



## Economic and Social Council

Distr.: General  
18 August 2015  
English  
Original: Arabic

### Committee on Economic, Social and Cultural Rights

#### Fifty-sixth session

21 September-9 October 2015

Item 6 (a) of the provisional agenda

**Consideration of reports: reports submitted by States parties  
in accordance with articles 16 and 17 of the Covenant**

### List of issues in relation to the fourth periodic report of Iraq

#### Addendum

#### Replies of Iraq to the list of issues\*,\*\*

[Date received: 4 August 2015]

## I. General information

### Reply to issues raised in paragraph 1 of the list of issues

1. The majority of the decisions rendered by the courts are based on current Iraqi legislation, which covers the rights and freedoms set forth in the International Covenant on Economic, Social and Cultural Rights, as well as on legislation enacted to implement the provisions of other international human rights treaties to which Iraq is a party. One example of a case in which the Iraqi judiciary handed down a decision on the basis of international human rights treaties was a ruling of the court of first instance in the Shaab district of Baghdad on 27 June 2011 which was based on the provisions in the Covenant guaranteeing the rights to work, life, travel and movement.

### Reply to issues raised in paragraph 2 of the list of issues

2. Population censuses are the responsibility of the Ministry of Planning. One was conducted in 1977, in accordance with the Statistics Act No. 21 of 1972, and another in 1987. Since 2004, attempts have been made to conduct a further census but they have proved unsuccessful due to the security and political situation. In 2006, the Ministry of Planning tried again, with the intention of conducting a census in 2007; that was postponed until 2009 and subsequently to 2010 due to technical reasons and on the recommendation of the International Advisory Board on the Iraqi Census, given the ongoing lack of security, regional stability and political consensus and of a joint political decision to hold a census. As an alternative, a general census of buildings, homes, facilities and households was conducted, focusing on a range of demographic,

\* The present document is being issued without formal editing.

\*\* Annex can be consulted in the files of the secretariat.



economic, social and educational factors and ancillary activities such as financial and insurance activities, etc.

**Reply to issues raised in paragraph 3 of the list of issues**

3. According to Act No. 53 of 2008, the High Commission for Human Rights in Iraq was established to fulfil the provisions of article 102 of the Iraqi Constitution of 2005 which states as follows: “The High Commission for Human Rights, the Independent Electoral Commission and the Commission on Integrity are considered independent commissions which are subject to oversight by the Council of Representatives and the functions of which shall be regulated by law.” These provisions are consistent with the need for institutional development and with the nature of the current challenges, not just at the national level but also regionally and internationally. The High Commission was established in accordance with the Paris Principles, the standard reference of rules and standards for establishing and defining the role of national human rights institutions, as adopted by the General Assembly in resolution 48/134 (A/RES/48/134). The Principles emphasize the need for independence and impartiality, a broad mandate, adequate resources and pluralism and it is important to note that the High Commission, as constituted by Act No. 53 of 2008, conforms to these Principles in the following ways:

- *Independence.* The establishment of the High Commission reflects the Principles in two ways. Firstly, the legal text under which it was created (Act No. 53 of 2008) is based on the Constitution and makes the Commission independent of all other agencies and institutions. Secondly, the Commission reports directly to the Council of Representatives (article 2 (1) of the Act), thereby giving it broad room for manoeuvre. Moreover, the Commission enjoys financial independence;
- *A broad mandate.* The mandate of the Commission is not confined to specific rights to the exclusion of others. It covers all rights (political, civil, economic, cultural and social) enshrined in the Constitution (article 3 (2) of the Act), in international humanitarian law and in international human rights law;
- *Adequate resources.* In exercising its mandate, the Commission undertakes the duties and adopts the means it considers necessary pursuant to part II, section 8, of Act No. 53 of 2008. It is clear, therefore, that the intention of the legislature was to give the Commission wide-ranging freedom to employ all the means it needs to carry out its duties;
- *Pluralism.* The legislature sought to ensure pluralism by setting up a special mechanism for the selection of Commissioners and Commission officials. The committee of experts which selects them is made up of representatives from the legislature, the executive and the judiciary as well as from civil society and the Human Rights Office of the United Nations in Iraq (article 7 of the Act). Another guarantee of pluralism is the condition that a specific proportion of members must be women or members of minority groups (article 8, paras 4 and 5, of the Act).

4. The Commission undertakes the following activities in the field of economic, social and cultural rights:

- *Concerning the right to health.* Teams from the Commission make frequent visits to hospitals, public health centres and landfill sites, both in the capital and in certain governorates, where they have been able to identify numerous problems and shortcomings in health and medical care, as well as widespread pollution in various areas. Approaches have been made and discussions held with officials from the Ministry of Health with a view to resolving those problems;

- *Concerning the right to education.* Teams from the Commission make numerous visits to schools, colleges and universities, both in Baghdad and a number of governorates, to examine the situation on the ground. Shortcomings have been observed in budget allocations and the modernization and renovation of school buildings, as well as in teaching staff whose numbers were not commensurate with those of pupils and students. Another problem was the number of internally displaced students in certain governorates, especially after the events of 10 June 2014 and the emergence of the terrorist group known as Islamic State in Iraq and the Levant (ISIL). Approaches have been made and discussions held with officials from the Ministries of Education and Higher Education with a view to resolving those problems;
- *Concerning the right to work.* Teams from the Commission follow up on issues involving labour, workers, social welfare and security, as well as small business loans for the unemployed, the rights of foreign workers in Iraq and plans for new legislation concerning the right to work. They have also encouraged the Government to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and have been monitoring progress on the adoption of the new Labour and Social Security Bill;
- The Commission has observed the severe effects that the security situation is clearly having on the exercise of economic, social and cultural rights. One of these effects has been a fall in the number of investment projects, as investors and foreign companies are disinclined to invest in the construction of residential complexes or in other sectors such as health care, commerce or agriculture.

#### **Reply to issues raised in paragraph 4 of the list of issues**

5. The ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights is currently being examined in light of the current circumstances in the country.

## **II. Issues relating to general provisions of the Covenant (arts. 1-5)**

### **Article 2 (1)**

#### **Maximum available resources**

#### **Reply to issues raised in paragraph 5 of the list of issues**

6. The proportion of total public expenditure allocated to education amounted to 6.9 per cent in 2012 and 6.4 per cent in 2013. The budget of the Ministry of Health accounted for 5 per cent of the general budget in 2012 and 5.3 per cent in 2013. The Government attaches great importance to meeting the requirements of citizens and ensuring that they can enjoy a decent life, to which end it allocated the following sums in the general budget of 2013:

- A total of 6,750,431 million Iraqi dinars (ID) was allocated to the health-care sector, to be used for constructing health facilities, supplying high-quality medicines, contracting foreign medical specialists and furthering the training of medical professionals by sending missions to countries with advanced health-care systems;
- A total of ID 8,811,060 million was allocated to the education sector, to be used to improve buildings and infrastructure. Many schools have been constructed in the capital and the governorates and modern school structures have been raised

in place of the pre-existing mud buildings. Other student requisites have been met and efforts are being made to eradicate illiteracy in Iraq;

- The Iraqi Government has made considerable efforts in the housing and construction sector in order to tackle the housing crisis from which citizens have been suffering for decades. A total of ID 1,636,842 million has been allocated from the general budget for the construction of residential complexes in all the governorates of Iraq and efforts have been made to ensure the provision of low-cost housing for limited-income families. Resources have also been allocated for the development of infrastructure such as roads and bridges;
- The annex contains a table giving details of the gross domestic product for the years 2011, 2012, 2013 and 2014.

## **Article 2**

### **Non-discrimination**

#### **Reply to issues raised in paragraph 6 of the list of issues**

7. A bill on the protection of minorities was presented during the last session of parliament but its adoption has been postponed in order to consider a number of proposals made by members of minorities themselves during the course of the discussion. The bill has the following aims:

- To regulate the exercise of political, administrative, cultural and educational rights by all components of Iraqi society;
- To achieve equality among all components of Iraqi society;
- To promote a spirit of understanding, tolerance, solidarity and respect guaranteeing the rights of minorities and the rule of law;
- To prevent any activity aimed at or conducive to the assimilation of a minority into a majority group or to their persecution or expulsion;
- In addition to ensuring individual rights, the bill also guarantees rights of worship, language, culture, education, job opportunities and political participation.

#### **Reply to issues raised in paragraph 7 of the list of issues**

8. Like all other components of Iraqi society, members of minorities have been the victims of terrorist attacks. National and ethnic minorities, as well as religious and linguistic minorities, are able to maintain their cultural and social identity under the provisions of specific laws in that regard. Foremost among them is the Iraqi Constitution, article 2 (2) of which guarantees full rights to freedom of religious belief and practice for all individuals, including Christians, Mandeans and Yazidis. Article 3 of the Constitution states that Iraq is a country of multiple ethnicities, religions, and confessions while article 4 grants all Iraqis the right to teach their children their mother tongue, such as Turkmen, Syriac or Armenian, and even goes so far as to establish two official languages which may be used in administrative districts where the speakers of those languages constitute a majority. According to article 14 of the Constitution, all Iraqis are equal before the law without discrimination on the basis of gender, race, ethnicity, origin, colour, religion, confession, belief or opinion, while article 41 grants citizens freedom to regulate matters concerning their personal status according to their own religion, confession, beliefs or choice. Article 42 grants individuals freedom of thought, conscience and belief, while article 43 ensures the practice of religious observances and the administration of religious endowments and

obliges the State to guarantee freedom of worship and the protection of places of worship.

9. The Iraqi Constitution allows members of minorities to be taught in their mother tongue in special State schools in accordance with educational regulations. Measures taken include the following:

- Subsequent to the announcement by the United Nations Educational, Scientific and Cultural Organization (UNESCO) that the Mandaean language was threatened with extinction, a school was established in order to conserve and transmit Mandaean language and culture;
- The Ministry of Education has a directorate general for the teaching of Kurdish and other languages;
- A Syriac language department has been established in Baghdad University.

10. Anyone who violates the rights of minorities is liable to criminal prosecution. Relevant legislation in this regard includes article 372 of the Criminal Code (Act No. 111 of 1969), under which:

“The following persons are liable to a penalty of up to 3 years’ imprisonment or a fine of up to ID 300:

(a) Anyone who publically attacks the beliefs of a religious community or denigrates its rites;

(b) Anyone who deliberately disrupts a ceremony, festival or meeting of a religious community or who deliberately prevents or obstructs the conduct of such an event;

(c) Anyone who damages, destroys, defaces or desecrates a building set aside for a religious community to celebrate its rites, or a symbol or any other object sacred to that community;

(d) Anyone who prints or publishes a book held sacred by a religious community, deliberately tampering with the text so as to alter its meaning or disparaging its tenets or teachings;

(e) Anyone who publicly insults a symbol or a person venerated, revered or respected by a religious community;

(f) Anyone who publicly mimics a religious ceremony or celebration with intent to ridicule it.”

11. The following steps have been taken to ensure that members of minorities are able to enjoy their political rights:

(a) Parliament approved article 50 of the Provincial Councils Act with a view to ensuring that minorities are represented in those councils;

(i) In Baghdad, one seat has been set aside for Christians and one for Mandaeans;

(ii) In Ninawa, one seat has been set aside for Christians, one for Yazidis and one for Shabaks;

(iii) In Basra, one seat has been set aside for Christians;

(b) Act No. 26 of 2009 introduced an amendment to article 1 (3) of the Electoral Act No. 16 of 2005. The amendment allocates quotas for the following communities, based on the number of seats assigned to their governorates but without

prejudice to the right of those communities to field candidates in national elections. The following provisions apply:

- (i) Christians are entitled to five seats in the governorates of Baghdad, Ninawa, Kirkuk, Dahuk and Arbil;
- (ii) Mandeans are entitled to one seat in the governorate of Baghdad;
- (iii) Shabaks are entitled to one seat in the governorate of Ninawa.

12. The Endowments Bureau for Christians and other Faith Communities was established to administer affairs and legal matters relating to those communities. Decree No. 92 of 2014 of the Council of Ministers states that all violations committed against Yazidis, Turkmens, Shabaks and other components of Iraqi society by terrorist groups belonging to ISIL are to be considered as acts of genocide.

13. Details of some complaints presented by members of minority groups which have been dealt with by the authorities are given below:

- A complaint was received from the head of the Armenian Orthodox Church in Basra regarding difficulties in the purchase of a plot of land occupied by the Basra Armenian youth club, which was the property of the General Company for Iraqi Ports. Approaches were made to the Ministry of Transport and to the Company in order to facilitate the sale;
- The Department for Citizens' Affairs and Public Relations of the General Secretariat of the Council of Ministers dealt with a complaint from members of the Shabak community in the district of Al-Hamdaniyah concerning their inability to purchase land in that area due to a ban on acquisition of ownership. The matter was followed up by a special committee formed under Presidential Order No. 54 on which the Ministry was represented by the director general of the monitoring department;
- Families of Yazidi prisoners and missing persons launched an appeal regarding their inability to obtain pensions in the name of relatives in the same way as families of persons who had been reported missing or killed during the Iran-Iraq War. An approach was made to the section for prisoners and missing persons in the Department of Humanitarian Affairs in order to discover what they needed to do in order to obtain their pension rights and they were informed of the necessary procedures;
- Leaders and elders of the Yazidi community in the areas of Sinjar and Shaykan and in a number of villages on the plains of Ninawa had complained about a lack of basic services and investment projects in the areas in which they lived and their sense of being discriminated against in the provision of services to citizens. The General Secretariat of the Council of Ministers was informed of the issue and the Prime Minister ordered all the ministries concerned to provide services and support projects in those areas to help the Yazidi community;
- Following a series of attacks against Shabak communities in the governorate of Ninawa in which a number of families were killed, threatened or displaced, the office of the Commander-in-Chief of the Armed Forces was contacted and requested to order the security forces in the governorate to provide increased protection for areas inhabited by Shabak communities and to recruit Shabaks into the security forces to help to protect those areas;
- A complaint was lodged by the Iraqi Human Rights Society of the United States of America, which has an office in Arbil, concerning attacks against the managers of social clubs in Baghdad, Basra and other governorates. High-level

contacts were made in that regard and the necessary investigations were conducted;

- Complaints of discrimination were received from members of the Shabak community who requested that appointments at the University of Al-Hamdaniyah be made in a balanced manner and that they be given the opportunity to participate in the appointment process;
- Directors of schools serving minority communities complained that their teaching staff were not included in training courses organized by the Ministry of Education. Those complaints have been addressed;
- Complaints were received from the Mandaean community concerning the fact that the post of second deputy director of the Endowments Bureau for Christians and other Faith Communities had not been given to a member of their community, as it had to the Yazidis. The General Secretariat of the Council of Ministers has been contacted concerning this matter;
- Some members of the Yazidi community complained that they had not been considered as political prisoners by the Political Prisoners Foundation despite having presented documentary evidence to that effect. A team was sent to the Foundation where the relevant guidelines were explained and the Yazidis were invited to apply again;
- Turkmens in the governorate of Kirkuk complained about delays in the settlement of compensation claims in respect of lands which had been confiscated under the former regime. When the Property Claims Commission was contacted, it submitted the completed cases and explained the reasons for delay in those still outstanding;
- Various decisions were taken with regard to the Feyli Kurds, including their right to change their recorded name and ethnic affiliation and recover their nationality and confiscated possessions. After we followed up on these matters, instructions were given for their documents to be reissued and their rights restored. Moreover, a decision was issued decreeing that, by all standards, the sufferings undergone by the Feyli Kurds amounted to genocide;
- Despite having obtained all the necessary approvals, the Mandaean community was unable to obtain title to an assigned portion of land in the city of Kut on which to establish a place of worship and a cemetery. The matter was taken up with the competent authorities in the governorate;
- Some Shabak families in Mosul complained of threats and attacks by terrorist groups which had led to a number of deaths and injuries, the displacement of many families and the demolition of homes. The Central Command of the Armed Forces and the operational command centre for Ninawa were contacted to ensure that such families received protection;
- The Mandaean community complained that, despite repeated requests, the procedures for transferring the title deeds of a *mandi* belonging to the Mandaean community in the governorate of Maysan had not been completed due to problems involving ownership of the plot of land on which the *mandi* had been constructed. The matter, which involved the Department of Real Estate, the governorate of Maysan and the Ministry of Municipalities, was resolved after being taken up with the provincial authorities and the Ministry of Municipalities;
- Complaints were received from members of minority groups regarding questions of civil status, the Islamization of minors if one of their parents converted to Islam, their right to return to their former religion if they so wished on reaching

the age of 18, and any penalties that they would consequently incur. The General Secretariat, the State Consultative Council and the religious endowments bureaus were all contacted and instructions were issued in this regard which, on the basis of previous guidelines, gave members of minorities the right to submit an application to change their religion upon reaching the age of majority;

- A number of female church inspectors in Baghdad have been subjected to harassment by their work supervisors who have compelled them to work, outside their normal workplace in church, as inspectors in State garages;
- The authorities are looking into allegations concerning attacks carried out by security agencies against social gathering places of minority groups, such as the *Al-Mashriq* Club in Baghdad and stores selling alcoholic beverages in Basra, which caused considerable damage to property;
- The authorities are also looking into allegations concerning attacks carried out by terrorist extremists against Yazidi owners of shops selling alcoholic beverages in the Shaab and Zayouna districts of Baghdad;
- A monitoring team from the minorities section visited the Branches Department of the Ministry of Displacement and Migration following complaints from a number of displaced families that they had neither received the grant of ID 1 million nor been registered by the Migration Department in Baghdad. The competent authorities were contacted and the matter was resolved;
- A monitoring team from the minorities section visited a number of churches and met with leaders and representatives of the Christian communities in order to provide aid to Christian families and to learn more about threats that they were facing which had caused a number of members of the communities to abandon Mosul and other cities;
- Following a complaint received from the Armenian Orthodox Archdiocese, a meeting was held with Archbishop Avak Asadourian, head of the Armenian Church in Iraq, to enquire about a plot of land which had been allocated to his community by the municipal authorities in Baghdad for the purpose of building a church but had not been handed over. The issue was followed up with all the ministries involved;
- The Turkmen Front was contacted on the subject of the measures taken by a ministerial committee formed to examine repeated terrorist incidents in Tuz Khurmatu and the surrounding Turkmen areas;
- A meeting took place with the head of the Mandaean community, Sheikh Sattar Jabbar Helo, following the reported abduction of a number of Mandaean goldsmiths in Baghdad, Maysan and Dhi Qar. A problem involving the renumbering of the parcel of land containing the *mandi* in Al-Amarah was also addressed;
- A monitoring team from the Endowments Bureau for Christians and other Faith Communities (Directorate for Yazidi Endowments) met with Mr. Shirwan Al Ismael, director general for Yazidi endowments, to look into the killing of a number of Yazidi soldiers at the hands of the terrorist group ISIL in Mosul and the violations to which Yazidis had been subjected in Sinjar and surrounding areas;
- Members of the Mandaean community in Basra complained about receiving death threats from unknown persons. The security forces were contacted and the necessary measures taken to protect the community;



- Following a complaint from the Yazidi community concerning mishandling and delay in dealing with their cases by the Political Prisoners Foundation, a team was sent from the minorities section to resolve the issue and the necessary measures were taken to facilitate the settlement of their cases;
- In 2013, the Mandaean community complained about the television serial “*Hafiz*” which, they claimed, cast the community and its religious teachings in a bad light. The matter was raised with the competent authorities to ensure that the concerns expressed would be taken into account in the future;
- A complaint was received from the Mandaean community concerning the manner in which their children were being ill-treated at school and called unbelievers. In response to this, the minorities section organized a series of workshops at schools with pupils from minority communities in Baghdad and the governorates, as well as conferences and symposiums, to raise awareness of the need for coexistence among all sections of society and respect for the religious and ethnic identity of others;
- Minority groups in Kirkuk and Diyala complained that cemeteries belonging to their communities had been vandalized. Teams from the Ministry looked into the complaints and the competent local authorities cooperated, agreed that such violations were intolerable and erected fencing to protect the cemeteries;
- The Christian community complained about the demolition of a fence around a church in the Shorja district of Baghdad. A team from the minorities section looked into the matter and found that some external structures had been pulled down in order to be rebuilt;
- A complaint was lodged concerning an attack which took place in 2014 in Suq al-Shuyukh near Al-Nasiriyah against the head of the Mandaean Council and his family. Inquiries revealed that it was a criminal act and the perpetrators were arrested;
- Minority groups complained about the fact that their history, culture and language were being overlooked in school curricula. As a result, new modules were introduced in which the identity and language of each group were duly recognized. Minorities are also entitled to open private schools in which their mother tongue is taught and their religious festivals are celebrated as official holidays;
- Since the terrorist group ISIL overran the city of Mosul and a number of governorates, members of minority groups have suffered atrocities such as forced conversion, murder, rape, displacement and the destruction of places of worship and shrines. The Iraqi Government has ruled that those abuses are to be considered as acts of genocide.

#### **Reply to issues raised in paragraph 8 of the list of issues**

14. The Government has taken the following steps to address the human rights violations which were committed under the former regime against minorities such as Kurds, Turkmen, and Shia Muslims:

(a) Legislation relating to transitional justice has been enacted and the following institutions have been established to implement that legislation, which is applicable to Iraqis from all groups:

(i) The Ministry of Human Rights, which was established under Coalition Provisional Authority Order No. 60 and tasked with documenting violations

committed against all groups by the former regime pursuant to Decree No. 114 of 2010;

(ii) The Property Claims Commission, which was established pursuant to Act No. 8 of 2004 with the task of restoring real estate confiscated by the former regime following the forced displacement of Kurds, Shia Muslims, Turkmens or any other Iraqis from their place of residence;

(iii) The Martyrs' Foundation, which was established under Act No. 3 of 2006 to compensate the families of persons who died at the hands of the former regime or of the Baath clique, suffered confiscation of their movable property or were displaced from their homes;

(iv) The Political Prisoners' Foundation, which was established under Act No. 4 of 2006 to compensate political prisoners from all groups;

(v) The Supreme Iraqi Criminal Tribunal, which was established to try members of the former regime who were responsible for human rights abuses;

(vi) The Ministry of Displacement and Migration, which assists persons from any group or minority who were displaced by the former regime;

(vii) The National Commission for Accountability and Justice, which was established under Act No. 10 of 2008;

(viii) Act No. 24 of 2005 concerning the reinstatement of persons dismissed for political reasons;

(ix) Act No. 5 of 2009 concerning compensation for persons who lost a body part as a result of the practices of the former regime;

(x) Act No. 5 of 2006 concerning the protection of mass grave sites;

(b) A number of amendments have been introduced which affect the aforementioned legislation and institutions:

(i) A draft bill amending the Act concerning the protection of mass grave sites;

(ii) An amendment to the Act concerning compensation for persons who lost a body part which extends its period of validity and increases the scope of its benefits and compensation;

(iii) An amendment to the Political Prisoners' Foundation Act to include the inmates of Rafha camp;

(iv) In commemoration of their sacrifices, 4 April has been designated as the National Day of the Feyli Kurds and 16 May as the Day of the Martyrs of the Mass Graves;

(v) Decrees issued by the dissolved Revolutionary Command Council are being examined and those found to be inconsistent with human rights are being amended or annulled.

15. The Ministry of the Interior has documented all the violations suffered by Kurds, Turkmens and Shia Muslims at the hands of the former regime, particularly the massacres committed during the *Shaaban* uprising of 1991. Since 2003, the judiciary has been working to restore to the families of victims from minority groups the rights that were taken from them under the regime of Saddam Hussein. The courts have also awarded material compensation for possessions appropriated by that regime.

16. Pursuant to the Nationality Act No. 26 of 2006, the Ministry of the Interior's Directorate-General for Nationality is making ongoing efforts to reinstate all the nationality rights of the Feyli Kurds which were flouted under the former regime. It

has taken steps to remove annotations such as “frozen”, “blacklisted”, “cancelled”, “abrogated” or “exiled” from their personal records and restore their legal status.

#### **Reply to issues raised in paragraph 9 of the list of issues**

17. The following points should be noted:

- The Government is responsible for the protection of all Iraqi people, and the Ministry of the Interior is taking the necessary measures to protect members of ethnic and religious minorities in the same way as it protects all other Iraqis. Minorities are not subjected to discrimination by any official institution and anyone found to be culpable in that regard is prosecuted in accordance with the law;
- The Ministry of the Interior undertakes regular visits to ethnic and religious minorities and meets with their representatives via the Endowments Bureau for Christians and other Faith Communities in order to identify their most urgent problems and requirements falling within its mandate. The Ministry then takes steps, in coordination with the competent authorities, to resolve such issues;
- The Armed Forces and volunteers from the Popular Mobilization Units are working to restore security and order in all governorates in which ethnic and religious minorities are living and which have been overrun by ISIL criminal groups;
- The Ministry of Displacement and Migration has been intensifying its efforts and coordinating with the highest governmental authorities and with international bodies such as the International Organization for Migration, as well as attending meetings, workshops and conferences, in order to restore the usurped property of displaced families. Numerous decrees have been issued to that end, as a result of which thousands of homes have been returned to their owners. The State has also established the Property Claims Commission and referred the issue to the Iraqi judiciary. The Ministry of Displacement and Migration can follow the same procedure in regard to property seized or destroyed during recent events in order to uphold the rights of its owners.

### **Article 3 Equal rights of men and women**

#### **Reply to issues raised in paragraph 10 of the list of issues**

18. Iraq’s reservation to article 9 of the Convention on the Elimination of All Forms of Discrimination against Women was withdrawn pursuant to Act No. 33 of 2011, approved by the Council of Representatives at its sitting of 8 October 2011, since its application was inconsistent with article 18 of the Iraqi Constitution on which the Nationality Act No. 26 of 2006 was based. In fact, article 3 of the Act states that “a person is considered an Iraqi if born to an Iraqi father or an Iraqi mother”. Women, even if married to a foreigner, have the right to pass on their nationality to their children.

19. The Republic of Iraq is undertaking a full review of its international human rights obligations in order to consolidate and express them in the form of government policies reflected in national legislation and strategies. It also periodically examines the performance of government agencies. Treaties are published in the Official Gazette, whereupon they become the law of the land and are incorporated into national legislation. Studies are being conducted on legal provisions that are inconsistent with the Convention on the Elimination of All Forms of Discrimination against Women.

The Ministry of Human Rights and the Ministry of State for Women's Affairs have taken the initiative in this regard by submitting studies advocating the repeal of provisions that are incompatible with the aims of the Convention. A number of civil society organizations concerned with women's rights have also sought to ensure that national legislation is in conformity with the Convention.

20. Article 14 of the Constitution enshrines the principle that all Iraqis are equal before the law without discrimination on the basis of gender, religion, confession, race, etc. The national plan for human rights, which was recently adopted on the basis of recommendations emerging from the universal periodic review of Iraq in 2010, highlights the need to review the Criminal Code (Act No. 111 of 1969 as amended). The Coordination and Follow-Up Committee, comprising representatives from relevant ministries and institutions as well as from civil society organizations, which was assigned to implement the plan designated the Ministry of Human Rights and the parliamentary human rights committee to conduct that review focusing on the elimination of any gender discrimination contained in the Code. Amendments to a number of articles of the Criminal Code (e.g., 41, 380, 409) were approved by a drafting committee at a conference attended by all the members of the Coordination and Follow-Up Committee and in which the Ministry of State for Women's Affairs also participated.

#### **Reply to issues raised in paragraph 11 of the list of issues**

21. The Ministry of State for Women's Affairs was established in 2004 to help to achieve gender equality in fundamental areas such as education, health care, the economy and politics by submitting plans and proposals to the Government and coordinating with government agencies to ensure that development programmes are geared to meet the natural and exceptional needs of all Iraqi women.

22. The following points should be noted with regard to measures taken to increase the participation of women in political and public life:

- In the March 2010 elections, women won 80 of the 325 seats in the Council of Representatives, thereby constituting 25 per cent of the total number of members of parliament. Of the women elected, 20 were already members of parliament while the other 60 were elected for the first time. This indicates that the political elites are becoming increasingly receptive to the idea of participation by politically independent women with the right academic qualifications and leadership skills;
- In the current session of parliament women chair four parliamentary committees: the health and environmental committee; the services and construction committee; the women, children and family committee; and the members' affairs and parliamentary development committee;
- The Government formed in 2010 consisted of 46 ministries but only 2 women held the rank of minister;
- In the Kurdistan Regional Government women are at the helm of the Ministry of Labour and Social Affairs and the Ministry for Women and, despite the fact that no woman holds any of the principal ministerial portfolios, this should be seen as indicative of the positive steps being taken by the State to involve women in public policymaking;
- A total of 343 women hold decision-making positions in the government sector. Some are directors general while two thirds are experts who work as assistant directors general or counsellors. Less than 2 per cent of the 343 hold the grade of undersecretary;

- The Syndicate of Iraqi Pharmacists has 4,488 female members (around 44 per cent of its total membership), one or two of whom are elected to its governing body every year. The Iraqi Bar Association, which was established in 1933, has 13,882 female members of whom only two have been elected to its board. The Iraqi Dental Association has a total membership of 8,910, including 4,968 women three of whom were elected to its 8-member board during the period 1998-2008 although, at the present time, only one woman is serving thereon;
- In the 2014 elections, women won 83 of the 328 seats in the Council of Representatives, thereby constituting 25 per cent of the total number of members of parliament;
- As regards women in the judiciary, out of a total of 1,447 judges, 86 are women and 1,361 are men. There is no legal impediment to women holding the position of president of the judicial bench in criminal courts or courts of appeal. In fact, a female judge is currently president of the court of appeal in the Karkh district of Baghdad and heads the juvenile court, while female prosecutors are representing the Department of Public Prosecutions before criminal courts, misdemeanour courts and juvenile courts. Women also work as judicial investigators in all the bodies established by the Supreme Judicial Council. They numbered 123 in 2012, having been only 79 in 2005.

23. Women currently occupy three permanent seats and one alternate seat on the High Commission for Human Rights in Iraq. Efforts are currently ongoing to create another alternate seat for a woman pursuant to a ruling issued by the Federal Court in September 2012 to apply the quota stipulated in the Act establishing the Commission.

24. The Ministry of Planning's Central Organization for Statistics prepared a report on the current gender composition of ministries and government agencies which revealed a large gap between men and women in regard to appointments, training and senior posts in most ministries. Letter No. 1/3/1/26/6144, dated 15 June 2015, lists the following measures:

- Courses have been held to raise awareness of the need to apply a gender perspective in all sectors;
- A comprehensive national framework has been set up to develop gender indicators with the aim of achieving gender equality;
- Plans to develop the Iraqi statistical system include the introduction of a gender perspective into the data gathering process;
- A database of gender indicators has been set up using the DEVINFO system;
- A guide to the concepts and definitions of gender indicators has been compiled.

### **III. Issues relating to the specific provisions of the Covenant (arts. 6-15)**

#### **Article 6**

#### **The right to work**

##### **Reply to issues raised in paragraph 12 of the list of issues**

25. The unemployment rate in 2008 was 30.1 per cent for men and 29.7 per cent for women. Overall, it stood at 30 per cent. In 2011, it was 16.7 per cent for men and 27.0 per cent for women. Average unemployment for both men and women in the year 2013 stood at 11.9 per cent.

26. Iraq's employment policy is designed to involve labour in the process of developing the national economy so as to increase prosperity and improve living conditions. Job seekers can find suitable employment opportunities directly in government agencies or in the private, mixed and cooperative sectors. Alternatively, they can register with the employment bureaus of the Department of Labour and Vocational Training in the Ministry of Labour and Social Affairs which distribute jobs in the light of employers' labour requirements and the specifications that applicants are required to meet. The employment bureaus of the Department of Labour and Social Security (the agency responsible for labour in Iraq) represent one of the principal ways to monitor employment and labour market trends both directly (persons registered and recruited through the bureaus) and indirectly (employers who recruit persons and then notify the bureaus). The Department collects and analyses data on the employment situation and labour market trends and issues quarterly and annual reports thereon. It also conducts periodic surveys of businesses, the labour force and wages, as well as studies on the status of workers' organizations, which it publishes and distributes to the authorities concerned including, in particular, the Ministry of Planning.

27. There are no exceptions, discrimination, restrictions or differentiation in law, in administrative practice or in labour relations between persons on the basis of ethnicity, colour, gender, religion, political opinion, nationality or social circumstances.

## **Article 7**

### **The right to just and favourable conditions of work**

#### **Reply to issues raised in paragraph 13 of the list of issues**

28. Minimum wage rates are set pursuant to article 46 (1) of the Labour Code (Act No. 71 of 1978, as amended) and a wages commission was created to present recommendations regarding those rates. Recently, the commission has focused on establishing minimum wage rates for unskilled workers. Its first step was to examine the wage situation of unskilled workers as resulting from Council of Ministers' Decree No. 409 of 2008, which set the minimum wage rate for such workers in the private sector at ID 120,000 a month. Following a recommendation made by the commission, that rate was found to be inconsistent with the rising cost of living and was raised to ID 150,000 per month by Council of Ministers' Decree No. 178 of 2013.

#### **Reply to issues raised in paragraph 14 of the list of issues**

29. The bill amending the Prisoners and Detainees Reform Act has had its first reading before the Council of Representatives and is waiting to be duly passed into law.

30. Juveniles in reform institutions are not compelled to undertake any kind of forced labour, although the above-mentioned Act does stipulate that they should work, both internally and externally within the limits of their capacities and qualifications. The aim of this provision is to provide the juveniles with occupational qualifications, give them the means to earn a livelihood after they have completed their sentence and help them to reintegrate into society and become upright citizens. The work is viewed as part of the reform and rehabilitation process and not as a punishment in itself, and the juveniles' desires and choices are taken into consideration within the limits of their abilities.

## **Article 8**

### **Trade union rights**

#### **Reply to issues raised in paragraph 15 of the list of issues**

31. A draft Labour Code is currently before the Council of Representatives. It has gone through two readings and is still being discussed.

## **Article 9**

### **The right to social security**

#### **Reply to issues raised in paragraph 16 of the list of issues**

32. The draft of the Workers' Pensions and Social Security Act is based on the following:

- The international treaties, both old and new, which are in force;
- A national trend towards reducing disparities between the public sector and other sectors in order to encourage young people in general and workers in particular to enter all available sectors;
- Adoption of a global perspective to expand coverage and ensure that all sections of society enjoy social protection.

The new features contained in the Code include the following:

- Ensuring equality between the public sector and other sectors also in terms of pensions and social security;
- Including new categories which the legislature had previously overlooked, such as the informal sector, self-employed workers, and employers;
- Regulating casual work in order to give it a legal status within the framework of the Code;
- Granting social welfare and health care to all categories covered by the Code: thus, pregnancy and maternity are covered by a special section, workers are protected during periods of unemployment, average pensions are increased and shortcomings in the application of the current Code are overcome, all within the context of a national trend towards reducing the burden of red tape.

## **Article 10**

### **Protection of the family, mothers and children**

#### **Reply to issues raised in paragraph 17 of the list of issues**

33. The Anti-Child Labour Bureau of the Ministry of Labour and Social Affairs has undertaken a series of field visits. The visits focus on industrial sites and aim to monitor violations against children, investigate the situation of child labour and verify working conditions. The visits uncovered a number of violations in the Ewairij industrial area and the authorities — including the Child Welfare Commission, the Social Welfare Department and the Department for the Welfare of Persons with Special Needs — were contacted so that they could take the necessary measures.

**Reply to issues raised in paragraph 18 of the list of issues**

34. As a party to the Convention on the Rights of the Child and two of its Optional Protocols, Iraq is committed to ensuring that children are not exploited by armed groups or recruited into the regular armed forces. A body of laws including the Military Service and Pensions Act No. 3 of 2010 and the Military Code of Justice of 2007 forbid the recruitment of children under 18 into the regular armed forces. Moreover, a child protection bill currently before the State Consultative Council includes a section on the protection of children against violence and neglect and against exploitation by armed groups.

35. The Ministry of Labour and Social Affairs' Child Welfare Commission has organized its first international conference on combatting the recruitment of children and their involvement in armed operations. Addressing that gathering, the Prime Minister of Iraq called upon the international community to designate the recruitment of Iraqi children by ISIL as a crime against humanity. He also emphasized the importance of supporting Iraq in its war against armed groups which fail to respect international values and customs by exploiting children in their armed operations. The conference produced a number of recommendations including a call for the United Nations to take steps to put an end to the propagation of extremist ideas, an invitation to the Council of Representatives to pass a law on children and a proposal that research centres should conduct academic studies on ways to prevent the recruitment of children by armed groups.

**Article 11**  
**The right to an adequate standard of living**

**Reply to issues raised in paragraph 19 of the list of issues**

36. Iraq has taken a number of steps to combat poverty, the most important being the 2010-2014 National Poverty Reduction Strategy which was implemented in cooperation with the World Bank and included programmes and activities to improve the quality of life of disadvantaged people. The goal of the Strategy was to secure higher income from work, improve health and education standards, create better living conditions and provide effective social protection with less discrimination between women and men. As a result, poverty levels in Iraq fell from 22.9 per cent in 2007 to 18.9 per cent in 2012. Moreover, the following sums were allocated from the annual investment budget to finance the Strategy's activities and meet the needs of the most deprived governorates: ID 445 billion in 2012, ID 605 billion in 2013 and ID 735 billion in 2014.

37. The Ministry of Labour and Social Affairs' Employment and Loans Office is implementing Act No. 10 of 2012 by establishing a capital fund of ID 150 billion to encourage the establishment of small and medium-sized enterprises. The Office also provides business incubator services for those enterprises to ensure their survival and success and minimize the challenges posed by market fluctuations.

38. The Ministry of Labour and Social Affairs also follows up on the activities of the Ministry of Planning, dispensing loan request forms and distributing approved budgetary appropriations to governorates on the basis of the poverty levels reported by the Central Organization for Statistics. The money is used to set up income-generating small enterprises capable of providing job opportunities for unemployed persons registered in the database.

39. The Ministry of Labour and Social Affairs is also implementing a community rehabilitation programme to help marginalized groups such as persons with



disabilities, the unemployed and female breadwinners to integrate into society. The programme also seeks to provide employment opportunities by establishing self-sustaining income-generating enterprises which will have a positive impact on the situation of families in the targeted categories.

40. The Ministry of Labour and Social Affairs has taken the following steps to help to reduce poverty among vulnerable social groups:

- Providing orphans with shelter in special homes, as well as with food, clothing, education up to university level, monthly pocket money of ID 50,000 and health-care and recreational facilities. All those services are provided free of charge through 22 centres in Baghdad and the provinces;
- Providing orphans with vocational training during summer holidays and procuring them employment once they have reached the age of 18 in order to secure a decent life for them.

#### **Reply to issues raised in paragraph 20 of the list of issues**

41. Following the outbreak of attacks by terrorist groups and their takeover of various parts of the country, the Council of Ministers issued Decree No. 328 of 2014 forming a high-level committee to provide relief and shelter for displaced families. Large sums have been set aside to that end and an executive committee, acting in coordination with the component authorities and international organizations, is providing services and taking measures to protect displaced persons and ensure that they receive basic services such as water, food, health care and shelter. The following tables show the numbers of displaced persons before and after 9 June 2015.

#### **Statistical table of families displaced after the events of 2006, updated to 29 April 2015**

<i>No.</i>	<i>Governorate</i>	<i>Displaced families</i>	<i>Displaced persons</i>
1	Dahuk	0	0
2	Ninawa	25 772	150 460
3	Sulaymaniah	0	0
4	Kirkuk	8 864	49 616
5	Arbil	0	0
6	Diyala	11 566	65 981
7	Al-Anbar	7 480	44 231
8	Baghdad	33 710	189 279
9	Babil	1 910	10 909
10	Karbala	1 519	8 744
11	Wasit	6 933	42 049
12	Salah al-Din	6 621	39 940
13	Najaf	1 183	6 336
14	Qadisiyah	1 757	11 296
15	Al-Muthanna	261	1 691
16	Dhi Qar	2 954	20 532
17	Maysan	2 232	16 035
18	Basra	2 724	16 561
<b>Total</b>		<b>115 486</b>	<b>673 660</b>

**Table showing the numbers of displaced individuals and families in 18 governorates as of 30 March 2015, giving the proportion of displaced persons as a percentage of the overall population of each governorate**

No.	Governorates in descending order of number of displaced persons they shelter	Displaced families	Displaced persons	Population estimates for 2015	Percentage of displaced persons
1	Dahuk	122 751	617 958	1 252 350	49.34%
2	Arbil	93 287	441 176	1 797 707	24.54%
3	Al-Anbar	77 633	425 161	1 715 144	24.79%
4	Kirkuk	60 010	313 326	1 548 213	20.24%
5	Baghdad	49 955	272 906	7 877 879	3.46%
6	Sulaymaniah	41 643	213 225	2 095 851	10.17%
7	Diyala	35 165	178 851	1 584 949	11.28%
8	Karbala	12 590	62 982	1 180 539	5.34%
9	Najaf	12 584	61 730	1 425 718	4.33%
10	Babil	9 545	48 314	1 999 031	2.42%
11	Salah al-Din	8 123	45 803	1 544 077	2.97%
12	Wasit	5 295	25 619	1 335 228	1.92%
13	Qadisiyah	3 093	15 196	1 250 169	1.22%
14	Basra	2 039	9 462	2 818 803	0.34%
15	Dhi Qar	1 748	8 504	2 029 342	0.42%
16	Ninawa	1 344	6 427	3 612 342	0.18%
17	Maysan	1 076	5 101	1 078 082	0.47%
18	Al-Muthanna	988	4 849	788 259	0.62%
<b>Total</b>		<b>538 869</b>	<b>2 756 590</b>	<b>36 933 684</b>	<b>7.46%</b>

**Table giving details of grants paid to families displaced after the events of 10 June 2014**

No.	Details	Amount
1	Total amount paid in grants	434 billion
2	Total amount paid for shelter	213 billion
3	Total amount paid for services (health care, education, planning)	28 billion
4	Total amount paid in relief	103 billion
<b>Total</b>		<b>778 billion</b>

**Reply to issues raised in paragraph 21 of the list of issues**

42. Iraq has formulated various comprehensive and countrywide policies, studies and plans in the area of housing and the issue also occupies an important place among the visions and goals of the National Development Plan for the period 2013-2017. Moreover, various residential complexes were built in the governorates between 2008 and 2012. The Ministry of Construction and Housing has adopted a policy which aims

to achieve the following goals: helping all Iraqis to find adequate housing; increasing construction efficiency; offering greater choice in terms of types of housing, location and forms of ownership; augmenting governmental capacity to meet the requirements of special categories and of persons who cannot afford adequate housing; improving the efficiency of building products also in terms of energy consumption and environmental impact; and making it easier for homeowners to improve and extend their homes. The percentage of families owning their own home stood at 83.2 in 2011, 11.1 per cent were renting while 5.7 per cent fell into neither category.

43. Residential complexes have been built on plots of land set aside for that purpose in a number of governorates and a sum of ID 485 billion was allocated from the 2012 budget to build low-cost housing. Iraq has been making efforts to adopt an integrated development strategy in order to improve the standard of living in shanty towns and to provide low-cost alternatives. In fact, ID 200 billion was allocated from the 2013 investment budget to eradicate the phenomenon of shanty towns and launch a national initiative to alleviate the housing crisis among the poor. As a first step, land was purchased for 420 eligible families in the governorate of Baghdad and 1,500 out of 4,000 plots of land were distributed in the governorate of Basra. The Real Estate Bank and the Housing Fund offer direct loans on which the State pays the interest in order to build or purchase housing units. The total number of residential complexes amounts to 57, comprising 29,815 housing units of which 5,135 have been completed and 24,680 are still being built.

#### Reply to issues raised in paragraph 22 of the list of issues

44. The following projects have been launched to provide safe drinking water:

No.	Name of project	Capacity of project (m <sup>3</sup> per hour)	Governorate
1	Karbala water project	10 000	Karbala
2	Al-Hindiyah water project	4 000	Al-Hindiyah district/Karbala
3	Al-Na'maniya water project	6 000	Al-Na'maniya district/Al-Kut
4	Al-Fajar water project	2 000	Al-Fajar subdistrict/Dhi Qar
5	Al-Bahr water project	2 000	Al-Bahr subdistrict/Maysan
6	Qaraj water project	1 000	Qaraj subdistrict/Ninawa
7	Al-Sahel al-Ayman water project	16 000	Ninawa

45. These projects have helped to alleviate the water shortage and other projects are currently being implemented in most governorates which, when completed, will hopefully supply water to 90 per cent of households.

46. Environmental indicators for Iraq, not including Kurdistan, in the year 2013 are given below. The table shows that the proportion of people served by piped drinking water systems has risen to 87 per cent, while the percentage of households connected to the sewerage network has also risen, reaching 33.3 per cent.

Details	Indicator
Percentage of residents served by piped drinking water systems	87
Percentage of residents served by the sewerage network	33.3

<i>Details</i>	<i>Indicator</i>
Percentage of residents served by garbage collection services (urban areas)	92.5
Percentage of residents served by garbage collection services (rural areas)	62.4
Quantity of purified water consumed (1,000 m <sup>3</sup> per day)	12 100
Quantity of wastewater produced (1,000 m <sup>3</sup> per day)	1 896
Quantity of wastewater treated (1,000 m <sup>3</sup> per day)	1 274
Quantity of garbage collected (tons per day)	22 752
Domestic electricity consumption (megawatts per hour)	17 544 511

## Article 12

### The right to physical and mental health

#### Reply to issues raised in paragraph 23 of the list of issues

47. The right to health is enshrined in article 31 of the Constitution, in implementation of which the Ministry of Health has developed various plans, programmes and policies. They include the strategic plan 2009-2013 which was followed by the strategic plan 2013-2017, as well as the national health policy for 2013-2023. The aim of these initiatives is to establish a system in which primary health care is a fundamental component and health services meet the needs of individuals and society in accordance with international standards. The Ministry of Health was allocated 5 per cent of the general budget in 2012 and 5.3 per cent in 2013.

48. There were 239 government hospitals in 2012 while in 2013 that number rose to 255 government hospitals and 105 private hospitals. The number of health clinics also rose from 2,238 in 2012 to 2,642 in 2013. Medical professional ratios in 2013 were 8.8 doctors, 2.1 dentists 2 pharmacists and 18.5 nurses per 10,000 of the population.

49. The Kurdistan Region has also created institutions, including the Health Board and the Doctors' Professional Council, to ensure enjoyment of the right to health. The provision of health care has developed considerably with the establishment of health units and clinics for young people and 122 accident and emergency centres. The number of hospitals, both public and private, in the region stands at 79 and there are plans to build 5 maternity hospitals and 4 children's hospitals.

#### Health indicators

<i>Indicator</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>
Government hospitals	231	239	255
Private hospitals	96	96	105
Beds (government hospitals)	40 182	40 707	41 645
Beds (private hospitals)	2 886	3 004	3 435
Bed occupancy (%)	58.6	57.9	50

### Ratio of doctors, dentists and beds to population, including Kurdistan region

<i>Per 10,000 of the population</i>			
<i>Year</i>	<i>Doctors</i>	<i>Dentists</i>	<i>Beds</i>
2008	6.1	1.4	12
2009	6.9	1.5	12
2010	7.5	1.7	12
2011	7.8	1.8	13
2012	8.4	2.0	13
2013	8.8	2.1	13

### Articles 13 and 14 The right to education

#### Reply to issues raised in paragraph 24 of the list of issues

50. The Ministry of Education is continuing to coordinate with the Ministry of the Interior to ensure that all schools receive the necessary protection. Security detachments have been deployed to the areas where the schools are located and security personnel have been assigned to guard the buildings themselves.

51. In addition to the foregoing, girls displaced from areas of conflict and others who attend schools far from where they live are being offered the chance to attend morning schools in order to prevent them from dropping out of the education system altogether.

#### Reply to issues raised in paragraph 25 of the list of issues

52. There are no grounds in Iraqi law to justify gender discrimination in the field of education at any stage between kindergarten and university. The Compulsory Education Act No. 118 of 1976 makes schooling obligatory for all children of both sexes. Article 1 of the Act stipulates that:

(a) Primary education is free and compulsory for all children who have reached the age of 6 by the beginning of the academic year or by 31 December of that year;

(b) The State shall provide all that is necessary to that end;

(c) The guardian shall enrol the child in primary school when she or he reaches the aforesaid age. The child shall continue to attend school until completing primary education or reaching the age of 15. For the purposes of this Act, a child's guardian is the person with effective responsibility for his or her care.

#### Reply to issues raised in paragraph 26 of the list of issues

53. The most important measures to reduce illiteracy, particularly in rural areas, have been taken pursuant to Act No. 23 of 2011 which identifies goals and sets time frames.

(a) A campaign to eradicate illiteracy which was launched on 16 November 2012 attracted a large number of participants;

(b) Literacy centres have been opened throughout Iraq, including in rural areas and remote villages;

(c) Curricula to eradicate illiteracy have been compiled in various local languages;

(d) A mechanism has been created to regulate interaction between the agencies involved in eradicating illiteracy and civil society organizations, as they are seen as partners in combatting illiteracy and encouraging adult education;

(e) Community education centres have been established in coordination with UNESCO to teach basic life skills to students of both sexes.

54. The drop in student enrolment rates at literacy centres is attributable to the following causes:

(a) The payment of financial incentives to students and workers at literacy centres was made on time in 2012 but was delayed in 2013. This led to a drop in student enrolment rates which subsequently fell even further, reaching their lowest level in the year 2014/15 due to the fact that the 2014 budget was not approved;

(b) Awareness-raising campaigns conducted by the implementing agencies have had less impact due to a decrease in the funding allocated for that purpose. Furthermore, certain government agencies and ministries have been more reluctant to provide effective assistance for illiteracy eradication programmes;

(c) The illiteracy eradication councils in the governorates are not fully performing the functions assigned to them under the Illiteracy Eradication Act No. 23 of 2011.

(d) Failure to implement the Compulsory Education Act has meant that illiteracy is not being tackled at its roots and the problem of pupils dropping out of school persists;

(e) Accurate and precise data on the prevalence of illiteracy in all parts of Iraq are not available due to the lack of any recent population census;

(f) The security situation, the fact that ISIL terrorist groups are occupying a number of governorates and the ongoing struggle to liberate the country have led to the closure of most literacy centres in the governorates concerned. There is also an additional problem of internal displacement between governorates.

#### **Reply to issues raised in paragraph 27 of the list of issues**

55. In accordance with the Persons with Disabilities and Special Needs Act No. 38 of 2013, Ministerial Order No. 3521 of 14 September 2014 called for the formation of committees to compile special primary education curricula for deaf and mute persons. A joint committee established by the Ministry of Education and the Ministry of Labour and Social Affairs is currently examining the details of the new curricula to ensure that they are consistent with the general education curricula.

### **Article 15 Cultural rights**

#### **Reply to issues raised in paragraph 28 of the list of issues**

56. National and ethnic minorities, as well as religious and linguistic minorities, are able to maintain their cultural and social identity by virtue of specific laws in that regard. Foremost among them is the Iraqi Constitution, article 2 (2) of which guarantees full rights to freedom of religious belief and practice for all individuals, including Christians, Mandeans and Yazidis. Article 3 of the Constitution states that Iraq is a country of multiple ethnicities, religions, and confessions while article 4

grants all Iraqis the right to teach their children their mother tongue, such as Turkmen, Syriac or Armenian, and even goes so far as to establish two official languages which may be used in administrative districts where the speakers of those languages constitute a majority. According to article 14 of the Constitution, all Iraqis are equal before the law without discrimination on the basis of gender, race, ethnicity, origin, colour, religion, confession, belief or opinion, while article 41 grants citizens the freedom to regulate matters concerning their personal status according to their own religion, confession, beliefs or choice. Article 42 grants individuals freedom of thought, conscience and belief, while article 43 ensures the practice of religious observances and the administration of religious endowments and obliges the State to guarantee freedom of worship and the protection of places of worship.

57. The Iraqi Constitution allows members of minorities to be taught in their mother tongue in special State schools in accordance with educational regulations. Measures taken include the following:

- Subsequent to the announcement by the United Nations Educational, Scientific and Cultural Organization (UNESCO) that the Mandaean language was threatened with extinction, a school was established in order to conserve and transmit Mandaean language and culture;
- The Ministry of Education has a directorate general for the teaching of Kurdish and other languages;
- A Syriac language department has been established in Baghdad University;
- The Government has taken measures to protect members of minorities and defend their places of worship;
- The human rights section of the Ministry of Education protects the rights of minorities by promoting a spirit of tolerance and acceptance of others, values which it also incorporates into textbooks and school curricula. In cooperation with civil society organizations, it also organizes awareness-raising activities through Iraq's educational satellite channel, the media and poster campaigns and by organizing workshops and meetings with civil society organizations and other groups concerned with minority rights. Work in this area is ongoing;
- The Ministry of Human Rights has organized various activities which have helped to consolidate the rights of minorities. To mark the International Day for Tolerance in 2013, the High Commission for Human Rights, in cooperation with the parliamentary human rights committee and the United Nations Assistance Mission for Iraq, organized a conference on minority rights one of the outcomes of which was the "Baghdad Principles of Tolerance". They were adopted by the General Secretariat of the Council of Ministers and the Ministry of Human Rights proposed a detailed plan of action for their implementation;
- In the Kurdistan Region, the Ministry of Culture and Youth has coordinated with the Ministry of the Interior to distribute operating licences to 32 satellite stations which broadcast in the region in Kurdish, Arabic, Turkish and Syriac. Fifteen Iraqi and Arabic satellite broadcasters have also opened offices in the region. Licences have likewise been given to 68 local terrestrial television stations and 89 local radio stations which broadcast throughout the region in Kurdish, Arabic and Turkmen.

58. Anyone who violates the rights of minorities is liable to criminal prosecution. Relevant legislation in this regard includes article 372 of the Criminal Code (Act No. 111 of 1969), the text of which is quoted in paragraph 10 above.

**Reply to issues raised in paragraph 29 of the list of issues**

59. The terrorist group ISIL is continuing to blow up, bulldoze and plunder the Iraqi cultural heritage. The Ministry of Tourism and Antiquities is seeking to involve the whole of Iraqi society — official institutions, civil society organizations and the culturally concerned public — in protecting the Mesopotamian heritage against this unprecedented threat by international terrorist groups to systematically obliterate the country's cultural and historical landmarks and all memory thereof. To this end, it has launched a national campaign to protect the country's antiquities, which includes the following:

(a) Formation of teams to work in the field with the antiquities inspectorates of all governorates to survey and document cultural heritage sites;

(b) Encouraging citizens to report the presence of any archaeological or cultural heritage site near their homes in order to allow such sites to be documented;

(c) Enabling any group holding information about archaeological or cultural heritage sites to send that information to the Ministry through its website in order to assist in the campaign;

(d) Coordination with the media to raise public awareness concerning antiquities;

(e) Implementation of article 12 of the Antiquities and Cultural Heritage Act which stipulates that “anyone who discovers or has knowledge of the discovery of an immovable antiquity shall immediately inform the nearest official body or the antiquities authorities”;

(f) Organization of activities to publicize the campaign at cultural centres and universities in Baghdad and the governorates, in cooperation with civil society organizations;

(g) Contacting the Ministries of Agriculture, Water Resources and the Environment to encourage them to cooperate with the teams working in the field and provide information that might contribute to the success of the campaign;

(h) Coordination with security forces and army aviation to survey archaeological and cultural heritage sites in liberated areas and document the damage that they have suffered;

(i) Ensuring coordination between the GIS remote sensing section of the Antiquities Authority and the Ministry of Science and Technology in order to obtain modern satellite maps which will help in the process of documentation, monitoring and follow-up;

(j) Encouraging civil society organizations, whenever possible, to participate in the promotion and field activities of the campaign;

(k) Working with the Ministry of Communications to issue a set of postage stamps commemorating Mesopotamian civilization and documenting the damage caused to Iraqi antiquities by ISIL;

(l) Printing information brochures about the archaeological sites and museums blown up, demolished and pillaged by ISIL terrorist groups;

(m) Producing an emergency red list of Iraqi antiquities at risk of being smuggled out of the country and distributing it to police and customs officers at airports and border crossings;



(n) Ongoing cooperation with the Ministry of the Interior and its executive agencies to prevent the plundering of archaeological sites and accelerate criminal proceedings against persons accused of such offences;

(o) Ongoing cooperation with the Supreme Judicial Council and the courts competent to adjudicate cases involving the plundering of and trafficking in artefacts;

(p) Coordination with the Ministry of Foreign Affairs to monitor and prevent the sale of Iraqi artefacts at international auctions, ensure their return and endeavour to conclude memorandums of understanding with neighbouring States to prevent the smuggling of Iraqi artefacts across shared borders.

---