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National report submitted in accordance with paragraph 5 of the annex to Human Rights Council Resolution 16/21*

Iraq

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Introduction

1. This report, which Iraq submits pursuant to General Assembly resolution 60/251 and Human Rights Council resolutions 5/1 and 19/17, is the product of numerous consultations conducted by a committee composed of representatives of ministries and civil society organizations and chaired by the Ministry of Human Rights.

2. The report focuses on measures taken to promote and protect human rights in response to the recommendations made by the Working Group on the Universal Periodic Review during the first review. Iraq made nine voluntary commitments and accepted 135 recommendations made during the interactive dialogue. It attached great importance to the recommendations and incorporated them in the National Action Plan on Human Rights.

I. Procedure and methodology for the preparation of the report

A. Description of the methodology

3. A sectoral committee under the chairmanship of the Ministry of Human Rights was established to oversee the implementation of the recommendations made during the first review. It was composed of representatives of the General Secretariat of the Council of Ministers, relevant ministries, the Kurdistan Region and civil society organizations, and a representative of the United Nations Assistance Mission for Iraq (UNAMI).

4. Both the Government of Iraq and Iraqi civil society have engaged effectively with the universal periodic review mechanism, recognizing it as a tool for sharing expertise among States, furthering mutual cooperation and assistance on an equitable basis and promoting human rights. A governmental committee chaired by the Ministry of Human Rights was established to prepare this report. It was composed of representatives of the General Secretariat of the Council of Ministers, the Ministries of Foreign Affairs, Planning and Justice, the Ministry of State for Women's Affairs and the Kurdistan Region.

B. The consultation process

5. The committee tasked with preparing this report adopted a participatory approach, organizing numerous meetings, workshops and training sessions for the members of the committee as well as workshops for focal points in the relevant ministries, also in the Kurdistan Region, to familiarize them with the mechanism.

6. The committee held wide-ranging consultation meetings with the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Kurdistan Region Independent Human Rights Board and NGOs.

II. The normative framework for human rights

A. The Constitution

7. The Iraqi Constitution of 2005 is the supreme and paramount law. The State is required under the provisions of the Constitution to apply principles of equality, freedom, non-discrimination, justice and citizenship, and to guarantee rights and freedoms.

B. International treaties

8. Iraq has continued to accede to international human rights treaties:

<i>Treaty</i>	<i>Date of accession</i>
International Convention on the Elimination of All Forms of Racial Discrimination	14 January 1970
International Covenant on Economic, Social and Cultural Rights	25 January 1971
International Covenant on Civil and Political Rights	25 January 1971
International Convention on the Elimination of All Forms of Discrimination against Women	13 August 1986
Convention on the Rights of the Child	15 June 1994
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	24 June 2008
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	24 June 2008
International Convention for the Protection of All Persons from Enforced Disappearance	23 November 2010
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	7 July 2011
Convention on the Rights of Persons with Disabilities	20 March 2013

9. Iraq also acceded to the following treaties: the International Convention for the Suppression of Terrorist Bombings in 2012; the International Convention against the Taking of Hostages in 2012; the Hague Convention on the Civil Aspects of International Child Abduction in 2013; the Convention on the Protection and Promotion of the Diversity of Cultural Expressions in 2012; the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition in 2013; the Arab Charter on Human Rights in 2012; and the Convention of the Organization of the Islamic Conference on Combating International Terrorism in 2012.

C. Legislation

10. The following human rights laws were enacted during the period from 2010 to 2014: action to combat human trafficking (2012); the rights of journalists (2011); persons with disabilities and special needs ((2013); non-governmental organizations (2010); the Integrity Commission (2011); the Audit Board (2011); literacy education (2011); prohibition of the coercion of Iraqis to change their citizenship (2012); prohibition of games based on incitement to violence (2013); support for small-scale income-generating enterprises (2012); a monthly allowance for people living with HIV (2011); protection of physicians (2013); official languages (2014); compensation for victims of war operations, military errors and terrorist acts (2009); protection of consumers (2010); anti-smoking measures (2012); grants for students at Iraqi public-sector universities and institutes (2012); grants for pupils and students at public schools (2014); standardization of retirement (2014). The following key pieces of legislation were also enacted in the Kurdistan Region:

compensation for detainees and convicted persons who are declared innocent and released (2010); organization of demonstrations (2010); rights and privileges of persons with disabilities and special needs (2011); creation of a fund to support cancer patients (2012); copyright and neighbouring rights (2012); the right to access information (2013).

D. Policies

11. The National Poverty Reduction Strategy.
12. The National Strategy to Combat Violence against Women.
13. The National Education and Higher Education Strategy (2011–2020).
14. The National Reproductive Health and Maternal and Child Health Strategy (2013–2017).
15. The National Employment Policy (2010–2014).
16. Housing policies.
17. The National Anti-corruption Strategy (2010–2014).
18. The National Development Plan (2013–2017).
19. The National Strategy to Eradicate Illiteracy in Iraq (2011–2015).
20. The Strategy to Facilitate Access to High-quality Education in the Kurdistan Region (2013–2018).

III. Institutional structures for the protection and promotion of human rights

21. Iraq benefited from the universal periodic review, particularly through the sharing of expertise and information, and has taken vigorous national action to develop its institutional structures. The following are the most important structures:

- The Higher Judicial Council established the Court of Human Rights, the Court on Publishing and the Media, the Family Court, four courts to deal with cases of domestic violence, the Judicial Institute in the Kurdistan Region, a court that deals with sports-related disputes, and a department in the Office of the Public Prosecutor through which the Chief Public Prosecutor can be contacted regarding complaints from the High Commission for Human Rights;
- Human rights committees in the Council of Representatives and in local governments;
- Transitional judicial institutions (the Martyrs Foundation, the Political Prisoners Foundation, the Accountability and Justice Authority, the Property Disputes Authority);
- The High Commission for Human Rights;
- The Independent Human Rights Board, the High Council on Women's Affairs, the High Commission on Combating Violence against Women in the Kurdistan Region;
- The Ministry of Human Rights; creation of the National Centre for Human Rights and Ministry branch offices in the governorates;
- The Communications and Media Commission;

- Human rights units and gender units in all governmental bodies;
- The Family Protection Directorate in the Ministry of the Interior.

IV. Promotion and protection of human rights on the ground and human development

22. Considerable progress has been made since 2010 in the promotion and protection of human rights on the ground in Iraq in the following areas:

- A large number of human rights laws have been enacted (see paragraph 10 of this report);
- A large number of human rights institutions have been established (see paragraph 21 of the report);
- Departments of the Ministry of Human Rights have organized many workshops, courses, symposiums, lectures, conferences and seminars in cooperation with public-sector and civil society institutions to raise awareness of human rights;
- The subject of human rights has been introduced into school curricula at all levels and there are university courses in human rights and democracy;
- Studies and research work on human rights have been conducted by the National Centre for Human Rights and educational establishments;
- Human rights indicators have been included among the annual statistics compiled by the Ministry of Planning;
- Reports on the human rights situation have been published on a regular basis;
- A tool for monitoring working methods has been developed and applied to a wide range of governmental and non-governmental sectors.

A. The Millennium Development Goals

23. Iraq has issued three country monitoring reports on the Millennium Development Goals (MDGs), providing statistical data on MDG indicators and reporting on progress made towards achieving the eight MDGs by 2015. The MDGs have been adjusted to reflect national principles involving extensive sharing of responsibility, integration of national goals into various development plans and programmes, and planning for interaction and complementarity among the goals. A rights-based approach is adopted and capacity-building measures have been taken with a view to guaranteeing such rights in the longer term. Action has been taken to reduce gender disparities, to share development resources equitably between the regions and governorates, to target the needy, and to promote positive change on behalf of marginalized and vulnerable groups.

24. The progress made in this regard may be summarized as follows: a relative improvement in the rates achieved in the area of poverty eradication, with a decline in the poverty rate from 22.9 in 2007 to 18.9 in 2012; an increase in the primary school enrolment ratio from 89 per cent in 2009 to 90.4 per cent in 2011 and a narrowing of the gender gap, with the ratio of girls to boys in primary education increasing from 89.0 in 2009 to 94.0 in 2011; an increase in the proportion of women in paid employment in the non-agricultural sector from 12.1 per cent in 2008 to 14.7 per cent in 2011; a decline in the infant mortality rate per 1,000 live births from 22 in 2012 to 17.4 in 2013; and a decline in the under-five mortality rate per 1,000 live births from 28 in 2012 to 22 in 2013.

B. Welfare rights of priority groups

25. **Women:** The Iraqi Government has taken a number of steps aimed at the advancement of women in Iraq. With regard to legislation, policies and institutions, see paragraphs 10, 12, 14 and 21 of the report.

1. Empowerment of women

- Granting of loans to women in rural areas from the Agricultural Initiative Fund and implementation of the 2011 project for the advancement of women in rural areas;
- Opening of 28 legal clinics in different parts of the country; the clinics provide vulnerable groups (widows, divorced women, persons with disabilities, migrants, internally displaced persons, minorities) with legal services free of charge (representation, advice);
- The following data show progress achieved in the empowerment of women at the political level and in promoting their right to hold public office: 83 women members of the Council of Representatives; 1 Minister; 1 university president; 3 ambassadors; 86 judges; 7 members of the State Consultative Council, including the Chairperson; 57 women general managers and deans of faculties.

2. Violence against women

- Creation of the High Commission for Family Protection;
- Creation of the Women's Welfare Department in the Ministry of Labour and Social Affairs;
- Adoption of the National Strategy to Combat Violence against Women in 2013;
- Opening of five shelters for battered women in different parts of Iraq;
- A draft law on domestic violence is being considered in the State Consultative Council;
- Drafting of a strategy to combat violence against women in the Kurdistan Region; promulgation of the Act on combating domestic violence in 2011; four courts to handle cases of domestic violence were established pursuant to this Act; three of the court arbitrators are women.

26. **Children:** The Child Welfare Authority is the principal institution tasked with promoting children's welfare. It is developing a general national policy framework to ensure that children's situation complies with the Iraqi Constitution, the Convention on the Rights of the Child and the two Optional Protocols to the Convention.

- The Children's Culture House: The House was created to promote children's culture through awareness-raising activities based on a sound and progressive educational and scientific approach; it seeks to direct and develop their creative and inventive potential and skills.
- Many laws and policies concerning children have been adopted since 2010. They include the Act on combating trafficking in persons and Act No. 2 of 2013 prohibiting the import of games based on incitement to violence (see paragraphs 10, 13, 14 and 20 of the report). Iraq is currently drafting a law on children in the centre and regional areas in line with its international obligations and has engaged in wide-ranging consultations on the draft with civil society and experts on the subject. Other draft laws concern the Children's Parliament, the Child Welfare Authority and the Youth Parliament.

- The following data reflect the current situation of children in Iraq: The net primary school enrolment ratio was 89 per cent in 2009 and 91.7 per cent in 2013; the target for 2017 is 95 per cent. The percentage of underweight children below five years of age was 8.5 per cent in 2011 and 7 per cent in 2013; the target for 2017 is 3 per cent. The employment rate for children in the 5 to 14 age group dropped from 10.7 per cent in 2006 to 6.4 per cent in 2011.
- Drop-out centres were opened in the context of action to prevent school drop-out. A total of 85 independent centres were opened during 2010/11 and 353 classes were added to public schools in 2010/11; 9,183 teenage students were enrolled in the independent centres and 1,491 students were enrolled in the classes added to public schools.

27. **Persons with disabilities:** Article 32 of the Iraqi Constitution stipulates: “The State shall provide care for persons with disabilities and special needs, and shall ensure their rehabilitation so that they may be reintegrated into society; this action shall be regulated by law.” Iraq acceded to the Convention on the Rights of Persons with Disabilities in 2013 and promulgated the Act concerning the welfare of persons with disabilities and special needs in 2013. The Act provides for the creation of an independent national body to provide care for members of these groups. The Iraqi Government has adopted a number of measures, including the following:

- The public authorities are required to assign 3 per cent of positions to people with special needs and to reserve special areas for them in government department information centres; they are also required to provide support for their mobility, to reserve a specific number of housing units for persons with disabilities in new projects, ensuring that their demands are catered for when the buildings are designed or the projects are implemented, and to permit them to import motor vehicles that are specially equipped for persons with disabilities;
- Creation of a committee chaired by the General Secretariat of the Council of Ministers and composed of representatives of ministries and relevant agencies, which is tasked with monitoring the situation of persons with disabilities and key issues and proposing speedy solutions;
- Creation of a division for the welfare of persons with disabilities in the citizens’ affairs department of all governmental bodies;
- Establishment, pursuant to the strategy of the Ministry of Health for the period 2013 to 2017, of a monitoring mechanism and a fund to support the rights of persons with disabilities, including the organization of programmes, rehabilitation centres and artificial limb workshops;
- Implementation of community-based rehabilitation programmes for persons with disabilities in cooperation with the World Health Organization (WHO) and with the participation of civil society organizations;
- There are 53 institutes for persons with disabilities.

28. **Children with disabilities:** The Iraqi Government has taken the following action:

- Development of academic and vocational curricula for children with disabilities (academic and vocational education) and elaboration of the strategic national project for inclusive education, which covers 30 per cent of schools in each governorate; action to support children with cochlear implants through special education classes in primary schools;

- There were 9,703 pupils in this category during the 2009/10 school year and 13,005 in the 2012/13 school year; special education classes were available in 899 schools in 2009/10 and in 1,213 schools in 2012/13;
- Development of special instructions regarding support in schools for children suffering from upper and lower limb disabilities; ensuring safe accessibility of school buildings; provision of medical care;
- In 2012/13 there were 544 schools in the Kurdistan Region with special education classes.

29. **Refugees and internally displaced persons:** The Ministry of Migration and Displacement is developing policies, programmes and plans aimed at raising the living standard of groups supported by the Ministry with a view to achieving a sustainable improvement in their quality of life and in the services provided. The Ministry also undertakes studies and research, focusing on vulnerable groups, and engages in strategic consultations in partnership and cooperation with governmental and non-governmental bodies. It drew up a comprehensive plan for 2013 that provided for the conduct of studies aimed at improving the situation of displaced families and facilitating their return. The key components of the plan include: formulation of a policy on migration management systems in Iraq, a policy on displaced persons and returnees with special needs, and a policy to provide housing for groups for which the Ministry is responsible and who are living in congested conditions.

30. The number of Syrian refugees in Iraq stood at 210,612 on 30 December 2013. They are provided with material support, energy sources and food. Schools have been opened in which the Syrian curriculum is taught by refugee teachers. A sum of 65 billion Iraqi dinars (ID) has been allocated for 2012 and 2013.

31. Following the recent events in the Governorate of Anbar and the displacement of families in early 2014, the Ministry of Migration and Displacement has monitored the conditions of the displaced within and outside the Governorate through its periodical publication, which serves as an essential source of information. The number of displaced families within the Governorate of Anbar totalled 50,922 and the number of such families outside the Governorate totalled 13,829. The following are some of the actions taken to address this issue: establishment of an operations centre to provide relief for displaced persons in Anbar; creation of a comprehensive database; distribution of emergency allowances to displaced families in Anbar amounting to ID 300,000 for each family; provision of food aid by the Ministry of Migration and Displacement; and formation of on-site task forces in all governorates with displaced persons to monitor and coordinate action on their behalf. The Ministry has coordinated its provision of material assistance and food to displaced persons with international organizations.

V. Economic, social and cultural rights

A. The right to health

32. Article 31 of the Constitution guarantees the right to health. The Ministry of Health has developed a number of plans, programmes and policies, including the Strategic Plan for the period 2009–2013, followed by the Strategic Plan for the period 2013–2017, and the national health policy for the period 2013–2023. All of them focus on the creation of a health system that gives priority to primary health care and ensures that health services meet the needs of individuals and of society as a whole in line with international health

standards. The share of the Ministry of Health in the overall budget amounted to 5 per cent in 2012 and to 5.3 per cent in 2013.

33. Major progress has been recorded in the health situation. The infant mortality rate per 1,000 live births declined from 22 in 2012 to 17.4 in 2013, and the under-five mortality rate declined from 28 in 2012 to 22 in 2013. There was also a pronounced decline in the maternal mortality ratio. According to Ministry of Health statistics, it dropped from 35 deaths per 100,000 live births in 2012 to 28.2 deaths in 2013. The proportion of deliveries at health-care facilities stood at 70.9 per cent in 2012. No case of malaria was recorded in 2013. The proportion of tuberculosis cases that were detected and successfully treated amounted to 90 per cent in 2013. Twenty cases of AIDS (15 males and 5 females) were recorded in 2013 as well as one death. The rate of child immunization as a result of the vaccination campaign amounted to 98 per cent for the polio vaccine, 96 per cent for the measles vaccine, 91 per cent for the BCG vaccine and 86 per cent for the hepatitis B vaccine, first dose, in 2013.

34. The number of public-sector hospitals increased from 239 in 2012 to 255 in 2013, and the number of health-care centres increased from 2,238 in 2012 to 2,642 in 2013. The average number of physicians per 10,000 inhabitants was 8.8 in 2013; the average number of dentists was 1.8; the average number of pharmacists was 2; and the average number of nursing staff was 18.5.

35. The Kurdistan Region has created institutions tasked with guaranteeing the right to health, including the Health Board and the Professional Council of Physicians. A key development has been the establishment of health-care units and centres for young people and adolescents. A total of 122 health-care facilities for emergency coordination and treatment have been established. There are 79 public and private hospitals in the region, and there are plans to build five women's and maternity hospitals and four children's hospitals.

B. The right to education

36. Article 34 of the Iraqi Constitution guarantees the right to education. Numerous laws and policies aimed at guaranteeing the right to education have been adopted (see paragraphs 10, 13, 19 and 20). The share of the education sector in total public expenditure has increased. It accounted for 6.9 per cent of total expenditure in 2012 and 6.4 per cent in 2013.

37. According to educational indicators, the number of schools, including kindergartens in the pre-school education sector, increased by 7.3 per cent between 2010 and 2011. The number of pupils increased by 7.6 per cent during the same period. An increase in teaching staff of 3.2 per cent was recorded between 2010 and 2011. The net enrolment ratio, which indicates the number of pupils enrolled in primary schools, increased by 6.7 per cent between 2010 and 2011.

38. Ten public-sector universities were established during the period 2010–2013. The number of community colleges increased from 26 in 2010 to 29 in 2013. The enrolment ratio in higher education increased from 14.9 per cent in the 2010/11 academic year to 17 per cent in the 2012/13 academic year.

39. See Table 1 in the annex for indicators of the right to education.

C. The right to food

40. The Iraqi Constitution guarantees the right to food through the State's commitment to guarantee minimum living standards, social security and health care, and the basic

requirements for living a decent life. Food may be accessed from three sources: the market, home-produced food and the ration card system. The food insecurity ratio dropped from 7.1 per cent in 2007 to 5.7 per cent in 2011. In February 2014 the total number of families holding ration cards was 7,172,700. The ration card system is still a key component of the protective network that supports the most vulnerable members of the Iraqi population.

41. The contribution of the agricultural sector to gross domestic product increased from 7.3 per cent in 2009 to 8.1 per cent in 2010. The sector was supported by the Agricultural Initiative Fund, which granted loans on preferential terms of almost US\$ 900 million to farmers, livestock breeders and private entrepreneurs. Support was also provided for agricultural machinery, irrigation, electricity and fertilizers, and a number of animal vaccination and control services were provided free of charge. The self-sufficiency ratios in 2013 amounted to 68 per cent for wheat, 40 per cent for white meat, 30 per cent for table eggs, 60 per cent for potatoes and 35 per cent for fish.

D. The right to housing

42. Iraq has developed a large number of comprehensive housing policies, studies and plans for the country as a whole. The National Development Plan (2013–2017) gives high priority to housing in terms of its overall vision and the objectives to be achieved. In addition, a number of housing projects were implemented in the governorates during the period 2008–2012. The policy of the Ministry of Housing and Construction aims to facilitate access to decent housing for all Iraqis, to increase the efficiency of housing production, to offer a wider range of options in terms of the type and location of housing and property ownership, and to enhance the Government’s capacity to meet the needs of special groups and those who are unable to afford adequate housing, to enhance the efficiency of residential appliances, including energy-related equipment and equipment with an impact on the environment, and to build homeowners’ capacity to improve and expand their current accommodation.

43. In 2011, 83.2 per cent of households were owners of housing units, 11.1 per cent were tenants and 5.7 per cent were in the “Others” category. In the same year, 89 per cent of the population had permanent access to an improved water source and 96 per cent had access to improved sanitation facilities. A sum of ID 485 billion was allocated in the 2012 budget for the implementation of a number of strategic projects involving the construction of low-cost housing complexes, the development of primary health-care services and the generation of more funds to meet the priorities and needs of the governorate populations.

44. The existence of a number of shantytowns has prompted the State to adopt a comprehensive development project aimed at raising living standards and promoting development in shantytown neighbourhoods and providing low-cost housing. A sum of ID 200 billion was allocated in the 2013 investment budget to activities aimed at addressing the shantytown phenomenon.

E. The right to work and the right to social security

45. Article 22, paragraph 1, of the Iraqi Constitution guarantees the right to work and to social security. A draft Labour Code is being considered in the Council of Representatives and Act No. 10 of 2012 was promulgated to support small-scale income-generating enterprises (see paragraphs 8, 10, 11, 15 and 16). According to the available data, the unemployment rate among young people in the 15 to 24 age group declined from 22.8 per cent in 2011 to 15 per cent in 2012.

46. The Iraqi Council of Representatives adopted the Social Protection Act, which is consistent with international social protection regimes. The provisions of the Act are applicable to persons with disabilities, invalids, orphans, families of inmates or detainees sentenced to a prison term of one year, persons benefiting from the State's role as a provider of shelter, juveniles sentenced to a prison term of more than one year, married students until they have completed secondary education, families without incomes or with incomes below the poverty line, widows and divorced women. The minimum monthly allowance is ID 105,000 and the maximum allowance is ID 420,000.

47. A total of 395,131 households in 15 governorates, excluding the Kurdistan Region, have benefited from the social protection network system at a cost of US\$ 412.8 million. In 2011, 395,131 households benefited from the family welfare allowance and 170,157 unemployed persons benefited from the social protection network. The number of registered unemployed persons totalled 542,326 on 31 December 2012 and the number of persons employed in the public sector totalled 17,253. In 2012 a total of 154,869 unemployed persons benefited from the social protection network.

48. In the Kurdistan Region Act No. 4 of 2012, which amended the Pensions and Social Security Act to reflect developments in the labour market, was promulgated to support workers and raise their living standards. The Kurdistan Regional Government is also setting up vocational training centres to combat unemployment and provide the unemployed with labour-market qualifications. The number of courses totalled 146 in 2013. It also launched a fund to support small-scale youth entrepreneurship and an unemployment insurance project to reduce the unemployment rate and create job opportunities.

VI. Civil and political rights

A. The right to vote

49. The rate of participation in the 2010 elections to the Council of Representatives was 62.39 per cent of the 19,240,093 registered voters notwithstanding the security conditions that prevailed during the elections.

50. Table No. 2 in the annex provides figures for the 2010 elections to the Iraqi Council of Representatives, the 2013 elections to the governorate councils and the 2013 elections in the Kurdistan Region.

B. The right to freedom of opinion and expression

51. Article 38 of the Iraqi Constitution guarantees all forms of freedom of expression. A draft law regulating the right to freedom of opinion and expression is currently before the Council of Representatives. A Court on Publishing and the Media was established in the Supreme Judicial Council (see paragraphs 10 and 21). Eighty-one officially licensed media offices and radio and television channels are run by the Iraq Communications and Media Commission, and a large number of newspapers and magazines are published.

52. This right is recognized as a pillar of the new democratic system and of the enjoyment of human rights since the fall of the dictatorial regime. There has been no case of imprisonment in Iraq on account of the expression of an opinion or belief. However, persons who exercise this right are faced with a major challenge since they are targeted by terrorist groups. Thirty-seven journalists were killed during the period 2010–2013. Moreover, lack of awareness of human rights has resulted in a number of individual practices affecting the exercise of this right.

53. Demonstrations demanding services and certain rights were held in some governorates and a Ministerial High Commission chaired by the Deputy Prime Minister was established to consider the demonstrators' demands. The Commission opened a number of response centres to receive their requests. It received 1,280,688 requests concerning compensation, retirement, return to service, lifting of property liens, individual pardons and procedures involving the *Sahwa* (Awakening) file. A large number of the requests have been met and action is under way to respond to the remainder. Implementation of the Ministerial High Commission's recommendations to the populations of other governorates is being monitored. Similar demonstrations were held in the Kurdistan Region. The Regional Government addressed the demands through committees created for the purpose.

C. The right to establish political parties

54. Article 39 of the Constitution guarantees freedom to establish political parties. It stipulates: "1. The freedom to establish or to join associations and political parties is guaranteed and shall be regulated by law. 2. It shall not be permissible to compel a person to join any party, association or political entity, or to compel a person to remain a member thereof." A draft law regulating the formation and running of political parties is currently before the Council of Representatives. There are 277 parties and entities, including individual entities, participating in the 2014 elections. This right is regulated in the Kurdistan Region by law and there are 37 political parties.

D. Prisons

55. Pursuant to Part 1 of the Prison Administration Act, which assigns exclusive responsibility for administering prisons and detention centres to the Ministry of Justice, the Ministry has undertaken an intensive review and institutional assessment of reform centres with a view to collecting data regarding the existing situation. It has adopted contemporary approaches to prison administration and promotes an environment conducive to rehabilitation as well as positive correctional measures that make an effective contribution to the rehabilitation of inmates and their reintegration into society. The Ministry has also taken steps to improve prison infrastructure and to build new detention centres in different parts of the country. The policy of reconstructing Iraqi correctional facilities provides for the building of prisons and deportation centres that are regulated in line with international exemplary specifications in all governorates and that comply with humanitarian standards and international human rights norms. The safety and security of the prisons is guaranteed by means of modern jamming technology, advanced camera technology and electronic control systems for prison doors in order to prevent prisoners from escaping. The staff employed in the centres also receive the requisite training.

56. Prisons and detention centres are subject to a multilateral monitoring system involving the Ministry of Human Rights, human rights departments and directorates in the Ministry of Justice, the Ministry of the Interior, the Ministry of Defence, the Ministry of Labour and Social Affairs, the Integrity Commission, the Office of the Public Prosecutor, the Independent Commission for Human Rights in the Kurdistan Region, and civil society organizations. Prisons in the Kurdistan Region are administered by the Reform Department of the Ministry of Labour and Social Affairs, while detention centres are administered by the Ministry of the Interior. Any cases of torture detected through oversight or complaints containing allegations of torture are addressed in accordance with the law.

VII. The rights of minorities

57. The Iraqi Constitution guarantees the rights of minorities. The electoral legislation also guarantees appropriate representation for minorities by granting them quotas in the Council of Representatives and in local councils. The 2012 Act regulating endowments expanded their Endowment Council and changed its name to the Endowment Council for the Christian, Yazidi and Mandaean Sabian Religions.

- The Iraqi Government has taken a number of steps to guarantee the rights of minorities, for example: measures to facilitate the restoration of Iraqi citizenship to Faily Kurds, return of their property and elimination of any adverse effects; allocation of plots of land to minorities for the construction of new places of worship; restoration and rebuilding of places of worship exposed to terrorist acts and compensation of members of minority groups exposed to terrorist attacks, in accordance with Act No. 20 of 2009; incorporation of Christian religious instruction as a subject in the curriculum prescribed for various levels of education by the Directorate General of Curricula; provision by the Directorate General of Education for instruction in the Syriac language in schools run by the Governorate of Baghdad, Second Rusafa, and the Governorates of Nineveh and Kirkuk; teaching of the Turkmen language in some Turkmen schools and teaching of most of the curriculum in the Turkmen language in other schools.

58. The Ministry of Human Rights has organized a number of events featuring the rights of minorities, which have contributed to the promotion of such rights. On the International Day for Tolerance in 2013, the High Commission for Human Rights held a Conference on the Rights of Minorities in cooperation with the Parliamentary Commission for Human Rights and UNAMI. The Conference issued the Baghdad Principles of Tolerance, which were adopted by the General Secretariat of the Council of Ministers, and the Ministry of Human Rights is to draw up a detailed plan of action for their implementation.

59. The Ministry of Culture and Youth in the Kurdistan Region, acting in coordination with the Ministry of the Interior, granted work permits to 32 satellite television channels operating in the Region and broadcasting in the Kurdish, Arabic, Turkish and Syriac languages, and opened offices for 15 Iraqi and Arab satellite channels in the Region. It granted permits to 68 (local) terrestrial television channels broadcasting in the Kurdish, Arabic and Turkmen languages and 89 permits to (local) radio stations broadcasting in the Kurdish, Arabic and Turkmen languages in the governorates of the Region.

VIII. Camp New Iraq (formerly Ashraf)

60. The Iraqi Government has dealt with the Ashraf Camp issue in accordance with human rights norms notwithstanding the fact that the presence of its residents in Iraq has been and still is illegal and contrary to the Iraqi Constitution, since they belong to an armed organization. From 2003 to 2009 the Camp was protected by the United States forces. When the Agreement on the withdrawal of American forces entered into effect on 1 January 2009, sovereign control of Ashraf Camp was transferred to the Iraqi Government and direct supervision was conducted by American forces stationed at the base adjacent to the camp. The Iraqi Government never attempted to gain entry to the Camp by force and did not impose control over it despite the fact that the sovereignty of the Iraqi Government extends to the entire territory of Iraq. In 2011, responding to internal pressure on the Iraqi Government due to the unlawful conduct of individuals resident in the Camp, their provocation of members of the population, the presence among them of persons wanted by the Iraqi judicial authorities, and the emergence of many indications of interference by those members of the organization in Iraqi internal affairs and the affairs of a neighbouring

State in contravention of the Constitution, the Iraqi Government adopted a sovereign decision to terminate their presence in the Camp in late 2011.

61. As the Iraqi Government wished to ensure that its action was consistent with international norms and international law, it agreed to mediation by UNAMI, which adopted an initiative aimed at resolving the issue. A Memorandum of Understanding signed on 25 December 2011 provided for the transfer of residents of the Camp to Hurriya Camp, which was subjected to UNAMI monitoring and inspection prior to the transfer process. The process was prepared in accordance with international standards and began to be implemented in 2012. The residents of the Camp were transferred in groups of about 400 persons. The Ministry of Human Rights, UNAMI and the Office of the United Nations High Commissioner for Refugees (UNHCR) supervised the details of the transfer to Hurriya Camp on the basis of UNHCR statistics. By March 2013 a total of 3,174 persons had been transferred; 2,829 interviews had been conducted to assess the need for international protection and 1,925 cases were identified in which such protection was required; 210 persons had departed for humanitarian reasons and 14 persons had been resettled.

IX. Achievements, best practices and challenges

62. Achievements and practices

(a) The National Human Rights Plan: Following the adoption of the report on the first cycle by the Universal Periodic Review Working Group, a sectoral committee representing governmental and non-governmental bodies and relevant media outlets was created. Drawing on national, regional and international expertise, it developed a National Human Rights Plan aimed at protecting and promoting human rights and implementing the recommendations accepted by Iraq. A wide range of participants were involved in the development of the Plan, including representatives of civil society organizations, activists and academics, and it was prepared in cooperation with the UNAMI Human Rights Office. The Plan focuses on different aspects of human rights challenges in Iraq and seeks to complement other national projects such as the National Development Plan, plans and strategies to reduce poverty and unemployment and to promote food security and health care, and housing plans. It also seeks to address challenges arising from the security situation such as displacement and migration issues. It was launched in 2010 at a national conference chaired by the Prime Minister in the Council of Representatives and was adopted in 2011 by the Council of Ministers. The Council decided to create a National Coordination and Monitoring Committee and provided it with a special budget to monitor, coordinate and implement a detailed work plan. The National Human Rights Plan is the first of its kind to be adopted in Iraq and has been commended by international and regional organizations.

(b) The national sample collection campaign: The Ministry of Human Rights (Department of Humanitarian Affairs, Department of Governorate Affairs), in cooperation with the Martyrs Foundation and the Department of Forensic Medicine, launched a campaign to collect samples from relatives of victims of the former dictatorship in order to identify remains from mass graves through DNA analysis.

(c) Compensation for victims of terrorist operations and military errors pursuant to Act No. 20 of 2009, which provided for the creation of a high commission and sub-commissions in the governorates to compensate groups covered by the Act.

(d) Compensation for victims of direct and indirect damage caused by rain and floods in 2013: The Iraqi Government created a Ministerial Committee chaired by the

Minister of Human Rights to compensate those affected by the floods; a sum of ID 797,673 billion was allocated for the purpose.

(e) **The National Centre for Human Rights:** The Centre was established in 2013 following developments in the work of the Ministry of Human Rights and in response to the need for a centre that would contribute to the promotion and protection of human rights. It is the first body in Iraq tasked with raising awareness of human rights, promoting a human rights culture, undertaking relevant studies and research, developing a specialized database, and preparing and following up human rights reports. It has organized many courses, workshops, conferences, symposiums, visits and seminars aimed at promoting human rights on the ground, in cooperation with departments of the Ministry, governmental bodies, civil society organizations and academics. It has also created a human rights library and organized events to discuss, propose and amend human rights legislation (the draft law on Iraqi children and the Act concerning persons with disabilities), which were attended by a wide range of civil society representatives and academics. The Centre has held study days for students in cooperation with the Ministry of Education. Students are invited to spend a full school day at the Centre, engaging in a range of interactive human rights activities.

(f) **Complaint mechanisms:** There has been a marked growth in complaint mechanisms for citizens as a result of the opening of citizens' affairs offices in all Iraqi State institutions (see paragraph 21).

(g) **Gender units:** Gender units have been created in all Iraqi State institutions in order to develop a database and to address gender-related issues.

(h) **Literacy education for minorities:** Literacy education centres have been opened in areas where a majority of the inhabitants are members of minorities and curricula have been published in their languages.

(i) **The National Action Plan to Implement Security Council Resolution 1325:** The Iraqi Government launched a National Action Plan to implement the resolution during the period 2014–2018. Iraq thus became the first country in the Middle East and North Africa to adopt such a plan. It focuses on women's important role in conflict prevention and resolution, in peacebuilding and peacekeeping, and in popular action and reconstruction in post-conflict situations. It emphasizes the importance of women's equal participation in all efforts to maintain and promote peace and security.

63. **Challenges**

(a) **The policies of the former dictatorial regime:** The ponderous legacy of the former dictatorship's policies presents a major challenge and has constituted an obstacle to the Government's programmes to protect and promote human rights at all levels.

(b) **The terrorist challenge to security:** The withdrawal of all United States forces from Iraqi territory in late 2011 constituted a major political achievement. Notwithstanding the abatement of violence and terrorist acts since 2008 and the decline in the number of victims of terrorism in 2011, the persistence of terrorist bombings and the scale of the human and material damage inflicted pose a threat to security and stability. Progress in the promotion of human rights is undermined by assaults on people and their property. The persistent wave of violence in the country has been accompanied by migration and internal displacement, terrorist attacks, and the destruction of business enterprises, infrastructure, places of worship, schools, universities, and electricity, fuel and water supply facilities. All sectors of the Iraqi population have been targeted indiscriminately by such acts, which have killed or injured 74,020 people. Table No. 3 in the annex shows the number of victims of terrorist operations during the period 2010–2013 (according to Ministry of Health statistics).

(c) The low level of investment, which has an adverse impact on economic activity and on the promotion of human rights, particularly economic, social and cultural rights.

(d) The continuous flow of refugees and displaced persons: Migration due to acts of violence in Iraq is a major challenge and has had an adverse impact on human rights because of the need for a rapid humanitarian response to the needs of the groups concerned.

(e) Lack of awareness of human rights, which is a priority requirement for the exercise of human rights, due to the prevalence of a culture inculcated by the former dictatorial regime based on ignorance and dismissal of rights, and an individualistic culture that impedes the exercise of human rights.

(f) Customs and traditions in Iraqi society.

X. Implementation of voluntary pledges

(a) Withdrawal of the reservation to article 9 of the Convention on the Elimination of All Forms of Discrimination against Women by Act No. 33 of 2011.

(b) Iraq has become a party to the following treaties:

- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 7 July 2011;
- The International Convention for the Protection of All Persons from Enforced Disappearance on 23 November 2010;
- The Convention on the Rights of Persons with Disabilities on 20 March 2013.

(c) Iraq received the Special Rapporteur on the human rights of internally displaced persons in 2010, the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination in 2011 and the Special Representative of the Secretary-General for Children and Armed Conflict in 2013. A ministerial committee was created to facilitate the task of United Nations special rapporteurs and independent experts who wish to visit Iraq.

(d) Iraq submitted periodic reports on the implementation of human rights treaties to the bodies that monitor the following treaties:

- The Convention on the Elimination of All Forms of Discrimination against Women;
- The International Covenant on Economic, Social and Cultural Rights;
- The International Convention on the Elimination of All Forms of Racial Discrimination;
- The Convention on the Rights of the Child and its two Optional Protocols (recommendation 33);
- The International Covenant on Civil and Political Rights.

(e) The High Commission for Human Rights was created pursuant to Act No. 53 of 2008.

(f) A National Human Rights Plan was launched. It seeks to promote respect for all human rights by means of programmes, legislation and effective policies covering all areas.

(g) An Action Plan for human rights training and education has been developed and is being implemented by a large number of ministries, public-sector institutions, law

enforcement agencies in the Ministry of Defence and the Ministry of the Interior, and civil society organizations. In addition, a Human Rights Programme focusing on students and young persons of both sexes has been adopted.

XI. Implementation of the recommendations accepted by Iraq

1. Recommendations 1, 2, 3 and 4: Ratification of and accession to international treaties and optional protocols

- Iraq continued to accede to international human rights treaties. It acceded to the International Convention for the Protection of All Persons from Enforced Disappearance on 23 November 2010, to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 7 July 2011 and to the Convention on the Rights of Persons with Disabilities on 20 March 2013. It is currently considering the possibility of acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

2. Recommendations 5, 6, 7, 8, 9, 27 and 28: Alignment of national legislation with international instruments and compliance with international legal principles

- Many of the laws enacted by the (dissolved) Revolutionary Command Council which contained provisions that violated human rights have been repealed;
- A High Commission chaired by the General Secretariat of the Council of Ministers was created to align national legislation with international instruments.

3. Recommendations 10, 11, 12, 13, 14, 15 and 16: Creation of the High Commission for Human Rights

- The High Commission for Human Rights was established by Act No. 53 of 2008, which entrusted the Commission with a broad mandate, including to receive and investigate complaints. The members of the Board of Commissioners were elected in 2011; a sum of ID 20 billion was allocated to the Commission in 2013 and a sum of ID 29 billion in 2014; 160 positions had been created by 2013. The Chairperson and Vice-Chairperson of the Commission are about to be elected. The High Commission has not yet submitted its report to the relevant bodies and it has not joined the International Coordinating Committee.

4. Recommendations 17, 18 and 19: Action to combat corruption

- Development of guidelines for assessment of the performance of governmental units; support for the requirements of public inspectors' offices; measures to promote compliance with the United Nations Convention against Corruption, to which Iraq has acceded; launching of a national campaign to combat bribery; promotion of the principle of transparency in relevant ministries and other authorities by developing and circulating transparency guidelines; publication of guidelines aimed at simplifying the procedures to be followed in dealing with the general public and limiting the opportunities for corruption; coordination with international training organizations involved in combating corruption; launching of the National Anti-corruption Strategy and the National Education and Higher Education Strategy (see paragraphs 13 and 17 of the report); development of curricula for all levels of education that include sections dealing with a culture of integrity and transparency and the appropriate use of public funds; launching of

national campaigns to generate awareness of the United Nations Convention against Corruption and the National Anti-corruption Strategy.

- Pursuant to Act No. 30 of 2011 concerning the Commission on Integrity, all persons occupying one of the following offices or positions must submit a financial disclosure report: the President of the Republic and his Vice-Presidents; the Prime Minister and his deputies; ministers, officials of equivalent rank, undersecretaries and officials of special rank; the President and judges of the Supreme Judicial Council; regional presidents, ministers and their undersecretaries or deputies; governors and members of governorate councils; chairpersons of the independent authorities and their undersecretaries or deputies; ambassadors, consuls and their attachés; army corps and division commanders; heads of security units; directors-general and officials of equivalent rank; the Commission investigators; officers in the armed forces, the internal security forces and the security services of the rank of lieutenant colonel or higher.
- All ministries, agencies that are not related to a ministry, and governorate councils are required to take all necessary measures to implement, in coordination with relevant bodies, their own special anti-corruption strategy. There have also been developments in legislative action to combat corruption (see paragraph 10).
- Creation of the Iraqi Academy to Combat Corruption to promote a culture of integrity and transparency, to support national efforts to combat the scourge of financial and administrative corruption, and to eliminate it from public institutions. The Academy endeavours to provide education and training for all citizens.

5. Recommendation 23: Democracy and good governance

- Iraq gives top priority to the achievement of good governance and the establishment of sound State institutions by promoting accountability and transparency, equality of opportunity and participation, and enhancing the role of supervisory and judicial institutions as well as bodies involved in the democratic process. The aim is to involve all members of society in the running of the State without discrimination in terms of opportunities, to ensure the accountability of any person who breaches those rules, to provide comprehensive information and statistics on all activities undertaken by State bodies and on the management of the economy, to improve the performance of bodies engaged in public administration, to combat corruption, and to adopt other measures aimed at improving the political, economic and social fabric, enhancing the Government's performance, improving decision-making and policy-making procedures, and establishing and developing institutions tasked with supporting economic growth.
- Iraq has consolidated democratic principles by means of free and fair elections, the peaceful transfer of power, the creation of numerous independent bodies, free use of the Internet, recognition of the right of access to information, and an increase in the number of terrestrial and satellite television channels. Work is under way on an electronic government project, which will be implemented as soon as the work is completed. The project will enhance democracy and good governance.

6. Recommendation 24: Continuous implementation of a security, economic, social and cultural plan

- Iraq organizes training courses and capacity-building for law enforcement personnel on human rights in general and on international regulations governing interaction with people during security operations. The Ministry of Human Rights implements relevant awareness-raising programmes in cooperation with the Ministry of the

Interior, the Ministry of Defence and the Ministry of Justice (see paragraphs 15, 16 and 18 of the report).

7. Recommendations 25 and 26: National reconciliation

- The Implementation and Follow-up Committee for National Reconciliation and its specialized offices (Office of Tribal Support Councils, Office for the Monitoring of Women's Affairs, Office for the Return of Migrant Families, Office on Dissolved Entities, Office on the Provision of Services, Office for the Monitoring of Awakening and Volunteer Affairs, Office on Bodies Representing Armed Factions, Follow-up and Media Office) are tasked with implementing measures designed to lay the basis for national unity and internal security and stability and with supporting solidarity by organizing conferences, symposiums and workshops to promote a culture of tolerance and peaceful coexistence and values based on reconciliation. They also adopt decisions on the return of officers and members of dissolved entities in light of the existing needs of security and service-providing ministries and in accordance with their regulations. They cooperate with civil society organizations with a view to achieving joint goals based on unity and cohesion among the members of the Iraqi population. Pensions have been granted to the descendants of killed or injured members of *Sahwa* (Awakening) groups. The procedures for displaced families have been eased and as many services as possible have been offered in coordination with ministries of security and service-providing ministries and departments.

8. Recommendations 21, 29, 41, 42, 43, 44, 45, 59, 60, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 79, 107 and 127: Women's and children's rights and action to combat all forms of violence

- The Iraqi Constitution guarantees equality and non-discrimination between the sexes. The Act concerning support for small-scale income-generating enterprises was adopted in 2012. The Act on combating human trafficking was adopted in 2012 in compliance with the obligations of Iraq under the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. The Act prescribes harsher penalties for offenders and provides for the adoption of special measures in cooperation with victims as well as the creation of a central committee and subcommittees to enforce the Act.
- Women enjoy equal treatment with men in public-sector employment and are paid equal wages. They are also granted additional benefits. For instance, women are paid salaries and allowances while on leave during pregnancy and childbirth and in the event of their husband's decease.
- Adoption of the National Strategy to Combat Violence against Women in March 2013 (see paragraph 12 of the report).
- Creation of the Women's Welfare Department in the Ministry of Labour and Social Affairs, which implements policies and programmes for the empowerment of women (see paragraphs 46 and 37 of the report); creation of the Family Protection Directorate in the Ministry of the Interior in cooperation with the Ministry of State for Women's Affairs (see paragraph 21 of the report); creation of the High Commission for the Advancement of Women in Rural Areas, which is chaired by the Ministry of State for Women's Affairs; granting of loans for agricultural projects and launching of action to promote awareness of loan application procedures in July 2013; opening of the first women's rehabilitation centre in Iraq in March 2013 in Baghdad and action to open similar centres in all governorates; opening of 28 gender

units in public-sector institutions in order to enable each institution to formulate its own policies, to develop programmes that meet the needs of both sexes, to narrow the opportunity gap and to offer relevant services; women's affairs and needs have thus been integrated into all policies pursued by official institutions in Iraq.

- Establishment of a Centre for Businesswomen in 2012 in cooperation with the Chamber of Commerce of Iraq to promote women's presence in the employment sector and their access to jobs and contracts that help to increase women's employment and change existing stereotypes.
- Reservation of 10 per cent of housing complexes for women and a similar percentage for persons with disabilities; distribution of plots of land to needy persons, families of martyrs and victims of terrorism.
- The High Commission for the Advancement of Women, which is chaired by the Ministry of State for Women's Affairs and composed of representatives of a number of ministries, continues to hold regular monthly meetings to monitor the situation of Iraqi women and all legislation relating to women, to make recommendations concerning its effective implementation, and to take any other action conducive to the advancement and protection of women.
- Organization by the Ministry of State for Women's Affairs of annual information campaigns, particularly the 16 Days of Activism against Gender Violence, which include postering, publications, television advertisements and awareness-raising symposiums.
- The project to develop a national policy for the protection of children in Iraq: a special secretariat of the Child Welfare Authority was established in 2009 to formulate a five-year national child protection policy. It is the first policy of its kind and it was developed in cooperation with the Danish Embassy and the United Nations Children's Fund (UNICEF).
- Creation of a police department for family and child protection. A draft law on protection against domestic violence is still at the preliminary stage of deliberation.
- Increased participation by women in the army and the police force.
- Inclusion of courses concerning human rights and domestic violence in educational curricula and the curricula of the Police Academy.
- Adoption of the Strategy to Combat Violence against Women in the Kurdistan Region in 2012.
- Adoption of the Act concerning protection from violence against women in the Kurdistan Region in 2012, which criminalizes female genital mutilation.
- The children of an Iraqi woman may be granted Iraqi citizenship regardless of her husband's nationality (article 18 of the Iraqi Constitution and Act No. 26 of 2006).
- The National Education and Higher Education Strategy of the Ministry of Education provides for an increase in the female enrolment ratio to 50 per cent of the overall enrolment ratio at the various levels of education in order to align it with the population census. An increase has been recorded in the enrolment ratio in public schools at the primary level from 44 per cent in 2006/07 to 46 per cent in 2011/12.
- A number of laws containing provisions that promote women's rights have been enacted. They include the Act concerning elections to the Council of Representatives and the amended Act concerning elections to the governorate councils, which promote women's participation in the political process by providing for an electoral quota for women. The ratio of women candidates in the 2013

elections to the governorate councils was 27.23 per cent. Moreover, the sum payable for certification of women's political entities and women candidates in the 2013 elections to the governorate councils was reduced. A total of 110 women won seats in the 2009 elections to the governorate councils; 82 women won seats in the 2010 parliamentary elections; and 117 women won seats in the 2013 elections to the governorate councils.

- 9. Recommendation 90: Elimination of discrimination on grounds of religion or belief: see paragraphs 57, 58 and 59 of the report.**
- 10. Recommendations 46, 47 and 48: Respect for the right to life and respect for international standards restricting the scope of application of the death penalty**
- Article 15 of the Constitution stipulates: "Every individual has the right to life, security and liberty. Deprivation or restriction of these rights is not permissible save in accordance with the law and based on a decision issued by a competent judicial authority." The judicial principle is based on the presumption of innocence, which is set forth in article 19, paragraph 5, of the Constitution. In addition, the Constitution authorizes the President of the Republic in article 73, paragraph 1: "To issue a special pardon based on a recommendation by the Prime Minister, except for matters relating to a private claim and for persons who have been convicted of international crimes, terrorism, or financial and administrative corruption."
 - Iraq applies the standards set forth in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Convention on the Rights of the Child. Every defendant is entitled to the assistance of counsel. There are no private courts in Iraq and appeals against all court decisions may be lodged with courts of appeal and cassation.
 - The legislation concerning juveniles (Juvenile Welfare Act No. 76 of 1983 as amended) does not permit the death penalty to be applied to juveniles, regardless of the type of crime they have committed. Article 77, paragraph 2, of the Act stipulates: "If the minor committed an offence punishable by the death penalty, the juvenile court shall replace the legally prescribed penalty with a decision to send the minor to a juvenile rehabilitation centre for a period of not less than five years and not more than 15 years."
 - The death penalty is imposed only for the most serious crimes, such as life-threatening assaults and certain serious terrorist crimes. The death penalty is imposed by law after judicial decisions handed down by the relevant courts are referred on a mandatory basis to the Federal Court of Cassation. If the latter court confirms the death penalty, the decision is referred to the President of the Republic for ratification. The sentence is executed by the Iraqi Reform Department of the Ministry of Justice.
 - A number of procedural safeguards are applicable under the Code of Criminal Procedure and the Public Prosecution Act to cases involving the death penalty. They may be summarized as follows: the requirement to issue legal orders or decisions concerning the arrest of accused persons and their referral to the competent investigating judge and then to the competent courts, which are composed of a bench of three criminal court judges, a public prosecutor and defence counsel. Defendants are also entitled to defend themselves. When such courts hand down a death penalty, the judgment is referred, on a mandatory basis, to the Court of Cassation for a plenary-court hearing. The Court is composed of a bench of up to 30 top-class judges, who consider the case and hand down a decision either to quash or to endorse the judgement. If it is quashed, the documents relating to the case are

referred back to the lower court for reconsideration. If the judgement is endorsed, it is referred to the Office of the President of the Republic for ratification and publication of a presidential decree concerning execution. The law enables persons sentenced to death to resort to exceptional appeal procedures. For instance they may request a retrial on grounds specified by law, such as the appearance of new evidence, evidence of forgery of documents that served as the basis for the death penalty, etc.

- Abolition of the death penalty would currently constitute a flaw in the criminal justice system, since Iraq is confronted with organized and unorganized heinous and abhorrent terrorist crimes, organized crime and violent acts perpetrated on racial, ethnic or religious grounds in an unstable security situation, the aim being to undermine the stability of democratic institutions. Under these circumstances, Iraq must retain the death penalty.
- With regard to implementation safeguards, the death penalty is executed at the Iraqi Reform Department (Ministry of Justice) in the presence of an implementation authority composed of a penalty enforcement judge, a delegate of the Ministry of the Interior, the Director of the Reform Department, a physician from the Ministry of Health and, on request, the defence attorney. Pursuant to article 24 of Public Prosecution Act No. 159 of 1979, the execution must also be attended by the deputy public prosecutor. Members of convicted persons' families are allowed to visit them before the day of execution. The corpse is either handed over to relatives or buried by the State.
- Iraqi law does not permit the execution of a pregnant woman until four months after childbirth.

11. Recommendations 91, 92, 114, 115, 116, 117, 118, 119, 120, 121 and 122: Protection of the rights of minorities and the indigenous population: see paragraphs 21, 49, 50, 57, 58 and 59 of the report

- Article 14 of the Iraqi Constitution stipulates: "Iraqis are equal before the law without discrimination on grounds of gender, race, nationality, origin, colour, religion, sect, belief or opinion, or economic or social status." Article 43 stipulates: "The followers of all religions or sects shall be free: (a) to practise religious rites, including Husseini rites; (b) to administer religious endowments and their religious affairs and institutions; this shall be regulated by law."

The Government has taken many steps, including the following, to protect minorities and their places of worship:

- Greater protection has been provided for ethnic groups in the neighbourhoods in which they live by increasing motorized and foot patrols and stationing additional units of the security forces responsible for military operations in the residential districts concerned. Transport is provided for students belonging to minority ethnic groups from their areas of residence and the vehicles are protected. Places of worship are protected by the security force units present in those areas. Government-sponsored symposiums and conferences are organized to encourage interfaith dialogue, peaceful coexistence and national reconciliation.
- The Human Rights Department of the Ministry of Education ensures protection for the rights of minorities by promoting a spirit of tolerance and acceptance of others in school textbooks and curricula, by raising awareness, in coordination with civil society organizations, through Iraqi educational satellite television, the media and posters, by organizing workshops and meetings with civil society organizations and

minority rights associations, by incorporating minority rights concepts in school textbooks and by continuously monitoring progress in this regard.

12. Recommendations 30, 31, 32, 34, 35, 36, 37, 38, 39, 40, 58 and 83: Cooperation with international and regional bodies and issuing of an invitation to special procedures

- During the discussion of its first report before the Human Rights Council, Iraq issued a standing invitation to non-treaty-based mechanisms. It established a ministerial committee chaired by the Ministry of Human Rights to receive special rapporteurs (see section X (c) of the report).

13. Recommendations 49, 50, 51, 52, 53, 54, 55, 56 and 57: Prohibition of torture and improvement of conditions in detention facilities

- Article 37, paragraph 1(c), of the Iraqi Constitution prohibits torture and cruel and inhuman treatment: “All forms of psychological and physical torture and inhuman treatment are prohibited. Any confession obtained through the use of force, threats or torture shall be inadmissible, and the victim shall have the right to seek compensation in accordance with the law for the material and moral damages suffered.” Iraq is a party to the Convention against Torture, and the amended Iraqi Criminal Code No. 111 of 1969 prohibits all forms of torture by law enforcement officials and investigators. The Prison and Detention Centre Administration Act No. 3 of 2003 (memorandum of the dissolved Coalition Provisional Authority) guarantees the application of international norms to all prisoners and detainees. In addition, Act No. 14 of 1991 concerning the disciplining of State and public-sector employees provides for the creation of a committee to investigate any public-sector official or employee who commits an offence of assault or torture, who breaches the duties of public-sector employment or who exceeds the bounds of such employment by committing an act or acts of torture. The official is held to account and subjected to disciplinary sanctions, the most severe of which are dismissal and referral of the case to the courts.
- The measures taken by the Ministry of Human Rights to address the torture issue consist of direct on-site monitoring and serious follow-up action. It also receives complaints from persons alleging torture either directly or from their relatives. In addition, it contacts the Judicial Council (Office of the Chief Public Prosecutor) to request a legal investigation and decision so that offenders can be held to account. It also contacts the Ministry of the Interior and the Ministry of Defence with a view to creating investigation boards to rule on cases involving allegations of torture.
- Training courses on combating torture have been organized for members of the Supreme Judicial Council and law enforcement officers.
- Legislation concerning the protection of fundamental human rights principles and the rule of law have been adopted pursuant to article 19 of the Constitution, which enshrines the principle of the independence of the judiciary and the principle that offences and punishment shall be defined by law. It stipulates that the right to litigation is a universal right and that the right to a defence is sacred and guaranteed at all stages of the investigation and legal proceedings. The article also contains provisions concerning the presumption of innocence, the right to fair treatment in judicial and administrative proceedings, the principle that laws should not be retroactive unless the accused stands to benefit therefrom, the principle that legal proceedings should be held in public, the prohibition of administrative detention, and the right to be detained in places designed for that purpose.

- The Iraqi legal system provides for special treatment for juvenile offenders in terms of legal proceedings, detention and imprisonment, and enforcement of penalties by the Juvenile Police Directorate, the juvenile courts, and the Juvenile Rehabilitation Department of the Ministry of Labour. The law prohibits the imposition of the death penalty on convicted minors and their detention or imprisonment in facilities other than those reserved for them.
- There are several channels through which complaints concerning torture may be filed with the competent monitoring bodies: the Office of the Public Prosecutor through the public prosecution offices located in detention centres; the Ministry of Human Rights; human rights departments in the Ministry of Justice, the Ministry of the Interior, the Ministry of Defence and the Ministry of Labour and Social Affairs, the competent parliamentary committees, the Integrity Commission, the High Commission for Human Rights, the Kurdistan Region Independent Human Rights Board and civil society organizations. The monitoring bodies set up committees as a matter of urgency to investigate allegations of torture in remand centres or allegations of illegal detention or ill-treatment. The data or allegations are investigated immediately and recommendations concerning more detailed investigations are made to the competent authorities so that the necessary action can be taken where the law has been broken.
- The units that administer remand centres in divisions of the Iraqi army, acting solely in an executive capacity, invariably transfer arrested persons forthwith to police stations and counter-terrorism and organized crime directorates in their areas of operation.
- The Ministry of Justice adopted a comprehensive plan to improve basic facilities and build new geographically dispersed detention centres. The plan has greatly improved the conditions in which detainees are held.
- The Ministry of Human Rights has been conducting on-site visits and organizing awareness-raising courses since 2010.
- The general provisions of Iraqi law permit anyone who suffers damages of any kind to take legal action with a view to obtaining compensation for the material or moral damage suffered.
- Persons convicted by a final court decision are transferred to prisons run by the Iraqi Reform Department of the Ministry of Justice.
- The Ministry of Labour and Social Affairs administers juvenile detention centres.

14. Recommendations 76, 77, 78, 80, 81, 82, 84, 85 and 86: Guarantees of a fair trial and the independence of the judiciary

- The courts in Iraq apply the Criminal Code and the Code of Criminal Procedure in accordance with general constitutional principles, which are consistent with fair treatment. They are applied in a manner that fully guarantees the protection of human rights and the rule of law. The core principles are set forth in article 19 of the Constitution.
- Iraqi national law devotes special attention to juveniles. Special legal measures are applied to juveniles from the detention stage until confinement and enforcement of the sentence. These procedures are implemented by the Juvenile Police Directorate, the juvenile court and the Juvenile Rehabilitation Department of the Iraqi Ministry of Labour. It should be noted that Iraqi national law prohibits the imposition of the death penalty on convicted minors and that they may only be confined in juvenile detention facilities.

- In accordance with the Constitution, the Iraqi judiciary is an independent authority in line with the principle of the separation of powers (article 47 of the Constitution). Articles 87 and 88 of the Constitution stipulate that the judiciary is independent and that judges are independent and subject to no authority other than the law. No authority is permitted to interfere with the judiciary or judicial affairs.

15. Recommendations 73 and 74: Action to address extrajudicial killings on the ground of sexual orientation

- All criminal legislation in Iraq including Criminal Code No. 111 of 1969 and the amendments thereto prescribe extremely severe penalties for the crime of extrajudicial killing. The cases in which homosexuals were murdered or threatened were individual and not organized acts. They are usually perpetrated for religious, tribal or family motives on account of the prevalent culture in Iraqi society. The perpetrator of any murder, threat or illegal act is held accountable before the law. The General Secretariat of the Council of Ministers has created a committee to undertake a study of the situation of homosexuals in Iraq.

16. Recommendations 87, 88 and 89: Action to combat the culture of impunity

- With a view to combating the culture of impunity, strengthening the role played by the judiciary and ensuring that the perpetrators of crimes are held to account, Iraq has taken steps to develop its judicial system and to provide the requisite protection for judicial personnel. In addition, Iraqi institutions have implemented numerous awareness-raising activities through the Integrity Commission for the staff responsible for combating corruption with a view to developing more effective transparency and accountability mechanisms and redoubling efforts to combat impunity. Awareness-raising symposiums and training courses are organized by the National Centre for Human Rights, which forms part of the Ministry of Human Rights, for all staff responsible for administering detention centres in Baghdad and the governorates and for staff of law enforcement agencies. Awareness-raising programmes are also implemented in the Kurdistan Region.

17. Recommendations 93, 94, 95, 96, 97, 98, 99 and 100: Protection of freedom of expression, freedom of journalists and human rights defenders

- Article 38 of the Iraqi Constitution guarantees all forms of freedom of expression as well as freedom of the press, printing, advertising, the media and publication. The aim of the Journalists' Rights Act adopted in 2011 is to ensure respect for freedom of the press and freedom of expression, to guarantee the rights of Iraqi journalists and their descendants in recognition of the important role they play in consolidating democracy in the new Iraq, to develop journalists' rights and to ensure their protection. Several articles of the Act contain legal safeguards designed to ensure that journalists can perform their work freely and easily. Article 9 prescribes the same penalties for an assault on a journalist during the performance of his or her professional duties, or on account of those duties, as are prescribed for a similar assault on a public employee. Article 10 prohibits the questioning or investigation of journalists for alleged offences committed in connection with their work unless a judicial decision to that effect has been adopted. A draft law concerning freedom of expression and freedom of association and peaceful assembly is currently before the Council of Representatives. Moreover, the Supreme Judicial Council has established a Court on Publishing and the Media.
- Staff members of the Ministry of the Interior accept complaints concerning attacks on freedom of the press or assaults on journalists. The Ministry has organized

training courses to build their capacity to deal with demonstrators and the media and to provide the services and protection they require to exercise their right peacefully. The Ministry of Human Rights has created an Exceptional Operations Chamber which sends out teams to conduct on-site monitoring of the exercise of the right to peaceful assembly in order to ensure that the conduct of law enforcement officials complies with international norms. Its reports and comments have been followed up by training programmes on how to deal with demonstrators for the groups concerned. A similar role has been played by the High Commission for Human Rights and civil society in other circumstances.

- A civil society Federation of Human Rights Defenders has been established with the support of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Ministry of Human Rights. It is composed of academics, activists and NGOs.
- The Declaration on Human Rights Defenders has been widely publicized on the Ministry of Human Rights website. It has also been printed and circulated to civil society organizations.

18. Recommendations 101, 102 and 103: Guarantee fair elections

- The Independent High Electoral Commission has taken steps to guarantee the fairness and transparency of the electoral process. For instance, it organizes awareness-raising programmes on the importance of the electoral process and how to locate polling stations and exercise the right to vote. It continuously updates the electoral register and facilitates access to polling stations in Baghdad and the governorates. Special voting arrangements are made on behalf of detainees, prisoners, hospital patients and law enforcement agency staff. Provision is made for the presence of agents of political entities, international and local observers, and representatives of civil society organizations and the media during the electoral process and the counting of votes. The secrecy of the ballot is ensured and electoral fraud is prevented by the requirement of a signature and purple fingerprinting. There are procedures for submitting complaints and appeals against electoral results and for checking and scrutinizing their accuracy. Provision has been made for an electronic fingerprinting system and electronic cards in the 2014 elections to the Council of Representatives.

19. Recommendations 108, 109, 110, 111, 112 and 113: The right to education

- The Ministry of Education has taken steps to promote the right to education. Such measures include: adoption of curricula based on the principle of respect for both sexes; raising awareness of human rights by integrating human rights principles into textbooks and tailoring the content to the subject concerned and the concept to be transmitted; continuous cooperation with UNICEF and UNESCO with a view to supporting the implementation of educational and training projects, including projects relating to modern curricula; and adoption of the National Education and Higher Education Strategy (2011–2020).
- There has been an increase in enrolment ratios at the various levels of education. The primary education enrolment ratio increased from 92 per cent in 2011/12 to 94 per cent in 2012/13, in line with the Millennium Development Goals. Drop-out rates from public primary and secondary education and parallel schooling declined, in the case of primary education, from 3.6 per cent in 2004/05 to 1.8 per cent in 2012/13 and, in the case of secondary education, from 3.1 per cent in 2004/05 to 2.4 per cent in 2012/13. Action has been taken by the General Directorate for Protection of Institutions and Eminent Persons to promote security in schools.

- Adoption of the Eradication of Illiteracy Act in 2011 (see paragraphs 13, 19 and 20).

20. Recommendations 123, 124, 125, 126, 128 and 129: Protection of refugees and internally displaced persons

- The Ministry of Migration and Displacement is implementing programmes aimed at encouraging the return or resettlement of displaced families. It has granted emergency loans to such families and assisted them through the Programme for Human Security and Stabilization (PHSS). A total of 17,394 persons of both sexes have benefited under the Programme from small-scale income-generating projects. The Programme seeks to create employment opportunities and to find sources of income for families by helping them to implement small-scale commercial or manufacturing projects that enable them to become productive and to contribute to economic progress. It promotes social security and stability and the participation of returnee families in community revitalization programmes (CRPs). By 2013 a total of 2,920 persons of both sexes had benefited from such programmes. All displaced persons with various skills who live outside Iraq or who returned after the fall of the previous regime are offered a number of privileges to encourage them to return to the service of their country.
- The Ministry of Migration and Displacement has taken action to provide displaced women and women breadwinners with better opportunities to earn a living for their families and for vulnerable families. It has assigned priority to the provision of training, qualification and employment opportunities for women returnees. The Ministry has also cooperated with UNHCR in building low-cost housing for returnees and displaced persons. The total number of housing units is estimated at 4,138 in nine governorates and the proportion of completed units is estimated at 90 per cent. According to statistics compiled by the Ministry, 119,218 internally displaced families and 5,852 returnee families had returned to their original places of residence by 30 September 2013; 30,309 families had been settled elsewhere and 49,392 had been integrated locally; 3,302 returnees possessed qualifications.

21. Recommendation 104: Health-care services

- With a view to improving health-care services, the Iraqi Government created a health insurance system and adopted the National Poverty Reduction Strategy to support primary health-care services and the National Reproductive Health and Maternal and Child Health Strategy (2013–2017). Vigorous action to improve access to health-care services for the general public is being taken under the Strategic Plan of the Ministry of Health for the period 2009–2013. This action has proved highly successful. For instance, three hospitals were established in 2010; five hospitals were established in the Kurdistan Region; 32 hospitals were renovated and expanded in 2012; the number of primary health-care centres throughout Iraq totalled 2,538 in 2012; 99 of these centres implement family medical programmes; there are also 102 HIV testing centres.

22. Recommendation 105: The right to housing

- The allocation of plots of land for housing complexes has led to the construction of such complexes in many governorates. Moreover, a sum of ID 485 billion was allocated for the construction of low-cost housing complexes in the 2012 budget. Iraq also adopted a comprehensive development project aimed at raising living standards and promoting development in shantytown neighbourhoods and providing low-cost housing. A sum of ID 200 billion was allocated in the 2013 investment budget to activities aimed at addressing the shantytown phenomenon. A national

housing initiative was launched to alleviate the housing crisis affecting the poor: to begin with, 420 plots of land were allocated to eligible families in Baghdad and 1,500 plots of land out of 4,000 were allocated to the Governorate of Basra. Direct interest-free loans have been granted by the Real Estate Bank and the Housing Fund for the construction or purchase of housing units. The State bears the cost of the loans. The total number of housing complexes is currently 57; of the total number of 29,815 housing units, 5,135 have been completed and 24,680 are under construction.

23. Recommendations 61 and 62: Trafficking in persons

- Act No. 28 of 2012 prescribes harsh penalties for perpetrators (natural persons and legal entities) of the crime of trafficking in persons. The victims are provided with financial assistance and temporary accommodation consistent with their gender and age group. They are also rehabilitated and offered job opportunities. Their stay in Iraq is facilitated and they are offered entry visas, temporary residence permits and, if necessary, travel documents. Diplomatic support is provided to non-Iraqi victims so that they can return to their countries. A central committee and subcommittees have been created to monitor enforcement of the Act.
- The National Human Rights Plan provides for various measures to prevent and combat trafficking in persons, for instance: development of social assistance programmes to protect victims and provide for social and economic oversight; compilation of more comprehensive data concerning victims; launching of campaigns to prevent trafficking in persons; organization of training courses on providing assistance to victims for law enforcement agency staff in cooperation with international organizations.

24. Recommendations 106 and 130: Development and the Millennium Development Goals

- Iraq adopts a transparency-based approach to the challenges it faces in achieving its aspirations with respect to the Millennium Development Goals for 2015. It has prepared the necessary development plans to bring about improvements in areas in which performance shortcomings have been identified. Thus, it adopted the National Development Plan (2013–2017) with a view to building a secure and stable State whose citizens enjoy civil, economic, social and environmental rights, and developing a diverse and competitive national economy that possesses the keys to progress in the scientific and cultural fields and in all areas of knowledge, an economy in which everyone participates, which generates equitable development opportunities, in which the private sector and civil society are active partners, and in which environmental sustainability serves as a means of achieving a green economy. The Plan sets a number of economic, social and environmental targets and identifies priorities, including the need to focus on the neediest governorates when drawing up plans and compiling data on progress towards achieving the Millennium Development Goals (see paragraphs 23 and 24 of the report).

25. Recommendation 131 concerning terrorism

- The Government of Iraq continues its efforts to combat terrorism and to curtail the impact of the violent acts perpetrated by terrorist groups. It adopted the National Strategy to Combat Terrorism and it gives top priority to human rights considerations when handling such issues and developing its security capabilities.
- International conferences have been held within and outside Iraq to clarify the causes, motives and impact of terrorism and to promote effective international cooperation based on relevant Security Council resolutions to curb the recruitment,

funding and incitement of terrorist groups and their transport across the borders into Iraq (see paragraph 63(b) of the report).

26. Recommendation 132: Establishment of a mechanism to follow up universal periodic review recommendations

- The National Human Rights Plan provided for the establishment of a committee chaired by the Ministry of Human Rights and composed of the General Secretariat of the Council of Ministers and representatives of relevant ministries, civil society and the UNAMI Human Rights Office to coordinate and monitor implementation of the National Human Rights Plan and the recommendations accepted by Iraq during the first cycle of the universal periodic review (see paragraph 62(a) of the report).

27. Recommendations 133, 134 and 135: Request technical assistance

- Iraq received technical support from OHCHR in building the capacity of the Ministry of Human Rights and the committees responsible for preparing treaty body and universal periodic review reports and the National Human Rights Plan. Iraq has implemented many training programmes and projects in diverse areas for ministry staff in cooperation with international organizations. For example, the European Union provided support for training projects on behalf of the High Commission for Human Rights, the Ministry of Justice and the Supreme Judicial Council. In addition, United Nations agencies and organizations provided technical and material support for the development of human rights programmes in Iraq.

Conclusion

64. Iraq reaffirms its full confidence in the universal periodic review mechanism and its role in promoting human rights in all countries of the world, in sharing expertise and good practices, and in encouraging the effective implementation of international human rights instruments. Iraq is taking action at the national and international level to improve the human rights situation, notwithstanding the challenges and difficulties that impede the implementation of its programmes.

Annex

Table 1
Council of Representatives

<i>Item</i>	<i>Elections to the Iraqi Council of Representatives 2010</i>	<i>Elections to the governorate councils 2013</i>	<i>Elections in the Kurdistan Region 2013</i>
Rate of participation in the elections (%)	62.39	44.63	72.78
Number of registered voters	19 240 093	16 286 568	2 666 145
Number of votes cast	12 002 962	7 269 352	1 939 247
Number of ratified political entities	305	265	39
Number of political entities participating in the elections	86	139	31
Number of coalitions	12	50	2
Number of candidates	6 234	8 057	1 129
Number of male candidates	4 428	5 863	763
Number of female candidates	1 806	2 194	366
Number of seats	325 (310 for governorates, 8 for minorities and 7 compensatory seats)	447	111
Number of local observers	114 615	100 180	5 867
Number of international observers	1 147	348	580

Table 2
Education indicators

<i>Indicator</i>	<i>Year</i>	<i>Rate</i>	<i>Year</i>	<i>Rate</i>
Net enrolment rate in primary education (%)	2009	89.0	2013	94
Failure rate in primary education (%)	2007	13.7	2013	12.4
Average literacy rate in the 15 to 24 age group	2007	83.9	2011	85.5
Net rate of completion of primary education (%)	2006	43.9	2013	72
Net enrolment rate in secondary education (%)	2006	40.1	2011	48.6
Net enrolment rate in intermediate education (%)	2010	36	2013	44
Ratio of female to male enrolment in primary education	2009	0.89	2013	0.97
Ratio of female to male enrolment in secondary education	2009	0.75	2013	0.95
Number of schools for the total population	2011	72 per 100 000	2013	75 per 100 000

Table 3
Health indicators

<i>Year</i>	<i>Deaths (men)</i>	<i>Deaths (women)</i>	<i>Deaths (children)</i>	<i>Injuries (men)</i>	<i>Injuries (women)</i>	<i>Injuries (children)</i>	<i>Total</i>
2010	2 772	308	174	11 297	1 718	773	17 042
2011	2 501	184	96	9 171	833	382	13 167
2012	2 678	265	158	10 159	1 133	854	15 247
2013	6 253	385	335	18 661	1 604	1 326	28 564
Total	14 204	1 142	763	49 288	5 288	3 335	74 020