



人权理事会

普遍定期审议工作组

第七届会议

2009年2月8日至19日，日内瓦

人权事务高级专员办事处根据人权理事会第 5/1 号决议附件 第 15(b)段汇编的资料

伊拉克

本报告汇编了条约机构和特别程序的报告中所载的有关资料(包括所涉国家的意见和评论)，以及其他相关的联合国正式文件所载资料。除联合国人权事务高级专员办事处(人权高专办)对外发布的报告中所载意见、看法或建议外，本报告不含人权高专办的其他任何意见、看法或建议。报告采用的是人权理事会通过的一般准则的结构，所载资料均在尾注中一一注明出处。编写本报告时考虑到第一轮审议周期为四年。在无最新资料的情况下，也参考了现有日期最近的报告和文件，但已过时的除外。由于本报告只汇编联合国正式文件中所载资料，某些具体问题如资料不全或重点不突出，可能是由于该国尚未批准某项条约，及/或与国际人权机制的互动/合作程度不足。

一. 背景和框架

A. 国际义务范围¹

核心世界人权条约 ²	批准、加入或继承日期	有无声明/保留	是否承认条约机构的特定权限
《消除一切形式种族歧视国际公约》(ICERD)	1970年1月14日	有(第二十二条)	个人申诉(第十四条): 否
《经济、社会、文化权利国际公约》(ICESCR)	1971年1月25日	无 ³	-
《公民权利和政治权利国际公约》(ICCPR)	1971年1月25日	无 ⁴	国家间指控(第四十一条): 否
《消除对妇女一切形式歧视公约》(CEDAW)	1986年8月13日	有(第二(f)(g)条, 第九(1)(2)条, 和第十六条) ⁵	-
《儿童权利公约》(CRC)	1994年6月15日	有(第14条第1款) ⁶	-
《儿童权利公约关于儿童卷入武装冲突问题的任择议定书》(OP-CRC-AC)	2008年6月24日	根据第三条交存的具有约束力的声明: (自愿入伍最低年龄)18岁	
《儿童权利公约关于买卖儿童、儿童卖淫和儿童色情制品问题的任择议定书》(OP-CRC-SC)	2008年6月24日	无	-
<p>伊拉克未成为缔约国的核心条约: 《公民权利和政治权利国际公约任择议定书》(ICCPR-OP 1)、《旨在废除死刑的公民权利和政治权利国际公约第二项任择议定书》(ICCPR-OP 2)、《消除对妇女一切形式歧视公约任择议定书》(OP-CEDAW)、《经济、社会、文化权利国际公约任择议定书》(OP-ICESCR)⁷、《禁止酷刑和其他残忍、不人道或有辱人格的待遇或处罚公约》(CAT)、《禁止酷刑和其他残忍、不人道或有辱人格的待遇或处罚公约任择议定书》(OP-CAT)、《保护所有移徙工人及其家庭成员权利国际公约》(ICRMW)、《残疾人权利公约》(CPD)、《残疾人权利公约任择议定书》(CPD-OP)和《保护所有人免遭强迫失踪国际公约》(CED)。</p>			
其他相关主要国际文书		是否批准、加入或继承	
《防止及惩治灭绝种族罪公约》		是	
《国际刑事法院罗马规约》		否	
《巴勒莫议定书》 ⁸		是	
难民和无国籍人 ⁹		否	
《一九四九年八月十二日内瓦四公约》及其《附加议定书》 ¹⁰		是, 但第一、第二和第三号议定书除外	
《劳工组织基本公约》 ¹¹		是, 第87号除外	
《联合国教科文组织取缔教育歧视公约》		是	

1. 2008 年, 联合国伊拉克援助团(联伊援助团)指出, 《禁止酷刑和其他残忍、不人道或有辱人格的待遇或处罚公约》已被签署为法律¹² 并建议政府完成加入条约的程序。¹³
2. 2000 年, 消除对妇女歧视委员会(CEDAW)建议政府修改或撤销对《公约》的保留意见。¹⁴ 1998 年, 儿童权利委员会(CRC)鼓励伊拉克考虑是否能审查对《公约》第 14 条第 1 款的保留, 以便予以撤销。¹⁵

B. 宪法和法律框架

3. 儿童基金会指出, 2005 年宪法保障法治、法律面前平等、机会均等、隐私及司法独立, 且宪法正在审议中。¹⁶
4. 2009 年, 劳工组织实施公约与建议书专家委员会要求政府修订《劳动法》草案, 为工会会员和官员提供适当保护, 使之免遭反工会的歧视。¹⁷
5. 联伊援助团建议政府协调有关法律, 使其符合《禁止酷刑和其他残忍、不人道或有辱人格的待遇或处罚公约》。¹⁸ 联伊援助团还指出, 国民议会正在着手起草一整套福利立法。¹⁹

C. 体制和人权基础结构

6. 截至 2009 年 11 月, 在伊拉克没有得到促进和保护人权国家机构国际协调委员会(协调委员会)认证的国家人权机构。²⁰ 2008 年, 国民议会根据人权高专办提供的技术咨询²¹ 并参照《巴黎原则》, 通过了《设立独立人权事务高级委员会法》, 联伊援助团认为这是最有意义的进展之一。²²
7. 2008 年, 联伊援助团建议政府考虑由人权部建立定期公开报告活动制度。²³ 它肯定国民议会人权委员会的工作, 特别是有关人权问题的立法和访问拘留设施的法律起草工作。²⁴ 伊拉克在人权部内部设立了国家人权研究所, 为政府和民间机构开设培训课程, 并编写国家人权计划。²⁵

D. 政策措施

8. 2009 年, 劳工组织专家委员会要求政府说明消除最有害的童工形式行动方案的情况。²⁶ 1998 年, 儿童权利委员会建议对从事儿童工作的专业团体进行系统的儿童权利、国际人权和人道主义法方面培训。²⁷
9. 2005 年, 伊拉克通过世界人权教育方案行动计划(2005-2009), 计划重点在于全国学校系统。²⁸

二. 实际增进和保护人权的情况

A. 与人权机制的合作

1. 与条约机构的合作

条约机构 ²⁹	最近提交和审议的报告	最近的结论性意见	后续答复	报告提交情况
消除种族歧视委员会(CERD)	1997 年	1999 年	-	第五次定期报告自 2000 年逾期未交
经济、社会和文化权利委员会(CESCR)	1995 年	1997 年	-	第四次和第五次定期报告分别自 2000 年和 2005 年逾期未交
人权事务委员会(HR Committee)	1996 年	1997 年	-	第五次定期报告自 2000 年逾期未交
消除对妇女歧视委员会(CEDAW)	1998 年	2000 年	-	第四次和第五次定期报告分别自 1999 年和 2003 年逾期未交
儿童权利委员会(CRC)	1996 年	1998 年	-	第二次和第三次定期报告分别自 2001 年和 2006 年逾期未交
儿童权利公约关于儿童卷入武装冲突问题的任择议定书(OP-CRC-AC)	-	-	-	初次报告应于 2010 年 8 月 24 日提交
儿童权利公约关于买卖儿童、儿童卖淫和儿童色情制品问题的任择议定书(OP-CRC-SC)	-	-	-	初次报告应于 2010 年 7 月 24 日提交

2. 与特别程序的合作

长期有效邀请	否
最近访问或出访报告	伊拉克人权状况特别报告员(2000 年 11 月 5 日至 9 日, ³⁰ 2002 年 2 月 11 日至 15 日 ³¹)
原则上同意的访问	人权维护者处境问题特别报告员; 酷刑和其他残忍、不人道或有辱人格的待遇或处罚问题特别报告员
提出请求但尚未同意的访问	强迫或非自愿失踪问题工作组(2005 年 7 月提出); 以雇佣军为手段侵犯人权并阻挠行使民族自决权问题工作组(2008 年提出); 法官和律师独立性问题特别报告员(2008 年提出)
访问期间提供的便利/合作	-
访问后续行动	
对指控信和紧急呼吁的答复	在审查所涉期间, 送交了 60 份来文, 涉及一些具体群体, 包括 15 名妇女。政府对 11 份来文作了答复, 占送交来文的 19.3%。
对专题调查问卷的答复 ³²	伊拉克在规定时间内共回答特别程序任务负责人发出的 16 份调查问卷 ³³ 中的 6 份。 ³⁴

3. 与人权事务高级专员办事处的合作

10. 人权高专办支持联伊援助团人权办公室的工作，协助落实各项活动，提供有关人权问题的指导和专家咨询。³⁵ 联伊援助团人权办根据安理会第1770(2007)、³⁶ 1830(2008)³⁷ 和 1883(2009)³⁸ 号决议，从事增进和保护人权与法治的活动。

B. 参照适用的国际人道主义法履行国际人权义务的情况

1. 平等和不歧视

11. 2000 年，消除对妇女一切形式歧视委员会关切地注意到，伊拉克未能处理妨碍妇女享有其权利的歧视性态度问题。委员会要求伊拉克政府：审查歧视性法律规定；采取措施，包括临时特别措施，创造实际上和法律上不歧视妇女的环境；³⁹ 努力消除一夫多妻的做法，保证关于性别问题的公众教育运动确能创造无歧视的环境。⁴⁰

12. 1997 年，人权委员会建议采取措施确保所有宗教群体、少数族裔和少数语言群体成员都能享有平等权利。⁴¹

13. 1998 年，儿童权利委员会对残疾人获得设施与服务的机会情况表示关切。⁴²

2. 生命权、人身自由和安全权

14. 联伊援助团称联合国对于 2004 年恢复死刑深感遗憾。⁴³ 2009 年 5 月 6 日，人权高专办与联伊援助团表示关切，认为伊拉克已恢复死刑，而其司法制度又不足以保障公平审判的程序。人权高专办建议伊政府考虑在全面审议《刑法》与《刑事诉讼法》期间根据大会第 62/149 号决议正式暂停执行死刑。⁴⁴ 2007 年，法官和律师独立性特别报告员与任意拘留问题工作组对萨达姆·侯赛因及两个共同被告被判死刑表示关切，对执行处决的方式深感震惊。⁴⁵ 2007 年，法官和律师独立性特别报告员指出，伊拉克高等法院(IHT)的审判程序存在严重缺陷，尤其是侵犯得到独立公正的法庭审判的权利及充分辩护的权利。报告员敦促政府停止按照违反国际人权标准与原则的审判执行死刑。⁴⁶

15. 联合国儿童基金会指出，在过去的五年间数万名伊拉克人被杀，数百万人继续受暴力与不安全所扰。⁴⁷ 联伊援助团报告，2008 年下半年自杀式袭击仍在继续，包括女性从事的自杀式炸弹袭击。⁴⁸ 联合国儿童基金会指出，5,000 多万枚集束子炸弹和 2,000 万枚地雷损害到约 160 万人的生命，已有约 8,000 人因此死亡或受伤，包括 2,000 名儿童。⁴⁹

16. 2008 年，联伊援助团指出，武装团体仍然不区分平民与作战人员。⁵⁰ 援助团报告了伊拉克安全部队⁵¹ 与驻伊拉克多国部队(驻伊部队)军事行动中的平民死亡事件。⁵² 据指称私营保安公司雇员随意射击，导致平民伤亡，以雇佣军为手

段侵犯人权并阻挠行使民族自决权问题工作组对此表示关注。⁵³ 联伊援助团强调系统性大范围攻击平民相当于危害人类罪，实施者应受到起诉。⁵⁴

17. 2008 年，被迫或非自愿失踪问题工作组指出，自 1980 年成立，工作组共向政府转交案件 16,526 起，其中 16,396 起尚未解决。⁵⁵ 2006 年，政府要求工作组再次转交所有案件的详细资料，工作组对此表示欢迎。⁵⁶ 2007 年⁵⁷ 与 2008 年⁵⁸，政府会晤工作组共同讨论为数众多的未解决案件。⁵⁹ 联伊援助团指出，绑架已成为武装团体筹集活动经费、恐吓及消灭对手的手段。⁶⁰

18. 联伊援助团指出，包括库尔德地区的全国各地被羁押者处境仍十分令人关注。⁶¹ 2008 年，联伊援助团继续关注驻伊部队未经司法审查延长嫌犯扣押时间的做法，以及行政审查程序不符合正当程序要求的现象。⁶² 秘书长声称联伊援助团收到可靠消息表明，一些被羁押者被驻伊部队释放后立即遭伊拉克当局重新逮捕，在 2008 年 11 月 17 日签署安全协议⁶⁴ 后驻伊部队羁押的犯人数目有所减少。⁶³ 联伊援助团建议政府确保有效落实监狱管理法律，将所有羁押设施与监狱交由司法部管理，紧急处理包括青少年在内的所有被羁押者遭受虐待的指控。⁶⁵

19. 2007 年，联伊援助团指出，当局仍需显示政治意愿，对涉嫌犯有酷刑、虐待及其他滥用职权罪行的执法人员追究责任——例如针对内政部 al-Jadiriyya 设施与 4 号设施所揭露的问题。⁶⁶ 2006 年 3 月⁶⁷ 和 6 月，⁶⁸ 2007 年 6 月，⁶⁹ 多位特别程序任务负责人向伊拉克政府发送来文，来文涉及在无正式指控情况下逮捕、隔离关押、严刑拷问、酷刑虐待逼供以及若干致死案件。

20. 负责儿童与武装冲突问题的秘书长特别代表于 2008 年 4 月 13 日至 25 日⁷⁰ 赴伊拉克访问。对于非政府武装团体令儿童参与行动，包括作自杀式炸弹袭击者表示特别关切。⁷¹ 联伊援助团建议考虑设立高级别委员会，来制定适当的儿童保护政策、建立监管汇报机制、搜集严重侵犯儿童权利的具体信息。⁷² 特别代表建议立即采取措施将招募和/或利用儿童，尤其是利用儿童进行自杀式袭击定为犯罪行为；将积极调查、起诉招募和利用儿童的罪行作为优先事项。⁷³

21. 买卖儿童、儿童卖淫和儿童色情制品问题特别报告员指出性别歧视法律使针对女性的暴力问题愈演愈烈。她强调大多数家庭暴力受害者无法获得医疗护理，这种暴力导致自杀、自焚和凶杀事件增多。⁷⁴ 2000 年，消除对妇女一切形式歧视委员会敦促政府鼓励并支持设立救助家庭暴力受害女性的设施。⁷⁵

22. 2008 年，联伊援助团指出儿童与青年受到严重侵犯，包括在帮派暴力与军事行动中遭受伤亡。⁷⁶ 援助团报告继续关注家庭暴力中的受害儿童⁷⁷，同时关注儿童正在成为性暴力、强迫婚姻和荣誉罪的受害者。⁷⁸ 它建议修订允许使用减轻罪行情节使“罪行荣誉化”的刑事法律。⁷⁹ 1998 年，儿童权利委员会对国内法律未明确禁止体罚表示关切。⁸⁰ 2005 年，五位特别程序任务负责人指出，妇女和女童遭受性暴力威胁、侮辱性对待，被某外国政府驻伊武装人员长期单独监禁并受到性侵害。⁸¹

23. 2006 年，联伊援助团收到消息，有儿童被贩卖到伊拉克境外做性奴隶、劳工或被外国家庭非法收养。⁸² 2008 年，援助团对伊拉克境内贩卖人口的报告与虐待移徙工人的控诉表示关切。⁸³

24. 2009 年，劳工组织专家委员会要求政府指出已采取或计划采取哪些措施禁止利用、诱使或提供 18 岁以下儿童从事非法活动，特别是制造和贩卖毒品活动。⁸⁴ 1998 年，儿童权利委员会鼓励伊拉克加强预防措施、加紧努力确保在街头生活和/或工作的儿童接受改造并重新融入社会。⁸⁵

25. 2008 年，联伊援助团称阿什拉夫难民营居民的境况仍然应予关注，⁸⁶ 并指出它已提醒各方注意对难民营居民的义务，包括不要强制遣返与被控犯罪者适当程序的保障。⁸⁷ 2006 年 10 月，食物权特别报告员发来文，称阿什拉夫难民营居民无法继续获得补贴食物，而且当局决定暂停难民营的燃料和油品供应。⁸⁸

3. 司法(包括有罪不罚问题)和法治

26. 联伊援助团认为要取得重大进展，必须采取有力措施加强司法及执法部门的职能，推进法律与制度改革。⁸⁹ 2007 年，法官与律师独立性问题特别报告员发送多篇来文，涉及司法人员，尤其是律师因执行公务遭到威胁、虐待及谋杀，⁹⁰ 从而导致司法程序严重受阻。⁹¹ 2006 年 11 月，特别报告员对新当选的伊拉克律师协会总理事会主席被免职一事表示深切关注。⁹² 秘书长报告说，民兵和其他叛乱集团公开声称设有非法法庭。⁹³

27. 伊拉克中央刑事法庭(CCCI)及其他刑事法庭遵循的程序未达到公平审判的最低标准，联伊援助团对此继续保持关注。⁹⁴ 它指出，审判与审议程序通常简短，被告常常不知道其法律权利。⁹⁵ 它建议政府：准许被羁押者及时、定期、适当地见到家属和法律顾问；继续努力保障迅速获得司法的机会，保证被羁押者有权质疑羁押的合法性，确保他们能迅速获释，除非因应审理的罪行受到指控并交送法庭审理；⁹⁶ 考虑审议《刑事诉讼法》及证据规则，将起诉制度由以供词为依据变为以证据为依据。⁹⁷ 关于受驻伊部队羁押者，联伊援助团敦促考虑落实国际人权法要求的对适当程序的基本保障。⁹⁸

28. 联伊援助团强调伊拉克青少年司法制度仍旧缺少预防青少年犯罪的社区行动，⁹⁹ 主要行为者不了解现代青少年司法程序。¹⁰⁰ 负责儿童与武装冲突问题的秘书长特别代表建议将羁押儿童视为最后手段来采用。¹⁰¹

29. 2008 至 2010 年联合国伊拉克援助战略指出，有罪不罚现象广泛存在，获得司法审理的机会在很大程度上缺失，主要原因有担心报复、法治机构能力不足、腐败以及问责机制意识薄弱。¹⁰² 联伊援助团对《大赦法》¹⁰³ 及 2007 年 2 月 13 日宣布的紧急状态条例表示关注。¹⁰⁴

4. 隐私权、婚姻权和家庭生活权

30. 联伊援助团指出伊拉克发生多起同性恋者被刺杀事件，¹⁰⁵ 而且人们相信此类事件未得到充分报告，因为家属害怕遭到进一步迫害，不愿承认受害人是同性恋者。¹⁰⁶

5. 迁徙自由

31. 有报告说因为实行限制更严的入境政策及国境与省界的签证要求，流离失所者越来越难以在伊拉克境内或邻国迁徙。联伊援助团对此表示关注。¹⁰⁷

6. 宗教或信仰自由、言论自由、结社自由、和平集会自由，以及公共和政治生活参与权

32. 宗教或信仰自由问题特别报告员注意到，在官方证件中披露一个人的宗教归属极易招致基于宗教或信仰的侮辱或歧视。¹⁰⁸ 2008 年，联伊援助团继续接到基督徒遭到武装团体威胁、人身攻击、甚至是谋杀的报告。¹⁰⁹ 2008 年 11 月，三位任务负责人表达了类似的关注。¹¹⁰

33. 据联伊援助团报告，记者与媒体工作者成为武装团体的目标，¹¹¹ 遭到执法人员的攻击或短期羁押，¹¹² 同时还有干涉新闻报道的投诉。¹¹³ 自 2006 年起，数位特别程序任务负责人发来文，反映律师、记者、媒体工作者、¹¹⁴ 工会领导人、¹¹⁵ 活动家、¹¹⁶ 人权捍卫者及其家属因从事人权活动和/或批评当局而遭到威胁、暴力攻击、绑架、虐待、羁押与谋杀。¹¹⁷ 宗教人士¹¹⁸ 和学术专业人员¹¹⁹ 成为有目标暴力事件的受害者。

34. 2009 年，人道协调厅报告立法者正在修订关于非政府组织注册与活动的新立法，国际与国内非政府组织对此项法律的各个方面表示关注，尤其是政府对非政府组织筹资与注册的全面控制。¹²⁰

35. 秘书长认为伊拉克 2009 年 1 月 31 日举行省级选举，向前迈出了重要一步。¹²¹ 据联伊援助团报告，独立高级选举委员会(IHEC)职员屡次遭到意在影响选举进程的攻击；政治家与候选人受到攻击；收到的投诉绝大部分是关于破坏政治宣传、威胁族群、以及安全部队的派系行为。¹²²

36. 2005 年 9 月，五位特别程序任务负责人发来文，事关女性政治领袖和参与保护妇女权利运动的女性遭到武装团体成员威胁与杀害。¹²³ 2008 年，联伊援助团收到大量投诉，控诉限制女性自由及对女性装束口头评论。¹²⁴ 据三位特别程序任务负责人说，这与普遍加剧的不安全感一起，限制了女性的迁徙自由、女性参与公共生活的能力和意愿。¹²⁵ 2009 年联合国统计司的信息表明，2006 年至 2009 年，国民议会中女性席位的比例一直停留在 25.5%的水平。¹²⁶

7. 工作权和公正良好工作条件权

37. 2008 至 2010 年联合国伊拉克援助战略指出，超过 50%的可工作人口失业或未充分就业。¹²⁷ 2009 年，劳工组织专家委员会要求政府提供信息，了解工资设定委员会如何保证按男女工人同工同酬的原则确定工资标准。¹²⁸ 1997 年，经济、社会和文化权利委员会强调需要保护所有未成年工作者，包括家庭企业雇佣的未成年人。¹²⁹ 雇佣军问题工作组对伊拉克私人保安公司中的外籍人士遭遇的合同违约现象和恶劣工作条件表示关切。¹³⁰

38. 2009 年，劳工组织专家委员会表示，希望工会权和集体谈判权能够在不久的将来得以遵循基本权利行使。¹³¹

8. 社会保障权和适足生活水准权

39. 开发署与计划与发展合作部进行的一项研究表明，尽管国家拥有丰富的经济和自然资源，仍有很大比例的居民陷入不同程度的贫困。农村地区的贫困水平比城市高三倍以上。¹³² 2008 年，联伊援助团报告寡妇、弃妇¹³³ 与孤儿¹³⁴ 的境遇和权利越来越受到关注。

40. 人道协调厅强调，在 2008 年粮食计划署的评估中约有 93 万伊拉克人被归为无粮食保障类。粮食计划署的调查结果还显示，另有 9.4%的人口完全依赖伊拉克公共分配制度的食品定量。¹³⁵ (114 个区中的)38 个区急性营养不良发生率超过了 5%的紧急健康临界值，危及数千名儿童的生命，儿童基金会对此表示关切。¹³⁶

41. 2006 年，联伊援助团提到卫生系统的情况不断恶化。¹³⁷ 儿童基金会指出，自 20 世纪 90 年代初以来卫生服务水平下降，导致出生时算起的平均预期寿命由 1987 年的 65 岁下降到 2006 年的 58.2 岁。¹³⁸ 2000 年，消除对妇女一切形式歧视委员会表示关注妇女的全面健康状况，尤其是孕产妇死亡的高发现象。¹³⁹

42. 2008 至 2010 年联合国伊拉克援助战略指出，住房领域存在严重的供给和补贴缺口及政策与制度不足。¹⁴⁰ 联合国统计司 2008 年的数据表明，2005 年有 52.8%的城市人口住在贫民窟。¹⁴¹ 2008 年 11 月，适足生活水准权所含适足住房问题特别报告员就底格里斯河摩苏尔大坝决堤危险发送来文。¹⁴²

43. 儿童基金会指出，据政府估计，仅有 72.5%的人可获得安全饮水，26%的人可获得排污服务，且实际情况甚至更为堪忧，因为这些服务常常并不可靠，疏于维护、非法窃水、破坏活动及频繁且长时间的停电都使服务大打折扣。¹⁴³ 2008 至 2010 年联合国伊拉克援助战略称糟糕的污水排放系统影响到许多脆弱人群的健康，有三分之二的儿童死亡源于腹泻和呼吸系统感染。¹⁴⁴ 儿童基金会指出固体废物管理水平仍然很低。¹⁴⁵ 儿童基金会强调，缺乏区域性的综合水资源管理计划会对安全饮水供给带来长期持续影响。¹⁴⁶

9. 受教育权和参加社会的文化生活权

44. 儿童基金会指出儿童无法入学，原因有学校因不安全而关闭/被毁、流离失所、教室过度拥挤、贫困、学校基础设施差、对女孩接受教育的消极态度。教学方法与学校管理陈旧过时，冲突达到高潮时许多专职教师大批流亡，使问题更为严重。¹⁴⁷ 儿童基金会指出，失学率在上升，而且存在巨大的地区差异。¹⁴⁸ 它补充说教师需要大幅度提高技能。¹⁴⁹ 2000 年，消除对妇女一切形式歧视委员会呼吁政府加大力度扫除文盲。¹⁵⁰

10. 少数群体和土著人民

45. 人道协调厅 2008 年的一份报告指出，很多少数群体继续面临暴力、攻击与迫害。¹⁵¹ 2008 年，联伊援助团继续关注削弱少数群体独特性的企图以及迫害少数群体又逍遥法外的现象。¹⁵² 联伊援助团报告，尼尼微和塔米姆的沙巴克人、¹⁵³ 雅兹迪人、¹⁵⁴ 基督徒与土库曼人¹⁵⁵ 的处境尤为堪忧。¹⁵⁶ 2008 年 11 月，宗教或信仰自由问题特别报告员与少数群体问题独立专家请政府关注涉及萨宾曼德族人的事件；¹⁵⁷ 联伊援助团也对其处境保持严重关切。¹⁵⁸ 联伊援助团收到消息，称伊拉克的巴哈教派民众仍身处困境。¹⁵⁹

46. 2008 年联伊援助团认为，《选举法》修正案规定为巴格达、尼尼微和巴士拉的基督徒、沙巴克人、雅兹迪人与萨宾曼德族人保留席位，是向承认少数群体的特殊地位迈出了重要一步。¹⁶⁰

11. 移徙者、难民和寻求庇护者

47. 2008 至 2010 年联合国伊拉克援助战略指出，200 万伊拉克人已到邻国寻求避难。¹⁶¹ 人道协调厅 2009 年的一份报告提到，难民署强调情况还未好转到足以促使伊拉克难民大批回归或普遍终止难民身份的程度。¹⁶² 联伊援助团报告，难民很少能获得就业，还有报告说在某邻国一些伊拉克女难民被迫卖淫。¹⁶³

48. 联伊援助团报告，2007 年 4 月至 6 月间，因巴格达的巴勒斯坦族群遭到暴力与袭击，主要是伊拉克部队与武装民兵突袭其定居点，流离失所的巴勒斯坦人数目增加。¹⁶⁴

12. 国内流离失所者

49. 2008 至 2010 年联合国伊拉克援助战略指出，该国有 250 万国内流离失所者。¹⁶⁵ 联伊援助团强调，国内流离失所者和回归者认定的迫切需求依次如下：住所；食品；工作/就业机会与文件。¹⁶⁶ 教育、¹⁶⁷ 饮用水、适当的卫生与保健服务仍是当务之急，尤其在村庄与农村地区。¹⁶⁸ 联伊援助团指出，强奸、强奸威胁、家庭暴力、流离失所后的失踪与羁押仍是令人关切的重大问题。¹⁶⁹

50. 负责流离失所者人权问题的秘书长代表提到在伊拉克境内极难提供可满足需要的人道主义援助，安排国内流离失所者在营地中居住应被视为最后的办法。¹⁷⁰ 2009 年，人权协调厅报告，政府已决定停止登记新的国内流离失所者，这将影

响其获得几种政府援助的资格。¹⁷¹ 2009 年，人权协调厅提到，回归的国内流离失所者和难民面临多种挑战，包括与回归有关的土地财产问题和基本公共服务。一些家庭希望回归，但没有经济能力。¹⁷²

13. 人权与反恐

51. 秘书长报告，除政府宣布计划恢复死刑外，实行反恐法律引发了其他值得关注的问题。¹⁷³

14. 具体地区或领土或与之有关的情况

52. 联伊援助团继续敦促库尔德地区政府向取消或暂停死刑的方向迈进，下令暂停执行死刑。¹⁷⁴

53. 联伊援助团继续记录库尔德地区政府对嫌犯及被剥夺自由者的严重侵权行为，包括酷刑、逼供、秘密羁押和缺少医疗救治。¹⁷⁵ 联伊援助团收到指控称他们在调查与审讯阶段都无法获得法律咨询。¹⁷⁶

54. 库尔德地区针对女性的暴力仍是联伊援助团严重关切的问题之一，因为记录在案的自杀事件的形式常常指向与“荣誉”相关的谋杀。¹⁷⁷ 联伊援助团对家庭与族群暴力，如强迫婚姻和家庭虐待做了报道。¹⁷⁸ 它表示关注性暴力受害者；¹⁷⁹ 提及对女性外阴残割的做法仍然报道不足，并建议库尔德地区政府考虑制定法律禁止女性外阴残割。¹⁸⁰ 联伊援助团注意到法律的变化已经使“荣誉”由“减轻处罚”情节变为“加重处罚”情节。¹⁸¹

55. 联伊援助团提到《库尔德地区政府 2006 年反恐法》已延期至 2010 年中期，有些人处于事实上无限期行政羁押的现象尤其值得关注。¹⁸²

56. 有报告称库尔德地区许多法官无视新的禁止徒刑的新闻法，联伊援助团对此表示关注。¹⁸³ 它仍然收到报告称新闻业者，特别是报道公益问题的新闻业者，遭到恐吓和/或逮捕。¹⁸⁴

三. 成绩、最佳做法、挑战和制约因素

57. 据儿童基金会，自 2004 年起伊拉克试图处理最严重的侵犯人权行为，恢复法治。¹⁸⁵ 2008 至 2010 年联合国伊拉克援助战略强调各方面的严峻挑战：提供基本服务、尊重并实施法治、系统促进及保护人权、政府机构内部与政策的透明度与问责制，向民主与经济繁荣的全面过渡。¹⁸⁶ 伊拉克目前未能实现千年发展目标的一项。¹⁸⁷

四. 国家重要优先事项、举措和承诺

A. 国家保证

58. 2006年，伊拉克宣布它将：竭尽全力保障伊拉克人民的民事、政治、社会、经济和文化权利，包括法律面前人人平等、不受任何歧视的权利；就相关人权文书及人权条约机构的建议采取相应措施；增强国家人权保护机制组成机构的能力。伊拉克国民议会考虑批准所有人权文书任择议定书列为第一优先事项。¹⁸⁸

B. 后续行动具体建议

59. 负责儿童与武装冲突问题的秘书长特别代表建议除其他措施外：应在伊拉克中央及地区各级武装部队和警察中开展两性平等意识运动，以打击向儿童施行性暴力和基于性别的暴力犯罪后有罪不罚的现象；应鼓励伊拉克当局招募更多的女性从事警务和司法工作，使收集性暴力犯罪和基于性别的暴力犯罪的证据更为便利，安排受害者，特别是儿童获得适当的回应服务；中央及地区政府应确保所有儿童都能够接受教育和健康服务；政府可考虑优先提高为儿童和其他弱势群体提供基本服务的预算支出。¹⁸⁹

五. 能力建设与技术援助

60. 联伊援助团人权官员监管并调查冲突各方的侵犯人权行为，与伊拉克各机构和民间团体进行能力建设活动。¹⁹⁰ 联伊援助团定期人权报告意在帮助伊拉克政府、库尔德地区政府和驻伊部队确保人权得到保护、法治受到尊重。¹⁹¹

61. 联合国伊拉克方案的四个支柱是：提供基本服务；治理；经济改革；及保护弱势群体。¹⁹² 儿童基金会提供资料，介绍了其为伊拉克最处弱势的儿童和女性重建保护环境的援助方案。¹⁹³

注

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR

ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

³ Upon ratification: "Ratification by Iraq ... shall in no way signify recognition of Israel nor shall it be conducive to entry with her into such dealings as are regulated by the said [Covenant]."

⁴ Upon signature and confirmed upon ratification:

"The entry of the Republic of Iraq as a party to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights shall in no way signify recognition of Israel nor shall it entail any obligation towards Israel under the said two Covenants." "The entry of the Republic of Iraq as a party to the above two Covenants shall not constitute entry by it as a party to the Optional Protocol to the International Covenant on Civil and Political Rights." Upon ratification:

"Ratification by Iraq ... shall in no way signify recognition of Israel nor shall it be conducive to entry with her into such dealings as are regulated by the said [Covenant]."

⁵ Reservations:

1. Approval of and accession to this Convention shall not mean that the Republic of Iraq is bound by the provisions of article 2, paragraphs (f) and (g), of article 9, paragraphs 1 and 2, nor of article 16 of the Convention. The reservation to this last-mentioned article shall be without prejudice to the provisions of the Islamic Shariah according women rights equivalent to the rights of their spouses so as to ensure a just balance between them. Iraq also enters a reservation to article 29, paragraph 1, of this Convention with regard to the principle of international arbitration in connection with the interpretation or application of this Convention.

2. This approval in no way implies recognition of or entry into any relations with Israel.

⁶ Reservation:

The Government of Iraq has seen fit to accept [the Convention] ... subject to a reservation in respect

to article 14, paragraph 1, concerning the child's freedom of religion, as allowing a child to change his or her religion runs counter to the provisions of the *Islamic Shariah*.

- ⁷ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.
- ⁸ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁹ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- ¹⁰ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at <http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html>.
- ¹¹ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning the Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- ¹² UNAMI human rights report, July- December 2008; para.7 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹³ UNAMI human rights report, July- December 2008; p. 5, para. b (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹⁴ A/55/38, paras. 186 and 188.
- ¹⁵ CRC/C/15/Add.94 para. 6.
- ¹⁶ UNICEF submission to the UPR on Iraq, p. 1.
- ¹⁷ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Right to Organise and Collective Bargaining Convention, 1949 (No. 98), 2009, Geneva, doc. No. (ILOLEX) 062009IRQ098.
- ¹⁸ UNAMI human rights report, July- December 2008; p. 5, para.b (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹⁹ UNAMI human rights report, July- December 2008; para. 71 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).

- ²⁰ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/10/55, annex I.
- ²¹ OHCHR 2008 report on activities and results, p.144.
- ²² UNAMI human rights report, July- December 2008; para. 69 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ²³ UNAMI human rights report, January-June 2008, p. 4, para. (i). See also UNAMI human rights report, July- December 2008; para. 8 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ²⁴ UNAMI human rights report, July- December 2008; para. 8 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ²⁵ Letters from the Permanent Mission of Iraq (including information of the Iraq Ministry of Human Rights), dated on 16 and 22 July 2009, in response to a request for information on the implementation of the International Year of Human Rights Learning, see <http://www2.ohchr.org/english/issues/education/training/Summary-national-initiatives2005-2009.htm>.
- ²⁶ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request Worst Forms of Child Labour Convention, 1999 (No. 182), 2009, Geneva, doc. No. (ILOLEX) 092009IRQ182.
- ²⁷ CRC/C/15/Add.94, para. 14.
- ²⁸ See General Assembly resolution 59/113B of 14 July 2005, and Human Rights Council resolution 6/24 of 28 September 2007. See also letters from the High Commissioner for Human Rights dated 9 January 2006 and 10 December 2007, available at <http://www2.ohchr.org/english/issues/education/training/Summary-national-initiatives2005-2009.htm>.
- ²⁹ The following abbreviations have been used for this document:
- | | |
|--------------|--|
| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CRC | Committee on the Rights of the Child |
- ³⁰ E/CN.4/2001/42.
- ³¹ E/CN.4/2002/44.
- ³² E/CN.4/2001/42.
- ³³ See (a) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005; (b) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent in July 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (d) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (e) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006; (f) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights

policies and management practices; (g) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007; (h) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation sent in July 2007; (i) report of the Special Rapporteur on the right to education (A/HRC/8/10), questionnaire on the right to education in emergency situations sent in 2007; (j) report on the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/10/16 and Corr.1), questionnaire on trafficking in persons, especially women and children; (k) report of the independent expert on the question of human rights and extreme poverty to the eleventh session of the HRC sent in June 2009 (A/HRC/11/9), questionnaire on Cash Transfer Programmes, sent in October 2008; (l) report of the Special Rapporteur on the right to education sent in June 2009 (A/HRC/11/8), questionnaire on the right to education for persons in detention; (m) report of the Special Rapporteur on violence against women, (June 2009) (A/HRC/11/6), questionnaire on violence against women and political economy; (n) report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences (A/HRC/12/21), questionnaire on national legislation and initiatives addressing the issue of bonded labour. (o) report of the Special Rapporteur on the right to food to the twelfth session of the Council (A/HRC/12/31), questionnaire on world food and nutrition security; (p) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/12/23), questionnaire on measures to prevent and combat online child pornography.

- ³⁴ The questionnaire on the right to education of persons with disabilities, the questionnaire on the human rights of indigenous people, the questionnaire on the right to education in emergency situations, the questionnaire on violence against women and political economy, the questionnaire on world food and nutrition security and the questionnaire on measures to prevent and combat online child pornography.
- ³⁵ OHCHR 2008 report on activities and results, p. 149.
- ³⁶ Security Council resolution 1770 (2007).
- ³⁷ UNAMI human rights report, July-December 2008; para. 9 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ³⁸ Security Council resolution 1883 (2009).
- ³⁹ A/55/38, paras. 179, 180, 181.
- ⁴⁰ *Ibid.*, paras. 191-192; See also HR Committee, para. 13; CESCR, para. 30.
- ⁴¹ CCPR/C/79/Add.84, para 20.
- ⁴² CRC/C/15/Add.94, para. 24.
- ⁴³ UNAMI human rights report, May-June 2006, para. 84 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ⁴⁴ OHCHR/UNAMI press release, available at <http://www.uniraq.org/newsroom/getarticle.asp?ArticleID=1024>; See also UNAMI human rights report, July- December 2008; p.5, para. (f) (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ⁴⁵ A/HRC/8/4/Add.1, para. 173. See also OHCHR Annual Report 2006, p.78; A/HRC/4/25/Add.1, paras. 201-206; A/HRC/4/27/Add.1, para. 319; A/HRC/4/20/Add.1, pp. 176-177.
- ⁴⁶ A/HRC/8/4/Add.1, para. 175. See also A/HRC/4/25, paras. 54-57; A/60/321, para. 42.
- ⁴⁷ UNICEF submission to the UPR on Iraq, p. 2.
- ⁴⁸ UNAMI human rights report, July- December 2008; para.12, 14, 15 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).

- ⁴⁹ UNICEF submission to the UPR on Iraq, p. 4. See also UNCT, United Nations Iraq Assistance Strategy 2008-2010, Baghdad, 2008, p. 19, available at <http://www.undg.org/docs/9863/UN-Iraq-Assistance-Strategy-2008-2010.pdf> (accessed 26 August 2009).
- ⁵⁰ UNAMI human rights report, July- December 2008; paras.21-24 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ⁵¹ UNAMI human rights report, July- December 2008; para.31; UNAMI human rights report, January-June 2008, paras.43 to 47 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ⁵² UNAMI human rights report, July- December 2008; para.30; UNAMI human rights report, January-June 2008, para.40, 41 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ⁵³ A/HRC/7/7/Add.1, paras.70-73 and 75-78; A/HRC/10/14/Add.1, paras.22 -25 (See also UNAMI human rights report, July- December 2008; para. 27; UNAMI human rights report, January-June 2008, para. 38; UNAMI human rights report, July-December 2007, para. 25 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ⁵⁴ UNAMI human rights report, July- December 2008; Para.12 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ⁵⁵ A/HRC/10/9, para.206; See also E/CN.4/2006/56 and Corr.1, paras. 295-299; A/HRC/4/41, para. 230.
- ⁵⁶ E/CN.4/2006/56 and Corr.1, paras. 297-299
- ⁵⁷ A/HRC/7/2, para. 181
- ⁵⁸ A/HRC/10/9, para. 205
- ⁵⁹ CCPR/C/79/Add.84, para. 8.
- ⁶⁰ UNAMI human rights report, November- December 2006, para. 34; UNAMI human rights report, July- December 2008; para. 25 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ⁶¹ UNAMI human rights report, July-December 2008, para. 72; See also UNAMI human rights report, January-June 2008, para. 91; UNAMI human rights report, July-December 2008; para. 92; UNAMI human rights report, July-December 2008; pp. 6, 7, Para.(d); UNAMI human rights report, July-December 2008; Para.83; UNAMI human rights report, April- June 2007; Para.59(Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ⁶² UNAMI human rights report, January- June 2008; para. 90 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ⁶³ S/2009/284, para. 42.
- ⁶⁴ UNAMI human rights report, July-December 2008; para. 90 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ⁶⁵ UNAMI human rights report, July-December 2008; p.5, para. (a); See also UNAMI human rights report, July- December 2008; p.5, para. (e) (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ⁶⁶ UNAMI human rights report, January-March 2007; para. 70 See also UNAMI human rights report, July- December 2008; Paras. 4, 43; UNAMI human rights report, July- December 2007; para. 64; A/HRC/4/33/Add.1, para. 120 (See also A/HRC/4/20/Add.1, pp. 182-184); see also A/HRC/4/33/Add.1, para. 118 (see also A/HRC/4/20/Add.1, pp/ 177-181).
- ⁶⁷ A/HRC/4/33/Add.1, para.116
- ⁶⁸ A/HRC/8/4/Add.1, para.169
- ⁶⁹ *Ibid.*, para. 170; A/HRC/7/28/Add.1, para. 1221

- ⁷⁰ Office of the Special Representative of the Secretary-General for Children and Armed Conflict, submission to the UPR on Iraq, p. 4
- ⁷¹ Ibid., pp. 1 and 2, See also UNICEF submission to the UPR on Iraq, p. 4; UNAMI human rights report, July- December 2008; para. 41(Available at <http://www.uniraq.org/docsmaps/undocuments.asp>);
- ⁷² UNAMI human rights report, July-December 2008; pp. 5, 6, para. (h) (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>); See also Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission to the UPR on Iraq, pp. 1 and 2.
- ⁷³ Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission to the UPR on Iraq, p.3; See also ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request Worst Forms of Child Labour Convention, 1999 (No. 182), 2009, Geneva, doc. No. (ILOLEX) 092009IRQ182.
- ⁷⁴ E/CN.4/2006/67/Add.1, para. 63 (See also E/CN.4/2006/61/Add.1, paras.102-104); see also UNICEF submission to the UPR on Iraq, p. 4; UNAMI human rights report, July- December 2008; para. 36 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ⁷⁵ A/55/38, paras. 189-190.
- ⁷⁶ UNAMI human rights report, July- December 2008; para. 41(Available at <http://www.uniraq.org/docsmaps/undocuments.asp>); See also Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission to the UPR on Iraq, pp. 1 and 2;
- ⁷⁷ UNAMI, UN-Iraq Reconstruction and Development Update, Baghdad, 2007, p. 2, available at http://www.uniraq.org/documents/UN_Iraq%20Reconstruction%20&%20Development%20Update%20May%202007.pdf.
- ⁷⁸ UNAMI human rights report, July- December 2008; para. 41(Available at <http://www.uniraq.org/docsmaps/undocuments.asp>); See also CRC, para.21; See also UNICEF submission to the UPR on Iraq, p. 4.
- ⁷⁹ UNAMI human rights report, July- December 2008; p. 5, para. (g) (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>); See also CEDAW, paras. 193-194.
- ⁸⁰ CRC/C/15/Add.94, para. 20.
- ⁸¹ E/CN.4/2006/67/Add.1, para. 63 (See also E/CN.4/2006/61/Add.1, para. 102).
- ⁸² UNAMI human rights report, November-December 2006, para.52 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>); See also UNICEF submission to the UPR on Iraq, p. 4.
- ⁸³ UNAMI human rights report, July- December 2008; para. 6; See also UNAMI human rights report, July- December 2008; paras. 52-54 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ⁸⁴ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request Worst Forms of Child Labour Convention, 1999 (No. 182), 2009, Geneva, doc. No. (ILOLEX) 092009IRQ182.
- ⁸⁵ CRC/C/15/Add.94, para. 27.
- ⁸⁶ UNAMI human rights report, July- December 2008; paras. 6, 55, 57 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ⁸⁷ UNAMI human rights report, July- December 2008; para. 6 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ⁸⁸ A/HRC/4/30/Add.1, para. 36.

- ⁸⁹ UNAMI human rights report, July-August 2006, paras. 3, 4, 9 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ⁹⁰ A/HRC/8/4/Add.1, paras. 167, 168, 171, 172 (See also A/HRC/7/28/Add.1, paras.1221-1222).
- ⁹¹ Ibid., para.171; see also UNAMI human rights report, January-June 2008, para. 28; UNAMI human rights report, September-October 2006, para. 41; UNAMI human rights report, July-August 2006, para. 27 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ⁹² A/HRC/4/25/Add.1, para. 202; UNAMI human rights report, November- December 2006, para. 11 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ⁹³ S/2006/360, para. 43. See also UNAMI human rights report, November-December 2006, para. 23 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ⁹⁴ UNAMI human rights report, July-December 2007; para. 81(Available at <http://www.uniraq.org/docsmaps/undocuments.asp>); See also UNAMI, UN-Iraq Reconstruction and Development Update, Baghdad, 2007, p. 6, available at <http://www.uniraq.org/documents/UN-Iraq%20Reconstruction%20&%20Development%20Update%20Nov%202007.pdf>; See also UNAMI human rights report, July- December 2007; para. 81 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ⁹⁵ UNAMI human rights report, January-March 2007; para. 78; UNAMI human rights report, July-December 2007; para. 62 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ⁹⁶ UNAMI human rights report, July-December 2008; p.5, para. (d) (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ⁹⁷ UNAMI human rights report, July-December 2008; p.5, para. (c) (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ⁹⁸ UNAMI human rights report, April- June 2007; para. 81; see also UNAMI human rights report, July-December 2007; para. 66 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ⁹⁹ UNAMI human rights report, July- December 2008; para.42 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹⁰⁰ UNAMI human rights report, July- December 2008; para. 43(Available at <http://www.uniraq.org/docsmaps/undocuments.asp>); See also CRC, para. 29; UNAMI human rights report, July- December 2008; Para.42; UNAMI human rights report, May- June 2006, Para.51(Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹⁰¹ The Office of the Special Representative of the Secretary-General for Children and Armed Conflict, submission to the UPR, p. 3.
- ¹⁰² UNCT, United Nations Iraq Assistance Strategy 2008-2010, Baghdad, 2008, p. 19, available at <http://www.undg.org/docs/9863/UN-Iraq-Assistance-Strategy-2008-2010.pdf>; See also UNAMI human rights report, July-December 2008; Para.3; UNAMI human rights report, July-December 2008; Para.79; UNAMI human rights report, July-December 2007; para. 65; UNAMI human rights report, July- December 2008; para. 82; UNAMI human rights report, March-April 2006, para. 5 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹⁰³ UNAMI human rights report, July-December 2008; paras.76-77 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹⁰⁴ UNAMI human rights report, January- March 2007; para. 68 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹⁰⁵ UNAMI human rights report, November- December 2006, para. 114 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).

- ¹⁰⁶ UNAMI human rights report, May- June 2006, paras. 16-17 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹⁰⁷ UNAMI human rights report, January-June 2008; para.77; UNAMI human rights report, July-December 2007; para. 49, 51 to 53 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>)
- ¹⁰⁸ A/HRC/10/8/Add.1, paras.70-73.
- ¹⁰⁹ UNAMI human rights report, July- December 2008; para. 46 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹¹⁰ A/HRC/7/10/Add.1, paras. 130-136 (See also A/HRC/7/23/Add.1, para.24).
- ¹¹¹ UNAMI human rights report, July-December 2008; para. 58 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹¹² UNAMI human rights report, July- December 2008; para. 59 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹¹³ UNAMI human rights report, July- December 2008; para. 60 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹¹⁴ A/HRC/4/27/Add.1, paras. 314-318.
- ¹¹⁵ E/CN.4/2006/95/Add.1/Corr.1 and 2, para. 270, A/HRC/4/27/Add.1, para. 313; A/HRC/4/37/Add.1, paras. 355, 356; See also ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Right to Organise and Collective Bargaining Convention, 1949 (No. 98), 2009, Geneva, doc. No. (ILOLEX) 062009IRQ098.
- ¹¹⁶ A/HRC/4/37/Add.1, para.357, A/HRC/4/34/Add.1, paras.332-337; See also UNAMI human rights report, July- December 2008; Para.63(Available at <http://www.uniraq.org/docsmaps/undocuments.asp>)
- ¹¹⁷ A/HRC/4/37/Add.1, paras.355-357; A/HRC/4/27/Add.1, paras. 313, 316; A/HRC/4/34/Add.1, paras. 332-337. See also A/HRC/7/6/Add.1, paras. 234-236; UNAMI human rights report, March-April 2006, Para.3 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹¹⁸ UNAMI human rights report, January-June 2008, para. 27 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹¹⁹ UNAMI human rights report, January- March 2007; Para.25(Available at <http://www.uniraq.org/docsmaps/undocuments.asp>); See also UNAMI, UN-Iraq Reconstruction and Development Update, Baghdad, 2007, p. 1, available at http://www.uniraq.org/documents/UN_Iraq%20Reconstruction%20&%20Development%20Update%20January-April%202007.pdf.
- ¹²⁰ OCHA, Humanitarian Update Iraq, Baghdad 2009, p. 8, available at <http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1109728>; See also OCHA, Iraq Humanitarian Update, Baghdad, 2008, p. 5, available at <http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1097020>.
- ¹²¹ S/2009/102, para. 3.
- ¹²² UNAMI human rights report, July-December 2008; Paras .65, 66, 67 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹²³ E/CN.4/2006/95/Add.1/Corr.1 and 2, para. 272 (See also E/CN.4/2006/67/Add.1, para.63; E/CN.4/2006/61/Add.1, para. 102).
- ¹²⁴ UNAMI human rights report, January-June 2008, para. 48 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>); See also E/CN.4/2006/95/Add.1/Corr.1 and 2, para. 272 (See also E/CN.4/2006/67/Add.1, para.63; E/CN.4/2006/61/Add.1, para.102, 104); See

- also UNAMI human rights report, September-October 2006, Para.13 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹²⁵ E/CN.4/2006/95/Add.1, Corr.1 and 2, para.272 (See also E/CN.4/2006/67/Add.1, para.63; E/CN.4/2006/61/Add.1, para.102, 104); See also UNAMI human rights report, September-October 2006, para. 13 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>); See also CEDAW, paras. 195-196.
- ¹²⁶ United Nations Statistics Division coordinated data and analyses, available at <http://mdgs.un.org/unsd/mdg/Data.aspx>.
- ¹²⁷ UNCT, United Nations Iraq Assistance Strategy 2008-2010, Baghdad, 2008, p. 23, available at <http://www.undg.org/docs/9863/UN-Iraq-Assistance-Strategy-2008-2010.pdf>.
- ¹²⁸ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Equal Remuneration Convention, 1951 (No. 100), 2009, Geneva, doc. No. (ILOLEX) 092009IRQ100.
- ¹²⁹ E/C.12/1/Add.17, para. 34.
- ¹³⁰ A/HRC/7/7/Add.2, p. 2; A/HRC/7/7/Add.3, p. 2 and A/HRC/7/7/Add.4, p. 2; A/HRC/4/42/Add.2, para. 2, A/HRC/4/42/Add.1, p. 2.
- ¹³¹ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Right to Organise and Collective Bargaining Convention, 1949 (No. 98), 2009, Geneva, doc. No. (ILOLEX) 062009IRQ098.
- ¹³² UNAMI, UN-Iraq Reconstruction and Development Update, Baghdad, 2007, p. 3, available at http://www.uniraq.org/documents/UN_Iraq%20Reconstruction%20&%20Development%20Update%20January-April%202007.pdf.
- ¹³³ UNAMI human rights report, January-June 2008; para.50 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹³⁴ UNAMI, UN-Iraq Reconstruction and Development Update, Baghdad, 2007, p. 3, available at <http://www.uniraq.org/documents/UN-Iraq%20Reconstruction%20&%20Development%20Update%20August%202007.pdf> (accessed on 14 August 2009).
- ¹³⁵ OCHA, Iraq humanitarian Update, Baghdad, 2008, p. 3, available at <http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1097020>.
- ¹³⁶ UNICEF submission to the UPR on Iraq, p. 2.
- ¹³⁷ UNAMI human rights report, November- December 2006, Para.64; See also UNAMI human rights report, May- June 2006, Paras. 27, 29, 30 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹³⁸ UNICEF submission to the UPR on Iraq, p. 2.
- ¹³⁹ A/55/38, paras. 203-204.
- ¹⁴⁰ UNCT, United Nations Iraq Assistance Strategy 2008-2010, Baghdad, 2008, p. 15, available at <http://www.undg.org/docs/9863/UN-Iraq-Assistance-Strategy-2008-2010.pdf>.
- ¹⁴¹ United Nations Statistics Division coordinated data and analyses, available at <http://mdgs.un.org/unsd/mdg/Data.aspx>.
- ¹⁴² A/HRC/10/7/Add.1, para.57.
- ¹⁴³ UNICEF submission to the UPR on Iraq, p. 4.
- ¹⁴⁴ UNCT, United Nations Iraq Assistance Strategy 2008-2010, Baghdad, 2008, p. 13, available at <http://www.undg.org/docs/9863/UN-Iraq-Assistance-Strategy-2008-2010.pdf> (accessed 26 August

2009). See also UNAMI, UN-Iraq Reconstruction and Development Update, Baghdad, 2007, p. 2, available at <http://www.uniraq.org/documents/UN-Iraq%20Reconstruction%20&%20Development%20Update%20September%202007.pdf>.

- ¹⁴⁵ UNICEF submission to the UPR on Iraq, p. 4.
- ¹⁴⁶ *Ibid.*, p. 5; See also E/C.12/1/Add.17, para. 36.
- ¹⁴⁷ *Ibid.*, pp. 3-4; UNAMI, UN-Iraq Reconstruction and Development Update, Baghdad, 2007, p. 4, available at <http://www.uniraq.org/documents/UN-Iraq%20Reconstruction%20&%20Development%20Update%20Nov%202007.pdf>. See also UNCT, United Nations Iraq Assistance Strategy 2008-2010, Baghdad, 2008, p. 10, available at <http://www.undg.org/docs/9863/UN-Iraq-Assistance-Strategy-2008-2010.pdf>; UNAMI, UN-Iraq Reconstruction and Development Update, Erbil, 2007, p. 3, available at <http://www.uniraq.org/documents/UN-Iraq%20Reconstruction%20&%20Development%20Update%20Oct%202007.pdf>; UNAMI human rights report, January-March 2007; para.21; UNAMI human rights report, July-December 2008; para. 36.
- ¹⁴⁸ UNICEF submission to the UPR on Iraq, p. 3.
- ¹⁴⁹ *Ibid.*, pp. 3-4.
- ¹⁵⁰ A/55/38, paras. 197-198.
- ¹⁵¹ OCHA, Iraq Humanitarian Update, Baghdad, 2008, p. 5, available at <http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1097020>.
- ¹⁵² UNAMI human rights report, July-December 2008; Para.45 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹⁵³ UNAMI human rights report, July- December 2008; para. 47 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹⁵⁴ UNAMI human rights report, July-December 2008; Para.49; See also UNAMI human rights report, July- December 2007; para. 41(Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹⁵⁵ UNAMI human rights report, July-December 2008; para. 48 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹⁵⁶ UNAMI human rights report, January-June 2008, para. 55 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹⁵⁷ A/HRC/10/8/Add.1, paras.74-80.
- ¹⁵⁸ UNAMI human rights report, January-June 2008, para. 60 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹⁵⁹ UNAMI human rights report, January- March 2007; para. 41 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹⁶⁰ UNAMI human rights report, July- December 2008; para. 64 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹⁶¹ UNCT, United Nations Iraq Assistance Strategy 2008-2010, Baghdad, 2008, p. 19, available at <http://www.undg.org/docs/9863/UN-Iraq-Assistance-Strategy-2008-2010.pdf>.
- ¹⁶² OCHA, Humanitarian Update Iraq, Baghdad, 2009, p. 1, available at <http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1111049>.
- ¹⁶³ UNAMI human rights report, April- June 2007; para.47 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).

- ¹⁶⁴ UNAMI human rights report, April- June 2007; paras. 33-35 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>); See also UNAMI human rights report, January-March 2007; para. 47.
- ¹⁶⁵ UNCT, United Nations Iraq Assistance Strategy 2008-2010, Baghdad, 2008, p. 19, available at <http://www.undg.org/docs/9863/UN-Iraq-Assistance-Strategy-2008-2010.pdf>.
- ¹⁶⁶ UNAMI human rights report, January-March 2007; para. 57 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>); See also Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission to the UPR on Iraq, pp. 1 and 2; See also UNAMI human rights report, November- December 2006, Para.51 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹⁶⁷ UNAMI human rights report, January- March 2007; para.57 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹⁶⁸ UNAMI human rights report, January-June 2008; para. 77; UNAMI human rights report, July- December 2007; para. 49, 51 to 53 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹⁶⁹ UNAMI human rights report, January- March 2007; para. 57 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>); See also Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission to the UPR on Iraq, pp. 1 and 2; See also UNAMI human rights report, November- December 2006, para. 51.
- ¹⁷⁰ A/62/227, para. 37; See also UNAMI human rights report, April- June 2007; para. 49 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹⁷¹ OCHA, Humanitarian Update Iraq, Baghdad, 2009, p. 1, available at <http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1109728>.
- ¹⁷² Ibid., p. 1 and 5, available at <http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1106075>.
- ¹⁷³ S/2009/284, para. 41.
- ¹⁷⁴ UNAMI human rights report, January-June 2008, para .94 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹⁷⁵ UNAMI human rights report, January-June 2008, para. 92 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹⁷⁶ UNAMI human rights report, April- June 2007; para. 88 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹⁷⁷ UNAMI human rights report, July- December 2008; para. 2 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹⁷⁸ UNAMI human rights report, July- December 2007; paras. 35, 37 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹⁷⁹ UNAMI human rights report, April- June 2007; para. 43 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹⁸⁰ UNAMI human rights report, July- December 2008; p.7, para. (h) (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹⁸¹ UNAMI human rights report, May- June 2006; para. 44 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹⁸² UNAMI human rights report, July- December 2008; Para.91; See also UNAMI human rights report, July- December 2007; Para.75; See also UNAMI human rights report, July- December 2008; P.6, paras. (a),(b).

- ¹⁸³ UNAMI human rights report, July-December 2008; para. 62 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹⁸⁴ UNAMI human rights report, January-June 2008, Para .66; See also UNAMI human rights report, January-June 2008, P. 5, para. a (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>).
- ¹⁸⁵ UNICEF submission to the UPR on Iraq, p. 1.
- ¹⁸⁶ UNCT, United Nations Iraq Assistance Strategy 2008-2010, Baghdad, 2008, p. 9, available at <http://www.undg.org/docs/9863/UN-Iraq-Assistance-Strategy-2008-2010.pdf>.
- ¹⁸⁷ UNICEF submission to the UPR on Iraq, p. 2.
- ¹⁸⁸ Pledges and commitments undertaken by Iraq before the Human Rights Council, as contained in the letter dated on 28 April 2006 sent by the Permanent Mission of Iraq to the United Nations addressed to the President of the General Assembly, available at <http://www.un.org/ga/60/elect/hrc/>.
- ¹⁸⁹ Office of the Special Representative of the Secretary-General for Children and Armed Conflict, submission to the UPR on Iraq, p. 3.
- ¹⁹⁰ OHCHR 2008 report on activities and results, p. 149.
- ¹⁹¹ UNAMI human rights report, July-December 2008; para. 10, See also S/2009/284, para. 45 (Available at <http://www.uniraq.org/docsmaps/undocuments.asp>); OHCHR 2008 report on activities and results, p. 149.
- ¹⁹² UNDG, Resident Coordinator Annual Report 2008 - Iraq, available at <http://www.undg.org/rcar08.cfm?fuseaction=RCAR&ctyIDC=IRQ&P=1095>.
- ¹⁹³ UNICEF submission to the UPR on Iraq, p. 5.
-