



**International Covenant on
Civil and Political Rights**

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Human Rights Committee

**Sixth periodic report submitted by Iraq under
article 40 of the Covenant, due in 2018***

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* The present document is being issued without formal editing.

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I.

A. Introduction

1. Iraq discussed its fifth periodic report (CCPR/C/IRQ/5), combining its third to fifth periodic reports, before the Human Rights Committee at the Committee's 3214th and 3215th meetings, held on 26 and 27 October 2015. The Committee then adopted its concluding observations on the report at its 3227th meeting, held on 4 November 2015.

2. Iraq then provided the Committee, as per paragraph 46 of the concluding observations, with a follow-up report containing information on steps taken to implement the Committee's recommendations contained in paragraphs 20 (allegations of human rights violations in the context of the ongoing armed conflict), 26 (violence against women), 28 (death penalty) and 30 (prohibition of torture and ill-treatment).

3. Iraq is submitting its sixth periodic report to the Human Rights Committee under article 40 of the International Covenant on Civil and Political Rights and in line with article 47 of the Committee's concluding observations, for the purpose of demonstrating the progress that has been made in implementing both the Covenant and the concluding observations.

4. Under Ministerial Order No. 11/1/496, issued on 19 June 2016, a central standing committee to draft reports under human rights treaties was formed, headed by the Minister of Justice and with representatives from the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of the Interior, the Ministry of Education, the Ministry of Health and the Ministry of Labour and Social Affairs as well as from the Office of the Prime Minister, the Secretariat of the Council of Ministers and the National Security Advisory. Under Ministerial Order No. A/M/O/1, issued on 5 February 2018, a national report-writing committee was established with higher level representation and a broader mandate.

B. Report preparation process

5. The report was prepared in a number of stages, as described below:

(a) Preparation: A ministerial subcommittee was established on 10 January 2017, headed by the Deputy Minister of Justice and with members drawn from relevant ministries, to prepare the draft sixth periodic report and to circulate the Human Rights Committee's concluding observations to the authorities and ministries concerned;

(b) Information gathering: During this stage, information required for the report was gathered and the subcommittee held several meetings to review that information. The information-gathering process continued for updating purposes until the date of submission of the report;

(c) Drafting: During this stage, the subcommittee incorporated the available information into the relevant parts of the report, prepared the final draft and submitted it to the national committee;

(d) Review and approval: During this stage, the national committee met to consider the draft report, which it endorsed and submitted to the Council of Ministers for approval and transmission to the Human Rights Committee.

C. Parliamentary elections of 2018

6. Under the provisions of articles 56 and 73 (7) of the Constitution and article 7 (3) of Act No. 45 of 2013 concerning elections to the Council of Representatives, a presidential decree was issued setting 12 May 2018 as the date for the fourth round of elections for members of the Council of Representatives.

7. The decree was issued on the basis of a ruling by the Federal Supreme Court of Iraq, which stated that the elections should take place on the date they were due.

8. The High Electoral Commission completed the process of registering candidates and political entities then worked unceasingly to lay the groundwork for a successful electoral process. The parliamentary elections then took place on 12 May 2018. Two days before that, members of the Iraqi security forces had cast their votes as had certain special categories such as prisoners. Iraqi communities in other countries were also given the chance to participate in the elections. Of a total electorate of 24,352,253 voters, 9,952,264 participated in the ordinary elections; 709,396 in the special ballots and 329,179 in the voting from abroad. This means that the total number of persons who voted in the elections was 10,989,840, or 52.44 per cent of the electorate. Statistics concerning the 2018 general election are given in the table below.

																			<i>Categories</i>	<i>No.</i>
1																			Number of lists, parties and alliances participating	87
																			Number of alliances participating	23
																			Number of parties participating	45
																			Number of individual candidates participating	19
	<i>Governorate</i>																			
	<i>Parties and alliances</i>	Erbil	Anbar	Basra	Sulaymaniyah	Qadisiyah	Muthanna	Najaf	Babil	Baghdad	Dahuk	Diyala	Dhi Qar	Salah al-Din	Karbala	Kirkuk	Maysan	Nineveh	Wasit	
		27	32	28	26	25	22	29	26	42	23	36	24	33	26	31	21	45	33	
2																			Overall number of approved candidates	6 990
																			Number of male candidates	4 979
																			Number of female candidates	2 011
	<i>Governorate</i>																			
	<i>Candidates</i>	Erbil	Anbar	Basra	Sulaymaniyah	Qadisiyah	Muthanna	Najaf	Babil	Baghdad	Dahuk	Diyala	Dhi Qar	Salah al-Din	Karbala	Kirkuk	Maysan	Nineveh	Wasit	
		175	352	509	207	188	98	240	327	2137	117	342	286	327	193	290	107	921	174	
	<i>Male</i>	123	251	370	144	138	69	174	239	1494	85	247	203	236	139	204	76	666	121	
	<i>Female</i>	52	101	139	63	50	29	66	88	643	32	95	83	91	54	86	31	255	53	
3																			Total number of seats across all governorates	329
																			Ordinary seats across all governorates	320
																			Seats reserved for minority quotas	9

<i>Governorate</i>	Erbil	Anbar	Basra	Sulaymaniyah	Qadisiyah	Muthanna	Najaf	Babil	Baghdad	Dahuk	Diyala	Dhi Qar	Salah al-Din	Karbala	Kirkuk	Maysan	Nineveh	Wasit
<i>Total seats</i>	16	15	25	18	11	7	12	17	71	12	14	19	12	11	13	10	34	12
<i>Ordinary seats</i>	15	15	25	18	11	7	12	17	69	11	14	19	12	11	12	10	31	11
<i>Seats for minorities</i>	1	0	0	0	0	0	0	0	2	1	0	0	0	0	1	0	3	1

9. On the basis of the election results, the Iraqi Government was formed under the leadership of Adil Abd Al-Mahdi. The government programme for the period 2018–2022 emphasizes the importance of promoting human rights, which must always be focused on citizens. The programme also prioritizes the work of human rights-related institutions, particularly those that deal with young people, while other aspects include promoting the rule of law and combating corruption. A human and community development programme also exists under which the strategic priorities of the government programme are classified and arranged by the extent to which they are consistent with the national development programme, which represents the general framework for State and community action in the period 2018–2022.

II. Implementation of the provisions of the International Covenant on Civil and Political Rights and of the Committee’s concluding observations

Part I: Article 1

Article 1

10. Please refer to the fifth periodic report, contained in document CCPR/C/IRQ/5 of 12 December 2013, and to the follow-up report, contained in document CPR/C/IRQ/CO/5/Add.1 of 18 August 2018.

Part II: Articles 2–5

Articles 2–5 and concluding observations paragraphs 6, 8, 10, 18 and 20

Paragraph 6

11. As concerns efforts to raise awareness about the International Covenant on Civil and Political Rights and its applicability in law, the Judicial Development Institute, which is part of the Supreme Judicial Council, coordinates with international organizations to run courses and workshops for judges and members of the Office of the Public Prosecution to familiarize them with the Covenant.

12. Regarding the application of the Covenant, the courts make their rulings on the basis of relevant domestic legislation, which is based on principles enshrined in the current Iraqi Constitution. Those principles do not, in point of fact, conflict with the provisions of the Covenant, but the courts do not apply – nor, in general, make direct mention of – the provisions of international human rights treaties. In fact, the Iraqi courts apply international treaties – including the International Covenant on Civil and Political Rights – only once they have been integrated into domestic legislation by a specific law to that end, the provisions of which can be applied as a basis for judicial rulings. A law of accession is not, of itself, sufficient for that purpose. The committee for drafting reports has no documented information regarding any court rulings in that connection. Nonetheless, the Iraqi judiciary does constantly seek guidance from the provisions of international human rights treaties in many of its decisions.

13. Iraq is continuing to study the possibility of acceding to international instruments, including United Nations human rights treaties, analysing mechanisms for their implementation at the national level and selecting the appropriate time for taking such decisions. Furthermore, Iraq has authorized its High Commission for Human Rights to receive individual complaints and that this is a step that creates the conditions for studying the possibility of acceding to the Optional Protocol.

Paragraph 8

14. Pursuant to Act No. 53 of 2008, the High Commission for Human Rights was established as an independent national institution with a broad mandate and with its members voted in by the Iraqi parliament. The aims of the High Commission include: coordinating with the relevant authorities in the development of strategies and joint working mechanisms; undertaking studies and research; making recommendations and giving opinions on issues relating to the promotion and strengthening of human rights; studying and assessing current legislation and its conformity with the Constitution; making recommendations to the Council of Representatives; submitting proposals and recommendations concerning the accession of Iraq to international human rights instruments; cooperating and coordinating with independent and non-governmental international human rights institutions in furtherance of the aims of the Commission; disseminating a culture of human rights; presenting proposals on human rights capacity-building; and delivering an annual report to the Council of Representatives on the situation of human rights in Iraq for publication in various media. The Act spells out the objectives and working methods of the High Commission, which entail:

- Receiving complaints of human rights violations, previous and subsequent to the establishment of the High Commission, from individuals, groups and civil society organizations;
- Conducting preliminary investigations into human rights violations on the basis of information received;
- Verifying the validity of complaints made to the High Commission and conducting initial investigations, as necessary;
- Instituting proceedings relating to human rights violations and referring them to the Office of the Public Prosecution for legal action and notification of the outcome;
- Conducting visits to prisons, correctional facilities, police stations and other places without prior authorization from the authorities, meeting with convicted and detained persons, verifying cases of human rights violations, and reporting such cases to the competent authorities for appropriate legal action.

15. Under Act No. 47 of 2017, the membership of the board of commissioners was expanded with a view to increasing the level of participation.

16. Under Act No. 69 of 2017, a committee of experts was formed to select candidates for membership of the board of commissioners. The Human Rights Office of the United Nations in Iraq may appoint a representative to attend meetings of the committee of experts, as an observer.

17. The resources allocated to the High Commission from the federal budget amounted to 20 billion Iraqi dinars (ID) in 2013 and ID 29 billion in 2014. A total of 110 administrative posts were allocated to the Commission in 2012.

18. Following the abolition of the Ministry of Human Rights in 2016, the Iraqi Government provided support to the High Commission by transferring 525 staff from the former Ministry to the Commission, together with financial allocations for those staff.

19. In addition, the Iraqi Government has provided the High Commission with 2 buildings in the Iraqi capital and a further 14 across most of the governorates, excluding Kurdistan Region.

20. In 2015, the High Commission was accredited with B status as an observer member of the Global Alliance of National Human Rights Institutions.

21. Members of the board of commissioners of the High Commission for Human Rights were selected in 2017. They number 15 in all, 4 women and 11 men.

22. The Council of Representatives issued Decree No. 31 of 2016 in which it approved a budget for the High Commission for Human Rights amounting to ID 266,394,176,000.

23. The budget allocation for the High Commission in 2018 was ID 25,667,290,000. It should be noted that Kurdistan Region set up its own Independent Human Rights Commission in 2010, which operates in the areas belonging to the Region.

Paragraph 10

24. Iraqi courts base their rulings on Counter-Terrorism Act No. 13 of 2005. The death penalty is covered under articles 285 and 293 of the Code of Criminal Procedure.

25. The draft Iraqi counter-terrorism strategy was developed by counter-terrorism agencies then discussed by the National Security Council at its meeting No. 4/2017, held on 13 March 2017, with a view to adapting it to reflect national security requirements. The draft counter-terrorism law was discussed by the National Security Council at its meeting No. 9/2017. In accordance with indications set forth in Security Council resolution 1373 (2001), the law aims to regulate counter-terrorism agencies with a view to enhancing national security and promoting human rights. The draft counter-terrorism law was approved and referred to the Council of Ministers.

26. Terrorism is defined in article 1 of Counter-Terrorism Act No. 13 of 2005 as: “Any criminal act committed by an individual or organized group that targets an individual, an assembly of individuals, groups or official or unofficial institutions and causes damage to public or private property, with the aim of undermining peace, stability or national unity, inciting fear and terror among people and fomenting chaos with a view to achieving terrorist goals.” Article 2, which identifies the nature of acts of terror under the law, focuses on the criminal intent and not on the nature of the act itself. The criminal intent specific to all acts of terror is that they aim to achieve terrorist goals in the terms set forth in the Act; i.e., “undermining peace, stability or national unity, inciting fear and terror among people and fomenting chaos”. Such acts inevitably lead to bloodshed, killing and conflict among the components of Iraqi society. Without that criminal intent, those acts amount to ordinary offences that can be dealt with under the relevant laws. Thus, the application of harsher penalties against the perpetrators of acts of terror is, in fact, consistent with international standards governing the use of the death penalty, because those acts constitute the most serious crimes that prejudice the right to life.

Paragraph 18

27. Legislation to punish the serious human rights violations committed under the former regime includes the Iraqi Supreme Criminal Tribunal Act. Since its creation, the Tribunal has handed down 412 convictions.

28. Other transitional justice institutions – including the Martyrs’ Foundation, the Political Prisoners’ Foundation, the Property Claims Commission and the committees for the reinstatement of persons dismissed for political reasons – have taken steps to compensate persons who suffered damages as a result of the policies of the former regime.

The doors of those institutions are open to anyone who can show that they suffered harm as a result of those policies. The present report may not be sufficient to enumerate all activities, programmes and statistics regarding persons who fall under the remit of those institutions, the monies paid out to them or other forms of redress they have received.

Paragraph 20

29. Reference is made to the follow-up report, contained in document CPR/C/IRQ/CO/5/Add.1 of 18 August 2018.

30. With regard to the grave human rights violations perpetrated following the emergence of Islamic State in Iraq and the Levant (ISIL) and affiliated groups in June 2014, the competent investigating courts, in coordination with security agencies working at their command, have taken the necessary legal steps to conduct prompt and impartial interrogations of persons suspected of serious human rights violations. Persons against whom there is sufficient evidence are then referred to the competent courts where they receive condign punishment under the law. Sentences have been handed down against a group of persons accused of committing the Camp Speicher massacre.

31. Allegations regarding violations by security forces during operations to liberate Iraqi cities from the clutches of ISIL are examined by courts of investigation on the basis of duly submitted complaints. In that regard, specialized human rights courts of investigation have been set up in each appeal-court jurisdiction to look into those complaints.

32. The Supreme Judicial Council has decided to create a special judicial body, with its headquarters in the governorate of Nineveh, to investigate the terrorist crimes committed against the Yazidis. The step was taken out of a concern on the part of the judiciary to document the offences perpetrated against that community and to ensure that those responsible do not go unpunished. Steps have been taken to ensure that women and girls freed from the clutches of ISIL, as well as children abducted by that terror group, receive the support they need to ensure their physical and psychological recovery and reintegration. A total of 1,529 women who suffered violence at the hands of the ISIL terror group have, with the approval of the Minister, exceptionally been included under Social Protection Act No. 11 of 2014. The same applies to 88 Shabak women who were also rescued from the hands of ISIL. In addition, the Department of Vocational Training is running educational and professional courses to teach various trades. The courses are available to all unemployed Iraqis without exception or discrimination. The Employment and Loans Department seeks to create job openings and to provide loans, likewise without exception or discrimination, particularly in liberated areas in order to encourage people to return there.

33. The Kurdistan Regional Government has made great efforts to provide services to persons who were displaced into the Region after ISIL overran large areas of other governorates. The Region, which has received more than 33,000 cases in regard of Yazidis, applies unified laws in dealing with all displaced persons. The Regional Government has also worked to gain international recognition for the issue of abducted Yazidi women.

34. Under Administrative Order No. 193, a commission was set up to verify allegations of human rights violations submitted by the international coalition. The commission is headed by a representative of the Advisory Panel in the Office of the Prime Minister and its members are representatives from the human rights bureaus in the Ministry of Justice and the Ministry of Foreign Affairs as well as from Joint Operations Command and the psychological operations unit. The commission investigated allegations – carried by the German magazine *Der Spiegel* and the American network ABC – of violations by members of the Ministry of the Interior's Emergency Response Division. In the light of those reports, the commission invited in members of an investigating committee formed by the Ministry of the Interior and of an investigatory panel in the upper echelons of the Emergency Response Division as well as the accused persons themselves. Preliminary results regarding the incident in question led the commission to believe that members of the Emergency Response Division had committed violations in the form of beatings and death threats. The commission supported the decision of the internal security forces' investigative tribunal to form a high-level committee within the Ministry of the Interior to look into the matter. The

work of the commission set up to verify allegations of human rights violations is still ongoing.

35. Under Presidential Decree No. 33 of 2016, a commission made up of religious, community, tribal and political leaders was established to address problems arising from the presence of ISIL in the governorate of Nineveh and the resulting damage to the social fabric there. The commission proposes direct initiatives aimed at creating unity among the people of Nineveh and at overcoming the negative effect of the actions of ISIL. The purpose is to encourage a return to normal social life, support the security agencies in the governorate, build camps for displaced persons and enable officials to return to their posts.

36. Administrative Order No. 134 of 2017 was issued concerning the issue of trespassed housing in the governorate of Nineveh. The Order aims to address the problem of displaced persons' homes in that governorate being occupied by other families.

37. The Council of Representatives issued its Decree No. 53 of 2017 declaring the cities of Mosul and Tal Afar as disaster areas.

38. In the matter of alleged cases of enforced disappearance in Iraq, which have been submitted to the Working Group on Enforced or Involuntary Disappearances, the Iraqi Government has taken a raft of measures to improve coordination and cooperation between government agencies with a view to resolving such cases. One of these measures was the creation of a section for missing persons and the documentation of violations within the Ministry of Justice. The section handles its cases and searches for missing persons in coordination with other ministries and security agencies. In addition, a ministerial committee has been formed under the leadership of the Deputy Minister of Justice to coordinate with other ministries to obtain information on each case that arises. Iraq continues to send all available information to the Working Group.

Article 3 and concluding observations paragraphs 12, 14, 16 and 26

Paragraph 12

39. Iraqi law has no provisions that discriminate against persons of any specific category on the basis of sexual orientation or gender, and it does not sanction or approve the use of violence of any kind against them. Indeed, domestic law protects the rights and freedoms of all persons, including the right to life and to physical integrity.

40. In order to guard against impunity, the Iraqi courts investigate all violations committed against any category of persons. It should be noted, moreover, that private prosecutions in cases of murder are unacceptable and that persons who commit such offences are liable to punishment under the law. With regard to the question raised vis-à-vis the murder of the actor and model Karar Nushi, the case is still under investigation and is being treated like any other case of murder. In fact, great efforts are being made to discover the perpetrators and send them for trial before the competent courts. Any cases that might arise in connection with the categories mentioned in this paragraph of the concluding observations, if proven, are due to societal views that are not endorsed by the Iraqi State. The authorities do not allow any measures to be taken outside the framework of the law and anyone shown to have taken such actions is liable before the courts.

Paragraph 14

41. Women can be empowered to occupy leading positions and to exercise their role and responsibility in society only if they enjoy the right to education, which is the key to other rights. To that end, the general directorate for public, private and foreign-language education issued a circular on 11 May 2017 regarding guarantees for the human rights and empowerment of girls via awareness-raising and cooperation with civil society institutions and the media.

- Procedures for registering girls in the primary education system, in schools close to their places of residence, have been facilitated;
- Girls were included in enrolment for the 2016/17 academic year;

- Procedures for the return of displaced women to their areas of residence, once those areas have been liberated, have been facilitated;
- Girls have been involved in regular external examinations;
- Accelerated education schools have been opened to attract girls between the ages of 15 and 18 and schools for adolescents for girls between the ages of 10 and 18;
- “Your Right to Education” schools have been opened, which accept girls between the ages of 10 and 18 who failed primary education or dropped out of school.

42. Measures taken by the Passports Department of the Ministry of the Interior and other agencies are in line with Passport Act No. 32 of 2015, which does not discriminate in any way when issuing passports. The provisions of the Act are reaffirmed in article 4 of Regulation No. 2 of 2011 on passports, which stipulates that any Iraqi citizen, regardless of sex, may apply for a passport. The Act requires a guardian’s approval only for passport applicants under 18 years of age and it does not require female passport applicants or travellers to seek the approval of a guardian or male relative except in the following two cases:

(a) A divorced woman or a widow who wishes to travel with her children must submit a certificate of guardianship issued by a personal status court;

(b) For the purpose of performing the Hajj pilgrimage, the host State requires a male relative as escort. That requirement is not set by Iraq.

43. The Ministry of the Interior has issued thousands of passports as part of a push by the Ministry and the Iraqi Government to end all forms of gender discrimination in the application of laws and directives.

44. The authorities in Kurdistan Region have taken steps to:

- Ensure the effective application of Act No. 8 of 2011, also by issuing the regulations necessary to that end;
- Establish a special court to combat violence against women in three governorates of Kurdistan Region;
- Appointed a reconciliation committee in the domestic violence courts;
- Established a high-level committee to combat violence against women in Erbil, Sulaymaniyah and Dahuk.

45. Although current legislation is not at odds with international human rights norms, steps have been taken to align domestic laws with international human rights obligations by establishing a legislative review committee in the Supreme Judicial Council composed of retired judges who possess the requisite expertise. The committee was formed pursuant to Order No. 477/Office/2017 of 12 June 2017.

46. As regards the representation of women in public life, the following data indicates the current state of affairs regarding their political empowerment and their right to hold public office:

- Women’s representation in the Council of Representatives is not less than 25 per cent;
- There are 86 female judges;
- There are 4 female ambassadors;
- There are 57 women holding positions as directors-general or deans of faculty.

47. Given below are statistics regarding the number of women at the Ministry of the Interior in 2016, not including Kurdistan Region:

- 273 women officers;
- 853 women commissioners;
- 6,352 women in graded positions;

- 44 women students;
- 2,516 women civil servants;
- 11 women employed on a contractual basis;
- Total number of women in the Ministry: 10,049;
- Women also hold leading positions in Kurdistan Region including Speaker, and Secretary in the current session of the Regional Parliament. Women have also been appointed to the judiciary with 31 female judges, 49 female prosecutors, 94 female investigating judges and 289 female assistant investigating judges. More than 880 women work in the regional police force as officers, other ranks and civilian staff.

48. In 2013 the Council of Ministers approved the national strategy to combat violence against women, which seeks to promote the rights of Iraqi women of all ages and to protect them from – and alleviate the impact of – all forms of adverse discrimination and violence. The strategy comprises four key components: prevention; care and protection; policies; and implementation. The sources on which it is based include treaties concerning women's rights and human rights, as well as the Constitution, many articles of which provide for gender equality and equality before the law. It is also based on national documents such as the five-year plan, the poverty reduction strategy, the national human rights action plan and a social survey of Iraqi women. The strategy is motivated by the determination of the Iraqi Government to recover from the deplorable circumstances resulting from former policies and the unstable security situation, which fostered extremist ideological tendencies that have had an impact on the situation of women in Iraq.

49. The national strategy for the advancement of women in Kurdistan Region (2013–2019) is rooted in the desire of the Kurdistan Regional Government to promote the advancement of Kurdistan society. The development and adoption of such a strategy is the natural and logical result of the provisions of the draft constitution and the Region's policy of democratic and civil reconstruction, respect for human rights and public freedoms, and rejection of all forms of discrimination. The strategy is intended to contribute to the achievement of six outcomes: a legal and legislative environment consistent with human rights principles and international treaties; an education policy that promotes gender equality; a life cycle-based reproductive health policy; an increase in the proportion of women in the labour market from 12.9 per cent to 23 per cent; a high level of women's participation in decision-making and peacebuilding; and women's affairs institutions resourced and empowered to perform effectively and bring about change. The following table provides information about the workforce disaggregated by sex, level of education and ministry.

<i>Ministry</i>	<i>Male</i>	<i>Female</i>	<i>University</i>	<i>High school</i>	<i>Middle school</i>	<i>Not stated</i>
Environment	64.7	35.3	4.6	69.8	23.7	1.9
Health	60.8	39.2	3.2	53.7	29.5	13.6
Youth and Sport	71.5	28.5	1.9	62.9	29.4	5.8
Transport	85	15	0.3	28.3	68	3.4
Communications	67.6	32.4	0.8	42	66	1.2
Water Resources	81.6	18.4	1.3	40.6	38.7	19.4
Justice	89	11	0.2	30.1	69.1	0.6
Agriculture	76.6	23.4	3.6	50.4	37.8	8.2
Higher Education	59.2	40.8	39.6	39.2	17.5	3.7
Housing	73.7	26.3	3.2	51.2	36.4	9.2
Migration and Migrants	66.1	33.9	1.3	62.7	27.7	8.3
Planning	58.5	41.5	8.6	66.4	20.6	4.4
Commerce	68.7	31.3	0.5	35	42.2	22.3
Education	41.1	58.9	0.6	76.3	19.4	3.7

<i>Ministry</i>	<i>Male</i>	<i>Female</i>	<i>University</i>	<i>High school</i>	<i>Middle school</i>	<i>Not stated</i>
Culture	61.5	38.5	1.9	51.4	42.7	4
Foreign Affairs	74.4	25.6	12.7	69.9	17.1	0.3
Tourism and Antiquities	75.7	24.3	0.8	42	43.6	13.6
Industry and Minerals	85.4	14.6	0.4	25.2	66.2	8.2
Social Affairs	68.5	31.5	1.1	50.5	42.1	6.3
Science and Technology	67.1	32.9	10.5	59.5	26.3	3.7
Electricity	87.8	12.2	1.4	35.3	58	5.3
Oil	90	10	0.7	52.5	36.5	10.3
Municipalities and Public Works	86.1	13.9	0.1	24.9	49.6	25.4
Finance	45.1	54.9	0.5	52.5	44.2	2.8

50. The following table provides information about the workforce disaggregated by sex, level of education and non-ministerial bodies.

<i>Ministry</i>	<i>Male</i>	<i>Female</i>	<i>University</i>	<i>High school</i>	<i>Middle school</i>	<i>Not stated</i>
Commission on Integrity	84.2	15.8	1.5	69	25.3	4.2
Iraqi Radioactive Sources Regulatory Authority	72.2	27.8	10.2	62	25.9	1.9
Commission for the Eradication of Illiteracy	47.7	52.3	0	77.2	19.1	3.7
Government House	58.3	41.7	7.1	57.5	30.7	4.7
Council of Ministers	76.4	23.6	3.3	55.9	30.8	10
Communications and Media Commission	77.5	22.5	1.3	55.2	22.5	21
Public Commission for Broadcasting Services	84.4	15.6	0.9	50.7	39.8	8.6
Bureau for Financial Oversight	62.4	37.6	12.7	80.1	7	0.2
Federal Supreme Court	57.5	42.5	2.5	72.5	25	0
Shiite Endowments Bureau	74.9	25.1	11.3	52.4	33.2	3.1
Commission for Accountability and Justice	95.1	4.9	6.7	42.5	50.7	0.1

<i>Ministry</i>	<i>Male</i>	<i>Female</i>	<i>University</i>	<i>High school</i>	<i>Middle school</i>	<i>Not stated</i>
National Investment Commission	75.6	24.4	7.3	58.8	33	0.9
Central Bank of Iraq	24.8	75.2	5.9	61.6	32	0.5
Endowments Bureau for Christians and other Faith Communities	58.8	41.2	1.8	79.3	17.9	1
Martyrs' Foundation	71.6	28.4	4.6	55.7	37.9	1.8
Financial Securities Commission	55.3	44.7	2.4	61.2	32.9	3.5
Sunni Endowments Bureau	96.7	7.3	13.7	29.9	55.7	0.7
National Security Agency	97.3	2.7	31.1	54.4	42.2	0.3
Independent High Electoral Commission	85.1	14.9	2.3	66.1	31	0.6
Municipality of Baghdad	75.1	24.9	10.9	40.8	47	1.3

51. On 3 March 2015, the Prime Minister issued a directive to ministries regarding the candidacy of a certain quota of women for leadership posts, at the level of general director and above.

52. As part of a package of government reforms, a ministerial committee was established to select technocratic ministers. There are currently 13 such experts, of whom 2 are women.

53. Political Parties Act No. 36 of 2015 includes provisions regarding quotas of female representation on the founding body and the general council of political parties. Article 11 (1) (a) of the Act states: "For the purposes of registration, an application to establish a party is to be submitted in writing, signed by a party representative, to the Parties and Political Organizations Department. A list of no fewer than 7 names of members of the founding body must be annexed to the application as must a list of names of no fewer than 2,000 members from different governorates, with due respect for female representation."

54. The Independent High Electoral Commission strives to raise awareness about the need for women to participate in all fields.

55. Laws relating to the participation of women in elections and in political and party activities contribute effectively and positively to the development of gender perspectives and help to eradicate stereotypical attitudes towards the involvement of women, so that they can play their role in all areas.

56. The Independent High Electoral Commission is careful to ensure that women are adequately represented on the founding body – no fewer than two women on a founding body of seven – and on the general council of political parties.

57. A number of political parties have been established and headed by politically active women. These parties were among the first to gain authorization from the Commission.

58. On 17 September 2015, acting on decisions taken by the Council of Representatives under articles 61 (1) and 73 (3) of the Constitution, the President of the Republic issued

Political Parties Act No. 36 of 2015. The rationale for its enactment states: “The present Act was promulgated to meet the requirements of the country’s new political life and its transition to democracy, to regulate the legal framework governing the actions of political parties or organizations on a democratic basis that guarantees political pluralism, and to achieve broader participation in public affairs.”

59. The female quota of not less than 25 per cent in the Council of Representatives provides effective assistance to women in political life. This may be seen in the executive branch of government and in senior positions such as deputy ministers or officials with special grades.

60. The judicial system also attaches great significance to the involvement of women. According to the judiciary’s own statistics, 93 female judges were appointed in the period between 2003 and the end of 2014, whereas no more than 7 had been appointed before then.

61. The Iraqi Government has sought to involve women in international forums and to ensure gender parity in ministerial delegations and non-ministerial institutions participating in international events such as conferences, workshops and training and development initiatives. One good example of this was the delegation of Iraq that came before the Committee to discuss the country’s previous periodic report in 2014, which was headed by the Minister for Women’s Affairs. She was accompanied by a group of women representing the relevant government bodies, who made up the majority of the delegation. Gender balance is taken into consideration in Iraqi permanent missions to other States, which also include numbers of women. In addition, Iraqi women are employed in all United Nations offices that run programmes involving Iraq and no restraints are placed by the State to prevent the involvement of Iraqi women in international work. Some women hold the rank of ambassador while others work at various levels on the staff of Iraqi embassies, representations and consulates abroad (counsellor, first secretary, second secretary, consul).

Paragraph 16

62. The Ministry of Labour and Social Affairs works to provide physical- and mental-health services and social reintegration in cases involving violence against women and girls.

63. At a meeting held at the Council of Representatives on 6 August 2017, the Ministry of Labour and Social Affairs expounded on the need for an anti-domestic violence law in order to enable it to take the steps necessary to prevent all forms of violence against women and girls and to ensure access to judicial mechanisms capable of providing redress, justice, full compensation and reintegration.

64. The matter of early marriage and forced marriage is dealt with under the Personal Status Code (Act No. 188 of 1959), article 7 (1) of which states: “No relative or third party shall have the right to force persons, whether males or females, to marry against their will. A forced marriage shall be considered null and void, if it has not been consummated. No relative or third party shall have the right to prevent any person from marrying, if that person is eligible to marry under the present Act.” Article 7 (2) of the Act reads: “Any first-degree relative who infringes the provisions of paragraph 1 above is liable to a term of imprisonment of up to three years and/or to payment of a fine. If the offender is not a first-degree relative, he or she is liable to a term of imprisonment of up to 10 years but not less than 3 years.”

65. It should be noted that the phenomenon of female circumcision exists only in certain villages and rural areas of Kurdistan Region. It does not exist in central and southern Iraq.

66. Under article 2 (1) of Anti-Domestic Violence Act No. 8 of 2011 of Kurdistan Region, no member of a family may commit any act of physical, sexual or psychological violence within the family, and genital mutilation is one of the actions defined as an act of domestic violence.

67. According to article 6 of Anti-Domestic Violence Act No. 8 of 2011 of Kurdistan Region:

- Anyone who instigates an operation of female circumcision is liable to payment of a fine of between ID 1,000,000 and ID 5,000,000;

- Anyone who undertakes or assists in an operation of female circumcision is liable to a term of imprisonment of between 6 months and 2 years and/or to payment of a fine of between ID 2,000,000 and ID 5,000,000;
- Anyone who undertakes or assists in an operation of female circumcision on a minor is liable to a term of imprisonment of between 1 year and 3 years and/or to payment of a fine of between ID 5,000,000 and ID 10,000,000;
- An aggravating factor shall be considered if the offender is a doctor, pharmacist or midwife, or one of their assistants. The court may order that they are unable to exercise their profession for a period of up to 3 years.

68. In cooperation with Heartland Alliance International and the United Nations Children's Fund, the Supreme Council for Women's Affairs and the Ministry of Planning conducted a survey on female circumcision in Kurdistan Region, the results of which showed a sharp drop in the prevalence of the phenomenon.

Paragraph 26

69. Reference is made to the follow-up report, contained in document CPR/C/IRQ/CO/5/Add.1 of 18 August 2018.

70. On 27 January 2015, the Speaker of the Council of Representatives submitted a bill on domestic violence to two parliamentary committees: the Committee on Women, the Family and Children, and the Committee on Human Rights, both of which confirmed the pressing need for it to be enacted.

71. On 1 March 2015, the Committee on Women, the Family and Children asked the Office of the Speaker to place the bill on the agenda of the Council of Representatives, which it did.

72. The first reading of the bill took place on 12 March 2015.

73. On 23 May 2015, for the purposes of redrafting the bill for a second reading and in order to gain a deeper understanding of its shortcomings, the Committee on Women, the Family and Children held a joint meeting with the Committee on Human Rights to devise a strategy for proceeding with the process of enactment. The strategy included hearings with the Ministry for Women's Affairs, the Ministry of the Interior, the Ministry of Labour and Social Affairs, judges, legal experts, academics and civil society organizations.

74. On 14 and 15 March, the Committee on Women, the Family and Children held meetings with the Westminster Foundation for Democracy, which ran training workshops with female members of the Committee to discuss the anti-violence bill.

75. On 2 April 2015, the Committee held its regular meeting with civil society organizations, at which it discussed the bill and the proposed amendments in the light of Security Council resolution 1325 (2000). On 15 April 2015, the Committee invited the Minister for Women's Affairs to discuss the observations made on the law and put forward the Government's position.

76. On 16 August 2015, in cooperation with UN-Women, the Committee arranged a regular legislative meeting attended by civil society organizations in order to delineate a national vision on the bill.

77. On 9 September 2015, the head of the family protection directorate in the Ministry of the Interior was invited to explain his group's position on the relationship between the work it did and the provisions of the law, and the challenges it faced in the absence of appropriate legislation.

78. The bill underwent a second reading on 17 January 2017. During the current session of the Council of Representatives (2018–2022) the bill was referred back to the Government along with a body of other laws in order for it to identify legislative priorities. The Government then resubmitted its proposals to the Council of Representatives where they are currently being examined with a view to being read before the Council.

79. Article 1 (2) of the bill defines the offence of domestic violence as follows: “Any act of physical, sexual, psychological, ideological or economic aggression that one member of a family commits or threatens to commit against another. Such an act can, according to law, amount to a petty, serious or major offence.” The bill includes provision for the erection of shelters and the creation of mechanisms to protect victims, report crimes of domestic violence and bring legal action irrespective of geographical jurisdiction. As regards punishment, the bill refers to the Criminal Code (Act No. 111 of 1969) and other relevant legislation.

80. Social Welfare Act No. 126 of 1980 was amended by Act No. 28 of 2013, which includes a reference to domestic violence. Article 29 (1) of the Act states: “Care homes are mandated to provide care for children, minors, juveniles and adults who encounter family problems, who have lost one or both parents, or who are victims of domestic violence. The homes offer a healthy environment aimed at compensating for the loss of family care and affection and at overcoming any feelings of solitude.

81. The reporting of offences against women, prompt and adequate investigation, the trial of offenders and the delivery of appropriate compensation and treatment to victims all take place according to law under article 1 of the Code of Criminal Procedure. Article 182 of the Code is applicable in matters relating to accused persons and their trial. In addition, strict legal provisions govern prompt investigative procedures, as per articles 123 to 126.

82. Penalties against perpetrators envisaged under the bill on domestic violence include fines of between ID 500,000 and ID 1 million, or a term of imprisonment of 6 months in the case of non-payment. In the case of repeat offences, the fine is increased to between ID 3 million and ID 5 million, or a term of imprisonment of 1 year. The Ministry has requested the penalty to be increased in order to curb the phenomenon of violence and to protect families.

83. Under article 2 (1) of Anti-Domestic Violence Act No. 8 of 2011 of Kurdistan Region, the following actions are considered to constitute domestic violence:

- Coercion to marry;
- Marriage as an exchange or trade-off and the marrying off of minors;
- Marriage as an alternative for blood money;
- Coercion to divorce;
- Breaking the spouse’s ties with their family of origin;
- A husband forcing his wife into prostitution;
- Female circumcision;
- Forcing family members to abandon their employment or profession against their will;
- Forcing children to work or beg and abandon their schooling;
- Suicide as a consequence of domestic violence;
- Abortion as a consequence of domestic violence;
- Beating family members and children for whatever cause.

84. A strategy to combat violence against women in Kurdistan Region was adopted in 2012.

85. In 2013 the Council of Ministers approved the national strategy to combat violence against women, which seeks to promote the rights of Iraqi women of all ages and to protect them from – and alleviate the impact of – all forms of adverse discrimination and violence. The strategy comprises four key components: prevention; care and protection; policies; and implementation. The sources on which it is based include treaties concerning women’s rights and human rights, as well as the Constitution, many articles of which provide for gender equality and equality before the law. It is also based on national documents such as the five-year plan, the poverty reduction strategy, the national human rights action plan and a social survey of Iraqi women. The strategy is motivated by the determination of the Iraqi

Government to recover from the deplorable circumstances resulting from former policies and the unstable security situation, which fostered extremist ideological tendencies that have had an impact on the situation of women in Iraq.

86. Greater numbers of women have been appointed to roles within the State security apparatus such as the community police, the family protection police and the women's training institute in the Ministry of the Interior. In addition, a women's security section exists within the National Security Agency and gender units have been set up inside ministries with security-related portfolios, which seek to integrate gender into all matters related to security.

87. A police directorate for family and child protection has been created.

88. Principles relating to protection from domestic violence have been included as a module in family education lessons for pupils in fifth grade.

89. Training courses are organized for members of the family protection police, including women in graded positions and women officers.

90. Modules on human rights and domestic violence have been incorporated into the curriculum of the Police Academy.

91. The bill on domestic violence includes provision for shelters for the protection of female survivors of domestic violence, which will be made available once the law has been approved. In addition, the Human Trafficking Act envisages the creation of homes for trafficking victims and steps to open such a structure have already been taken.

92. The Ministry of Labour and Social Affairs is currently studying the possibility of opening shelters for women who have suffered violence, before the enactment of the law.

93. Training courses on the treatment of female victims of violence have been held, both inside and outside Iraq, for staff of relevant ministries including the Ministry of the Interior, the Ministry of Defence, the Ministry of Health and the Ministry of Labour and Social Affairs.

94. The table below provides information about types of domestic violence recorded by family and child protection departments between 1 January 2017 and 1 May 2017.

<i>No.</i>	<i>Type of violence</i>	<i>Total</i>
1	Violence by husband against wife	2 645
2	Violence by wife against husband	562
3	Violence between siblings	435
4	Violence by parents against children	123
5	Violence by children against parents	688
6	Other	446
Total		4 899

95. The Ministry of Planning regularly conducts surveys providing general indicators on women vulnerable to domestic violence, such as the Iraq Women Integrated Social and Health Survey (I-WISH), the Multiple Indicator Cluster Survey (MICS) detailing the status of women and children in Iraq and in-depth analytical reports on violence against women. All indicators are integrated into the national plans and strategies. The national development plans (2010–2014) furthermore gave a particular focus to gender, as is also true of the gender-related strategies, including the national strategy to combat violence against women in Iraq (2013–2017), the national strategy for the advancement of women in Iraq (2014–2018) and the national emergency plan relating to Security Council resolution 1325 (2000) on women, peace and security.

96. Regulation No. 7 of 2017 concerning care centres for victims of human trafficking included provision for the establishment of one or more centres in Baghdad linked to the Social Protection Department of the Ministry of Labour and Social Affairs. The Ministry of

Labour and Social Affairs may also establish care centres for victims of human trafficking in other governorates that do not form part of a region in which the functions envisaged in Act No. 28 of 2012 are implemented. The care centres take in child and adult victims of both sexes.

Article 4 (situations of emergency)

97. Reference is made to the follow-up report, contained in document CPR/C/IRQ/CO/5/Add.1 of 18 August 2018.

Part III: Articles 6–27

Article 6 (right to life) and concluding observations paragraph 28

98. Reference is made to the follow-up report, contained in document CPR/C/IRQ/CO/5/Add.1 of 18 August 2018.

99. The Coalition Provisional Authority suspended the application of the death penalty under its Order No. 7 of 2003. However, in the face of numerous grave offences committed by terror groups, which amount to crimes against humanity and genocide and threaten the safety of society, the new Iraqi State took the decision to reinstate the death penalty as a way to preserve national peace and security. Nonetheless, the penalty is now applied on a smaller scale and only for specific offences, including crimes of terrorism, as defined in Order No. 3 of 2004 of the Council of Ministers. Subsequently, the Council of Representatives also issued the Anti-Terrorism Act. Sentences of death handed down against convicted persons under that Act and under other pieces of criminal law are only preliminary sentences and are automatically subject to review before the courts of appeal. Before that, they are reviewed by the head of the Office of the Public Prosecution after which, if upheld, they can be appealed before the court of appeal. Moreover, the convicted party can ask for a retrial if the necessary conditions subsist, as per article 270 of the Code of Criminal Procedure. Criminal acts perpetrated by persons under the age of 18 are judged under the provisions of the Juvenile Welfare Act and the death penalty is never applied to that category of persons. The situation of pregnant women is contemplated under article 287 (a) of the Code of Criminal Procedure, which envisages either the delay or the mitigation of the death penalty.

100. Article 85 (1) of the Iraqi Criminal Code envisages the death penalty as a primary form of punishment. The penalty is imposed against some of the most serious crimes that threaten the security and safety of society, including terrorist offences, which Iraq is obliged to combat under international treaties and its own Constitution. In fact, article 7 (2) of the Constitution reads: “The State shall undertake to combat terrorism in all its forms, and shall work to protect its territories from being a base, corridor, or field for terrorist activities.”

101. Under the law, the death penalty is imposed only for the most serious crimes. Its compulsory nature is defined by law and by the circumstances of the offence and the offender, and it cannot be pardoned or commuted except in accordance with the Constitution and the law, although a number of legal justifications and mitigating circumstances are set forth in section 5 of the Criminal Code (Act No. 111 of 1969). Article 130 of the Code states that, if there exists a mitigating justification for an offence that attracts the death penalty, the penalty shall be reduced to life or fixed-term imprisonment, or to detention for a period of not less than 1 year. If the offence attracts life or fixed-term imprisonment, the penalty shall be reduced to a period of detention of not less than 6 months, unless otherwise stipulated by law.

102. According to article 132 of the Criminal Code, if the court considers that the circumstances of the offence or of the offender call for leniency, it may substitute a lesser penalty for the penalty prescribed for the offence, as follows:

- (1) The death penalty may be substituted by life imprisonment or imprisonment for not less than 15 years;
- (2) Life imprisonment may be substituted by fixed-term imprisonment;
- (3) Fixed-term imprisonment may be substituted by period of detention of not less than 6 months.

103. Circumstances in which punishment for different kinds of offences can be cancelled or reduced are also defined elsewhere in the Criminal Code, including articles 59, 199, 218, 229, 273, 258, 303 and 311. Those texts give judges broad powers of discretion when determining the punishment of convicted persons, allowing them to take account of the circumstances of the offence and of the offender. In the event of any violation of fair trial procedures, the sentence or ruling of the court may be challenged in appeal by the representative of the Office of the Public Prosecution, the accused party or his or her lawyer, or the civil party, in accordance with the Code of Criminal Procedure (Act No. 23 of 1971), as amended. The sentence or ruling may also be challenged before the Federal Court of Cassation or the criminal court acting as a court of cassation. The cassation judgment may be corrected and a retrial ordered in accordance with articles 249–279 of the Code of Criminal Procedure.

104. Act No. 62 of 2017 abrogated Decree No. 1631 of 1980 of the dissolved Revolutionary Command Council as the death penalty envisaged in that Decree is no longer consistent with the penalties envisaged for offences of robbery, as set forth in the Criminal Code (Act No. 111 of 1969).

Measures taken prior to the application of the death penalty

105. The following procedures are followed before a sentence of death is carried out:
- (a) Death sentences are not carried out until they become definitive by being upheld by the Federal Court of Cassation;
 - (b) Death sentences handed down by any Iraqi court are not carried out until a presidential decree to that effect has been issued, duly signed by the President of the Republic;
 - (c) The condemned person is held in prison or at a location designated for holding persons under sentence of death;
 - (d) The relatives of the condemned person may visit him or her in prison on the day before the sentence is due to be carried out. It is the responsibility of the prison administration to inform the relatives in that regard.

Application of the death penalty

106. The manner in which the sentence of death is to be carried out is set forth in articles 285 to 293, contained in chapter II of book V of the Code of Criminal Procedure (Act No. 23 of 1971), as amended. According to articles 288 and 289:

- (a) The condemned person is taken to the execution chamber within the prison where the prison director reads out the presidential decree authorizing the execution so that all persons present can hear. If the condemned person wishes to make a statement, the judge shall note down his or her words and those present shall sign the record;
- (b) The sentence of death shall be carried out by hanging by the neck until dead, either inside the prison or at another place according to law;
- (c) The execution is witnessed by a group comprising a misdemeanour court judge, a member of the Office of the Public Prosecution, a representative of the Ministry of the Interior, the prison director and the prison doctor or any other doctor delegated by the Ministry of Health. The legal representative of the condemned person may also attend if they so request;

(d) Once the sentence has been carried out, the prison director signs the relevant record, in which the doctor also confirms the death and the time it took place; other parties present then also sign the record;

(e) The corpse is handed over to the relatives if they so request. Otherwise the prison authorities will carry out the burial at State expense and without any funeral ceremony. This is the manner in which all sentences of death are carried out, for whatever offence they have been imposed.

Restrictions regarding the imposition of the death penalty

107. The death penalty may not be carried out on official holidays or festivals connected with the religion of the condemned person. The logic behind the provision is to respect days that are national or religious holidays. In that regard, article 290 of the Code of Criminal Procedure (Act No. 23 of 1971) is in line with article 91 of the Military Code of Criminal Procedure (Act No. 30 of 2007).

108. Article 2 (1) of the Constitution states that “Islam is the main source of legislation” and article 2 (1) (a) makes it clear that no law may be enacted that is inconsistent with the tenets of Islam. In fact, Islamic sharia arises from the principle of truth, which is the real deterrent against crime. And, although Islam always tends towards mercy – “to forego it is nearer to righteousness” – the death penalty is nonetheless necessary to preserve the safety and security of the community.

109. According to article 150 of the Criminal Code (Act No. 111 of 1969), as amended, one of the factors that can cause an offence to lapse is a general amnesty. Amnesties can be general or special. A general amnesty is enacted by means of a law as a result of which cases are dropped, guilty verdicts issued in their regard are overturned and any primary, incidental or supplementary penalty or precautionary measures are rescinded. The general amnesty has no effect on penalties that have already been dispensed, unless the law enacting the amnesty states otherwise. A special amnesty is enacted by means of a presidential decree as a result of which a sentence is definitively overturned, in whole or in part, or mitigated with the application of a lesser penalty envisaged by law. The special amnesty does not rescind any incidental or supplementary penalty or precautionary measures, nor does it have any effect on penalties that have already been dispensed, unless the decree enacting the amnesty states otherwise.

110. Among the prerogatives accorded to the President of the Republic under article 73 (1) of the Constitution is that of granting a special amnesty on the recommendation of the Prime Minister, save in private cases and cases involving persons convicted for international crimes, terror offences, or financial or administrative corruption.

111. Under article 287 (a) of the Code of Criminal Procedure (Act No. 23 of 1971), if a person condemned to death is pregnant when the execution order arrives, it is the responsibility of the prison administration to inform the head of the Office of the Public Prosecution who presents a submission to the Minister of Justice for a delay or mitigation of the penalty. The Minister of Justice then refers the submission to the President of the Republic, and enforcement of the sentence is delayed until another order is issued by the Minister of Justice in accordance with the decision of the President of the Republic. If the renewed order requires the enforcement of the sentence of death, it shall not be carried out until four months after the date of delivery of the child, whether the delivery was before or after the arrival of the order. According to article 287 (b) of the Code, the provisions of subparagraph (a) are applicable to a condemned person whose gives birth before the arrival of the execution order if the period of four months from the date of childbirth has not expired. The sentence is not carried out until four months have elapsed from the date of childbirth, even if the renewed execution order arrives.

Article 7 (prohibition on torture and ill-treatment) and concluding observations paragraph 30

112. Reference is made to the follow-up report, contained in document CPR/C/IRQ/CO/5/Add.1 of 18 August 2018.

113. Article 37 (1) (c) of the Constitution states: “All forms of psychological and physical torture and inhuman treatment are prohibited. Any confession made under duress, threat or torture shall not be admitted, and the victim shall have the right to seek compensation for material and moral damages incurred, in accordance with the law.” This is confirmed by article 218 of the Code of Criminal Procedure, which stipulates that confessions extracted under torture shall be disregarded. Any party responsible for extracting a confession under torture or coercion is liable to prosecution under article 1 of the Code of Criminal Procedure.

114. On 28 June 2015, the Prime Minister issued directives concerning recommendations on the drafting of a law against torture contained in the annual report on prison conditions in Iraq by the Ministry of Human Rights (abolished). In the light of that and of the directives of the Secretariat of the Council of Ministers on measures to implement the 2015 recommendations of the Committee against Torture, issued following the dialogue on the initial report of Iraq under the Convention against Torture, the Ministry of Justice drafted an anti-torture bill consistent with the Convention. The Ministry also sought to adapt domestic legislation to bring it into line with the Convention and the concluding observations of the Committee against Torture. The bill includes a definition of torture and inhuman or degrading treatment that is consistent with the Convention and with the views of the Committee. It also envisages a reporting and complaints mechanism for crimes of torture as a way of ensuring justice for victims and their families and of preventing impunity. Other provisions cover such aspects as medical examinations for torture allegations, penalties for perpetrators of such offences and mitigating and aggravating factors. The bill, which does not admit exceptional circumstances as a justification for torture, lays down the responsibility of commanding officers and makes it clear that anyone accused of such offences may not participate in the investigations, which are the responsibility of the investigating judge or the judicial investigator. In addition, the bill refers to the principle of non-refoulement and states that courts martial and the courts of the internal security forces may not examine cases involving torture or ill-treatment. It also applies the rules of universal jurisdiction, as a way of preventing impunity, and includes references to the statute of limitations, compensation, training and fair trial guarantees, as per the Convention. The bill has been submitted to stakeholders, who have made their comments, and it is currently before the Council of State as part of the legislative process.

115. Iraqi legislators included provisions for addressing acts of torture in the Criminal Code (Act No. 111 of 1969). Article 333 of the Code states: “Any public official or public servant who tortures or orders the torture of an accused person, a witness or an expert in order to compel him or her to confess to an offence, make a statement or provide information, or to withhold information or give a particular opinion in respect thereof, shall be liable to imprisonment. The use of force or threats shall be deemed as tantamount to torture.” Iraqi legislators also take psychological torture very seriously and consider it as equivalent to physical torture. This emerges clearly in article 421 (b) of the Criminal Code, which concerns unlawful arrest and deprivation of liberty and recognizes an aggravating circumstance “if the offence is accompanied by the threat of death or of physical or mental torture”.

116. The extraction of a confession under torture is criminalized under the aforementioned article 333 of the Criminal Code.

117. As regards mechanisms to monitor and protect persons held in detention, reference is made to articles 323 and 324 of the Criminal Code.

118. Iraqi law contains a raft of measures to punish persons implicated in violations of human rights – including torture and other cruel, inhuman or degrading treatment or punishment – or fundamental freedoms. Articles 333 and 421 of the Criminal Code (Act No. 111 of 1969), as amended, clearly define the penalties faced by persons who perpetrate any

form of torture, either directly or by incitement. Other relevant provisions are contained in chapter two of the section on liberties in the 2005 Constitution, while further guarantees protecting accused persons are contained in articles 92, 123–128 and 156 of the Code of Criminal Procedure (Act No. 23 of 1971). In no case does any member of the executive have any role or say in investigative procedures, which remain the exclusive prerogative of the judiciary, an independent body which admits no interference from any quarter, as explained in the initial report.

119. Article 12 (1) (f) of the Iraqi Supreme Criminal Tribunal Act No. 10 of 2005 lists torture as a crime against humanity, while article 17 (2) states that, in interpreting articles 11, 12, 13 and 14 of the Act, the Tribunal and its appeals chamber may refer to decisions of international criminal tribunals. Offences and punishments under those articles are not subject to any statute of limitations.

120. Section 3 (2), concerning penalties, of Coalition Provisional Authority Order No. 7 states that “torture and cruel, degrading or inhuman treatment or punishment is prohibited”. Torture is also an offence contemplated by Iraqi legislators in article 332 of the Criminal Code, which reads as follows: “Any public official or public servant who uses their position to inflict cruelty against another person, thereby prejudicing that person’s self-esteem and honour, or causing bodily suffering, shall be punished by detention of up to 1 year and/or a fine of up to ID 100, without prejudice to any more severe penalty set forth in the law.”

121. Iraqi legislators have adopted a wide-ranging approach to dealing with the effects of torture of all kinds, in accordance with Coalition Provisional Authority Memorandum No. 3, which modified part of article 218 of the Code of Criminal Procedure (Act No. 23 of 1971) imposing the condition that confessions must not have been extracted by coercion.

122. The following laws were repealed under article 63 of the Prisoners and Detainees Reform Act No. 14 of 2018: the Prisoners and Detainees Reform Act No. 104 of 1981 (regulations and directives issued pursuant thereto remain in force until replaced or revoked); Decree No. 20 of the (dissolved) Revolutionary Command Council dated 25 May 1993; Coalition Provisional Authority Memorandum No. 2 regarding management of detention and prison facilities; Coalition Provisional Authority Order No. 10 of 2003 regarding management of detention and prison facilities; Coalition Provisional Authority Order No. 98 of 2004 regarding the Iraqi ombudsman for penal and detention matters; and Coalition Provisional Authority Order No. 99 of 2004 regarding joint detainee committees.

123. According to article 1 (a), the Department of Corrections and detention centres report administratively and financially to the Ministry of the Interior and the Ministry of Justice, each of which has a duty of care to prisoners and detainees in accordance with the law. It is prohibited to establish any prisons or detention centres not supervised, managed and controlled by these two ministries.

124. The Department of Corrections and the Department of Juvenile Corrections, together with their subordinate units, shall fall under the Ministry of Justice. 2 (a) The Department of Juvenile Corrections shall be detached from the Ministry of Labour and Social Affairs and brought under the Ministry of Justice along with all its prerogatives, obligations, personnel and assets other than the main premises of the General Department; (b) Rehabilitation facilities for homeless youth shall be exempted from the provisions of paragraph (a) of the present article and fall under the Department for the Care of Persons with Special Needs at the Ministry of Labour and Social Affairs. Homeless adults shall remain in such facilities, in the case of males, until they have completed their university education and, in the case of females, until suitable accommodation or employment has been found for them or until they marry; (c) The ownership of property occupied by the Department of Juvenile Corrections and its structures shall be transferred without charge to the Ministry of Justice; (d) The Ministry of Justice shall replace the Ministry of Labour and Social Affairs in performing the functions relating to juvenile reform and welfare.

125. Article 3 sets forth the purposes of the Act: The present Act is aimed at achieving the following: (a) Reforming prisoners and detainees who have been sentenced to custodial penalties by a competent court of law, assessing and categorizing them and providing behavioural, vocational and educational programmes for their rehabilitation; (b) Developing religious, social and educational rehabilitation curricula for prisoners; (c)

Managing detention, pretrial detention, prison and juvenile rehabilitation facilities so as to ensure that prisoners and detainees are cared for throughout their detention, transported securely, brought before the competent court and guaranteed the enjoyment of their rights in accordance with the requirements pertaining to the enforcement of sentences of detention, imprisonment and deprivation of liberty; (d) Eliminating discrimination against detainees and prisoners on any grounds; (e) Examining the situation of families of prisoners and detainees and providing assistance to prevent them straying into delinquency, in cooperation with the competent authorities and civil society organizations; (f) Supporting aftercare for prisoners and detainees in conjunction with the competent authorities in order to reduce crime and the impact of crime; (g) Following up on and monitoring the affairs of prisoners and detainees as directed by the competent ministry; (h) Focusing on the rehabilitation of prisoners and detainees through the establishment of psychosocial rehabilitation units working for the reform and social reintegration of prisoners and detainees; (i) The provisions and measures set forth in the present Act comply with the United Nations Standard Minimum Rules for the Treatment of Prisoners and international standards relating to the rights of persons under detention or imprisonment; (j) It is prohibited to subject prisoners and detainees to torture, to cruel or degrading treatment or to forced or hard labour. The commission of any of these crimes shall be deemed an aggravating circumstance.

126. Article 4 explains that: The provisions of the present Act shall apply, as appropriate, to prisoners and detainees held in facilities operated by the Department of Corrections and the Department of Juvenile Corrections and to persons held in detention facilities and pretrial detention, without discrimination on grounds of the nature or gravity of the offence, type of punishment, ethnicity, language, religious affiliation or belief, political opinion, nationality or social or political status.

127. Article 45 lists the bodies authorized to carry out inspections and searches: (a) The Department of Corrections and the Department of Juvenile Corrections shall be subject to inspection by the following bodies: (i) The Council of Representatives; (ii) The Office of the Public Prosecution; (iii) The High Commission for Human Rights; (iv) The inspectorate of the competent ministry; (v) The Council for the Maintenance of Prisons and Detention Centres; (vi) Any entity legally authorized to perform inspections; (b) The Department of Corrections and the Department of Juvenile Corrections shall be required to facilitate the access of inspectors to correctional units and shall provide them with any information they require; (c) In all prisons and correctional units operated by the Department of Corrections and the Department of Juvenile Corrections, a committee for the enforcement of sentences shall be established, chaired by the Public Prosecutor and comprising as members the director of the prison or the correctional unit. The committee is to monitor and oversee the lawful enforcement of sentences and of procedures for sentence calculation and the classification and separation of prisoners and detainees; (d) Personnel of the inspection bodies mentioned in article 45 (a) of the present Act may enter prisons and detention centres at times to be agreed with the Department of Corrections whenever the committee conducting the inspection so requests. They may likewise scrutinize the health-care procedures in place in prisons and detention centres, check the hygiene and living conditions, and interview prisoners and detainees in private. They may also make note of information concerning prisoners or detainees and pass on correspondence from them to their families or vice versa in the presence of the official assigned to receive and accompany the committee.

128. The procedures to be followed by the inspection body are set forth in article 46: The inspection body may take the following measures: (a) Enter and inspect prisons and detention centres operated by the Department of Corrections and the Department of Juvenile Corrections and request any documents, preliminary information or reports pertaining to prisoners and detainees; (b) Interview any person connected with the subject of a complaint or a breach of the provisions of the law regulating the treatment of prisoners and detainees; (c) Interviewees and witnesses shall have the right not to reply to questions, furnish documents or other items or disclose information with a bearing on the privacy, reputation or secrets of prisoners and detainees; (d) The inspection body may accept complaints from prisoners and detainees in person or in writing; (e) The inspection body shall make its recommendations in a report submitted to the competent authority or minister,

or it shall close the investigation if the complaint turns out to have been malicious or if the procedure that was the subject of the complaint turns out to have been lawful; (f) It is prohibited for the inspection body and officials in the Department of Corrections to divulge any information regarding complaints made to them by prisoners or detainees or any investigation of those complaints, or regarding information to which they had access either as a result of undertaking activities entrusted to them or in the course of discharging their duties, with the exception of information concerning a breach of law or the commission of an offence, which may be reported to the competent authority.

129. On the subject of unannounced inspections article 47 states: The Department of Corrections shall conduct periodic unannounced inspections of correctional institutions to check how prisoners and detainees are being accommodated, to verify that they do not possess any prohibited substances or items and to ensure that the hygiene and living standards required under the present Act are duly fulfilled.

130. Within its 66 articles, the Act embodies all international human rights standards for prisoners and detainees, as elucidated in the explanatory note thereto, which states that the Act was enacted in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners, adopted in 1977. Its purpose is to standardize the legal rules governing the operation of the Department of Corrections, the Department of Juvenile Corrections and detention centres, and to provide further measures for the care and rehabilitation of prisoners and detainees as a means of promoting the social reintegration of convicted offenders. A further goal of the legislation is to create, in conformity with the law, the conditions necessary to set accused and convicted persons on the right path, develop in them a sense of responsibility towards themselves and the community, and achieve the ultimate goal of reforming prisoners and detainees and enabling them to live decent lives after having served their sentences.

131. The Department of Corrections has correctional facilities for female inmates of different age groups. Thanks to coordination with the Supreme Judicial Council, paperwork relating to the investigation of the cases in which they were implicated is completed while the women are in detention, and they are allowed to appoint a lawyer to follow their case through to trial. Female inmates are accommodated according to a systematic classification of the offences in which they were involved and the length of their sentence, and they are directed towards rehabilitative training courses, which they can choose themselves depending upon their mental and physical capacities, with workshops on subjects such as dressmaking, weaving, hairdressing, etc. In addition, they are allowed to use the skills they learn on those courses to generate an income and meet their material needs. They are able to follow other cultural, educational and religious courses, learn literacy skills and are given the opportunity to complete their schooling, in addition to which they also receive religious guidance and counselling.

132. The Department of Corrections takes in female detainees from police stations round the clock, in order to ensure that they do not remain in detention centres for more than 24 hours. At the moment of the handover – which takes place by decree of the competent investigating judge and is recorded in an official letter – the detainee's file is examined to verify its contents (the detention order, civil status card or identity card, tests by the Institute of Forensic Medicine confirming that there are no external signs of injury or torture and an ultrasound scan in the case of pregnant women). The detainee then acknowledges the information by signing and placing her thumbprint. If external signs of injury or torture are present, the Office of the Public Prosecution is duly informed. The inmate is accommodated as per regulations and provided with bedding, toiletry items and a bunk while any precious items she may possess, such as gold jewellery or other valuables, are placed in safekeeping against an official receipt. Detainees are brought before the courts pursuant to an official judicial letter and are accompanied by a detachment from the Transfers and Courts Department. A female prison guard is also present who stays with the detainees until the court issues its decision, either to release them or to return them to custody until their case is resolved.

133. The Department of Corrections takes in convicted female prisoners under the same rules as those applied to female detainees. A file on each inmate is opened and a special card is issued. The inmates are then accommodated according to a systematic classification

of the cases in which they are involved and the length of their sentence. Other public authorities involved in the arrest and registration of the offender are contacted to confirm information regarding the length of their sentence and the date of release. Training and rehabilitation programmes are provided and support is made available through legal offices in women's sections with a view to facilitating their entry and their release. The release, when it comes, takes place immediately on the day established by the courts. Unless a stay of release is requested, they are released directly without reference to the sentencing body. Visits with lawyers take place regularly, every day except for holidays.

134. Preparations are made to house female inmates as soon as they enter prison. They receive psychological and social care, and psychological support is offered as part of the admission process.

135. By law, female inmates are allowed to look after children under the age of 3. A special area is set aside for pregnant and nursing mothers while provision is made to meet the needs of children in terms of accommodation, nourishment and medical care.

136. To the extent possible, women inmates are held in or close to the areas where they live in order to facilitate contact with their families.

137. Personal and family information on inmates and their children is held on file in order to facilitate the provision of proper support; this information is kept confidential.

138. Inmate accommodation is provided with adequate lighting, ventilation, air-conditioning and toilet facilities to ensure a healthy environment for inmates and their children.

139. Inmates receive health care, including thorough check-ups, in prison medical centres supervised by specialist staff. A comprehensive health file is opened for each inmate, to ensure they receive the proper treatment.

140. Families are notified if inmates have an accident or contract a chronic disease.

141. Inmates are provided with proper meals three times a day, with due regard for persons suffering from chronic illnesses and inmates with children.

142. Inmates are allowed to have contact with the outside world in the form of official visits at least twice a month.

143. To safeguard their health, inmates receive counselling and instruction on avoiding the dangers of prohibited substances, particularly narcotics.

144. To maintain family ties, official visits are organized between inmates and their young children.

145. If diagnosed as medically necessary, inmates are taken to hospital for surgery. Inmates are also taken to hospital to give birth. Place of birth is not recorded on the birth certificate.

146. Communal areas, living quarters and personal effects are inspected in a manner that safeguards inmates' dignity and rights.

147. Inmates are enrolled in training courses appropriate to their mental and physical abilities in order to occupy their free time and teach them professions and trades they can use after release.

148. Inmates who break the rules are treated in accordance with human rights principles and punished in accordance with the regulations. Punishment is approved by a special investigation committee, taking account of the inmate's psychological and social condition.

149. Complaints boxes are situated inside women's prisons, ensuring that inmates can exercise their right to lodge grievances if they have been subjected to ill-treatment by prison authorities. There are also boxes in visiting areas, where inmates' families can lodge complaints.

150. To ensure their well-being, physical restraints are not used on inmates during labour or immediately after delivery.

151. Female inmates with special needs are provided with means to facilitate their lives during incarceration; these include wheelchairs, crutches, western-style toilet facilities and appropriate treatment.

152. In coordination with the competent bodies and institutions, efforts are made to find suitable accommodation for female inmates who have served their sentences and been released, particularly inmates who have no provider or family or whom it is feared might be killed or return to a life of crime.

153. The Ministry of Education supplies female inmates with the prerequisites for study and education – basic literacy or other educational levels – during their incarceration.

154. Most of the large model prisons operated by the Department of Corrections have been subject to attacks and acts of sabotage by terrorists, particularly ISIL terror groups. The solution adopted by the Department has been to build large model prisons, such as Hillah, and expand other ones, such as the central prison of Nasiriyah.

155. As regards the delivery of health care, especially for pregnant inmates, each facility of the Department of Corrections that houses female inmates has a health centre staffed with female doctors and nurses employed by the Ministry of Health, as well as guard-nurses. In emergency cases, inmates are sent to external hospitals and tests such as ultrasound are available. Inmates with mental disorders undergo periodic examination by psychiatrists, dermatologists and others. Examinations are conducted in coordination with the Ministry of Health.

Article 8 (prohibition on slavery, the slave trade and forced or compulsory labour) and concluding observations paragraph 32

156. Iraq ratified the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others on 28 May 1955 and it has approved and ratified other international instruments aimed at suppressing the sale of women and children. In addition, the Government promulgated Trafficking in Persons Act No. 28 of 2012, which covers all aspects of the phenomenon including punishment of perpetrators of trafficking, defining acts that constitute trafficking and caring for victims. Article 1 of the Act gives the following definition of human trafficking: “Recruiting, transporting, sheltering or taking in persons for the purpose of selling or exploiting them for terrorist acts or armed conflicts, prostitution, sexual exploitation, forced or compulsory labour, servitude, begging, organ trafficking or medical experimentation.”

157. Sentences for human trafficking offences used to be handed down in accordance with the provisions of the Criminal Code; however, as such offences became more widespread and the provisions of the Code no longer had any dissuasive effect, Act No. 28 of 2012 was issued. The Act is consistent with international instruments and treaties for the suppression of trafficking in persons in all its forms, including forced marriage and the abduction of women and children. In fact, the Iraqi courts have issued numerous guilty verdicts under the Act, against persons responsible for perpetrating that offence.

158. All authorities involved in the fight against human trafficking have been instructed to implement counter-trafficking procedures in accordance with the following legislation and regulations:

- Anti-Prostitution Act No. 8 of 1988, which prescribes a term of imprisonment of 7 years for procurers;
- Decree No. 234 of 30 October 2001 of the dissolved Revolutionary Command Council, which prescribes the death penalty for procurers;
- The offence of begging as defined in articles 390 and 392 of the Criminal Code, pursuant to which begging is treated as an offence of human trafficking when it assumes the form of organized crime;
- Trafficking in Persons Act No. 28 of 2012, article 5 (2) of which stipulates that: “Anyone who commits the crime of human trafficking shall be liable to a prison term of up to 15 years and a fine of up to ID 10 million.”

159. A study entitled “A national policy to address the phenomenon of begging and vagrancy” was conducted by the National Security Advisory’s centre for joint planning, with input from ministries and other stakeholders.

160. Departments within the Ministry of Labour are working to implement the Trafficking in Persons Act No. 28 of 2012. Currently, in cooperation with civil society organizations, the shelter for victims of trafficking in the Salikh neighbourhood is undergoing refurbishments with a view to its reopening. In cooperation with the Ministry of the Interior, steps are being taken to provide security measures for the shelter.

161. The draft implementing guidelines for Act No. 28 of 2012 are currently being finalized by the Ministry of the Interior, before being submitted for approval to the Central Committee to Combat Human Trafficking.

162. Committees responsible for investigating human trafficking have been established in Baghdad (Karkh and Rusafah) and 13 branches set up in the governorates. These have the task of investigating crimes of human trafficking and deploying teams within their area of responsibility to collect information and data in coordination with other security agencies, monitor violations and arrest perpetrators. Civilian social workers employed by the Ministry of the Interior’s Anti-Human Trafficking Department, build up case studies, analyse the psychosocial condition of victims and submit reports, in coordination with the Supreme Judicial Council, while maintaining confidentiality of sources and witnesses.

163. Investigations carried out under Trafficking in Persons Act No. 28 of 2012 in 2016 revealed the following: a total of 314 cases were recorded and 347 persons charged of whom 83 were sent for trial and 17 were convicted; 73 persons were released, 95 referred to other bodies, 19 held pending further investigation and 60 released on bail. Under the Act, sentences vary – in accordance with the type of act committed and how it is criminalized in law – from a term of imprisonment and a fine of between ID 5 million and 25 million to life imprisonment and even the death penalty, if the act committed leads to the victim’s death.

164. Cases of human trafficking are heard before competent judges in special courts created under the law.

165. Social workers are employed to work in shelters for the rehabilitation of victims of human trafficking. Fifteen social workers from the Ministry of the Interior have been assigned to the shelter in Baghdad to study specific cases involving human trafficking.

166. The Ministry of Labour and Social Affairs has completed work on a shelter, which is now ready to admit victims of human trafficking.

167. A human trafficking database has been established, and the Ministry of the Interior’s Anti-Human Trafficking Department has developed a goals-oriented annual action plan.

168. Trafficking in Persons Act No. 28 of 2010 is applied in Kurdistan Region and anti-human trafficking committees were established in the regional governorates in 2016. Moreover, an investigations division for trafficking offences has been set up and an online visa system put in place as a way of monitoring foreign workers in Kurdistan Region and preventing trafficking.

169. Legal teams have been assigned by the Ministry of the Interior, acting in coordination with the Ministry of Health, to specialist centres that carry out tissue typing tests for human organ transplant operations. The teams are tasked with checking that the forms and documentation of donors and recipients comply with the law.

170. Cases involving foreign workers are monitored in collaboration with the Department of Residence Affairs and the International Organization for Migration (IOM), and legal support for Arab and foreign victims is provided.

171. Act No. 58 of 2017 concerning the protection of witnesses, experts and victims, has been promulgated. Under the Act, special protection is afforded to witnesses, informants, victims and experts in criminal proceedings and in terrorism-related proceedings, as well as to their relatives up to the second degree. The Act states that the criminal proceedings included thereunder are to be determined by an order issued by the Council of Ministers, at the proposal of the Supreme Judicial Council and the Commission on Integrity, not later

than six months from the date of the Act's entry into force. Persons covered by the Act may apply to be placed under the protection for which it provides if their lives, physical integrity or fundamental interests, or those of their family members or relatives, would be at risk as a result of them testifying, giving an expert opinion or making statements in criminal proceedings or terrorism-related proceedings that affect State security and the lives of citizens. The Act provides for the establishment of a section within the Ministry of the Interior for the protection of witnesses, experts, informants and victims, which reports to the directorate for protecting facilities and public figures. In sum, the Act ensures that the relevant groups (and their personal data) receive the necessary protection, and it envisages penalties for a large number of criminal offences. The Supreme Judicial Council issued the implementing guidelines for the Act in 2019.

172. Following scrutiny by the Council of State, the Council of Ministers adopted Regulation No. 7 of 2017 regarding shelters for victims of human trafficking, pursuant to article 80 (3) of the Constitution and article 11 (8) of Trafficking in Persons Act No. 28 of 2012.

173. The Ministry of the Interior runs campaigns to raise awareness about the Trafficking in Persons Act and to warn against the dangers of human trafficking. To that end, it organizes conferences, seminars and lectures in universities, colleges and schools, in cooperation with civil society organizations. In addition, it organizes radio and television programmes, puts up posters and billboards in public places including airports and other points of entry to warn about the dangers of human trafficking, and runs training courses for staff.

174. Treaties have been signed and experience and expertise have been exchanged thanks to cooperation with the international community. The treaties include: the Arab Convention on Combating the Trafficking of Persons, the Arab Convention on Human Organ Transplantation, the Arab Convention to Prevent Human Cloning and the Arab Protocol on Combating the Trafficking of Persons. Iraq has acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol).

175. A joint programme has been organized by the Ministry of the Interior, in collaboration with IOM, to train staff who work to counter human trafficking. Under this programme, more than 25 workshops and courses have been held inside and outside Iraq, helping to train staff to deal with human trafficking issues and building their capacities in line with international standards through the exchange of information and experience.

176. In collaboration with the European Union, a programme of courses and workshops has been developed that focuses on international laws and conventions to combat human trafficking.

177. In order to ensure justice for victims, the Trafficking in Persons Act distinguishes clearly between crimes of human trafficking and other crimes. Victims are considered as persons in need of assistance, first and foremost legal assistance in the form of an investigation. Other services are provided under the law by the Ministry of Labour and Social Affairs and Ministry of Health.

178. Under Trafficking in Persons Act No. 28 of 2012, if exploitation for the purposes of prostitution, vice or the sex trade has connotations whereby it amounts to an act of human trafficking, the victims shall be considered as victims of human trafficking and, therefore, not prosecuted for associated crimes such as coercion into vice and prostitution.

Article 9 (right to liberty and security) and concluding observations paragraph 34

179. Arrests of members of ISIL terror groups take place according to the law and on the basis of arrest warrants issued against them once their names have been verified in a database belonging to security agencies. They are then handed over to the competent authorities for questioning.

180. According to articles 15, 19 and 37 of the Constitution, people have the right to life, security and liberty; any restriction on those rights can only be imposed in accordance with the law and on the basis of a decision issued by the competent courts. Furthermore, people are entitled to be treated fairly in all administrative and judicial proceedings, and accused persons are presumed innocent until proven guilty. In addition, there are guarantees regarding fair trials, prompt appearance before a judge and respect for human dignity. These provisions are also enshrined in the Criminal Code and the Code of Criminal Procedure. Moreover, no one may be detained save upon a valid court order issued by a competent judge. These legal prerequisites are consistent with international standards and human rights instruments.

181. Under Iraqi law, detention (preventive custody and summons) takes place in the following cases:

- A summons is required for offences and violations that attract a penalty of less than 1 year's imprisonment; an arrest warrant may not be issued in such cases;
- A summons is admissible for offences and violations that attract a penalty of more than 1 year's imprisonment with the exception of offences that attract the death penalty or life imprisonment, which require the issuance of an arrest warrant.
- An arrest warrant is issued in the following cases:
 - An arrest warrant is required for offences that attract the death penalty or life imprisonment;
 - An arrest warrant may not be issued for offences and violations that attract a penalty of less than 1 year's imprisonment;
 - An arrest warrant is admissible for offences and violations that attract a penalty of more than 1 year's imprisonment;
- Detention is required for offences that attract life imprisonment or the death penalty as it is vital that persons accused of such crimes be placed in custody;
- Detention is admissible for persons suspected of committing crimes that attract a penalty of more than 3 years' imprisonment;
- Detention is admissible for persons suspected of committing crimes that attract a penalty of more than 3 years' imprisonment only if the judge believes that their release might place their life at risk or that they might flee justice or interfere with the investigation;
- Detention is inadmissible for minor offences unless the suspect has no fixed abode;
- The period of detention must not exceed one quarter of the maximum permissible sentence for the offence with which the arrested person is charged and must not, in any case, exceed 6 months. If the investigations are not complete and it is necessary to increase the period of detention to more than 6 months, the investigating judge must submit an application to that effect to the criminal courts. It should be noted that, before reaching the limit of 6 months, each request for an extension made by the investigating judge must not exceed 15 days;
- In its ruling on case No. 14 Federal (Media) 2013, the Federal Court stated that no one other than a judge may exercise judicial functions because such functions are the exclusive prerogative of judges who belong to the judicial authority. For that reason, Decree No. 42 of 1995 of the dissolved Revolutionary Command Council, which grants powers of detention to the Director-General of Customs or his deputy, was rendered null and void on grounds of unconstitutionality. Reference is also made to the ruling of the Federal Court in case No. 81 Federal (Media) 2013.

182. Prisoners and Detainees Reform Act No. 14 of 2018 guarantees numerous rights for inmates, including the right to health, safety and health care (chapter V of the Act); the right to education for prisoners and detainees (chapter VI); the right to work and employment for prisoners and detainees (chapter VII); the right of prisoners and detainees to receive visits (chapter VIII); and the right to home leave (Chapter IX). Chapter X of the Act envisages other rights for prisoners and detainees, such as the right to read newspapers

and magazines, the right of inmates to exercise if they so wish, the right to receive messages by regular mail or through the prison email service and the right of inmates or detainees to make telephone calls to their families, upon request, at least once a week or whenever necessary. Inmates are also entitled to file complaints with the competent director in the Department of Corrections, the prison inspectorate or any other body authorized to conduct inspections.

Article 10 (humane treatment of detainees)

183. Staff who work for the Department of Corrections receive training under a yearly training plan that envisages modules on human rights, international standards for the treatment of prisoners and international regulations, laws and treaties. The Department of Corrections has a specialized section known as the correctional development section which includes administrative and professional trainers. In addition, specialized training is offered to prison guards and officials.

Article 11

184. Enforcement Act No. 45 of 1980 provides for the imprisonment of persons unable to meet their contractual obligations. However, articles 40, 41 and 42 of the Act state that, under all circumstances, debtors may be imprisoned only at the request of the creditor and by decision of the director for enforcement if the latter is a judge. Debtors may be imprisoned for the same debt only once. The Act also admits the imprisonment of debtors who, though able to pay their debt, reject a settlement proposed to them by the director for enforcement. Under the Act, the term of imprisonment may not exceed 4 months. Moreover, although there are no legal impediments to prevent a debtor from being imprisoned once an imprisonment order has been issued, account has to be taken of the following factors regarding the imprisonment, its duration and enforcement:

- If the debtor is insolvent and unable to pay off the debt;
- If the debtor is under the age of 18 or over the age of 60;
- If the debtor receives a salary or stipend from the State;
- If the debt has expired or been written off in any way;
- If the debtor is the creditor's ascendant, descendant, sibling or spouse, unless the debt is a court-approved alimony payment.

185. Article 13 of Act No. 56 of 1977 concerning the collection of debts owed to the State admits the imprisonment of debtors by the director for enforcement. However, since imprisonment has grave psychological effects and a social impact on the reputation of the debtor, Iraqi legislators have placed conditions on the enforcement of imprisonment of debtors. These include a clear request to that effect on the part of the creditor. Without such a request, the directorate for enforcement cannot make the decision to imprison the debtor even if all conditions for imprisonment are fulfilled. The imprisonment order is issued by the director for enforcement if he is a judge. If not, the matter is placed before a judge of first instance who must decide for or against imprisonment.

186. In its ruling on case No. 57 Federal (Media) 2017, the Federal Court stated that it was inadmissible to imprison an insolvent debtor without placing a maximum limit on the confinement, as to do so would contravene the Constitution, human rights standards, and international treaties. For that reason, it ruled that Decree No. 120 of 1994 of the dissolved Revolutionary Command Council was unconstitutional. The Court took account of human rights standards enshrined in human rights treaties to which Iraq has acceded.

Article 9 (freedom of movement and residence) and concluding observations paragraph 22

187. In line with the requirements set forth in the Government's programme for 2014–2018 concerning the handling of the issue of internally displaced persons, and given the importance of organizing and promoting action to administer and run services on behalf of displaced persons in Iraq, a working group composed of representatives of all stakeholders was established to prepare, in direct coordination with the National Security Advisory, a national policy for addressing the issue of internally displaced persons in Iraq. The policy is based on a specific vision and objectives, and provides for the enactment of domestic legislation, in line with United Nations principles, and for the participation of the Council of Representatives, the High Commission for Human Rights, the governorates, and local and international non-governmental organizations. The policy was endorsed by Council of Ministers Decree No. 414 of 2015. The new Government, formed following the elections of 2018, has not neglected the issue of displaced persons in its programme for 2018–2022. In that regard, the Ministry of Migration and Migrants is to:

- Study the possibility of establishing and operating a database on all Iraqis who live abroad, in order to provide follow-up and assistance and to make use of their skills, both inside and outside Iraq, in the medium and long term;
- Work with local and international organizations and with civil society to facilitate the return of displaced persons to their towns and villages, within a fixed time frame of no more than two years;
- Follow up on the situation of Iraqis who have migrated to other countries, in cooperation with Iraqi embassies abroad;
- Employ outstanding Iraqi migrants to act as ambassadors of peace and goodwill from the Iraqi people to the peoples of the world, as a way of promoting the international image of Iraq;
- Assist the National Investment Commission and other ministries to seek Iraqi investment capital overseas and bring it back to Iraq.

188. Pursuant to a directive of the Council of Ministers issued at its sixteenth regular session on 30 December 2014, the following recommendations of the National Security Council were adopted: 1. The Ministry of Migration and Migrants should, in line with available information, take advance action to finalize plans for the return of internally displaced persons to areas liberated from ISIL terrorist groups; 2. The Salah al-Din Operations Command, the Salah al-Din Police Command and the Samarra Police Command should prepare a document setting out priorities for implementation of the plan to return internally displaced persons. The aim of the plan should be to enhance security, identifying the requirements necessary to that end (reconciliation, services, relief, etc.).

189. The Ministry of Migration and Migrants has established reception centres and shelters for families displaced by acts of violence and battles with ISIL terrorist groups. The centres, which reflect international human rights standards, guarantee respect for the dignity of displaced persons. Field teams have been established to oversee the registration of displaced families, ensure that their legal rights are respected, provide them with food and non-food aid and financial assistance, and guarantee their return to their areas of residence, in coordination with the security authorities and other competent bodies.

190. Safe corridors are opened for internally displaced persons from areas where military operations are conducted or areas occupied by ISIL terrorist groups, and they are transported by military units to safe locations. They are subsequently taken to displaced persons' shelters in special vehicles assigned by the Ministry of Migration and Migrants.

191. The Iraqi Government has continued to pay the salaries of staff displaced from areas controlled by ISIL terrorist groups by issuing smart cards so that they can receive their salaries in the areas to which they had been displaced.

192. Since 2014, a strategy has been in operation to deliver health-care, preventive and therapeutic services to internally displaced persons and persons returning to liberated areas.

193. The Iraqi Government, as represented by the Ministry of Migration and Migrants and other competent authorities, seeks to guarantee the rights of refugees in Iraq, in accordance with relevant laws and directives – in particular Refugee Act No. 51 of 1971 and the Ministry of Migration and Migrants Act and its implementing guidelines – in a manner consistent with international human rights norms on the rights of refugees. The Ministry of Migration and Migrants has provided all necessary services and assistance to Syrians who have entered Iraq since 2012. Furthermore, no discrimination exists in law or practice against female returnees, displaced persons and refugees.

194. The Social Protection Department of the Ministry of Labour and Social Affairs has opened reception desks to facilitate procedures for displaced women in the governorates, as follows:

- A section in Nineveh with three alternative sites (Dahuk, Erbil, Kirkuk);
- An alternative site in Tal Afar (Karbala);
- An alternative site in Hamdaniya (Karbala, Hindiyah);
- A section in Anbar with an alternative site (Fallujah, Erbil);
- A section in Salah al-Din with an alternative site (Balad, Dujail);
- A new office has been opened in Erbil (Ankawa), which reports directly to the headquarters of the Department and serves to facilitate service delivery to displaced women.

195. Teams of different administrative levels from the Ministry of Health undertake visits to displaced persons' camps where they provide health-care services. They run screening campaigns with a mobile radiography unit, laboratory and pharmacy, provide vaccinations and offer reproductive health care. They also carry out tests and provide treatment and follow-up for tuberculosis sufferers. Specialists in clinical pathology conduct laboratory tests to detect cases of infection with HIV/AIDS or sexually transmitted diseases, and preventive services are provided to help combat non-communicable diseases.

196. The Ministry of Health has produced a plan for health services throughout the country, including Kurdistan Region. It is based on four key objectives: guaranteeing safety and basic human needs; providing psychosocial support; providing non-specialized psychological services; providing specialized psychological services. The plan focuses on ways and means of providing mental health and psychosocial support services in humanitarian emergencies, and promoting recovery and rehabilitation for people with mental disorders and psychosocial problems, regardless of whether such problems existed previously or occurred as the result of an emergency.

197. The Ministry of Health has produced a first draft of a community rehabilitation plan for conflict areas following their liberation from terror groups. It is part of a mental-health study that is preparing the way for a national plan for the safe and sustainable return of displaced persons.

198. The section for State-run homes in the Ministry of Labour and Social Affairs is tasked with guaranteeing humanitarian assistance and protection for internally displaced persons in accordance with the norms of international law. Directorates of labour and social affairs in all governorates have been instructed to provide reception facilities for children (orphans, missing persons and humanitarian cases).

199. The section for the elderly in the Ministry of Labour and Social Affairs provides care in special homes for older persons and persons whose families have broken apart as a result of the conflicts in the country. The persons cared for are provided with basic needs such as food, clothing, health care, cultural and educational programmes, pocket money, etc.

200. The human rights division of the Ministry of Labour and Social Affairs monitors humanitarian cases involving all age groups and both sexes. In case of need, people are taken into shelters and provided with the necessary requirements. In some cases, they are provided with a social care grant or a full-time helper, via the competent departments. In other cases, in coordination with the Ministry of Health, they are taken to a ministry-run

hospital for treatment and, once the course of treatment is complete, they are taken into the shelter.

201. Population groups who have been displaced by the internal conflict include persons with disabilities. The Commission for the Care of Persons with Disabilities and Special Needs ensures that they are treated in accordance with the provisions of Act No. 38 of 2013 and provided with the necessary services and privileges. The following table provides statistics relating to the governorates of Nineveh, Salah al-Din and Anbar.

<i>Activity</i>	<i>Nineveh</i>	<i>Salah al-Din</i>	<i>Anbar</i>	<i>Total</i>
Appointment of staff as full-time helper	6	92	28	126
Appointment of non-staff as full-time-helper	712	2 066	1204	3 982
Recipients of grants for a full-time helper	629	1 097	835	2 561

202. Act No. 81 of 2017 was promulgated to help ensure an adequate standard of living for the families of persons who laid down their lives in anti-terror operations conducted by various branches of the armed forces, and to protect the rights of their relatives and of injured persons. Under the Act, which commemorates the sacrifice made by those killed in the war against ISIL, the relevant procedures are streamlined and high-quality care is provided for the injured. The Act envisages pensions, treatment for injured persons, the cancellation of debts accumulated by the fallen and injured, monuments to immortalize their sacrifice and educational opportunities and decent housing for their families.

203. Despite the difficulties the country is facing, the Government has launched activities aimed at creating the appropriate conditions and atmosphere for female displaced persons and rescued women. This is in addition to efforts being made by civil society and international organizations.

204. Numerous measures have been taken to stabilize the security situation to facilitate the return of displaced persons.

205. In order to secure liberated areas in preparation for the return of displaced persons, action has been taken to remove landmines, explosives and remnants of war from towns and cities.

206. Police stations have been reopened in liberated areas.

207. Liberated areas are being secured through the deployment of forces in surrounding areas and at points of access, so as to ensure the security of citizens.

208. There is cooperation with citizens with a view to detecting infiltrators and terrorist cells and providing information to intelligence services.

209. The Ministry of Migration and Migrants, in coordination with the Ministry of Labour and Social Affairs, the Ministry of Health, the Department for the Empowerment of Iraqi Women and civil society organizations, has taken steps to improve the situation of women heads of household and to ensure that they are covered by humanitarian security and stability programmes. The Ministry adopted the programmes to launch income-generating projects and ensure that women heads of household could benefit from the grants allocated to returning families.

210. The Ministry of Health has intensified its field visits to camps. The visits are conducted throughout the week, including holidays and feast days, by working groups that seek to ensure the sustainability of the health-care services provided to displaced persons. Working alongside local teams in the governorates where displaced persons are located, the groups oversee the delivery of medications and medical supplies to internally displaced persons in camps and at other locations.

211. The Ministry of Health promotes procedures for joint action with the Ministry of Health in Kurdistan Region, which it provides with logistical support based on the number of displaced persons and the governorates in which they are located.

212. The Ministry of Health provides maternal and childcare services, undertakes nutritional assessments and early detection of chronic diseases, supplies the requisite medicines for such diseases, and registers cases of cancer and oversees their treatment.

213. The Ministry of Health provides centralized ambulance services for displaced persons in camps and at other locations. Ambulances are also provided by health-care departments in the governorates, the World Health Organization (WHO) and international organizations. In addition, the camps are provided with mobile clinics in partnership with WHO and other agencies.

214. In the course of 18 vaccination campaigns conducted by the Ministry of Health, a total of 925,755 children under the age of 5 have been vaccinated, in camps and other areas where displaced persons have congregated. In addition, 205,389 children under the age of 1 have been vaccinated thanks to ordinary vaccination coverage. The annual number of births stands at 214,121 and 4,588,740 persons per year receive treatment and prevention services through health centres, mobile clinics, ambulances and mobile health teams. At the same time, 2,041,184 persons annually receive treatment or emergency care at hospitals.

215. With the approval of the Minister of Labour and Social Affairs, 1,528 Yazidi women who were subjected to violence by ISIL terror groups have been provided with social assistance without having to fulfil the normal prerequisites. The same applies to 88 Shabak women who were also rescued from the hands of ISIL.

216. The Ministry of Labour and Social Affairs has adapted the human trafficking shelter in Baghdad to take in children who had been subjected to abuse and who escaped from the crimes perpetrated by ISIL terror groups. The shelter accommodates all children in need of assistance, without discrimination or exception.

Transportation of internally displaced persons

217. The concern raised about constraints on the freedom of movement of internally displaced persons is not, in fact, consistent with the reality on the ground. The truth is that Iraq had to face an extraordinary set of circumstances when ISIL overrun parts of the country. As a result, there was a widespread displacement towards secure areas accompanied by wide scale military operations conducted by security forces and the Iraqi army to reclaim territory and drive out hundreds of ISIL combatants. Those combatants then infiltrated the ranks of the displaced persons with a view to carrying out further terror attacks, attacks which did effectively take place. Therefore, the efforts made by the Iraqi authorities to analyse information about displaced persons is intended to protect national security, public order, public health, public morals and the rights and freedoms of others.

Article 13 (expulsion of foreigners) and concluding observations paragraph 24

218. Under its Decree No. 304 of 2017, the Council of Ministers approved a bill concerning refugees and referred it to the Council of State for review. It was then returned to the Secretariat of the Council of Ministers, which submitted it directly to the Council of Representatives, in accordance with articles 61 (1) and 80 (2) of the Constitution. The Decree was adopted with a view to establishing rules and provisions to govern asylum in Iraq, applicable to all cases of asylum on humanitarian, political or other grounds or for reasons of race, religion, nationality or social group, and cases in which a refugee is subjected to threats and persecution, in accordance with the provisions of the Constitution, international treaties and domestic law.

219. The Government is still examining the possibility of acceding to the 1951 Convention relating to the Status of Refugees and its additional Protocol of 1967. Iraq, in fact, constantly examines the possibility of acceding to international treaties and protocols, when suitable conditions prevail, and it always takes account of the need to protect,

promote and respect human rights, which are not, in any case, neglected in domestic legislation or in the current bill.

220. The issue of statelessness is amply covered under the Iraqi Nationality Act No. 26 of 2006. Accession to the 1961 Convention on the Reduction of Statelessness would not provide more guarantees than those that already exist in domestic law.

221. Foreigners Residency Act No. 76 of 2017 abrogates the earlier Residency Act No. 118 of 1978 as well as decrees relating to the residency of foreigners issued by the dissolved Revolutionary Command Council. The rights of persons resident on Iraqi territory under that Act and of persons whose presence in Iraq is in contravention of the Act are respected in line with international standards, including that of non-refoulement as recognized by international custom and human rights treaties. Palestinians have a special status, which Iraq continues to respect, and are not subject to the provisions of the aforementioned Act.

Article 14 (equality before the law) and concluding observations paragraph 36

222. The principle of an independent judiciary is affirmed in article 19 (1) of the Constitution of Iraq, which reads as follows: “The courts are independent and are subject to no power other than that of the law.” The Supreme Judicial Council and other authorities in Iraq are run according to that constitutional principle. In order to uphold the principle, judges receive appropriate economic recompense as well as the security measures necessary for their protection including court guards and personal bodyguards from the Ministry of the Interior’s directorate for protecting public figures. Judges are also issued with weapons for personal protection. These measures can be kept up after judges go into retirement if necessary to protect their security. The procedures whereby judges are appointed are set forth in the Judicial Institute Act, which envisages a competitive process involving written and oral exams in order to enter the Institute. Cases of corruption or abuse of office by judges or members of the Office of the Public Prosecution are examined by a special disciplinary committee. If that committee finds that a judge has committed an offence, he or she is referred to the courts for a fair trial according to law.

223. Article 19 (1) of the Constitution of Iraq states that the judiciary is independent and is subject to no power other than that of the law. This principle is maintained in all judicial procedures including investigations into charges of corruption, as per relevant laws including the Supreme Judicial Council Act and the Public Prosecution Act. Moreover, there is equality between all Iraqis in judicial proceedings and fair trial guarantees are enshrined in the Constitution and the Code of Criminal Procedure.

224. Supreme Judicial Council Act No. 45 of 2017 regulates the judicial appointments mechanism so as to ensure that only qualified persons can be candidates to become a member or president of a court. The purpose of the Act is to regulate the formation, prerogatives and work of the Supreme Judicial Council in a manner consistent with recent developments in the Constitution, the law and the judiciary, thereby enabling the Council to carry out the functions assigned to it under the Constitution.

225. Article 1 of Public Prosecution Act No. 49 of 2017 states as follows:

1. A public prosecution service shall be established, which shall be considered to be a component part of the federal judiciary. It shall be financially and administratively independent and shall have its headquarters in Baghdad;

2. The public prosecution service shall have legal personality, which shall be embodied in the person of the Public Prosecutor or his deputy.

226. Council of State Act No. 71 of 2017 was promulgated in order to ensure that the administrative judiciary remains independent from the executive. Under the Act, the Council is an independent body with legal personality; it includes the administrative courts, the civil service courts and the Supreme Administrative Court, and it fulfils the functions of

an administrative judiciary, issuing legal opinions, drafting texts and ruling impartially and independently on the cases submitted to it.

227. Act No. 70 of 2017 was promulgated with a view to further promoting judicial independence and respect for the rule of law. Under the Act, the Judicial Institute was separated from the Ministry of Justice and affiliated with the Supreme Judicial Council, which is the body responsible for forming and appointing judges and prosecutors, thereby eliminating the problem of dual administration.

228. The judiciary takes effective action to address issues of impunity and reparations for victims, and to reform the judicial system in order to guarantee impartiality and independence and ensure that all persons, including those who are most in need of care, have access to justice. It also takes the necessary steps to conduct confidential and comprehensive investigations into human rights violations and other forms of abuse. The judicial system is independent and autonomous, and Iraqi laws guarantee the access of all persons to justice without any impediments. Investigations conducted by the judiciary into offences involving human rights violations and abuse are highly regarded, and that quality is reflected in the rulings handed down by the Iraqi courts.

Article 15 (principle of legality)

229. Reference is made to the previous report.

Article 16 (legal personality)

230. Reference is made to the previous report.

Articles 17 and 18 and concluding observations paragraph 38

231. Freedom of religion is guaranteed to all. None of the provisions in the Personal Status Code (Act No. 188 of 1959) contradict that principle, with the exception of articles 17 and 18. Article 17 provides that: "A Muslim man may marry according to the scriptures. No Muslim woman may marry a non-Muslim man." As to article 18, it provides, in accordance with the rules of Islam, that: "The conversion of one of the spouses to Islam before the other shall be subject to Islamic sharia with respect to whether the marriage is maintained or the spouses separate."

232. The Personal Status Code guarantees freedom of religion and of religious community to all members of Iraqi society, a principle affirmed by the Constitution. All legislation must be consistent with the Constitution and must be promulgated in accordance with constitutional provisions.

233. The Constitution guarantees the exercise of these rights for all citizens, without discrimination. Article 43 (1) of the Constitution states: "The followers of all religions and religious communities shall be free to: (a) Practise their religious rites, including Hussaini rites; (b) Administer their religious endowments, institutions and affairs, as regulated by law." Article 43 (2) reads: "The State shall guarantee freedom of worship and the protection of places of worship."

234. In its ruling on case No. 4 Federal (Media) 2015, concerning ecclesiastical courts, the Federal Court stated that such courts had been established in accordance with the law (Regulation No. 32 of 1981).

235. Out of respect for freedom of religious belief, a non-Muslim student is not obliged to attend Islamic education classes in Iraqi schools.

236. Iraq remains committed to the provisions of article 18 of the Covenant, as interpreted in the Committee's general comment No. 22 and referenced in paragraph 38 of the concluding observations. The measures seen as discriminatory in respect of changing religion are in fact consistent with article 2 of the Constitution, which states that Islam is the fundamental source of Iraqi legislation and that no law may be enacted that contradicts

the tenets of Islam. The rights of other recognized religions in Iraq are fully guaranteed and the restriction regarding changing religion is applicable only to Muslims, for the reasons stated above. The situation of non-Muslims who wish to change their religion is envisaged under National Unified Identity Card Act No. 3 of 201, article 26 of which states as follows:

- (a) Non-Muslims may change their religion according to law;
- (b) As regards the religion of minor children, they shall follow the parent who embraced Islam.

237. Iraq respects its obligations under article 18 of the Covenant to uphold human rights while protecting public safety and public order. It treats persons of the Baha'i faith in accordance with Act No. 105 of 1975, which remains in force and is consistent with the provisions of the aforementioned article 18. In Kurdistan Region, Kurdistan Communities Protection Act No. 5 of 2015 was promulgated to provide protection for all communities in the Region. The Act ensures that the communities are duly represented in the Ministry of Endowments and includes provision for the creation of religious directorates and a directorate of interfaith coexistence.

Article 19 (freedom of opinion and expression) and concluding observations paragraphs 40 and 42

238. The Iraqi Constitution guarantees freedom of opinion and expression by all means. According to article 38 (1) and (2) of the Constitution: "The State shall, without detriment to public order and morality, guarantee freedom of expression by all means, and freedom of the press, printing, advertising, media and publishing." Freedom of expression is now a key feature of the country's prevailing political culture following a long period of isolation from the outside world. This significant expansion in the media and in freedom of opinion and expression reflects the healthy state of the country's democratic structure and the enjoyment of human rights by its people.

239. Protests have taken place in several governorates to demand services and legitimate rights. A special ministerial committee was therefore formed to look into the demands, which protesters were able to submit via a website established for that purpose. A total of 1,280,688 demands were received concerning such matters as compensation, retirement, reinstatement, return of confiscated property, special amnesty, and the Awakening Councils. Some of those matters have been settled and work on the remainder is in progress. Implementation of the committee's recommendations concerning demands made by people in other governorates is being monitored.

240. Freedom of the press and freedom of expression are among the key guarantees provided to the fourth estate in undertaking its role as an effective mechanism for monitoring human rights and the rule of law in Iraq. Article 38 of the Constitution guarantees the freedom to express opinions by all means, as well as freedom of the press, printing, advertising, media and publishing. Exercise of the right to freedom of opinion and expression is the cornerstone of the democratic system that has been growing steadily since 2003.

241. Rights of Journalists Act No. 21 was promulgated in 2011 to help ensure respect for freedom of the press and freedom of expression, guarantee the rights and legacy of Iraqi journalists, and reaffirm their important role in the consolidation of democracy in the new Iraq, which complements their role as monitors of human rights. The purpose of the Act is set out in article 2, which states: "The aim of the present Act is to promote the rights of journalists and to provide them with protection in the Republic of Iraq." The Act includes several articles designed to ensure that journalists are able to perform their work with freedom and ease. Article 9 of the Act envisages penalties for anyone who assaults journalists while engaged in their professional duties or by reason thereof. Article 10 provides that journalists may not be questioned or interrogated for any offence attributed to them in connection with their work, except by decision of a court.

242. A bill on freedom of expression and opinion, assembly and peaceful protest is currently before the Council of Representatives, where it has undergone its first and second readings.

243. Training has been provided for staff at the Ministry of the Interior to improve their skills in dealing with protesters and the media. The Ministry of the Interior has announced that it is fully prepared to receive any complaints concerning abuses of press freedom or assaults on journalists by its staff and to take legal action against perpetrators.

244. A ministerial committee was established in 2016 to follow up on all cases of attacks against journalists in Iraq and to respond to appeals and communications in that regard issued by the United Nations Educational, Scientific and Cultural Organization (UNESCO). The work of the committee is currently still ongoing.

245. Kurdistan Region promulgated Publications Act No. 10 of 1993, while freedom of the press is guaranteed under Act No. 35 of 2007. The Iraqi Criminal Code is applicable to any transgressions involving journalistic activity. Demonstrations in Kurdistan Region are regulated by Act No. 11 of 2010 and Political Parties Act No. 17 of 1993.

Article 20 (prohibition of calls to national or racial hatred)

246. A bill on the protection of religious and ethnic minority group rights had its first reading in parliament on 6 October 2016. The rationale for the bill is to preserve the heritage and historical sites of Iraq as a multi-ethnic, multi-faith, multi-confessional and multicultural country, promote the principles of equal citizenship, mutual understanding and social cohesion, and build civil peace.

247. Under Act No. 32 of 2016, the Baath Party is banned, as are all racist, terrorist and takfiri entities, parties and activities. The rationale for the Act states that: "The democratic system in Iraq is founded on political pluralism and the peaceful transition of power, with the Constitution enshrining the principles of justice, equality, freedom and respect for human rights. Article 7 of the Constitution provides for the enactment of a law prohibiting any entity or ideology that espouses, incites, facilitates, glorifies, promotes or justifies racism, terrorism, the labelling of others as non-believers, or ethno-religious cleansing, in particular the Baath Party and its symbols, howsoever designated, in order to prevent the return of dictatorship. The present Act has thus been enacted." The Act is available for consultation.

248. According to article 5 of Political Parties Act No. 36 of 2015, parties are to be created on the basis of citizenship and in a manner that does not contravene the Constitution. Parties may not be founded on racism, terrorism, takfirism or confessional, ethnic or nationalist extremism. Moreover, it is forbidden to found a political party that adopts or espouses the ideas or ideology of the dissolved Baath Party. According to article 46 of the Act, anyone who establishes, runs, administers, joins or funds an unlicensed political party that espouses, incites, promotes or justifies ideas based on takfirism, terrorism or ethno-religious cleansing shall be liable to a term of imprisonment of up to 10 years.

249. Under Iraqi law, no one subject to Iraqi jurisdiction may be denied the right to life, liberty or security of person on the grounds of religion or belief or the expression or avowal of either. Similarly, no individual may be tortured, arbitrarily arrested and detained or deprived of the right to work, education or adequate housing. Persons violating these rights are liable to face justice. Article 372 of the Criminal Code (Act No. 111 of 1969), as amended, states:

(a) A penalty of up to 3 years' imprisonment and a fine of up to ID 300 shall be imposed on anyone who:

(i) Openly attacks the beliefs of a faith community or denigrates its religious practices;

(ii) Deliberately denigrates a faith community or a religious celebration or gathering, or prevents or disrupts a religious ceremony;

(iii) Destroys, vandalizes, defaces or desecrates premises used for worship by a faith community, or a religious symbol or any other object considered sacred.

The amount of the fines prescribed under the Criminal Code was adjusted under Act No. 6 of 2008.

Article 21 (right of peaceful assembly)

250. Freedom to form associations and political parties is guaranteed by the State and regulated by law, in accordance with article 39 of the Constitution. Moreover, no person may be compelled to join or maintain membership of any political party, association or political entity, and the State must work to create an enabling environment for the exercise of these freedoms.

Article 22 (freedom of association and to form trade unions)

251. Trade unions in Iraq are organized on a professional basis, not on foundations of ethnicity, language or religion. Article 22 (2) of the Constitution states: "The State shall guarantee the right to form and join trade unions and professional associations, as regulated by law."

252. The Council of Ministers has adopted a bill on professional federations and unions, which has been transmitted to the Council of Representatives.

253. Under Act No. 87 of 2017, Iraq acceded to the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) of the International Labour Organization (ILO). The rationale for the Act states that the accession is intended to promote trade union freedom as a way of improving the situation of workers, to establish peace, to preserve the right to establish and join trade unions, and to protect such unions and their right to join international workers' and employers' organizations.

Article 23 (family and society)

254. Through its domestic legislation, the Government of the Republic of Iraq has diligently sought to ensure non-discrimination between the sexes in any sphere of life, including public service employment, benefits and pay. Women are treated on an equal footing with men but are granted privileges, such as much more leave than men, in particular for pregnancy, birth and death of a spouse, during which time they also receive pay and allowances.

255. The national strategy to combat violence against women was adopted by the Council of Ministers in March 2013.

256. The Women's Social Protection Department was established pursuant to the Act that amended the Ministry of Labour and Social Affairs Act No. 8 of 2006, as amended. The amount of social aid for individuals and families covered by the provisions of the Act has been increased. Groups eligible for social protection benefits include widows, divorced women, women whose husbands are missing or have deserted them, unmarried women, residents in State-run and other shelters, married students and families with either no income or an income below the poverty line.

257. Ten per cent of housing complexes are reserved for widows and 10 per cent for persons with disabilities, while plots of land are allocated to the poor, as well as to martyrs' families and victims of terrorism.

258. Support is provided for small-scale income-generating projects under Act No. 10 of 2012.

259. A second amendment has been made to Regulation No. 4 of 1985, concerning homes for older persons.

260. A high-level family protection committee was formed in 2009.

261. A family protection directorate has been established at the Ministry of the Interior, in collaboration with the Ministry of Women's Affairs.
262. A high-level committee for the advancement of rural women, led by the Ministry for Women's Affairs, was established to provide loans for agricultural projects. It began promoting its loan services in July 2013.
263. The first women's rehabilitation centre in the country was opened in March 2013, in Baghdad, and similar centres are to be opened in all governorates.
264. Twenty-seven gender units have been created in State institutions, with the result that each institution now develops policies and programmes designed to cater to the needs of both sexes and to reduce the gender gap in opportunities and service provision. Women's issues and needs are thus being integrated into all of the country's official institutional policies.
265. A centre for women's affairs committees was established, in agreement with the Ministry of Higher Education, and its internal rules and administrative structure were finalized in 2012.
266. A women's business centre was established in 2012, in cooperation with the Iraqi Chamber of Commerce, in order to increase the number of business women, improve their access to business and contracting opportunities and alter stereotypes surrounding women.
267. Annual media campaigns have been mounted by the Ministry for Women's Affairs, notably the 16 Days of Activism against Gender-based Violence, part of a global campaign for which it produced posters, leaflets and television advertising and organized educational seminars.
268. Article 29 of the 2005 Constitution reads: "The family is the foundation of society and the State shall preserve its integrity and its religious, moral and national values. The State guarantees the protection of mothers, children and older persons."
269. Article 2 (1) of the Personal Status Code (Act No. 188 of 1959) states: "The provisions of the present Act shall apply to all Iraqis except those excluded by a special law." This means that the Act is applicable as a matter of course to all Iraqis without distinction, save those specifically excluded from its provisions. Non-Iraqis are subject to the Personal Status Code for Foreign Nationals (Act No. 78 of 1931) while Act No. 32 of 1947 regulates the religious courts of Christian and Mosaic communities and Act No. 87 of 1963 covers the Armenian Orthodox community.
270. Article 3 (1) of the Personal Status Code states: "Marriage is a contract between a man and a woman whom it is permissible for him to marry. The purpose of marriage is to establish a bond for shared life and procreation." The man and woman alike are thus parties to the contract of marriage and enter into it with their full consent and of their own free will. If either of them is unwilling, the contract is invalid. Article 4 of the Code states that marriage occurs only when one of the parties to the contract makes an offer of marriage and the other, or his or her representative, accepts the offer. Legislation has sought to ensure that marriage contracts are concluded by the parties thereto.
271. Minorities and religious communities in Iraq exercise their rights in respect of marriage and associated rituals, which are protected by law. Marriages between members of ethnic minorities and religious communities are commonplace in Iraq.

Article 24 (children's rights)

272. The Iraqi Constitution, which was proclaimed in 2005 following the change of political regime in 2003, enshrines the principle of equality between men and women in various spheres, as provided for in international instruments, including with respect to the transfer of Iraqi nationality to children. In that context, article 18 (2) of the Constitution reads: "Any person born to an Iraqi father or mother shall be deemed to be Iraqi, as regulated by law." On that basis, Iraqi Nationality Act No. 26 of 2006 was promulgated, giving effect to the principle of equality between men and women and thereby reflecting

modern trends in citizenship law whereby women are able to pass on their nationality to their children as a matter of legal course, without needing to make a special application. The Iraqi Nationality Act, furthermore, contains no restrictions but fully embraces the principle enshrined in the Constitution and imposes no controls on the transfer of the mother's Iraqi nationality to her children.

273. The Council of Ministers issued its Decree No. 146 of 2017 under which it endorsed the national child protection policy proposed by the Ministry of Labour and Social Affairs. The policy, which prioritizes the protection of children in areas of displacement and in liberated areas, is currently being activated thanks to international support.

274. The child protection policy document includes provision for programmes to rehabilitate children in liberated areas and reintegrate them into society. Rehabilitation programmes have also been developed for orphans and widows, aimed at reintegrating them into their communities in areas overrun by the ISIL terror organization, once those areas have been liberated. To that end, an additional allocation has been made from the 2017 federal budget to the budget of the Ministry of Labour and Social Affairs. The purpose of the programmes – which are supported by the Ministry of the Interior, the Ministry of Youth and Sport, the Ministry of Health, the Ministry of Education, the Ministry of Planning and the Ministry of Culture as well as by the Child Welfare Commission and civil society organizations – is to instil national values in children, eliminate the extremist ideas implanted in their minds by ISIL and reformulate curricula according to modern principles that reject violence and extremism and encourage peace and tolerance.

Article 25 (participation in public affairs and the right to vote)

275. Reference is made to the previous report and to paragraphs 6–8 above.

Article 26 (equality before the law)

276. The national legislation that regulates Iraqi citizens' rights, without discrimination, is governed by article 14 of the Constitution, which provides that: "Iraqis are equal before the law, without discrimination on the basis of sex, race, ethnicity, origin, colour, religion, confession, belief or opinion, or socioeconomic status." Civil rights for all Iraqi citizens are thus guaranteed by law.

Article 27 (rights of minorities) and concluding observations paragraph 44

277. The Supreme Judicial Council has set up human rights courts in each appeal-court jurisdiction to investigate human rights offences, as well as anti-terrorism courts of investigation. The purpose of the courts is to ensure that all perpetrators of offences against citizens and the security of society receive condign punishment in fair trials conducted in accordance with the law.

278. Psychological rehabilitation is offered to women and girls who suffered violations and abuses at the hands of ISIL terror groups.

279. Iraqi laws protect the rights of all the groups that make up the Iraqi people without exception, and they are applied without discrimination. The law provides special protection for minorities and, in particular, seeks to cancel the negative effects that resulted from the unjust decisions made by the former regime to the detriment of the Feyli Kurds by documenting and commemorating the genocide that regime committed against them. Emphasis is also placed on the role of the official media in highlighting those crimes via programming and media campaigns. The Council of Ministers issued Decree No. 157 of 2017 and Decree No. 93 of 2016 to reinstate Christian officials working in the Kurdistan Region of Iraq. This provision has been extended to other departments in ministries and

commissions, for them also to take the necessary steps. A committee has been established to examine the issue of the restoration of rights to Feyli Kurds, and its work is still ongoing.
