

**Responses to Recommendations**

**IRAQ**

Review in the Working Group: 16 February 2010  
 Adoption in the Plenary: 11 June 2010

**Iraq's responses to recommendations (as of 28.06.2010):**

<b>In the Report of the Working Group:</b>	<b>In the Addendum:</b>	<b>During the plenary:</b>	<b>Summary:</b>
135 REC accepted; 27 rejected; 14 pending	Out of the 14 pending REC, 1 was accepted, 3 were considered as implemented (second part of n°2, REC n°6 and first part of n°11) and the rest pending ("continue to be temporarily suspended")	The President of the HRC asked for clarification on the pending REC. The delegation said that the REC still pending were noted.	Accepted: 136 Rejected: 27 No clear position: 3 Pending: 14

**List of recommendations contained in Section II of the Report of the Working Group A/HRC/14/14:**

**81. The recommendations formulated during the interactive dialogue and listed below enjoy the support of Iraq:**

A - 1. Consider the possibility of ratifying more human rights treaties, such as the Convention on the Rights of Persons with Disabilities and the Convention relating to the Status of Refugees (Algeria);

A - 2. Complete the process already started by Iraq, of accession and ratification of international conventions and treaties, in particular the Convention on the Rights of Persons with Disabilities (Sudan);

A - 3. Consider ratification of the optional protocols of core international human right treaties it has already ratified or is in the process of ratifying (Philippines)

A - 4. Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and also accepting the competence of the relevant committee (Argentina);

A - 5. Harmonize its Constitution and legislation with the accepted international law standards (Slovenia);

- A - 6. Continue to strengthen human rights principles of the newly adopted Constitution (Kazakhstan);
- A - 7. Ensure that its domestic legislation and practice are in full compliance with the requirements of article 18 of the ICCPR (Poland);
- A - 8. Strengthen efforts to harmonize national human rights legislation with the relevant international instruments (Libyan Arab Jamahiriya);
- A - 9. Bring the national law to conformity with the international human rights standards (Ukraine);
- A - 10. Complete the process of establishing the independent high commission for human rights (Algeria);
- A - 11. Move quickly to establish the Independent High Commission for Human Rights (IHCHR) and, notwithstanding budget pressures, ensure adequate funding for the IHCHR and the Ministry of Human Rights (Australia);
- A - 12. Establish, as soon as possible, through the allocation of a budget line and the appointment of its members, the Independent High Commission as a complementary body to the Human Rights Commission of the Council of Representatives (Spain);
- A - 13. Establish national human rights institution, in accordance with the Paris Principles (Pakistan);
- A - 14. Establish an independent human rights commission in accordance with the Paris Principles (United Kingdom of Great Britain and Northern Ireland);
- A - 15. Explore the possibility of establishing an independent national human rights institution in conformity with the Paris Principles (Malaysia);
- A - 16. Develop the institutional environment for the protection of human rights in Iraq (Qatar);
- A - 17. Continue the steps aiming at combating corruption and achieve the efforts to develop national mechanisms in this regard (Sudan);
- A - 18. Redouble its efforts to combat corruption and promote good governance with a view to achieving substantial improvements in this regard (Republic of Korea);
- A - 19. Implement effective oversight mechanisms within the judiciary to tackle corruption and to improve the quality and speed of the judicial process (Austria);
- A - 20. Strengthen its efforts to promote and protect human rights in Iraq (Saudi Arabia);
- A - 21. Undertake additional measures to protect rights of women and children (Ukraine);
- A - 22. Continue its utmost efforts to improve the civil, political, social, economic and cultural rights for the Iraqi people (Bangladesh);
- A - 23. Continue to establish democracy, good governance, rule of law and equality (Jordan);
- A - 24. Continue to implement a comprehensive security, economic, political and social welfare plan (Kazakhstan);
- A - 25. Achieve the national reconciliation project, foster solidarity among the Iraqi people, enshrine the bases of the national unity and ensure public security (Algeria);
- A - 26. Continue the process of national reconciliations in order to enshrine the bases of the national unity, stability and internal security (Sudan);
- A - 27. Commit to abide by international humanitarian law and international law (Kuwait);

A - 28. Ensure that any collaboration agreement signed with other States or contracts adjudicated to private security companies, guarantee the obligation of respecting international standards for the protection of human rights, as well as establish an adequate mechanism supervising the compliance with these standards by the actors involved (Mexico);

A - 29. Continue to pay attention and provide the necessary services to priority groups in order to promote them and offer them the opportunity to participate effectively in the construction of a better future for the Iraqi people (Tunisia);

A - 30. Continue the fruitful cooperation with the United Nations Assistance Mission for Iraq (UNAMI) in order to strengthen the human rights protection, while considering the difficult circumstances and the security situation in Iraq and taking into account the traditions of the Iraqi people (United Arab Emirates);

A - 31. Continue to work with UNAMI and the international community to address human rights recommendations set out in the 1 January – 30 June 2009 UNAMI Human Rights report (Australia);

A - 32. Significantly improve its cooperation with the United Nations treaty Bodies by submitting overdue reports (Norway);

A - 33. Submit the second and third reports to the Committee on the Rights of the Child (Uruguay);

A - 34. Consider issuing a standing invitation to all UN human rights special procedures (Brazil);

A - 35. Consider extending a standing invitation to all special procedures of the Human Rights Council (Latvia);

A - 36. Issue a standing invitation to all human rights special procedures (New Zealand);

A - 37. Issue a standing invitation to the United Nations special procedures (Poland);

A - 38. Extend a permanent and open invitation to the United Nations human rights special procedures (Chile);

A - 39. Give priority to facilitating the visits requested by Special Rapporteurs of the Human Rights Council (Norway);

A - 40. Deal positively with the requests for visits to Iraq by Special Rapporteurs and Representatives of the Secretary General (Qatar);

A - 41. Advance in the promotion of gender equality and equity and study the necessary legislative reforms to follow international standards such as CEDAW (Uruguay);

A - 42. Continue its efforts to improve the situation of women and empower them (Jordan);

A - 43. Raise social awareness on the importance of women's rights (Italy);

A - 44. Further enhance measures, in cooperation with the international community, to protect and promote the rights of the child, including through strengthening the educational system and the provision of adequate food, housing and health services to the most vulnerable families and groups in society (Philippines);

A - 45. Continue its gender-sensitive campaigns to create a more nondiscriminatory environment (Bangladesh);

A - 46. Exert more concrete efforts to fully realize the right to life, liberty and security of the person, as well as respect for the rule of law in national institutions (Republic of Korea);

A - 47. Undertake to abolish the death penalty or, in the absence of abolition, respect international standards restricting the scope of its application (Canada);

- A - 48. Respect at least minimum standards, as long as it maintains death penalty (Belgium);
- A - 49. Take all necessary steps to eliminate torture and other inhuman punishments in prisons and detention facilities (Denmark);
- A - 50. Investigate promptly, effectively and independently allegations of torture in order to ensure that those responsible are brought to justice (Switzerland);
- A - 51. Increase its efforts at eradicating torture by launching independent and credible investigations into alleged cases of torture and holding those responsible to account and providing compensation and support to the victims (Sweden);
- A - 52. Consider inadmissible, the confessions obtained under torture or ill treatment and allow all detainees to prepare their defense and communicate with a lawyer of their choice (Switzerland);
- A - 53. Implement measures to ensure appropriate treatment of detainees, work to eliminate the detention of persons without charge or trial and ensure transparency for all sentences (Australia);
- A - 54. Complete the transfer of detainees to Ministry of Justice custody (United States);
- A - 55. Continue to improve conditions in Ministry of Justice-operated facilities and hold accountable any law enforcement official suspected of involvement in torture, abuse or coerced confessions (United States);
- A - 56. Make sure that all de facto detention facilities fall under the responsibility and direct authority of the government (Netherlands);
- A - 57. Unify the supervision of Iraq's prisons and detention centers, which is currently under the jurisdiction of various authorities, under the Ministry of Justice so as to improve the condition of these facilities and the process of crime investigation and to guarantee transparency (Japan);
- A - 58. Invite the Special Rapporteur on Torture in order to examine the situation in all of Iraq's detention facilities and formulate recommendations for appropriate reform (Canada);
- A - 59. Adopt measures to criminalize the recruitment of child soldiers, put an end to the impunity of persons involved in trafficking in organs or organizing child prostitution, and accompany these measures with a policy of access to basic services and to education for the most vulnerable children (France);
- A - 60. Ensure due monitoring, investigating and prosecuting the recruitment of minors for military purpose and provide efficient rehabilitation and reintegration schemes for the victims (Slovakia);
- A - 61. Consider enacting a specific law to combat trafficking in persons, with emphasis on the protection of the human rights of victims, especially women and children (Philippines);
- A - 62. Intensify efforts to address impunity and incidence of trafficking and domestic violence as well as sexual abuse of women and girls including by strengthening law enforcement and judicial system, recruiting more women in the police and judiciary, and organizing more gender awareness campaigns within the Iraqi armed forces and police (Malaysia);
- A - 63. Address the problem of domestic violence (Italy);
- A - 64. Strengthen policies and measures, including legislation in the area of domestic violence (Brazil);
- A - 65. Take all the necessary measures to fight against all forms of violence against women and proceed to investigate and punish those responsible (Uruguay);
- A - 66. Enact legislation to combat domestic violence and sexual violence and to ban female genital mutilation (France);
- A - 67. Put a decisive end to the practice of female genital mutilation (Greece);

- A - 68. Consider a legal reform in order to address also in an effective way the so-called “honour killings or crimes” (Italy);
- A - 69. Continue efforts to adequately respond to honour related violence, provide shelters for women in need, raise public awareness and prosecute the perpetrators as a matter of priority (Netherlands);
- A - 70. Strengthen measures in response to reported violence against women and girls, and, in the worst cases of honor crimes and end impunity (Japan);
- A - 71. Investigate cases of violence against women, particularly “honor crimes”, take measures to ensure that the perpetrators are brought to justice and provide measures of redress to women victims (Chile);
- A - 72. Investigate thoroughly crimes against women and minorities and fully implement laws intended to enforce constitutional protections for women and minorities, including laws against discrimination (United States);
- A - 73. Implement measures to address extrajudicial killings of persons on the basis of their actual or presumed sexual orientation (Netherlands);
- A - 74. Take action in order to end extrajudicial killings of persons on the basis of their sexual orientation (Greece);
- A - 75. Take all necessary steps to strengthen to neutrality and independence of its judiciary (Germany);
- A - 76. Take effective measures to ensure the independence of the judiciary and the right to access to justice (Argentina);
- A - 77. Adhere to international standards regarding fair trials, and address allegations of abuse of detainees, including juveniles (Ghana);
- A - 78. Restore the legitimacy and credibility of trials in the country (Germany);
- A - 79. Take all necessary steps to strengthen the adequate access to justice especially for vulnerable groups such as women (Germany);
- A - 80. Increase efforts to improve the quality and capacity of the judicial system (Austria);
- A - 81. Strengthen security for judicial staff and lawyers (Austria);
- A - 82. Speed up its justice reforms to comply with international standards (Slovakia);
- A - 83. Continue cooperating with the European Union EUJUST LEX Mission for the training of staff which is of great importance for consolidating the rule of law and strengthening judicial, prisons and police structures. In this context, expand the public recognition and awareness of the Mission and disseminate its objectives and results to the public (Spain);
- A - 84. Implement all necessary measures to ensure fair trial under all circumstances, investigate vigorously all allegations of torture and other forms of maltreatment and bring those who are responsible to justice (Netherlands);
- A - 85. Improve respect for human rights in its justice system, including by ensuring that all allegations of torture are thoroughly investigated and that any perpetrators brought to justice, and by promoting the use of forensic evidence in courts (United Kingdom of Great Britain and Northern Ireland);
- A - 86. Review the Penal Code and the Law on Criminal Proceedings in order to overcome shortcomings in the procedure and to ensure the right to fair trial, adequate defence and prompt access to justice for all (Bosnia and Herzegovina);

- A - 87. Continue to combat the culture of impunity (United States);
- A - 88. Take effective measures to systematically tackle impunity by improving training, including human rights training, of security and law enforcement officials (Austria);
- A - 89. Deepen its efforts to improve accountability structures with the view to eradicate impunity (Sweden);
- A - 90. Take effective measures to prevent and eliminate discrimination on the grounds of religion and belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life (Poland);
- A - 91. Introduce, within its overall security policy, further measures to secure life of confessional groups and indigenous people, and further pursue its policy of involving the representatives of the latter in new political and social structure of Iraq (Armenia);
- A - 92. Improve its security situation and take necessary steps to enhance greater dialogue between and among various religious groups in the country (Nigeria);
- A - 93. Do more to ensure that the hard-fought freedom of expression is guaranteed by the government and protected under Iraqi laws and Iraqi courts (United States);
- A - 94. Take steps to end intimidation and abuse of journalists by government officials and hold all perpetrators of violence against and harassment of journalists fully accountable (United States);
- A - 95. Promptly investigate crimes and violations against human rights defenders and journalists and prosecute the perpetrators (Norway);
- A - 96. Investigate violations and attacks against journalists in order to ensure the necessary judicial stability for a functioning media (Germany);
- A - 97. Proceed to further actions in order to provide a safe working environment for journalists in the country (Greece);
- A - 98. Consider enacting a law that regulates freedom of the press (Qatar);
- A - 99. Better disseminate and ensure full observance of the Declaration on Human Rights Defenders (Norway);
- A - 100. Promote the development of a vibrant and effective civil society including by promulgating legislation in accordance with international human rights law, in particular to protect the rights of trade unions, NGO's and freedom of the media (United Kingdom of Great Britain and Northern Ireland);
- A - 101. Hold the next elections in an inclusive and transparent manner (Brazil);
- A - 102. Make efforts to ensure that all Iraqis, including religious minorities, can participate in elections that are safe, fair and free of intimidation and violence (United States);
- A - 103. Take action to ensure the Supreme National Commission for Accountability and Justice is independent and operates towards the goal of free and fair elections with participation of all parties (New Zealand);
- A - 104. Continue to support healthcare services by exploring the possibility of establishing a system of medical insurance that would ensure healthcare coverage to all social groups, especially the poorest (Morocco);
- A - 105. Continue its policies to achieve the goal set in 2006 of building more than 3.5 million dwellings by 2015 (Angola);
- A - 106. Strengthen its efforts in the area of development as well as the implementation of the Millennium Development Goals (MDGs) especially, concerning the enrolment at all levels of

education, the realization of the right to food and the decrease of maternal and child mortality rates (Algeria);

A - 107. Continue its efforts for all children to have access to education and health (Bangladesh);

A - 108. Strengthen efforts to improve the education system, reduce the dropout rates and eradicate illiteracy by inter alia, allocating more resources in the education sector and strengthening cooperation with the international community and organizations including UNICEF and UNESCO (Malaysia);

A - 109. Continue efforts aiming at combating school drop-out and illiteracy through parallel programmes to the formal education system, that encourage families to register children in schools and adults in programmes for the eradication of illiteracy (Morocco);

A - 110. Continue its policies aimed at strengthening the educational system (Angola);

A - 111. Spread the culture of human rights in all sectors and institutions of society, in particular legislators and the staff of the judicial system and review its education curricula with a view to incorporating human rights principles (Lebanon);

A - 112. Disseminate the culture of human Rights through school curricula (Libyan Arab Jamahiriya);

A - 113. Make efforts to enhance security in the schools in order to increase the participation of children in the education system (Bosnia and Herzegovina);

A - 114. Ensure the protection of the rights of minorities (Ukraine);

A - 115. Ensure that all abuses against ethnic, linguistic or religious minorities are duly investigated and prosecuted, including in the context of the examination of the situation of the residents of Camp Ashraf (Belgium);

A - 116. Intensify its efforts to support the rights and freedoms of minorities by undertaking prompt and impartial investigations into reports of attacks against religious and ethnic minorities and bring to justice those responsible (Ghana);

A - 117. Enhance the efforts to improve the security situation and protection of minorities (Denmark);

A - 118. Continue its positive initiatives towards prioritizing minority issues and guaranteeing the security of minorities and ensure that the situation of minorities is dealt with in accordance with human rights (Lebanon);

A - 119. Ensure the rights of religious and ethnic minorities. In this regard, respect and guarantee the rights of Iraqi Turkmen and other peoples who are integral with Iraq in accordance with relevant international obligations (Kazakhstan);

A - 120. Increase the protection of ethnic and religious minorities as well as women, human rights defenders and journalists (Switzerland);

A - 121. Continue to pay close attention to its obligations under international humanitarian and international human rights law, including with respect to foreign nationals and stateless persons (Australia);

A - 122. Ensure the rights of migrants and ethnic and religious minorities (Bosnia and Herzegovina);

A - 123. Encourage the collective return of the Iraqi refugees, ensure their rights and reintegrate them into the unified Iraqi society (Morocco);

A - 124. Adopt and apply measures aimed at guaranteeing full respect for human rights and international humanitarian law for all refugees (Chile);

A - 125. Strengthen policies and further seek international cooperation to ensure the human rights of Internally Displaced Persons, including measures for their return or resettlement (Brazil);

A - 126. Develop a national plan to provide assistance and compensation to internally displaced persons (Chile);

A - 127. Pay special attention to women from marginal groups who have been affected by armed conflict and displacement (Norway);

A - 128. Build mechanisms which would enable provision of adequate humanitarian assistance to the large number of internally displaced persons (Bosnia and Herzegovina);

A - 129. Continue its efforts to combat terrorism in order to ensure security and stability and to allow the Iraqi migrants to return and contribute to building their country (Kuwait);

A - 130. Incorporate a human rights-based approach in its every effort to achieve sustainable security and development, particularly in anti-terrorism operations (Republic of Korea);

A - 131. Continue its efforts to combat terrorism and exert every possible effort to protect and promote human rights, in spite of all existing obstacles and threats, keeping away from external and regional interference that contributes to undermining the security and stability in Iraq (Palestine);

A - 132. Establish an effective and inclusive process to follow-up on UPR recommendations (Norway);

A - 133. Continue its cooperation with the international and regional human rights mechanisms, in particular in the area of technical assistance and training (Saudi Arabia);

A - 134. Request technical assistance from the relevant international human rights mechanisms, whenever there is a need to carry on building the capacities of the country to face challenges, in particular in the area of the judiciary and the preparation of human rights periodic reports (Algeria);

A - 135. Request and be given, based on its assessed needs, necessary technical and financial assistance to address its human rights concerns (Pakistan).

**82. The following recommendations will be examined by Iraq, which will provide responses in due time. The response of Iraq to these recommendations will be included in the outcome report adopted by the Human Rights Council at its fourteenth session:**

P - 1. Ratify the Optional Protocols to the two Covenants [ICCPR and ICESR] and CEDAW (Austria);

P - 2. Ratify the main pending human rights instruments, particularly the two Optional Protocols to ICCPR;

NC - the Convention against Torture and its Optional Protocol (Chile);

P - 3. Sign and ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; Optional Protocol to the International Covenant on Civil and Political Rights; Second Optional Protocol to the Covenant on Civil and Political Rights;

A - International Convention for the Protection of All Persons from Enforced Disappearance;

P - Optional Protocol to the Convention on the Elimination of Discrimination against Women; Optional Protocol of the Covenant on Economic, Social and Cultural Rights; Convention on the Rights of Persons with Disabilities and its Optional Protocol (Spain);

P - 4. Accede to the following international instruments: Optional Protocol to the Covenant on Civil and Political Rights; Second Optional Protocol to the Covenant on Civil and Political Rights; Optional Protocol to the Convention on the Elimination of Discrimination against Women; Convention against Torture; Optional Protocol to the Convention against Torture; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Argentina);

P - 5. Ratify the Rome Statute of the International Criminal Court (Mexico);

NC - 6. Step-up its efforts to guarantee civil, political, economic, social and cultural rights of the Iraqi people, including equality before the law without discrimination of any kind and take appropriate measures to respect international human rights instruments and United Nations Treaty Bodies recommendations (Chile);



P - 7. Commit fully to the implementation of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (Italy);

P - 8. Ensure that Iraq's legislation guarantees de jure and de facto non discrimination against women (Mexico);

P - 9. Re-establish the moratorium on death penalty in all cases. If not, extend that moratorium to the cases that are contrary to international law, including the death penalty for sexual orientation (Spain);

P - 10. Abolish legal provisions allowing for reduced sentences for so-called "honor crimes" and undertake an awareness-raising campaign (Austria);

NC - 11. Carry-out an awareness raising campaign against domestic and gender based violence, and, in specific terms, against offences against women for reasons of "honor", and

P - amend article 128 of the Criminal Code which identifies the commission of an offence "with honourable motives" as a "mitigating excuse" (Spain);

P - 12. Suspend the application of article 128 in the Criminal Code, with a view to revoke it (Norway);

P - 13. Suspend Article 128 of the Iraqi Penal Code and put in place steps to repeal it completely (New Zealand);

P - 14. Repeal article 128 of the Criminal Code which identifies "the commission of an offence with honourable motives" as a mitigating excuse (Canada).

### **83. The following recommendations did not enjoy the support of Iraq:**

R - 1. Reduce the scope of crimes subject to the death penalty, specifically regarding all non-violent crimes, and work towards the total abolition of the death penalty (Norway);

R - 2. Establish an immediate moratorium on the death penalty, with a view to its final abolition in the future (Belgium);

R - 3. Establish as a first step, a moratorium on all executions followed by a complete abolition of the death penalty (Switzerland);

R - 4. Take all the necessary measures for the establishment of a moratorium on death penalty in Iraq, as a first step towards its abolition (Uruguay);

R - 5. Re-introduce the de facto moratorium of the death penalty with a view to its abolition (Italy);

R - 6. Re-establish a moratorium on the death penalty with a view of its elimination (Netherlands);

R - 7. Reinstate the moratorium on the death penalty and proceed to its complete abolition (Greece);

R - 8. Apply a moratorium on death penalty as a first step towards its effective abolition (Argentina);

R - 9. Take all necessary legal steps to abolish the death penalty and, in the meantime, reintroduce a de facto moratorium (Denmark);

R - 10. Resume the de facto suspension of the death penalty pending its abolition (Sweden);

R - 11. Abolish the death penalty or, if not, establish a moratorium, consistent with Australia's support for its universal abolition (Australia);

R - 12. Abolish the death penalty or, otherwise, establish a moratorium (Chile);

R - 13. Establish an immediate moratorium on the use of the death penalty and commute all current death sentences (New Zealand);

R - 14. Amend the concerned legislation to establish an immediate moratorium on the death penalty with a view of abolishing the capital punishment entirely in line with the United Nations General Assembly resolutions 62/149 and 63/168 as well as the second Optional Protocol to ICCPR and transfer the existing death sentences to imprisonment terms (Slovakia);

R - 15. Halt immediately all executions and implement a moratorium on the use of the death penalty (Canada);

R - 16. Halt all executions and establish a moratorium on the death penalty with a view to abolishing the capital punishment (Slovenia);

R - 17. Impose a moratorium on pending executions and review the Penal Code with the aim of a complete abolition of the death penalty (Hungary);

R - 18. Establish the moratorium on the death penalty (Ukraine);

R - 19. Establish a moratorium on executions (United Kingdom of Great Britain and Northern Ireland);

R - 20. Immediately implement a moratorium on executions and work further towards fully abolishing the death penalty (Austria);

R - 21. Commit to the path of abolishing the capital punishment by adopting as soon as possible, a moratorium and commuting the sentences that have already been pronounced (France);

R - 22. Abolish the death penalty (Germany);

R - 23. Investigate all allegations of persecution based on gender and sexual orientation and that charges be brought against those behind these crimes (Norway);

R - 24. Ensure all reports of human rights violations, including those against religious minorities and homosexuals, are investigated and prosecuted (Australia);

R - 25. Fully investigate all allegations of persecution based on gender and sexual orientation (Canada);

R - 26. Decriminalize homosexuality and ensure that the authors of violence against homosexuals are brought to justice (France);

R - 27. Ensure that Iraq's national legislation guarantees the rights of boys, girls and adolescents and establishes 18 as the age of adulthood, especially regarding penal responsibility (Mexico).

*Disclaimer: This classification is not official and is based on United Nations documents and webcast. For questions, comments and/or corrections, please write to [info@upr-info.org](mailto:info@upr-info.org)*