



General Assembly

Distr.: General
26 December 2019
English
Original: Arabic

Human Rights Council

Forty-third session

24 February–20 March 2020

Agenda item 6

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.



I. Introduction

1. During the course of its interactive dialogue with delegations from 111 member and observer States of the Human Rights Council, the Republic of Iraq received a total of 298 recommendations. The dialogue took place on 11 November 2019 in the context of the consideration of the report of Iraq under the third cycle of the universal periodic review mechanism.
2. Of the recommendations, 245 received support, 48 were noted and 5 received partial support.
3. The recommendations underwent a process of assessment as a first stage towards defining a position thereon. This involved a series of consultations among the parties concerned, notably the delegation of Iraq that participated in the universal periodic review session. The recommendations were then discussed with the competent bodies – ministries and the legislature – depending upon the subject matter, until arriving at a definitive position, which is set out below.
4. Via the application of a national human rights plan, Iraq will work to implement the recommendations within the specified time frame for the fourth cycle of the universal periodic review mechanism. The plan, which is to be launched in early 2021, will involve the executive branch – governmental and ministerial institutions as well as independent agencies – and the legislative branch – committees belonging to the Council of Representatives – in addition to national human rights institutions – notably the Iraqi High Commission for Human Rights – and non-governmental organizations. The human rights bureau of the United Nations Assistance Mission for Iraq (UNAMI) and the United Nations Office for Project Services (UNOPS) will take part as observers. These bodies will hold meetings and workshops with a view to formulating a draft of the plan, which will then be submitted to the national committee for writing reports under international human rights treaties. That committee will discuss and approve the draft before passing it on to the Council of Ministers for ratification. In addition, the national committee for coordination and follow-up, which is responsible for implementing the national human rights plan, has been re-established and its support mechanisms have been reconstituted: the permanent technical secretariat for human rights and the human rights department in the Ministry of Justice.
5. During this period, a midterm report will be drafted on initial efforts to put the recommendations into effect. This is a voluntary undertaking, which Iraq intends to complete and present within the due time.
6. The position Iraq has taken in classifying certain recommendations as “noted” does not mean that it does not accept the core philosophy underlying those recommendations, because human rights are interrelated and indivisible. Rather, it is a reflection of the nature of Iraqi society, its accepted social system and its adherence to the teachings of Islam and of other fundamental religions. Moreover, the conditions Iraq is currently experiencing means that it has to postpone its support for certain recommendations, particularly as it is conducting a battle against the forces of darkness and the fiercest terror groups, which deal only in death without distinguishing between one religion and another and without sparing women or children.
7. With regard to the recommendations that have received partial support, basic reasons for the support or lack of support have been provided, which reflect the point of view of the body concerned.

II. Position of Iraq vis-à-vis the recommendations

A. Recommendations accepted (support)

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B. Recommendations noted

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- 153 Noted

C. Recommendations partially accepted (partial support)

- 109 Partial support

The recommendation is supported in that steps are taken to investigate and end violence against, and killings of, all persons, including lesbian, gay, bisexual, transgender and intersex persons. Indeed, they are human beings and have the right to life, and there can be no punishment outside the law and the courts. However, this does not amount to legal recognition of homosexuality not does it mean that, as such, they have rights.

- 155 Partial support

The recommendation is supported in that corporal punishment is prohibited in all circumstances save where corporal punishment is taken to mean the death penalty.

- 166 Partial support

The recommendation is supported in that all armed forces deployed on the Nineveh plains are under the command of the Government of Iraq. However, note is taken of the implicit suggestion that those forces are, in fact, the popular mobilization forces, peshmerga and tribal forces, which are helping to combat Islamic State in Iraq and the Levant (ISIL).

- 170 Partial support

The recommendation is supported as concerns full investigation of all reports of human rights abuses, irrespective of the basis for which the investigation is launched; however, this does not entail any recognition of homosexuality.

- 178 Partial support

The recommendation is supported in that steps are taken to investigate and end violence against, and killings of, lesbian, gay, bisexual, transgender and intersex persons. Indeed, they are human beings and have the right to life, and there can be no punishment outside the law and the courts. However, note is taken of the enactment of laws that would allow lesbian, gay, bisexual, transgender and intersex persons to practice their sexual orientation. The reason for this lies in the conservative nature of Iraqi society and in the teachings of Islam and of other fundamental religions.