissemination of a culture of human rights; submission of proposals on capacity-building in the area of human rights; submission of an annual report to the Council of Representatives containing a general assessment of the situation of human rights in Iraq, for publication in various media. According to the Act, the objectives and working methods of the High Commission are to:

- Receive complaints of human rights violations previous and subsequent to the establishment of the High Commission from individuals, groups and civil society organizations;
- Conduct preliminary investigations into human rights violations on the basis of information received;
- Verify the validity of complaints to the High Commission and conduct initial investigations, as necessary;
- Institute proceedings relating to human rights violations and refer to the Office of the Public Prosecutor for legal action and notification of the outcome;
- Conduct visits to prisons, social reform facilities, police stations and all other places without prior authorization from the aforementioned authorities, meet with convicted and arrested persons, verify cases of human rights violations and notify the competent authorities for appropriate legal action.

Role of the legislature

27. The Council of Representatives exercises legislative authority in accordance with its constitutional powers, which allow it to play a key role in the protection and maintenance of human rights in the areas in which it intervenes and through its working methods. Parliament has the capacity to make multiple interventions, through which it is able to hold the Government accountable for its human rights policies and to enact human rights-related legislation. Indeed, on the basis of its constitutional status it may intervene directly to make inquiries and conduct investigations into possible breaches and violations of human rights.

28. The Council of Representatives contributes to strengthening human rights in Iraq through the internal and regulatory mechanisms at its disposal. In accordance with its rules of procedure, parliamentary committees such as the Human Rights Commission and the Committee on Women and Children's Affairs address issues related to the protection of human rights that fall within the scope of their work.

Prevention of discrimination: the situation of women and children

29. Human rights in Iraq are protected by constitutional guarantees and by the national obligations of Iraq under the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. These guarantees and

obligations also form the basic normative framework for the protection and promotion of the rights of women and children, who constitute more than 50 per cent of the total population. Article 29, paragraph 1 (b) of the Iraqi Constitution provides that: “The State shall protect mothers, children and elderly people and cater for the welfare of young people, providing them with the appropriate conditions to develop their talents and abilities.” Article 30, paragraph 1 provides that: “The State shall guarantee the individual and the family and, in particular women and children, social and health security and the basic elements to live in freedom and dignity and shall guarantee them an adequate income and proper housing.” Women and children are the groups most affected by changes in the situation of human rights. These include the consequences of forced displacement, demographic change, successive wars and, subsequent to the regime change in 2003, acts of violence and terrorism. In addition, shortcomings in the welfare system and the prevailing social culture have had a negative impact on the enjoyment by women and children of their rights in general. The terrorist acts that have swept the country have left thousands of widows and orphans and, consequently, have increased the burdens on women and made women-headed households commonplace in the community. Nevertheless, a number of positive aspects have emerged from the situation with regard to women’s enjoyment of their rights, as set out below.

30. An institutional infrastructure for women and family affairs has been established. This infrastructure includes the Ministry of Women’s Affairs, a parliamentary committee for women, the family and children and a social welfare department for women attached to the Office of the Prime Minister. The infrastructure also comprises the Community Police Directorate and the Family Protection Directorate within the Ministry of the Interior — involved in combating domestic and gender-based violence, resolving domestic disputes and intervening to resolve conflicts — and the Child Welfare Authority within the Ministry of Labour and Social Affairs.

31. The legal structure has been developed by reaffirming the principle of equality enshrined in article 18 of the Constitution, as expressed in the national legislation. For example, the Nationality Act promulgated in 2006 eliminates discrimination by allowing both men and women to transmit their nationality to their children. In addition, particular attention has been given to women’s participation in decision-making at the national level by the allocation of a minimum of 25 per cent of seats for women in parliament and in governorate councils.

32. The Government has adopted a policy for the advancement of women in all areas of life. The Community Police Directorate was established in 2008 with a view to protecting women from gender-based violence, including through the resolution of domestic disputes. The Family Protection Directorate, established in 2009, intervenes in domestic conflicts with a view to resolving them and preventing them from coming before the courts; two offices have been opened in Baghdad. In addition, a ministerial committee, the High Committee for the Protection of the Family, was established by Diwani Order No. 80. This body seeks to resolve and address domestic violence by:

- (a) Developing a law against domestic violence;
- (b) Drafting a national strategy on the elimination of violence against women;
- (c) Conducting a comprehensive review of legislation that discriminates against women (the Criminal Code and the Personal Status Code);
- (d) Following up on the establishment of Family Protection Directorate units in all governorates.

33. Moreover, a social security policy for divorced women, widows and abandoned and elderly women has been pursued through the inclusion of broader categories in the social

protection network (86,095 widows, 2,939 divorced women and 1,114 abandoned women were covered by the social protection network in Baghdad alone to the end of 2008). In addition, the Department of Social Security has introduced a bill to expand social security coverage for poor families.

34. In Kurdistan region, the legal and legislative framework for the empowerment of women and their protection from violence has improved. A number of additional conditions have been introduced to curb polygamy and to prevent female genital mutilation. The reduction of penalties in cases of honour killings has been abolished. However, statistics indicate an increase in violence against women in the region. In 2008, an estimated 117 women were killed; in addition, 333 burns cases involving women were recorded.

35. The Ministry of Education does not apply any legislation that is discriminatory on grounds of gender in the field of education, from kindergarten through university. The Ministry of Education provides compulsory education for boys and girls from the age of 6 to 10 years in accordance with the Compulsory Education Act No. 118 of 1976.

36. Education is a right guaranteed under article 34 of the Constitution, at all stages. Article 34 provides that: "Education is a key factor in the progress of society and is a right guaranteed by the State. Primary education is compulsory and the State guarantees to eradicate illiteracy."

37. The principle of gender equality in respect of access to general, technical and vocational education and all forms of vocational training is guaranteed, by the following means:

- Equality between the sexes in terms of curriculum, examinations, teachers' qualifications, and quality of premises, facilities and equipment;
- Eliminating all forms of gender role stereotypes at all levels of education, by encouraging and privileging co-education as a form of education that will contribute to the attainment of this goal, and, in particular, by revising school textbooks and programmes and adapting teaching methods;
- Equal opportunities to obtain grants and other study subsidies;
- Equal opportunities to access continuing education programmes, including adult education and functional literacy programmes, particularly those designed to narrow the gender gap in education as rapidly as possible;
- Reducing school dropout rates for girls and organizing programmes for girls and women who have left school early. The implementation of the *Nur al-ma`arif* (Light of Knowledge) project for girls' education in cooperation with the Islamic Educational, Scientific and Cultural Organization (ISESCO) is an example;
- Equal opportunities to participate in sporting, educational and physical activities;
- The integration of human rights in school curriculums for initial consideration, including gender equality and the elimination of discrimination on the basis of sex.

38. In Kurdistan region, the Ministry of Education aims to ensure that the right to education is exercised equally by male and female students. Statistics for the year 2008/09 indicate that overall female enrolment rates were 50 per cent in nursery schools, 47 per cent in primary education, 47 per cent in secondary education, 43.3 per cent in colleges and 46.3 per cent in vocational education.

Empowerment of women

39. Iraqi women play a number of roles in all walks of life. Since 2003, women have entered a number of former male preserves and access to posts has come to be based on the

principle of equality. Article 49, paragraph 4 of the Iraqi Constitution provides that no less than 25 per cent of members of parliament shall be women. Women are entrusted with ministerial portfolios and occupy leadership positions as advisers, deputy ministers, directors general, experts and assistant directors. They are also joining the police force, where they are incorporated in the ranks and enjoy all the rights guaranteed to men, without discrimination.

40. Iraq has paid particular attention to the situation of children by adopting a series of measures to protect this sector of society, primarily by implementing international instruments on children's rights and acceding to the two Optional Protocols to the Convention on the Rights of the Child.

41. The Child Welfare Authority was established, bringing together a number of relevant ministries including the Ministry of Human Rights. The Minister for Labour and Social Affairs presides over the Authority, which works to improve the situation of Iraqi children.

42. The Ministry of Human Rights, through the National Institute of Human Rights and in cooperation with the Ministry of Education, has established "friends of human rights" groups in schools in order to increase awareness among children. The groups were initially established in 92 schools, and others were subsequently established throughout Iraq.

43. In order to make the programme more accessible to children and to encourage them to speak their minds and give their opinion, the Ministry of Labour and Social Affairs drafted a bill on behalf of the Children of Iraq forum. Moreover, a children's parliament was established as a social activity, run by civil society organizations, in order to make children more aware of their rights.

44. Iraq is making considerable efforts to ensure the protection and human dignity of children at risk (street children). The Ministry of the Interior has established a directorate responsible for tackling homelessness, while the Ministry of Labour has set up shelters for homeless children in conflict with the law.

45. A law has been enacted prohibiting the manufacture or import of children's toys that encourage violence and dangerous games that would have an impact on children's health or conduct.

Minorities

46. The people of Iraq are one people with a single, rich identity in terms of culture and civilization. Its unity is based on its diversity.

47. The Constitution of Iraq establishes Kurdistan as a federal region. Article 117, paragraph 1 provides that: "This Constitution, upon its entry into force, shall recognize the region of Kurdistan and its existing authorities as a federal region."

48. The Constitution also establishes Arabic and Kurdish as the official languages of Iraq. Article 4 provides that:

"(1) Arabic and Kurdish are the official languages of Iraq. The right of Iraqis to educate their children in their mother tongue, such as Turkmen, Syriac and Armenian, in government educational institutions in accordance with educational regulations, or in any other language in private educational institutions, is guaranteed.

"(2) The scope of the term official language and the means of application of the provisions of this article shall be established by law and shall include:

"(a) Publication of the official gazette in both languages;

“(b) Speech, conversation and expression in official settings, such as the Council of Representatives, the Council of Ministers, courts and official conferences in either of the two languages;

“(c) Recognition and publication of official documents and correspondence in both languages;

“(d) Opening of schools teaching in both languages, in accordance with educational regulations;

“(e) Use of both languages in any context required by the principle of equality such as on bank notes, passports and stamps.

“(3) Federal institutions and government agencies in the Kurdistan region shall use both Arabic and Kurdish.”

49. On 21 April 2008, the federal court handed down Federal Decision No. 15 of 2008 on the use of Arabic, Kurdish Turkmen and Syriac on road signs at roundabouts in the governorate of Kirkuk, pursuant to article 4, paragraph 4 of the Constitution.

50. With regard to cultural rights, ethnic and religious minorities such as the Kurds, Turkmen, Assyrians and Syriacs have satellite channels that broadcast in their languages, in addition to magazines and books.

51. Article 4, paragraph 4 of the Iraqi Constitution provides that: “Turkmen and Syriac are official languages in administrative districts densely populated by these groups.”

52. Moreover, in accordance with the provisions of article 2, paragraph 1 (a), (b) and (d) of the Convention, the Criminal Code (Act No. 111 of 1969) has been amended to ensure that all citizens are treated on an equal basis.

Article 3

53. Iraq reaffirms that apartheid is a crime against humanity by its accession to International Convention on the Suppression and Punishment of the Crime of Apartheid.

54. The Republic of Iraq recognizes the need to ensure that there is effective and balanced development in all governorates. Since 2003, all governorates have received adequate attention through social, economic and cultural development programmes relating to urbanization, health, education, infrastructure, administration, economy, services, sports and culture.

55. In order to ensure that all regions benefit in terms of infrastructure and basic equipment, Iraqi Government monitors the budget allocated to each governorate for the implementation of programmes. This strategy has had a positive impact on the management of local resources at various levels. The strategic objective is to create balance and complementarity between the various governorates.

Article 4

56. The Republic of Iraq prohibits laws that foment religious hatred or encourage discrimination, hostility or violence, as stipulated in Section One, article 7 of the Iraqi Constitution, on fundamental principles. Efforts are made to ensure that religious places, sites, shrines and symbols are fully respected and protected, and additional measures are taken in cases where they are vulnerable to desecration and destruction. The national legislation guarantees the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes. Moreover, it

guarantees the right of all persons to write, publish and disseminate relevant publications in these areas. Article 10 of the Constitution provides that: “Holy shrines and religious sites in Iraq are religious and cultural entities. The State shall recognize their sanctity, protect them and ensure freedom of worship in them.” Moreover, in accordance with international human rights law the State guarantees full respect for and protection of the freedom of all individuals and members of groups to establish and administer religious, charitable or humanitarian institutions. The Endowments Bureau for Christians and other Faith Communities was established to take care of the affairs of the members of these non-Muslim religious communities. This is reaffirmed by article 42 of the Constitution, which provides that: “Everyone shall have the right to freedom of thought, conscience and belief.”

57. Iraq has a constitutional commitment to human rights and strives constantly to guarantee and protect internationally recognized human rights principles by law. It does so by creating a legal framework for human rights and imposing criminal penalties for any violations in order to ensure that they are duly respected.

58. Article 7 of the Iraqi Constitution prohibits any entity or programme that espouses racism, terrorism, the labelling of others as infidels or ethnic cleansing. The Ministry of State for Parliamentary Affairs has drafted a bill in this connection which has been submitted to parliament for adoption. The bill contains a number of articles prohibiting entities that espouse racism, terrorism, the labelling of others as infidels or ethnic cleansing, in addition to articles prescribing penalties for offenders, as follows:

(a) Article 2, paragraph 2 provides that: “Entities, parties and political organizations which espouse ideas or attitudes incompatible with the principles of democracy and the peaceful transfer of power shall be prohibited”;

(b) Article 2, paragraph 3 provides that: “Entities, parties and political organizations whose objectives and activities are incompatible with the principles of the Constitution shall be prohibited”;

(c) Article 9 provides that: “Any person who engages in, espouses, instigates, glorifies or promotes racism, the labelling of others as infidels or ethnic cleansing or encourages the espousal of ideas or attitudes incompatible with the principles of democracy and the peaceful transfer of power shall be liable to a maximum penalty of 10 years’ imprisonment”;

(d) Article 11, paragraph 1 provides that: “Any public employee or person assigned to a public service who deprives a citizen of his rights prescribed by law or who obstructs or hinders his accomplishment of his official business on sectarian, religious or ethnic grounds shall be liable to a maximum penalty of 5 years’ imprisonment without prejudice to any administrative penalties provided for by law”;

(e) Article 11, paragraph 2 provides that: “Any official who punishes or deprives an official of his professional rights on sectarian, religious or ethnic grounds shall be liable to a penalty of imprisonment without prejudice to any administrative penalties provided for by law”;

(f) Article 11, paragraph 3 provides that: “Any person who alleges to have been subjected to discrimination on sectarian, religious or ethnic grounds whose allegation the court finds to be invalid shall be liable to a penalty of imprisonment”;

(g) Article 12 provides that: “Any person who uses force, threats or intimidation to force a citizen to leave his habitual place of residence on sectarian, religious or ethnic grounds shall be liable to a maximum penalty of 7 years’ imprisonment”;

(h) Article 14 provides that: “Any official convicted of an offence stipulated in this Act shall be liable to removal from office”.

59. Under Iraqi law, no individual under the jurisdiction of the Iraqi Government may be deprived of the right to life, liberty or security of person on grounds of his religion or belief or the expression or avowal of his religion or belief. Moreover, no individual may be subjected to torture, arrest or arbitrary detention or deprived of the right to work, education or adequate housing on those grounds. All those who perpetrate violations of these rights are brought to justice. Article 372 of the Iraqi Criminal Code (Act No. 111 of 1969), as amended, provides that:

“1. Any person who:

“(a) Openly attacks the beliefs of a faith community or denigrates its religious practices;

“(b) Deliberately denigrates a faith community or a religious celebration or gathering or who prevents a religious ceremony from taking place or disrupts it; or

“(c) Destroys, vandalizes, defaces or desecrates a building used for worship by a faith community or a religious symbol or other object considered sacred

“shall be liable to a maximum penalty of 3 years’ imprisonment and a maximum fine of 300 dinars.”

Article 5

The right to equal treatment before the courts

60. The main purpose of the judiciary is to ensure that all persons enjoy legal protection on an equal basis. Article 19, paragraph 3 of the Constitution enshrines a fundamental precept when it provides that: “The right to seek legal redress is safeguarded and guaranteed for all.” In addition, article 14 of the Constitution provides that: “Iraqis are equal before the law without distinction as to sex, race, ethnicity, origin, colour, religion, sect, belief or opinion, or economic or social status.” Thus, the law of Iraq guarantees all citizens the right of recourse to the courts, without distinction.

The right to personal liberty and dignity and sanctity of the home

61. Article 15 of the Constitution provides that: “Every individual has the right to enjoy life, security and liberty. It is prohibited to deny or restrict these rights except in accordance with the law and on the basis of a decision handed down by a competent judicial authority.” Article 37 (a) of the Constitution provides that: “Human liberty and dignity are safeguarded.” Article 37 (b) provides that: “No person may be arrested or subject to questioning except on the basis of a judicial decision.” Article 17, paragraph 2 provides that: “The sanctity of the home is guaranteed. A home may not be entered, searched or interfered with except by judicial decision and in accordance with the law.”

Political rights

62. Article 5 of the Constitution provides that: “The law is sovereign. The people are the source of authority and legitimacy, which they shall exercise by direct, secret, public ballot and through constitutional institutions.” In addition, article 20 provides that: “Citizens, men and women, have the right to participate in public life and to enjoy political rights including the right to vote, to be elected and to stand for election.” Under these articles, citizens are permitted to contribute to public life, directly or indirectly, without discrimination and to monitor the actions of the executive. Moreover, the State guarantees equal access to public office under article 16 of the Constitution, which provides that: “Equal opportunities shall

be guaranteed for all Iraqis. The State shall ensure that the necessary measures in that respect are taken.”

63. Since 1991, the region of Kurdistan in Iraq has enjoyed special status, as a result of the issuance of Security Council resolution 688 on 5 April 1991 concerning the establishment of a force to provide protection to the Kurdish population, to restore stability and to end the repression of the Kurds in northern Iraq. A Kurdish security zone was declared north of the 36th parallel. From that time and until the fall of the Iraqi regime in 2003, the region had its own parliament, government and constitution.

64. After 2003, a local government was established in the region of Kurdistan to administer regional affairs in accordance with the regional constitution. Since that time, Kurds have held central government posts such as President of the Republic, Deputy Prime Minister and Vice-President of the Parliament, in addition to occupying ministerial positions, seats in the House of Representatives and senior positions in State institutions.

65. In order to ensure that the members of minorities enjoy their political rights, they are represented in:

(i) The Council of Representatives, in accordance with the Elections Act No. 16 of 2005, as amended. The Act establishes quotas for the following groups, in addition to the seats allocated to the electoral constituency, as follows:

- (a) Christians: five seats, divided between the governorates of Baghdad, Arbil, Ninawa, Dahuk and Kirkuk;
- (b) Yazidis: one seat in the governorate of Ninawa;
- (c) Sabaks: one seat in the governorate of Ninawa;
- (d) Sabians: one seat in the governorate of Baghdad.

(ii) Governorate councils, following the introduction of amendments to article 50 of the Governorate Councils Act with a view to ensuring minority representation. Under article 50, there is:

- One seat in Baghdad for Christians and one for Sabians;
- One seat in Ninawa for Christians, one seat for Yazidis and one seat for Sabaks;
- One seat in Al-Basrah for Christians.

Moreover, article 50 guarantees minority representation on councils.

Civil rights

66. The national legislation regulating the exercise of rights for all Iraqis without discrimination is governed by article 14 of the Constitution, which provides that: “Iraqis are equal before the law without discrimination based on gender, race, ethnicity, origin, colour, religion, creed, belief or opinion, or economic and social status.” Thus, civil rights for all Iraqi citizens are guaranteed by law.

Right to freedom of movement and residence

67. Article 44, paragraph 1 of the Constitution provides that: “Every Iraqi shall enjoy the right to freedom of movement, travel and residence inside and outside Iraq.” Paragraph 2 of the same article provides that: “No Iraqi may be exiled, deported or denied the right to return to their homeland.”

Right to a nationality

68. Article 18, paragraph 1 of the Iraqi Constitution provides that: “Iraqi nationality is the right of every Iraqi and the basis of citizenship.” Paragraph 2 states that: “Any person born to an Iraqi father or mother shall be deemed to be Iraqi. This shall be regulated by law.” The new Nationality Act was enacted on the basis of article 18. Paragraph 3 (a) provides that: “No person who is Iraqi by birth may be deprived of their nationality on any grounds. Any person who has been so deprived may apply to restore their nationality. This shall be regulated by law.”

69. The former regime deliberately deprived hundreds of thousands of Fayli Kurds of Iraqi nationality pursuant to Revolutionary Command Council decision (revoked) No. 666 of 7 May 1980. This group was forcibly displaced from Iraq and thousands of families were abandoned at the border with Iran. The Iraqi Supreme Criminal Tribunal was established after the fall of the regime in the spring of 2003. Among other cases, the Tribunal considered the case of the deprivation of the Fayli Kurds of Iraqi nationality, their forcible displacement and the confiscation of their movable and immovable property and handed down a decision on 29 November 2010, finding these to be crimes of genocide. The decision of the Tribunal was supported by the Council of Ministers in its resolution No. 426, issued at its 48th session of 8 December 2010 dedicated to supporting the Tribunal’s decision, establishing the National Independent Commission for Justice for Fayli Kurds. The Commission will be established following a series of meetings between competent judges and politicians and will deal with matters relating to martyrs and the welfare of their families, the restoration of nationality and stolen property, the return of migrants and displaced persons to the country and the applicable financial and moral compensation, in addition to all of the relevant legislation and legal, financial and moral entitlements.

The right to marry and to choose a spouse

70. Article 29 of the Constitution provides that the family is the foundation of society and the State shall preserve its integrity and its religious, moral and patriotic values. The State guarantees the protection of mothers, children and the elderly. The national legislation recognizes the right of Iraqi men and women to marry and found a family and the Personal Status Code regulates matters relating to marriage for non-Muslims. All minorities and religious communities exercise their rights in respect of marriage and the associated rituals, which are protected by law. Marriages between members of ethnic minorities and religious communities are commonplace in Iraq.

The right to own property

71. Article 23, paragraph 1 of the Constitution provides that: “Private property shall be protected. The proprietor shall have the right to enjoy, use and dispose of private property within the limits of the law.” Paragraph 2 provides that: “Property may not be expropriated except in the public interest in return for fair compensation. This shall be regulated by law.” Paragraph 3 (a) provides that: “Every Iraqi has the right to own property throughout Iraq. Others may not own immovable assets except as exempted by law.” Paragraph 3 (b) provides that: “Property ownership for the purpose of population change shall be prohibited.”

The right to inherit

72. Article 41 of the Constitution provides that: “Iraqis are free to manage their personal status affairs in keeping with their religion, confession, beliefs or choices. This shall be regulated by law.” All of the above provisions are consistent with the principle of non-discrimination enshrined in article 14 of the Constitution. It should be noted that the

division of inheritance is subject to the rules and customs of the different religious communities, each approach being regulated by law.

The right to freedom of thought, belief and religion

73. The Constitution guarantees the exercise of these rights for all citizens without discrimination. Article 43, paragraph 1 provides that: “The followers of all religions and beliefs shall be free to:

- “(a) Practise their religious rites, including Husayni (Shiite) rites; and
- “(b) Administer their religious endowments, institutions and affairs. This shall be regulated by law.”

Paragraph 2 provides that: “The State shall guarantee freedom of worship and the protection of places of worship.”

The right to freedom of opinion and expression

74. Article 38 of the Constitution provides that: “The State shall guarantee, without detriment to public order and morality:

- “(a) Freedom of expression by all means;
- “(b) Freedom of the press, publishing, advertising, media and distribution;
- “(c) Freedom of assembly and the right to peaceful demonstration. This shall be regulated by law.”

A bill on freedom of expression is currently being signed into law in the Council of Representatives.

The right to freedom of peaceful assembly and association

75. Article 39 of the Constitution provides that the freedom to form associations and political parties shall be guaranteed by the State and regulated by law. Moreover, it provides that no person may be compelled to join or maintain membership of any political party, association or political entity and that the State shall endeavour to provide the environment in which these freedoms may be exercised.

Economic and social rights

The right to work

76. Article 22, paragraph 1 of the Constitution provides that: “All Iraqis have the right to work in order to guarantee them a decent life.” Paragraph 2 states that: “Labour relations shall be regulated by law, on the basis of economic principles and with due regard for precepts of social justice.” National minorities and religious communities enjoy the right to work, in addition to other rights. Article 16 of the Constitution provides that: “Equality of opportunity is a guaranteed right for all Iraqis and the State shall take the necessary measures to achieve that end.” Members of national minorities and religious communities work in various fields and in State institutions without discrimination. No exceptions, distinctions, restrictions or preferences are imposed by law or in management practice or in working relations between people on the basis of race, colour, sex, religion, political opinion, nationality or social status.

77. There is no discrimination with regard to vocational training on grounds of race, colour, sex, religion or national origin. The Constitution of the Republic of Iraq, the Labour Code (Act No. 71 of 1987) and the Civil Service Code (Act No. 24 of 1960) and other

relevant legislation guarantee every able citizen the right to work on equal terms and with equal opportunities, without discrimination on grounds of sex, race, language or religion.

78. Men and women are treated on an equal basis under national labour legislation in all areas, including in respect of pay and opportunities for employment, vocational training and promotion. Moreover, the national legislation affords special protection to working women in that it prohibits their employment in arduous or harmful work and in night work (except for administrative work, health or leisure services). Pregnant women may not work overtime.

The right to form and join trade unions

79. Trade unions in Iraq are organized on a professional basis, not on an ethnic, linguistic or religious basis. Article 22, paragraph 3 of the Constitution provides that: "The State shall guarantee the right to form and join trade unions and professional associations. This shall be regulated by law."

80. The State, through the Ministry of Labour and Social Affairs, has introduced a new draft Labour Code. The draft has been considered and discussed by the State Consultative Council, adopted by the Cabinet of Ministers and transmitted to the Council of Representatives for enactment into law. Article 5 of the draft Code provides that "Freedom to work is safeguarded and the right to work may not be restricted or denied. The State pursues a policy of promoting full and productive employment and respects fundamental principles and rights, including, in the first instance, freedom of association, protection of the right to organize and collective bargaining.

The right to housing

81. It is established in international treaties and national constitutions, including the Iraqi Constitution, that the right to decent housing is a fundamental human right and a basic necessity. Access to decent housing must be provided in rural and urban areas alike, in a healthy environment and equipped with integrated services and facilities.

82. The right to housing applies to all citizens in Iraq without discrimination on grounds of race, sex, language or religion. Any Iraqi citizen, male or female, has the right to own a home.

83. Article 23, paragraph 3 (a) of the Constitution provides that: "Every Iraqi has the right to own property throughout Iraq. Others may not own immovable assets except as exempted by law."

84. Housing needs are met to varying levels in different governorates. While the housing deprivation rate at the national level stood at 28.7 per cent in 2007, rates in the governorates of Dhi Qar, Maysan, Al-Qadisiyah, Karbala', Babil and Sulaymaniyah varied between 35 and 45 per cent. The lowest rates of housing deprivation were recorded in the governorates of Al-Anbar, Kirkuk, Diyala, Salah al-Din, where they varied from 21 to 24 per cent.

The right to health-care services and social welfare

Public health

85. Primary, secondary and tertiary health-care services, including surgical operations and medicines, are provided by the State free of charge in government hospitals and health centres to all citizens without discrimination on grounds of colour, sex, language, ethnicity or religion.

86. Article 31, paragraph 1 of the Constitution provides that: "Every citizen has the right to health care. The State shall protect public health and provide prevention and treatment

facilities through the establishment of different types of hospitals and health-care institutions.”

87. The Ministry of Health is implementing policies, programmes and projects with a number of other ministries in order to achieve its goals and strategies. Moreover, it is reviewing and introducing amendments to existing health legislation. At the same time, it is seeking to enact new legislation appropriate to the new health-care system through a draft bill to amend the Public Health Act No. 89 of 1981.

Social welfare

88. Article 30, paragraph 1 of the Constitution provides that: “The State shall guarantee social and health security to individuals and families — in particular women and children — and the basic elements required to live life in freedom and dignity, in addition to a suitable income and decent housing.” Paragraph 2 provides that: “The State shall guarantee social and health security to Iraqis in the event of old age, illness, incapacity to work, homelessness, orphanhood or unemployment. It shall protect them from ignorance, fear and want and provide them with housing and specially adapted rehabilitation and welfare programmes. This shall be regulated by law.” The Social Security Act was amended by Act No. 21 of 2007 to apply to enterprises employing one or more workers. A new Retirement and Social Security Bill has been drafted in line with current developments and human rights standards. The Bill seeks to extend social security cover to the self-employed and others on an equal basis so that social protection is comprehensive, to ensure that salaries are adequate and that the retirement pensions system is sustainable and, also, to strengthen the financial position of workers and promote investment.

89. The Social Welfare Act No. 126 of 1980 grants social security assistance to families with no income and low-income families. A new bill on the social protection network has been drafted.

90. Under the Retirement and Social Security Act No. 39 of 1971, the following categories do not enjoy the right to social security:

- (a) Foreign workers in the diplomatic corps;
- (b) Domestic workers and others in similar employment;
- (c) Casual and seasonal workers employed for a period of less than six months;
- (d) Agricultural workers and persons working in animal husbandry;
- (e) Self-employed workers.

91. There is no provision in the national legislation that would prevent any Iraqi or other citizen resident in the country from using any place or facility intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres, cinemas or public parks and gardens.

Article 6

92. The Iraqi Criminal Code makes it sufficiently clear that acts of racial discrimination and incitement to such acts are criminalized under Iraqi law. Any person who is a victim of racial discrimination may apply to the competent court for compensation for material damage sustained. The jurisdiction of the courts applies to all persons.

93. An individual, a group or society as a whole may be the victim of racial discrimination. Consequently:

(a) Criminal proceedings may be brought under article 1 of the Code of Criminal Procedure (Act No. 23 of 1971) by means of an oral or written complaint to an investigating judge, an investigator, any official at a police station or any member of the judicial police by the victim of a racial discrimination offence, his legal representative or any person with knowledge of the incident, or by means of a notification addressed to any of the above by the Office of the Public Prosecutor;

(b) Article 2 of the Code of Criminal Procedure provides that: "No case may be stayed, suspended or dropped ... except as provided for by law." Article 9 provides that: "The submission of a complaint in itself constitutes a claim of rights." Article 224 (a) indicates that when a criminal court hands down a decision in respect of a complaint before it, the decision shall include compensation for the victim for material or moral damage incurred.

94. The jurisdiction of the Iraqi courts includes crimes of apartheid committed inside or outside Iraq, in accordance with article 5 of the Convention.

95. The national parliament abolished cruel or degrading penalties such as earlobe amputation or facial tattooing and penalties not commonly imposed at the international level, such as the amputation of a hand or foot. In addition, it enacted Act No. 5 of 2009 concerning compensation for persons who lost a part of their bodies as a result of the practices of the former regime.

Article 7

Education

96. The point of departure for all educational curricula in Iraq is a civilized and humane perspective that is opposed to racial discrimination. The purpose of adopting such a perspective is to achieve equality and equal opportunities for all citizens, to eliminate gaps affecting minorities and religious communities and to create an educated, open-minded and aware generation that respects privacy and believes in acceptance of the other, in accordance with the principle and the rule of peaceful coexistence for all.

97. Iraq acceded to the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education and, also, to its Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racism, apartheid and incitement to war. The concepts enshrined in these instruments are embodied in national policy on culture, education and the media, which is founded on civilized and humane principles.

98. The State has a constitutional obligation to pay attention to education. Article 34, paragraph 1 of the Constitution provides that: "Education is fundamental to the advancement of society and is a right guaranteed by the State. Primary education shall be compulsory and the State shall guarantee to combat illiteracy." Paragraph 2 provides that: "All Iraqis have the right to free education at all levels."

99. The Iraqi Constitution also guarantees members of minorities the possibility of an education in their mother tongue at government and private educational establishments, in accordance with specific educational standards. In the Ministry of Education there is a general directorate for the teaching of Kurdish and other languages. Moreover, a Syriac Department was recently created at the College of Languages at the University of Baghdad.

100. The Ministry of Education does not apply any legislation that is discriminatory on grounds of gender in the field of education, from kindergarten to university. The Ministry provides compulsory primary education to boys and girls.

101. The principle of gender equality in respect of access to general, technical and vocational education and all forms of vocational training is guaranteed, by the following means:

- Equality between the sexes in terms of curriculum, examinations, teachers' qualifications, quality of facilities and equipment;
- Eliminating all forms of gender role stereotypes at all levels of education, by encouraging and privileging co-education as a form of education that will contribute to the attainment of this goal, and, in particular, by revising school textbooks and programmes and adapting teaching methods;
- Equal opportunities to obtain grants and other study subsidies;
- Equal opportunities to access continuing education programmes, including adult education and functional literacy programmes, particularly those designed to narrow the gender gap in education as rapidly as possible;
- Reducing school dropout rates for girls and organizing programmes for girls and women who have left school early;
- Equal opportunities to participate in sporting, educational and physical activities.

Media

102. All national minorities and religious communities in Iraq exercise their freedom through the media. Since 2003, any component of Iraqi society may operate local or satellite channels. There are Kurdish channels, Assyrian channels and a channel in Turkmen. Moreover, these groups publish newspapers, magazines and other publications through which they give expression to their culture and heritage.

103. Article 38 of the Constitution provides that the State shall guarantee without detriment to public order and morality, freedom of expression by all means and freedom of the press, publishing, advertising, media and distribution.

104. All governorates in Iraq have their own satellite channels through which they freely express the governorate's opinion.

Culture

105. Since 2003, Iraq has pursued a cultural policy designed to ensure that all citizens can exercise their legitimate cultural rights, without discrimination. Article 35 of the Constitution provides that: "The State shall promote cultural activities and institutions in a manner appropriate to the civilizational and cultural history of Iraq and shall endeavour to pursue authentic Iraqi cultural trends."

106. The activities of the Kurdish publishing house and cultural centre founded by the Ministry of Culture in 1976 have been expanded. The centre promotes a culture of dialogue, resolution and respect for the views of others and diffuses the culture of different national and ethnic minorities. It sponsors and disseminates Kurdish literature by publishing books and magazines and celebrates Kurdish intellectuals and artists.

107. At present, the Ministry of Culture is considering a project to establish a directorate for Turkmen culture and the cultures of national, ethnic and religious minorities. Once approved, the directorate will be responsible for the protection and dissemination of the cultures, languages, customs and traditions of those minority groups.

108. The Ministry of Culture continues to seek to overcome or diminish barriers to the participation of the elderly, persons with disabilities and orphans in cultural life by extending them a standing, open invitation to attend cultural events.

109. The Ministry of Culture, through the children's cultural centre, contributes to engaging school and kindergarten pupils in artistic and cultural activities (theatre and music) and to the distribution of various published materials, including books and magazines. A number of schoolchildren are involved in these activities. Cultural and artistic courses, computer classes and visits to touristic and historical sites are also organized for them.

110. Cultural indicators in the Kurdistan region have improved substantially, which indicates that cultural rights in the region are being respected. There has been a considerable increase in the number of satellite and terrestrial channels and the number of newspapers, official and other magazines, theatres, cinemas, art exhibitions and cultural festivals, described in the following table.

Cultural indicators in the Kurdistan region of Iraq

<i>Indicator</i>	<i>Year</i>		
	<i>2003</i>	<i>2007</i>	<i>2009</i>
Satellite television channels	2	3	7
Terrestrial television channels	5	28	40
Official and unofficial newspapers	17	26	29
Official and unofficial magazines	18	38	48
Theatres	5	5	7
Art exhibitions	2	6	9
Cinemas	4	2	1
Cultural festivals	1	1	4
Total	54	109	145
Percentage of total	18.75	37.85	43.4