



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

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## Committee on the Elimination of Racial Discrimination Eighty-fifth session

### Summary record of the 2308th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 20 August 2014, at 10 a.m.

*Chairperson:* Mr. Calí Tzay

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*Combined fifteenth to twenty-first periodic reports of Iraq (continued)*

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

**Consideration of reports, comments and information submitted by States parties  
under article 9 of the Convention** *(continued)*

*Combined fifteenth to twenty-first periodic reports of Iraq (continued)*  
(CERD/C/IRQ/15-21; CERD/C/IRQ/Q/15-21)

1. *At the invitation of the Chairperson, the delegation of Iraq took places at the Committee table.*
2. **Mr. Al-Ukaili** (Iraq) said that the Convention was not directly applicable by the courts and its implementation required the adoption of a decree bringing it into effect. The Criminal Code did not contain provisions banning racial discrimination, but other domestic legislation punished discrimination on the grounds of ethnicity or religion. The bill on the prohibition of any entity or programme that espoused racism, terrorism, the labelling of others as infidels or ethnic cleansing had not yet been adopted because of internal obstacles, particularly in the political sphere, that were delaying its consideration. The High Commission for Human Rights was made up of 15 members belonging to various ethnic and religious groups, who were elected by parliament. The Commission, which had its own budget, was completely independent and its recommendations, which were adopted by vote, were made public. It had already made several statements on matters relating to discrimination and made recommendations to the Government on the subject. Furthermore, it gathered information on all the human rights violations committed against minorities by the Islamic State in Iraq and the Levant (ISIL). The delegation was not aware of any complaints of discrimination on the grounds of belonging to an ethnic minority or of complaints from members of the baha'i community. It therefore invited the Committee members who had made those assertions to cite specific cases so that information could be requested from the relevant bodies.
3. Since 2003, attacks in the country had affected every sector of the population without exception and had occurred in a variety of public places, both religious and non-religious. The Government had adopted measures to secure places of worship and ensure the protection of religious leaders. the provisions of a law adopted to compensate victims of terrorism could be invoked by anyone who had suffered material or moral damage, whatever their ethnicity or religion. Hundreds of terrorism cases had been heard and the perpetrators sentenced, but thousands of other cases were still awaiting consideration.
4. The difficulties encountered by displaced persons in returning to Iraqi Kurdistan were due to the fact that there had been considerable population movements towards the region and the local authorities had not had the capacities needed to cope with such massive flows. Iraq had not yet acceded to the Convention relating to the Status of Refugees, but it considered itself bound by its provisions, which were part of customary international law. The minister responsible for migration issues was examining the possibility of the accession by Iraq and was due to submit a proposal on the matter to the Government. The principle of non-refoulement had, however, been enshrined in legislation since 1970 and Iraq was already cooperating with the Office of the United Nations High Commissioner for Refugees (UNHCR) to manage flows of refugees and persons requiring international protection, including those from Iranian Kurdistan and Palestine. The Syrians who had sought refuge in Iraq had not applied for asylum there and were considered displaced persons. The Government was cooperating with UNHCR, the International Committee of the Red Cross (ICRC) and the International Organization for Migration (IOM), which were responsible for the camps for displaced Syrians, including the Domiz Refugee Camp.
5. The opponents of the Iranian Government detained at Camp Ashraf were neither refugees nor displaced persons. They were former members of the People's Mojahedin

Organization of Iran who had been invited by Saddam Hussein to support him during the war against the Islamic Republic of Iran and had remained in the country until the arrival of American troops in 2003, who had forced them to disarm. In 2011, the United Nations and the Iraqi Government had signed a memorandum of understanding providing for their transfer to Camp Liberty, near Baghdad, so that UNHCR could consider their asylum applications with a view to transferring them to third countries. The Government did not wish to grant them asylum because they belonged to a terrorist organization.

6. Reports of acts of violence perpetrated by ISIL in the Nineveh region were, unfortunately, accurate. The delegation had even more alarming statistics on the numerous violations suffered by all ethnic groups living in that region. It could be said that a genocide was under way. Given that the country was still in a transitional phase and its army being rebuilt, it was not capable of opposing what was a terrorist organization, which had significant financial resources and was better equipped than the Iraqi armed forces.

7. Regarding Security Council resolution 2170 adopted on 15 August 2014 (S/RES/2170 (2014)), the Government's priority was to strengthen cooperation with the international community and to aid displaced persons so that they could return home. He hoped to be able to provide information on the funding sources of ISIL soon. Lastly, Christian women who married Muslims were certainly not required to convert to Islam. Neither the Family Affairs Act nor Islam prevented a Christian woman from keeping her religion when marrying a Muslim.

8. **Ms. Alldad** (Iraq) said that there were no Iraqi Jews in the country, but, if there were, they would have the right to nationality. Since 1948, a number of Palestinians had arrived in Iraq, where they had obtained refugee status. They could also obtain an identity card and an Iraqi passport. In 2003, Iraqi nationality had been reinstated for the Faili Kurds, after being arbitrarily removed from them under the regime of Saddam Hussein. In general, all persons could have their nationality reinstated if they had an identity document or proof that they had held Iraqi nationality in the past. A special commission comprising representatives from the Iranian and Iraqi authorities had been established in order to aid persons facing difficulties in providing such proof, whether because they had been children when their family had fled to the Islamic Republic of Iran and so no longer had an identity document or because the civil registers had since been destroyed.

9. **Ms. Qutta** (Iraq) said that several electoral acts guaranteed the representation of the different minorities in administrative bodies at all levels, as well as in parliament. Electoral Act No. 45 of 2013 provided that all Iraqis had the right to participate in elections, regardless of their race, nationality, ethnicity or religion. An electoral bill increasing the number of seats designated for Yazidis and Mandeans was being considered. Article 35 of the Constitution provided that all cultural institutions were under the protection of the State. Arabic and Kurdish were the country's official languages, but instruction in minority languages was provided in public schools. The Ministry of Education had a department specifically responsible for the teaching of Armenian, Kurdish and Syriac. Teaching programmes and textbooks in those languages were being written and were due to be used from the beginning of the next school year. All minorities could be employed by the law-enforcement agencies and the military without any discrimination, and the police and the army counted Christians and Yazidis in their ranks. Detailed statistics could be provided to the Committee at a later time, if it so wished.

10. The exodus of Assyrian families was a phenomenon dating from the war with the Islamic Republic of Iran and the Iraqi Government encouraged them to return to the country, particularly through the implementation, with UNHCR, of projects aiming to provide accommodation to several thousands of them. With regard to the Yazidis, noting that each year a number of women from that minority committed suicide because they faced poverty or unemployment, the Government had organized workshops and seminars in

Yazidi regions to combat suicide, in addition to awareness-raising activities led by human rights organizations. Women from minority groups were not subject to any racial discrimination in Iraq and enjoyed the same rights and privileges as other Iraqis. Iraq recorded a high number of marriages between persons of different ethnicities and religions. There were 14 Christian communities, including the Roman Catholic, Chaldean Catholic, Syriac Orthodox, Armenian Catholic and Armenian Apostolic communities.

11. **Mr. Al-Obaidi** (Iraq) said that the Ministry of Labour and Social Affairs had drafted a bill on retirement and social protection that, unlike the 1971 law on the subject, covered workers in the informal and agricultural sectors, domestic workers and the self-employed. Without prejudice to article 38 of the Constitution, which guaranteed freedom of expression, any act of incitement to hatred could be the subject of a complaint lodged with the courts. The Iraqi population was mainly composed of Sunni or Shiite Arabs and Kurds, who formed the majority in the north of the country, as well as Christians and Shabaks, living mainly in the Nineveh plains. Among the Iraqi population there was also the black community, who had been the target of literacy campaigns conducted under the auspices of the Ministry of the Interior.

12. **Ms. Al-Ajeeli** (Iraq) said that black Iraqis lived mainly in the governorate of Basrah, where they represented 4 per cent of the 2,775,000 inhabitants. They enjoyed the same rights as other Iraqis and had the same unemployment and illiteracy levels (11 per cent and 18 per cent, respectively) as the rest of the population.

13. **Mr. Al-Mulahawaish** (Iraq) said that the Convention was an integral part of Iraqi law and, therefore, applicable throughout the country. The Iraqi Government had adopted measures to protect the inhabitants of Kirkuk and the surrounding area and to offer compensation to those who had been victims of violence.

14. **Mr. Al-Janabi** (Iraq) said that the international community ought to have presented a united front as soon as ISIL had arrived in the north of Iraq. The terrorist organization certainly had sufficient resources, if nothing was done, to seize the entire region. As he spoke, its members were carrying out abductions and committing rape, forcibly recruiting children, reducing women to slavery, forcing men to have beards and prohibiting all forms of recreation, among other acts of violence, forcing the population to flee and find refuge in Arbil, the Nineveh plain and elsewhere. They no longer spared Muslims, who were required to adhere to the views of the organization on pain of death. He hoped that the international community would contribute all available resources to aiding Iraq, because, if Iraq fell, the entire Middle East would also fall.

15. **The Chairperson** said that the Committee stood in solidarity with the State party in the face of the current situation in the country.

16. **Mr. Avtonomov** asked what percentage of central Government officials belonged to Kurdish, Assyrian, Turkmen, Yazidi or other ethno-religious minorities in Iraq. He also wished to know the status of Mandeans in the country: did the State party consider them a religious, ethnic or ethno-religious community?

17. **Mr. Amir** asked whether domestic legislation gave precedence to international instruments, such as those relating to refugees. He also wished to know what happened to prisoners of war.

18. **Mr. Al-Janabi** (Iraq) said that the Iraqi Government did not know the exact number of prisoners of war in the country. The Ministry of Human Rights had therefore published a form, available on its website and distributed among all governorates, to collect information on such prisoners. The Constitution provided that the armed forces should comprise members of all elements of Iraqi society.

19. **Mr. Al-Ukaili** (Iraq) said that, in view of the age of the law on refugees (Political Refugees Act No. 51 of 1971), Iraq was working on the adoption of a new law incorporating all the principles enshrined in human rights instruments, although it already respected international principles regarding refugees, such as the principle of non-refoulement. Given that the Convention relating to the Status of Refugees placed restrictions on the sovereignty of States, Iraq required time to examine it prior to ratification.

20. **Mr. Bossuyt** (Country Rapporteur) said that, whereas there had been more than 1.4 million Christians in the State party 10 years earlier, there were currently no more than 300,000. The delegation should provide an explanation.

21. **Ms. January-Bardill** asked what the State party intended to do to truly involve the different ethnic communities in Iraq in the efforts being made to establish security in the country, to install a Government of national unity, to promote and protect human rights and to combat extreme poverty.

22. **Ms. Qutta** (Iraq) said that, according to data from the Statistical Office, there were still 648,010 Christians living in Iraq. There had been many more just several months previously, but many had fled persecution and sought refuge in Kurdistan; 80,000 of them had left the country in that way in June alone. The army and the police had many Christians in their ranks and did not discriminate on the basis of a recruit's belonging to a particular community.

23. **Mr. Al-Janabi** (Iraq) said that he was unable to say how many persons of African descent lived in Iraq, but the authorities would have more precise data following the next population census. The fertility rate among Iraqi women remained high and the Government therefore intended to establish family planning initiatives under the aegis of the Prime Minister and the Ministry of Health and to launch a new birth-rate policy. Financial resources had been allocated to address the illiteracy rate, which was close to 20 per cent and occasionally reached even higher levels in rural areas, and to reduce it to 6 per cent by 2020. The poverty rate had stabilized at around 18 per cent and a comprehensive strategy on violence against women would shortly be drawn up to combat early marriage, which remained widespread.

24. **Mr. Khalaf** said that he was distressed by the tragedy that the Iraqi people were experiencing and thought that the authorities' main objective should be to ensure the return of all displaced persons, including those displaced by force. He wished to know what measures the State party intended to adopt to avoid a genocide of the Iraqi people. He also asked whether children of Christian parents whose fathers had converted to Islam could choose their religion at the age of 18.

25. **Ms. Crickley** said that she understood the problems facing the Iraqi Government in re-establishing the rule of law while massive violations of fundamental human rights were occurring. Other States that had faced similar tragedies had decided to accede to the Rome Statute of the International Criminal Court in order to bring the perpetrators of such violations to justice. Did the State party intend to do that? Lastly, she requested information on the situation of Roma and women in Iraq.

26. **Mr. Al-Ukaili** (Iraq) said that under the Personal Status Code, children were required to belong to the same religion as their father, but the Council of Ministers was considering a law amending that provision. The possibility of ratifying the Rome Statute had been raised by the transitional Government before being abandoned. The authorities had deemed it unnecessary because Iraq was party to the Convention on the Prevention and Punishment of the Crime of Genocide. The problem of militias in the armed forces dated from 2004, when it had been decided to include them in the regular forces in order to bring them under State control.

27. **Mr. Al-Janabi** (Iraq) said that his Government was doing everything possible to allow Iraqis who had emigrated or had been displaced by force to return to the country. A high-level committee chaired by the Deputy Prime Minister had been set up to that end and an initial budget of 500 billion Iraqi dinars had been allocated to address the extremely critical security and humanitarian situation in the country. Moreover, Baghdad had requested an extraordinary session of the Human Rights Council with a view to adopting a resolution on the establishment of a commission of enquiry.

28. **Mr. Murillo Martínez** said that he would like precise information on the composition of the population disaggregated by ethnicity and religion. He asked whether some population groups had in the past refused to provide such information for fear of persecution.

29. **Mr. Vázquez** said that the State party would be well advised to fully assess the catastrophic situation in which thousands of persons belonging to minorities found themselves. He was deeply saddened by the atrocities suffered by the Iraqi people. It was vital that the State party should regain control of its territory and create a society open to all.

30. **Mr. Yeung Sik Yuen** said that he hoped the Iraqi Government would succeed in righting the injustices and atrocities committed by Islamist groups against its people. The future lay in sharing, which was impossible without equity and without the participation of all sectors of the population in the life of the country.

31. **Ms. Al-Ajeeli** (Iraq) said that, according to the Statistical Office, in 2013 there had been 718 Roma, including 125 children, in Iraq, living in an isolated village. The authorities planned to build a school and set up mobile health centres on the outskirts of the village in 2015.

32. **Mr. Bossuyt** thanked the delegation for the frankness and sincerity of its replies and said that he found it regrettable that the efforts made to combat racial discrimination had not been matched by the results. Aware that Iraq was going through a particularly difficult and crucial period that could have repercussions for all countries in the Middle East and beyond, the Committee would do everything possible to aid the State party.

33. **Mr. Al-Janabi** (Iraq) said that his country's next periodic report would contain precise statistical data concerning the composition of the population in religious and ethno-linguistic terms. Iraq, which was going through a critical period, hoped that the Committee would condemn the ongoing terrorist acts and support the efforts being made to bring them to an end and address the needs of the population.

*The meeting rose at 1 p.m.*