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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Iraq

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

Iraq's position on the recommendations that have not been resolved:

1. First recommendation on the ratification of the Optional Protocols to the Covenant on Civil and Political Rights, the Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women: The Iraqi government set up a specialized committee of the Ministry of Human Rights, the Supreme Council of Justice, the Ministry of Justice and the Ministry of Foreign Affairs to study all these protocols as to take the decision to join them. However, because of the non formation of the parliamentary council and the new Iraqi government after elections in the country taken place on the 7th of the last March, and since the requirements for ratification of the protocols demands to be discussed by the Council of Representatives according to the government proposal, it was not possible to be determined as it will remain outstanding until the new Council of Representatives begins its legislative sessions and the government will be formed and starts its work. (Pending)
2. With regard to the second recommendation, the mentioned in the above recommendation on the issue of acceding to the Protocols thereto is also applied. As for Iraq's accession to the Convention against Torture, the previous parliament studied all of this Convention and agreed to join it. The internal procedures for ratification represented in the approval by the Presidency Council to be published in the Official Gazette were accomplished. The international aspect of the filing of the Instrument of the United Nations is still on going to be discussed. (Implemented)
3. With Regard to the third recommendation as not in contradiction with what stated in the previous recommendations, the former Iraqi parliament discussed and approved the accession to the International Convention for the Protection of Persons from involuntary Disappearance, as it has also been confirmed by the presidency and published in the Official Gazette. Still waiting for the deposit of its instrument of accession at the United Nations to enter into force according to the international mechanisms practiced (including the perpetrator of this part only).
4. As not in contradiction with what have been stated above, with regard to accession to the International Convention for the Protection of the Rights of All Migrant Workers and their family members, the Iraqi government has formed a committee to study the Convention and determine its compatibility with domestic legislations. Therefore the proposal of the decision to join it, knowing that the legislative process to join all international conventions requires submission to the House of Representatives after the proposal of its own law. Hence are waiting for the start of the new House of Representatives and its legislative sessions to discuss accession to this Convention. (Continue to be temporarily suspended)
5. Ratification of the Rome Court Statute, this recommendation implementation was transferred to the new government and the new parliament too. (Continue to be temporarily suspended)
6. Accelerate the efforts to ensure the civil and political, economic, social and cultural rights of the Iraqi people including equality before law without any kind of discrimination as well as to take appropriate measures to respect the international instruments on human rights and the implementation of the recommendations of the United Nations treaty bodies. As we stated during the interactive dialogue in February of the following year, the new Iraqi constitution provides a special chapter dealing with the civil and political rights as well as economic, social and cultural rights to ensure its respect in accordance with the laws and legislation either in force or been enacted by each of these rights. The Iraqi government has dedicated specialized teams of monitory to assess the respect of these rights by the government institutions responsible for each of them, task forces to prepare reports on areas of the violation, if any, with proposals and recommendations to activate and promote

respect for relevant institutions. The Government also established special units for human rights all over the governmental institutions working in coordination with the Ministry of Human Rights to ensure that enjoyment of these rights within the mandate of each of these institutions. (Already implemented)

7. Iraq lifted its reservation to article IX of the Convention on the Elimination of all Forms of Discrimination against Women related to women's right to grant citizenship to their children on equal footing with men. Also, specialized committees consider all the Iraqi legislations and laws in force to remove any conflict with the principles of human rights, provided they do not conflict with the Islamic legislation, which is considered as a major source of the Iraqi legislation. (Continue to be temporarily suspended)

8. To verify that the Iraqi legislation enshrines the principle of non-discrimination against women according to law. In fact, as we stated during the interactive dialogue in February specialized committees to review all laws and existing legislation were formed to remove any contradiction with the principles of human rights and the international agreements to which Iraq acceded as well as with public and basic freedoms contained in the new Iraqi constitution and not inconsistent with Islamic law which is a primary source of the sources of legislation in the Republic of Iraq. This requires time for the completion of all laws and legislation. (Continue to be temporarily suspended)

9. Announcement of the suspension the executions in all cases. In case of failure to do so, to extend that moratorium to include cases which are contrary to international law, including the death penalty based on sexual orientation. The competent authorities to examine all the materials that sentence the execution and to try to reduce these substances to the lowest number possible in a form that does not conflict with Islamic law, which is a reference base for the legislation in Iraq. As for pedophiles, there are no articles in the Iraqi Penal Code determines death penalty on them. (Continue to be temporarily suspended)

10. In Respect to all recommendations to suspend the application of Article 128 of the Iraqi Penal Code for crimes of honor (Recommendations No. 10, 12, 13 and 14), we have stated during the interactive dialogue in February that the Ministry of Human Rights has submitted a proposal to amend this article and abolish the alleviation. Thus the Ministry will take the actions required for amendment. Waiting for the next House of Representatives to start working and discuss these procedures as to take the final decision. (Continue to be temporarily suspended)

11. The first part of recommendation No. 11 on the implementation of a campaign to raise awareness of the need to combat domestic violence and violence based on gender. The Human Rights Ministry, the Ministry of State for Women and the Commission of Human Rights in the Kurdistan Region carried out a number of workshops in regard to this field over though the provinces, districts and areas. Such workshops targeted large groups of both sexes and from the workers in the governmental institutions, as well as activists in non-governmental organizations, private sectors in the dedicated, university students and other categories of Iraqi society. (Already implemented)