

# Iraq

## Mid-term Implementation Assessment



*Promoting and strengthening  
the Universal Periodic Review*  
<http://www.upr-info.org>

## Introduction

### 1. Purpose of the follow-up programme

*The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.*

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on, and implement their commitments. States should implement the recommendations that they have accepted, and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible, and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 20 November 2012

## Follow-up Outcomes

### 1. Sources and results

---

All data are available at the following address:

<http://followup.upr-info.org/index/country/iraq>

We invite the reader to consult that webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

49 stakeholders' reports were submitted for the UPR. 30 NGOs were contacted. 1 UN agency was contacted. The Permanent Mission to the UN was contacted.

16 NGOs responded to our enquiry. The UN agency did not respond to our enquiry. The State under Review did not respond to our enquiry either.

*IRI*: 100 recommendations are not implemented, 27 recommendations are partially implemented, and 14 recommendations are fully implemented. No answer was received for 25 out of 179 recommendations (full list of unanswered recommendations is available at the end of this document).

### 2. Index

---

Hereby the issues which the MIA deals with:

rec. n°	Issue	page	IRI
1	Women's rights, Rights of the Child, Human rights education and training,	page 37	not impl.
2	Death penalty	page 22	not impl.
3	Death penalty	page 23	not impl.
4	Death penalty	page 23	not impl.
5	Women's rights, Torture and other CID treatment, Migrants, International instruments, Death penalty, CP rights - general,	page 19	partially impl.
6	Public security, Justice,	page 25	not impl.
7	Women's rights, Rights of the Child,	page 38	partially impl.
8	Rights of the Child, Justice, Detention conditions,	page 25	not impl.
10	Rights of the Child, Impunity,	page 40	partially impl.



rec. n°	Issue	page	IRI
11	Women's rights, International instruments,	page 41	not impl.
12	Women's rights	page 37	-
13	International instruments, Death penalty,	page 23	not impl.
14	Death penalty	page 23	not impl.
15	International instruments, Human rights defenders,	page 26	partially impl.
17	Internally displaced persons	page 54	not impl.
18	Women's rights, Human rights education and training,	page 42	partially impl.
19	Women's rights, International instruments,	page 42	-
20	International humanitarian law	page 54	not impl.
21	Death penalty	page 23	not impl.
22	International instruments, Disabilities,	page 19	partially impl.
23	NHRI	page 54	fully impl.
24	Detention conditions	page 26	not impl.
25	Women's rights, Rights of the Child,	page 42	not impl.
26	Freedom of the press	page 8	fully impl.
27	Women's rights, Trafficking, Rights of the Child,	page 27	fully impl.
28	Special procedures	page 20	not impl.
29	Torture and other CID treatment, Detention conditions,	page 27	not impl.
30	Special procedures	page 20	not impl.
31	International instruments	page 19	not impl.
32	International instruments, Enforced disappearances,	page 20	fully impl.
33	International instruments, Disabilities, Asylum-seekers - refugees,	page 21	not impl.
35	Right to education	page 15	not impl.
36	Women's rights, Human rights education and training,	page 43	not impl.
37	Technical assistance	page 55	not impl.
38	Rights of the Child, Right to health, Right to education,	page 43	-
41	Women's rights	page 43	partially impl.
42	Women's rights	page 44	partially impl.
43	Right to education	page 15	not impl.
45	Minorities	page 17	not impl.
46	ESC rights - general, CP rights - general,	page 55	partially impl.
47	Public security	page 56	partially impl.
48	Justice	page 28	not impl.
49	Corruption	page 28	partially impl.
50	Impunity	page 28	not impl.
51	Justice	page 55	not impl.
53	Torture and other CID treatment, Human rights violations by state agents,	page 29	not impl.
55	International instruments, International humanitarian law,	page 56	not impl.
56	General	page 56	-
57	Right to health	page 16	not impl.
58	Other	page 56	partially impl.
59	Special procedures	page 20	not impl.



rec. n°	Issue	page	IRI
60	Sexual Orientation and Gender Identity	page 36	not impl.
61	Impunity	page 28	not impl.
63	Justice	page 57	partially impl.
64	Human rights education and training	page 16	partially impl.
65	Freedom of opinion and expression	page 9	not impl.
66	Women's rights, Torture and other CID treatment, Rights of the Child,	page 45	partially impl.
67	Asylum-seekers - refugees	page 57	fully impl.
68	Minorities	page 17	not impl.
69	Sexual Orientation and Gender Identity	page 30	not impl.
70	Rights of the Child	page 46	-
72	Public security	page 30	not impl.
73	Women's rights	page 46	not impl.
75	International instruments, Freedom of religion and belief,	page 10	not impl.
76	Minorities	page 17	not impl.
77	Minorities, Migrants,	page 18	not impl.
78	Minorities	page 18	not impl.
79	Death penalty	page 23	not impl.
80	UPR process	page 21	fully impl.
81	Death penalty	page 23	not impl.
82	Death penalty	page 23	not impl.
83	NHRI	page 57	fully impl.
84	Death penalty	page 23	not impl.
85	NHRI	page 57	fully impl.
86	Death penalty	page 23	not impl.
87	NHRI	page 54	fully impl.
88	Other, Justice,	page 10	not impl.
89	NHRI	page 57	fully impl.
90	Special procedures	page 20	not impl.
91	Sexual Orientation and Gender Identity	page 37	-
94	Death penalty	page 23	not impl.
95	Death penalty	page 24	not impl.
97	Elections	page 11	-
98	Death penalty	page 24	not impl.
99	Torture and other CID treatment	page 30	not impl.
100	Justice, Corruption,	page 31	not impl.
101	Sexual Orientation and Gender Identity, Extrajudicial executions,	page 37	not impl.
102	Detention conditions	page 32	not impl.
103	Death penalty	page 24	not impl.
104	Freedom of religion and belief	page 11	not impl.
105	Torture and other CID treatment, Justice,	page 31	not impl.
107	Justice	page 32	not impl.
108	Torture and other CID treatment	page 32	not impl.



rec. n°	Issue	page	IRI
109	Women's rights, Minorities, Human rights defenders, Freedom of the press,	page 18	not impl.
110	Women's rights, Trafficking, Rights of the Child, Impunity, Justice, Human rights education and training,	page 46	partially impl.
111	Minorities	page 18	not impl.
113	Sexual Orientation and Gender Identity	page 37	not impl.
114	Women's rights	page 48	not impl.
116	Women's rights, Minorities,	page 57	not impl.
117	Freedom of the press	page 11	not impl.
118	Torture and other CID treatment, Special procedures, Detention conditions,	page 20	not impl.
119	Special procedures	page 20	not impl.
120	Special procedures	page 20	not impl.
121	Rights of the Child, Right to education,	page 16	not impl.
123	Detention conditions	page 33	partially impl.
124	NHRI	page 54	fully impl.
125	Women's rights	page 48	not impl.
126	Freedom of the press	page 12	not impl.
127	Labour, Freedom of the press, Civil society,	page 13	partially impl.
128	Human rights defenders, Freedom of the press,	page 33	not impl.
129	Women's rights, Torture and other CID treatment, Rights of the Child,	page 49	partially impl.
130	Women's rights	page 49	fully impl.
131	Torture and other CID treatment, International instruments,	page 21	partially impl.
132	International instruments, Death penalty, CP rights - general,	page 22	not impl.
133	Women's rights, International instruments,	page 22	not impl.
134	Justice, International instruments,	page 22	not impl.
135	Corruption	page 34	not impl.
136	Death penalty	page 24	not impl.
137	Death penalty	page 24	not impl.
138	Death penalty	page 24	not impl.
139	Death penalty	page 24	not impl.
140	Death penalty	page 24	not impl.
141	Justice	page 38	-
142	General	page 58	fully impl.
146	Death penalty	page 24	not impl.
147	Justice	page 34	-
148	International instruments	page 22	partially impl.
149	International instruments, Enforced disappearances,	page 21	fully impl.
150	Treaty bodies	page 22	not impl.
151	Justice	page 35	-
153	Treaty bodies, ESC rights - general, CP rights - general,	page 58	not impl.
155	Right to education	page 16	partially impl.
156	Women's rights, Rights of the Child, Right to food, Right to education, Development,	page 17	not impl.



rec. n°	Issue	page	IRI
157	General	page 59	not impl.
158	Women's rights, Rights of the Child, Impunity,	page 49	not impl.
159	Technical assistance, Internally displaced persons,	page 54	not impl.
160	Women's rights, Rights of the Child,	page 51	partially impl.
162	Treaty bodies, Rights of the Child,	page 51	partially impl.
163	Women's rights, Rights of the Child,	page 38	-
164	Women's rights, Rights of the Child,	page 38	-
165	Sexual Orientation and Gender Identity, Extrajudicial executions,	page 37	not impl.
166	Justice, Elections,	page 13	-
167	Death penalty	page 24	not impl.
168	Torture and other CID treatment, Detention conditions,	page 35	not impl.
169	Women's rights, Justice,	page 52	partially impl.
170	Justice	page 35	not impl.
171	Death penalty	page 25	not impl.
172	Women's rights	page 52	partially impl.
174	Freedom of religion and belief	page 13	not impl.
175	Impunity, Human rights education and training,	page 36	not impl.
176	Freedom of the press	page 14	not impl.
177	Women's rights, Rights of the Child,	page 53	partially impl.
178	Death penalty	page 25	not impl.
179	Detention conditions	page 36	not impl.

### 3. Feedbacks on recommendations

---

## CP Rights

Recommendation n°26: *Consider enacting a law that regulates freedom of the press*  
(Recommended by Qatar)

IRI: *fully implemented*

Democracy and Human Rights Development Centre (DHRD) response:

In August 2011, Iraq passed the Journalist Protection Law. Yet since its implementation in November it has proved ineffectual and has not increased press freedom. The protections listed in the law are ambiguous, and the criteria for who these ambiguous protections apply to is highly qualified. Furthermore, Saddam-era journalism laws remain in place and continue to limit speech against public officials. In June 2012, proposal of the Draft Law to Protect Religious Sanctities threatened free press further, proposing up to 10 years in prison for "portraying the prophets inappropriately."

London Legal Group (LLG) response:

Freedom of expression is under serious threat in Iraq. An example of this is the new draft Cybercrimes Law which was introduced in July 2011. The proposed legislation puts online actors from nearly every sector, including IT, finance, corporations, the public sector, civil society and the press, at risk of severe punishment. It is argued that the bill attempts to enforce national security and "morality" agendas, making it a crime to violate "religious, moral, family, or social principles or values" or promote terrorist "ideas." It includes mandatory life sentences for using computers or the Internet to threaten the "unity" of the country, promote ideas which are disruptive to public order, or engage in trafficking, promoting or facilitating the abuse of drugs, say the members.

Geneva International Centre for Justice (GICJ) response:

The Journalist Protection Law was passed but this law has been criticized by civil society because it does not respect the internationally accepted standards regarding the protection of journalists. The law contains vague language and lacks substantive protection for journalists and media professionals. For these reasons among others, UNAMI expressed serious concerns about the provisions of this law.

Iraqi Alliance for Human Rights Organizations, IDPs Rights Network , Alliance for combatting human trafficking, Coalitions of Freedoms, Iraqi Child Rights Network, Justice Network for Prisoners (IAHRO) response:

Law of protection of journalists [has] been issued by Iraqi parliament.

Union of Arab Jurists (UAJ) response:

The Journalist Protection Law was passed but this law has been criticized by civil society because it does not respect the internationally accepted standards regarding the protection of journalists. The law contains vague language and lacks substantive protection for journalists and media professionals. For these reasons among others, UNAMI [editor's note: United Nations Assistance Mission for Iraq] expressed serious concerns about the provisions of this law.

*Recommendation n°65: Do more to ensure that the hard-fought freedom of expression is guaranteed by the government and protected under Iraqi laws and Iraqi courts (Recommended by United States)*

*IRI: not implemented*

Jubilee Campaign (JC) response:

The Iraqi government has failed to guarantee and protect freedom of expression of independent journalists or reporters especially when they criticize the government. A well-known radio journalist, Al-Mahdi who often criticized government corruption and social injustice was killed in September of 2011. Before his death, he was threatened for participating in protests. In addition to this journalist's killing, many other peaceful protesters and demonstrators were beaten and even killed by government-backed thugs in June 2011. Not only has the Iraqi government failed to guarantee freedom of expression, its actions have shown indifferent and even opposition to this basic freedom.

LLG response:

Serious failings in the implementation of freedom of expression remain. Journalists continue to be attacked, arrested and murdered. The New York based Committee for the Protection of Journalists suggests that since 2003 there have been no trials of those responsible for these attacks.

International Publishers Association (IPA) response:

In April 2011, the government passed the "Journalists' Protection Law" to protect media workers and ensure their safety. However, the country remains one of the most dangerous places to work as a journalist, with many media workers falling victim to violent, often fatal attacks throughout 2010-2012. In May 2011, the Council of Ministers drafted a "Law on Freedom of Expression of Opinion, Assembly, and Peaceful Demonstration," which would be a serious threat to freedom of expression. The bill, which has yet to be approved by parliament, would criminalize certain types of speech, including speaking out against religion and religious practices.

GICJ response:

The Journalist Protection Law was passed but this law has been criticized by civil society because it does not respect the internationally accepted standards regarding the protection of journalists. The law contains vague language and lacks substantive protection for journalists and media professionals. For these reasons among others, UNAMI [editor's note: United Nations Assistance Mission for Iraq] expressed serious concerns about the provisions of this law.



UAJ response:

[See response to recommendation n° 26]

Recommendation n°75: *Ensure that its domestic legislation and practice are in full compliance with the requirements of article 18 of the ICCPR (Recommended by Poland)*

IRI: *not implemented*

JC response:

Members of ethnic and/or religious minorities, particularly non-Muslim religious minorities, are severely discriminated against at all levels of government. In addition to the denial of basic services, the government fails to provide security and then fails to investigate and prosecute those who commit crimes against minorities. Members of non-Muslim religious minorities are under constant pressure to convert to Islam, and can face violence for public demonstration of non-Muslim religious identity. While such violence is generally carried out by social actors instead of government officials, the government has repeatedly failed to investigate and prosecute those guilty of such crimes, granting them effective impunity. Non-Muslim women, in particular are being forced to wear veils, and have been kidnapped for ransom. Non-Muslim religious minorities have been deliberately targeted by extremists, who have been known to set up check points on public roads. As Iraqi ID cards show religion, the extremists are able to identify and execute non-Muslims. The Government of Iraq continues to deny that there is any targeting of minorities, and claims that any violence against minorities is merely part of the general insecurity.

LLG response:

Serious concerns remain with respect to the integration and security of Iraqi religious and ethnic minorities. Article 140 of the Iraqi constitution has not yet been implemented.

Recommendation n°88: *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 (Recommended by Republic of Korea)*

IRI: *not implemented*

LLG response:

Impunity for violations of the right to life, right to security and liberty remain. On 30 May 2012 UNAMI [editor's note: United Nations Assistance Mission for Iraq] and the Office of the United Nations High Commissioner for Human Rights published their joint annual report on the human rights situation in Iraq for 2011. The report recognizes that the Government of Iraq has made some progress in implementing measures to protect and promote the human rights of the Iraqi people. However, the impact of those measures on the overall human rights situation remains limited. Since 2008, at the request of the Government of Iraq and in light of the changed circumstances in the country since 2005, the United Nations and the Government have been negotiating a new status of mission agreement, the absence of which has increasingly hindered the Mission's ability to effectively and efficiently implement its mandate. UNAMI and the United Nations country team have experienced increasing operational and logistical difficulties, including long delays in receiving customs



clearance for crucial items and the imposition of visa requirements and fees, which have severely disrupted the deployment/rotation of United Nations Guard Unit troops.

GICJ response:

+

UAJ response:

In general, the Iraqi people's right to life is under serious threat. The main perpetrators of these threats are security forces as well as militia forces belonging to the political parties of the current government. No measures have been taken to change the situation. Within the governmental institutions, the rule of law has failed to be respected.

Recommendation n°97: *Hold the next elections in an inclusive and transparent manner* (Recommended by Brazil)

IRI: -

LLG response:

In April 2012 Faraj al-Haidari, chief of the Independent High Electoral Commission (IHEC) was arrested on corruption charges. This arrest was seen by some circles within Iraq and internationally as being politically motivated and calls into question the independence of the commission. In mid September new electoral commission members were approved by parliament. Amendments to the provincial electoral commission law have also been approved by parliament in August 2012. Questions remain as to whether the principle of allotting surplus seats to winning parties only, using the largest remainder principle which is one of the amendments will be found to be unconstitutional by the Supreme Court as it did for a previous revision which was similar in 2010.

Recommendation n°104: *Improve its security situation and take necessary steps to enhance greater dialogue between and among various religious groups in the country* (Recommended by Nigeria)

IRI: *not implemented*

JC response:

The Iraqi government has failed to improve its security situation. In several cities, such as Baghdad, there is virtually no Christian population left, and other religious minorities such as Mandaeans have been severely reduced. The Iraqi government has failed to protect these religious minorities from daily attacks by extremists. In January 2011, Denmark hosted a seminar aiming to improve a dialogue among religious leaders in Iraq. However, without basic security, dialogue is of little use to the religious minorities.

Recommendation n°117: *Investigate violations and attacks against journalists in order to ensure the necessary judicial stability for a functioning media* (Recommended by Germany)

IRI: *not implemented*

LLG response:

Human Rights Defenders remain at risk of imprisonment, attacks and death in Iraq particularly journalists and Iraq remained top of the Committee to Protect Journalists impunity list for the fifth consecutive year in 2011. There is an increased space for



Human Rights Defenders and Civil Society Groups to work particularly in the Kurdistan Region however this is severely curtailed when HRD's try to tackle issues which are sensitive to the Government's interests for example, corruption. Funding of civil society organisations also remains problematic and there are severe criticisms of the NGO laws. Corruption remains a serious issue throughout the country. Journalists who attempt to raise public awareness of the issue and expose corruption are frequently subjected to attacks, imprisonment and even in extreme cases, death. Serious failings in the implementation of freedom of expression remain. Journalists continue to be attacked, arrested and murdered. The New York based Committee for the Protection of Journalists suggests that since 2003 there have been no trials of those responsible for these attacks.

GICJ response:

+

UAI response:

The Journalist Protection Law was passed but this law has been criticized by civil society because it does not respect the internationally accepted standards regarding the protection of journalists. The law contains vague language and lacks substantive protection for journalists and media professionals. For these reasons among others, UNAMI expressed serious concerns about the provisions of this law.

*Recommendation n°126: Proceed to further actions in order to provide a safe working environment for journalists in the country (Recommended by Greece)*

*IRI: not implemented*

JC response:

The Iraqi government has failed to guarantee and protect freedom of expression of independent journalists or reporters especially when they criticize the government. A well-known radio journalist, Al-Mahdi who often criticized government corruption and social injustice was killed in September of 2011. Before his death, he was threatened for participating in protests. In addition to this journalist's killing, many other peaceful protesters and demonstrators were beaten and even killed by government-backed thugs in June 2011. Not only has the Iraqi government failed to guarantee freedom of expression, its actions have shown indifference and even opposition to this basic freedom.

LLG response:

[See response to recommendation n° 117]

NGO Coordination Committee for Iraq (NCCI) response:

There is continued use of illiberal legislation regarding freedom of expression and assembly which contradicts Iraq's obligations under the ICCPR, to Iraq is signatory, as well as its own constitution. Such illiberal legislations include the Iraqi Criminal Code, CPA Orders No. 14 and 19, as well as legislation passed under the current administration, such as the controversial Iraqi Journalists Law of 2011. Further draft laws stand for vote with numerous illiberal elements: the CMC Draft Law, the Political Parties Draft Law, the Informatics Crimes Draft Law and the Draft Law on Freedom of Expression and Assembly. Journalists are subjected to onerous administrative procedures, such as the need to register a camera for filming with the individual



security authorities in each city in which they wish to report. They continue to be subject to attacks not only by militants and criminals, but also the security authorities of the state who on multiple occasions have been shown to beat or arrest journalists engaging in normal filming/reporting on protests, or destruction of their reporting equipment, such as cameras, in the same circumstances. Furthermore to date not a single murder of a journalist committed since the invasion has been solved. This indicates the continuing lack of accountability for attacks committed by or under the watch of the state on the press, and implies the need for:

- (a) reform of the laws, draft laws, and informal orders discussed above to conform with the ICCPR and Iraqi constitution,
- (b) increased political will to implement liberal legislation that exists and
- (c) consequences for members of the security services who violate the principles set forward in the ICCPR and Iraqi Constitution.

*Recommendation n°127: 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 (Recommended by United Kingdom)*

*IRI: partially implemented*

LLG response:

[See response to recommendation n° 117]

NCCI response:

Despite the fact that Iraq has a new law (Law #12) for NGOs that respects, for the most part, international standards, NGOs are facing difficulties in the application of the provisions of this law, especially registration which is a time-consuming process that exhausts the time of key staff of the NGOs and overwhelms the human resources of the NGO Directorate, the governmental body responsible for NGO registration. In addition to the difficulties in the registration process, the new Legislation failed to guarantee the support needed by NGOs especially regarding information sharing. Obstacles to acquiring legal status and lack of trust in authorities led to the disappearance of large number of NGOs across the country under the Ba'athist Administration of Iraq. Facilitating registration and information sharing are thus particularly critical for rebuilding the NGO relation with authorities in a country recently emerging from authoritarianism.

*Recommendation n°166: 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 (Recommended by New Zealand)*

IRI: -

LLG response:

[...]

*Recommendation n°174: 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 (Recommended by Poland)*

*IRI: not implemented*



JC response:

Since 2003 a majority of Christians and other religious minorities have been forced to flee the country, displaced within the country or killed. In several cities, such as Baghdad, there is virtually no Christian population left, and other religious minorities such as Mandaeans have been severely reduced. The Iraqi government has failed to protect these religious minorities from daily attacks by extremists. Extremists in Mosul have threatened Christians, setting fire to their houses and calling on them to leave the area. Open Doors found that the terrorists visited four real estate agents in Mosul and asked the names of Christians who recently sold their houses to ensure that their kidnapping victims would have money. One agent who refused to give the information was killed. Despite the claims by the Iraqi government that there is no minority problem, religious minorities continue to be disproportionately targeted in Iraq.

*Recommendation n<sup>o</sup>176: 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 (Recommended by United States)*

*IRI: not implemented*

DHRD response:

Throughout 2011 journalists covering anti-government protests were attacked, with radio offices being broken in-to and badly damaged several times. Awene Newspaper director Asos Hardi was beaten outside his office. He believes the attack was in reaction to his articles critical of government officials. DHRD has provided Asos Hardi with legal support, but the defense continues to draw-out the trial in hopes of preventing a verdict.

JC response:

The Iraqi government has failed to guarantee and protect freedom of expression of independent journalists or reporters especially when they criticize the government. A well-known radio journalist, Al-Mahdi who often criticized government corruption and social injustice was killed in September of 2011. Before his death, he was threatened for participating in protests. In addition to this journalist's killing, many other peaceful protesters and demonstrators were beaten and even killed by government-backed thugs in June 2011. Not only has the Iraqi government failed to guarantee freedom of expression, its actions have shown indifference and even opposition to this basic freedom.

NCCI response:

There is continued use of illiberal legislation regarding freedom of expression and assembly which contradicts Iraq's obligations under the ICCPR, to Iraq is signatory, as well as its own constitution. Such illiberal legislations includes the Iraqi Criminal Code, CPA Orders No. 14 and 19, as well as legislation passed under the current administration, such as the controversial Iraqi Journalists Law of 2011. Further draft laws stand for vote with numerous illiberal elements: the CMC Draft Law, the Political Parties Draft Law, the Informatics Crimes Draft Law and the Draft Law on Freedom of Expression and Assembly. Journalists are subjected to onerous administrative procedures, such as the need to register a camera for filming with the individual security authorities in each city in which they wish to report. They continue to be



subject to attacks not only by militants and criminals, but also the security authorities of the state who on multiple occasions have been shown to beat or arrest journalists engaging in normal filming/reporting on protests, or destruction of their reporting equipment, such as cameras, in the same circumstances. Furthermore to date not a single murder of a journalist committed since the invasion has been solved. This indicates the continuing lack of accountability for attacks committed by or under the watch of the state on the press, and implies the need for (a) reform of the laws, draft laws, and informal orders discussed above to conform with the ICCPR and Iraqi constitution, (c) increased political will to implement liberal legislation that exists and (d) consequences for members of the security services who violate the principles set forward in the ICCPR and Iraqi Constitution.

#### LLG response:

Human Rights Defenders remain at risk of imprisonment, attacks and death in Iraq particularly journalists and Iraq remained top of the Committee to Protect Journalists impunity list for the fifth consecutive year in 2011. There is an increased space for Human Rights Defenders and Civil Society Groups to work particularly in the Kurdistan Region however this is severely curtailed when HRD's try to tackle issues which are sensitive to the Government's interests for example, corruption. Funding of civil society organisations also remains problematic and there are severe criticisms of the NGO laws. Corruption remains a serious issue throughout the country. Journalists who attempt to raise public awareness of the issue and expose corruption are frequently subjected to attacks, imprisonment and even in extreme cases, death. Serious failings in the implementation of freedom of expression remain. Journalists continue to be attacked, arrested and murdered. The New York based Committee for the Protection of Journalists suggests that since 2003 there have been no trials of those responsible for these attacks.

## ESC Rights

Recommendation n°35: *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* (Recommended by Morocco)

IRI: not implemented

+

Recommendation n°43: *Continue its policies aimed at strengthening the educational system* (Recommended by Angola)

IRI: not implemented

#### GICJ response:

+

#### UAI response:

Since 2003, the state of the educational system has been in serious decline. Schools and other educational systems have been destroyed. The condition of the current schools is very poor and there is an increased drop - out rate. There has been a



sharp increase in the illiteracy rate due to the deliberate destruction of the educational system and infrastructure. There is currently no national program to eradicate illiteracy. At the end of the 1970's Iraq's literacy rate had been recognized as being amongst the best, with illiteracy nearly eradicated.

IAHRO response:

[...]

Recommendation n°57: *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* (Recommended by Morocco)

IRI: *not implemented*

GICJ response:

+

UAI response:

The health system has yet to be rebuilt after being destroyed and health care provision remain a serious concern. There are insufficient health professionals given that many have either been killed or forced to flee due to ongoing threats. The health infrastructure remains a problem and the necessary medical equipment is lacking.

Recommendation n°64: *Disseminate the culture of human Rights through school curricula* (Recommended by Libya)

IRI: *partially implemented*

IAHRO response:

There is a program by ministry of education for including human rights principles in educational curricula

Recommendation n°121: *Make efforts to enhance security in the schools in order to increase the participation of children in the education system* (Recommended by Bosnia & Herzegovina)

IRI: *not implemented*

+

Recommendation n°155: *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* (Recommended by Malaysia)

IRI: *partially implemented*

LLG response:

Between March and July of 2012 the Country Task Force for Monitoring and Reporting on grave violations against children, co-chaired by the United Nations Children's Fund (UNICEF) and UNAMI, verified the conflict-related killing of 52 children and maiming of 139 others. In July 2012 UNAMI reported direct attacks were reported against schools S/2012/535 8 12-40605 and medical facilities, including emergency rescue teams and ambulances, as well as the alleged recruitment and use of children by armed groups such as Al-Qaida in Iraq and the Islamic State of Iraq. The Government of Iraq has yet to establish, in line with Security Council resolution 1612 (2005), a mechanism for formal interaction with the Country Task



Force, as requested by the Working Group on Children and Armed Conflict (see S/AC.51/2011/6). As part of its Justice for Children programme, UNICEF trained 271 staff from the Ministries of Human Rights, Justice, Youth and Sport, Labour and Social Affairs, Education and Health on the provision of legal assistance to detained children.

GICJ response:

+

UAJ response:

Since 2003, the state of the educational system has been in serious decline. Schools and other educational systems have been destroyed. The condition of the current schools is very poor and there is an increased drop - out rate. There has been a sharp increase in the illiteracy rate due to the deliberate destruction of the educational system and infrastructure. There is currently no national program to eradicate illiteracy. At the end of the 1970's Iraq's literacy rate had been recognized as being amongst the best, with illiteracy nearly eradicated.

Recommendation n<sup>o</sup>156: *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 (Recommended by Algeria)*

IRI: not implemented

GICJ response:

+

UAJ response:

Iraq is not on pace to meet any of the MDG goals nor has a plan in place to move toward achieving this goal. Particularly in regards to education, health system, food provision and child mortality rates.

## Indigenous & Minorities

Recommendation n<sup>o</sup>45: *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 (Recommended by Lebanon)*

IRI: not implemented

+

Recommendation n<sup>o</sup>68: *Enhance the efforts to improve the security situation and protection of minorities (Recommended by Denmark)*

IRI: not implemented

+

Recommendation n<sup>o</sup>76: *Ensure the protection of the rights of minorities (Recommended by Ukraine)*

IRI: not implemented

+



Recommendation n°77: *Ensure the rights of migrants and ethnic and religious minorities* (Recommended by *Bosnia & Herzegovina*)

IRI: *not implemented*

+

Recommendation n°111: *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* (Recommended by *Ghana*)

IRI: *not implemented*

JC response:

Members of ethnic and/or religious minorities, particularly non-Muslim religious minorities, are severely discriminated against at all levels of government. In addition to the denial of basic services, the government fails to provide security and then fails to investigate and prosecute those who commit crimes against minorities. Members of non-Muslim religious minorities are under constant pressure to convert to Islam, and can face violence for public demonstration of non-Muslim religious identity. While such violence is generally carried out by social actors instead of government officials, the government has repeatedly failed to investigate and prosecute those guilty of such crimes, granting them effective impunity. Non-Muslim women, in particular are being forced to wear veils, and have been kidnapped for ransom. Non-Muslim religious minorities have been deliberately targeted by extremists, who have been known to set up check points on public roads. As Iraqi ID cards show religion, the extremists are able to identify and execute non-Muslims. The Government of Iraq continues to deny that there is any targeting of minorities, and claims that any violence against minorities is merely part of the general insecurity.

LLG response:

Serious concerns remain with respect to the integration and security of Iraqi religious and ethnic minorities. Article 140 of the Iraqi constitution has not yet been implemented.

Recommendation n°78: *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* (Recommended by *Kazakhstan*)

IRI: *not implemented*

LLG response:

Serious concerns remain with respect to the integration and security of Iraqi religious and ethnic minorities. Article 140 of the Iraqi constitution has not yet been implemented.

Recommendation n°109: *Increase the protection of ethnic and religious minorities as well as women, human rights defenders and journalists* (Recommended by *Switzerland*)

IRI: *not implemented*

JC response:

[See response to recommendation n° 45]



LLG response:

Serious concerns remain with respect to the integration and security of Iraqi religious and ethnic minorities. Article 140 of the Iraqi constitution has not yet been implemented. Iraq retains reservations to article 2, paragraphs (f) and (g), article 9, paragraphs 1 and 2, article 29, paragraph 1 of CEDAW. While steps are being made to promote gender equality serious legal and practical obstacles remain preventing full implementation of international standards. Human Rights Defenders remain at risk of imprisonment, attacks and death in Iraq particularly journalists and Iraq remained top of the Committee to Protect Journalists impunity list for the fifth consecutive year in 2011. There is an increased space for Human Rights Defenders and Civil Society Groups to work particularly in the Kurdistan Region however this is severely curtailed when HRD's try to tackle issues which are sensitive to the Government's interests for example corruption. Funding of civil society organisations also remains problematic and there are severe criticisms of the NGO laws.

## International Instruments

Recommendation n°5: *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 (Recommended by Argentina)*

IRI: *partially implemented*

+

Recommendation n°31: *Consider ratification of the optional protocols of core international human right treaties it has already ratified or is in the process of ratifying (Recommended by Philippines)*

IRI: *not implemented*

LLG response:

[...]

GICJ response:

+

UAJ response:

Iraq still has to ratify several international instruments. Although it has ratified CAT, it must still ratify its optional protocol. Also, Iraq must ratify other protocols especially those of the Geneva Convention and the statute of the International Criminal Court.

Recommendation n°22: *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 (Recommended by Sudan)*

IRI: *partially implemented*

LLG response:

The Convention on the Rights of Persons with Disabilities has not been ratified by Iraq.

IAHRO response:

in 2011 Iraq has ratified the convention of rights of persons with disabilities.

Recommendation n°28: *Consider extending a standing invitation to all special procedures of the human Right Council (Recommended by Latvia)*

IRI: *not implemented*

+

Recommendation n°30: *Consider issuing a standing invitation to all UN human rights special procedures (Recommended by Brazil)*

IRI: *not implemented*

+

Recommendation n°59: *Deal positively with the requests for visits to Iraq by Special Rapporteurs and Representatives of the Secretary General (Recommended by Qatar)*

IRI: *not implemented*

+

Recommendation n°90: *Extend a permanent and open invitation to the United Nations human rights special procedures (Recommended by Chile)*

IRI: *not implemented*

+

Recommendation n°118: *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 (Recommended by Canada)*

IRI: *not implemented*

+

Recommendation n°119: *Issue a standing invitation to all human rights special procedures (Recommended by New Zealand)*

IRI: *not implemented*

+

Recommendation n°120: *Issue a standing invitation to the United Nations special procedures (Recommended by Poland)*

IRI: *not implemented*

GICJ response:

+

UAI response:

To date, Iraq has not extended a formal invitation to the Special Procedures. On the contrary, they have employed various obstacles so as to delay or prevent the requested visit of the Special Rapporteur on Torture that has been pending for several years.

Recommendation n°32: *Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and also accepting the competence of the relevant committee (Recommended by Argentina)*

IRI: *fully implemented*



+

Recommendation n°149: *Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance* (Recommended by Spain)

IRI: *fully implemented*

LLG response:

Iraq acceded to the International Convention for the Protection of All Persons from Enforced Disappearance on 23 November 2010

Recommendation n°33: *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* (Recommended by Algeria)

IRI: *not implemented*

LLG response:

Iraq has not ratified either of these conventions.

Public Aid Organization (PAO) response:

Iraq [joined and signed] the most international conventions on human rights mentioned above except the International Convention on Migrant Workers and their families and the International Convention for persons with disabilities. As for optional protocol Iraq joined Optional Protocols of the Convention on the Rights of the Child only, and in this context it should be said that the Iraqi government representative of the ministries competent efforts are being made to sign and join the remaining of the conventions and protocols thereto in order to raise by Human Rights in Iraq line with international standards As for the conventions mentioned so far not been ratified by Iraq and did not adhere to it.

GICJ response:

+

UAJ response:

Iraq still has to ratify several international instruments. Although it has ratified CAT, it must still ratify its optional protocol. Also, Iraq must ratify other protocols especially those of the Geneva Convention and the statute of the International Criminal Court.

Recommendation n°80: *Establish an effective and inclusive process to follow-up on UPR recommendations* (Recommended by Norway)

IRI: *fully implemented*

IAHRO response:

Both Iraqi government and KRG [editor's note: Kurdistan Regional Government] have adopted national strategies on human rights as response to UPR recommendations in 2011.

Recommendation n°131: *Ratify the Convention against Torture and its Optional Protocol* (Recommended by Chile)

IRI: *partially implemented*

LLG response:

Iraq acceded to the Convention against Torture on 7 July 2011. It has not ratified its Optional Protocol.



Recommendation n°132: *Ratify the main pending human rights instruments, particularly the two Optional Protocols to ICCPR* (Recommended by Chile)

IRI: *not implemented*

LLG response:

Iraq has not ratified the two optional protocols to the ICCPR.

Recommendation n°133: *Ratify the Optional Protocols to the two Covenants [ICCPR and ICESCR] and CEDAW* (Recommended by Austria)

IRI: *not implemented*

LLG response:

None of these have been ratified

Recommendation n°134: *Ratify the Rome Statute of the International Criminal Court* (Recommended by Mexico)

IRI: *not implemented*

LLG response:

Iraq has reinstated its ratification of the Rome Statute of the ICC

Recommendation n°148: *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 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* (Recommended by Spain)

IRI: *partially implemented*

GICJ response:

+

UAI response:

Iraq still has to ratify several international instruments. Although it has ratified CAT, it must still ratify its optional protocol. Also, Iraq must ratify other protocols especially those of the Geneva Convention and the statute of the International Criminal Court.

Recommendation n°150: *Significantly improve its cooperation with the United Nations treaty Bodies by submitting overdue reports* (Recommended by Norway)

IRI: *not implemented*

LLG response:

Many reports remain overdue.

## Justice

Recommendation n°2: *Abolish the death penalty* (Recommended by Germany)

IRI: *not implemented*

+



Recommendation n°3: *Abolish the death penalty or, if not, establish a moratorium, consistent with Australia's support for its universal abolition* (Recommended by Australia)

IRI: *not implemented*

+

Recommendation n°4: *Abolish the death penalty or, otherwise, establish a moratorium* (Recommended by Chile)

IRI: *not implemented*

+

Recommendation n°13: *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* (Recommended by Slovakia)

IRI: *not implemented*

+

Recommendation n°14: *Apply a moratorium on death penalty as a first step towards its effective abolition* (Recommended by Argentina)

IRI: *not implemented*

+

Recommendation n°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* (Recommended by France)

IRI: *not implemented*

+

Recommendation n°79: *Establish a moratorium on executions* (Recommended by United Kingdom)

IRI: *not implemented*

+

Recommendation n°81: *Establish an immediate moratorium on the death penalty, with a view to its final abolition in the future* (Recommended by Belgium)

IRI: *not implemented*

+

Recommendation n°82: *Establish an immediate moratorium on the use of the death penalty and commute all current death sentences* (Recommended by New Zealand)

IRI: *not implemented*

+

Recommendation n°84: *Establish as a first step, a moratorium on all executions followed by a complete abolition of the death penalty* (Recommended by Switzerland)

IRI: *not implemented*

+

Recommendation n°86: *Establish the moratorium on the death penalty* (Recommended by Ukraine)

IRI: *not implemented*

+

Recommendation n°94: *Halt all executions and establish a moratorium on the death penalty with a view to abolishing the capital punishment* (Recommended by Slovenia)

IRI: *not implemented*



+

Recommendation n°95: *Halt immediately all executions and implement a moratorium on the use of the death penalty* (Recommended by Canada)

IRI: not implemented

+

Recommendation n°98: *Immediately implement a moratorium on executions and work further towards fully abolishing the death penalty* (Recommended by Austria)

IRI: not implemented

+

Recommendation n°103: *Impose a moratorium on pending executions and review the Penal Code with the aim of a complete abolition of the death penalty* (Recommended by Hungary)

IRI: not implemented

+

Recommendation n°136: *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* (Recommended by Norway)

IRI: not implemented

+

Recommendation n°137: *Re-establish a moratorium on the death penalty with a view of its elimination* (Recommended by Netherlands)

IRI: not implemented

+

Recommendation n°138: *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* (Recommended by Spain)

IRI: not implemented

+

Recommendation n°139: *Reinstate the moratorium on the death penalty and proceed to its complete abolition* (Recommended by Greece)

IRI: not implemented

+

Recommendation n°140: *Re-introduce the de facto moratorium of the death penalty with a view to its abolition* (Recommended by Italy)

IRI: not implemented

+

Recommendation n°146: *Resume the de facto suspension of the death penalty pending its abolition* (Recommended by Sweden)

IRI: not implemented

+

Recommendation n°167: *Take all necessary legal steps to abolish the death penalty and, in the meantime, reintroduce a de facto moratorium* (Recommended by Denmark)

IRI: not implemented

+



Recommendation n°171: *Take all the necessary measures for the establishment of a moratorium on death penalty in Iraq, as a first step towards its abolition* (Recommended by Uruguay)

IRI: not implemented

+

Recommendation n°178: *Undertake to abolish the death penalty or, in the absence of abolition, respect international standards restricting the scope of its application* (Recommended by Canada)

IRI: not implemented

LLG response:

On 27 August 2012, 21 people were executed. Three of them were women. This was followed by the executions of five more persons, including two foreign nationals.

PAO response:

Still there is the death penalty applied in Iraq, specifically in the center and south of Iraq. In Kurdistan there is activity by human rights organizations to cancel the punishment [which is now stopped] in the province.

GICJ response:

+

UAI response:

There has been an alarming rate of executions, with over 110 cases announced by the Iraqi authorities in 2012 alone. This demonstrates an increased reliance on the death penalty by the Iraqi authorities since the UPR session of Iraq. The majority of those assigned to death row have been deprived of fair trials and/or legal representation. The scope of acts that are subject to the death penalty has not been reduced. The Iraqi authorities currently have no intention to abolish the death penalty or to halt executions. Governments are also using the death penalty as a tool with which to silence the political opposition.

IAHRO response:

In Iraq and KRG death penalty is still sentenced, but in Kurdistan region it is cancelled by practice and there is a draft law in Kurdistan parliament to cancel the death penalty.

Recommendation n°6: *Achieve the national reconciliation project, foster solidarity among the Iraqi people, enshrine the bases of the national unity and ensure public security* (Recommended by Algeria)

IRI: not implemented

LLG response:

Serious concerns remain with respect to the integration and security of Iraqi religious and ethnic minorities. Article 140 of the Iraqi constitution has not yet been implemented.

Recommendation n°8: *Adhere to international standards regarding fair trials, and address allegations of abuse of detainees, including juveniles* (Recommended by Ghana)

IRI: not implemented



DHRD response:

DHRD's Prison Watch increased awareness amongst police and security officials about legal protections for human rights and penalties for torture. Hundreds of detainees were informed of their rights by DHRD during the interrogation/trial stages through direct interviews.

LLG response:

Serious issues remain resulting in the failure to fully implement international standards in relation to fair trials and conditions of detention. Accused persons frequently do not have legal representation nor are they afforded sufficient time and resources to present their defence. Torture and other ill-treatment are widespread in prisons and detention centres, in particular those controlled by the Ministries of Interior and Defence. Commonly reported methods are suspension by the limbs for long periods, beatings with cables and hosepipes, electric shocks, breaking of limbs, partial asphyxiation with plastic bags, and rape or threats of rape. Torture is used to extract information from detainees and the confessions that are obtained are used as evidence in court.

GICJ response:

+

UAJ response:

The majority of individuals charged with a crime have been deprived of fair trials and/or legal representation. Courts are increasingly relying on torture as a means of extracting confessions. Corruption within the judicial system is rampant and there are currently no mechanisms in place to ensure the quality and speed of the judiciary process.

Recommendation n<sup>o</sup>15: *Better disseminate and ensure full observance of the Declaration on Human Rights Defenders* (Recommended by Norway)

IRI: *partially implemented*

LLG response:

Human Rights Defenders remain at risk of imprisonment, attacks and death in Iraq particularly journalists and Iraq remained top of the Committee to Protect Journalists impunity list for the fifth consecutive year in 2011. There is an increased space for Human Rights Defenders and Civil Society Groups to work particularly in the Kurdistan Region however this is severely curtailed when HRD's try to tackle issues which are sensitive to the Government's interests for example, corruption. Funding of civil society organisations also remains problematic and there are severe criticisms of the NGO laws.

Recommendation n<sup>o</sup>24: *Complete the transfer of detainees to Ministry of Justice custody* (Recommended by United States)

IRI: *not implemented*

LLG response:

The Ministries of Interior, Defence and Labour and Social Affairs continue to operate separate detention facilities.



PAO response:

There is still several ministries concerned detainees government did not move them to the Ministry of Justice in Iraq and the Kurdistan Region, and the relevant (ministries are Justice, Interior and Social) is a specific.

IAHRO response:

Still not completed

Recommendation n°27: *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* (Recommended by Philippines)

IRI: *fully implemented*

JC response:

The Iraqi parliament passed an anti-trafficking law in 2012 which covers both sex trafficking and labor trafficking. However, imprecise definitions in the law allowed victims of trafficking to be punished alongside their traffickers. Also, the government failed to set aside a budget for trafficking victims or NGOs aiding those victims. While the passage of an anti-trafficking law is a positive development, laws without proper definitions and a sufficient budget do not accomplish genuine reforms.

LLG response:

The Iraqi parliament held a first reading of the draft Anti-Trafficking in Persons law on 12 July 2011 and a second reading followed shortly after. The Iraqi Council of Representatives passed the law on 23 February 2012. It includes the establishment of coordination mechanisms for civil society, support to different ministries on victim of trafficking assistance and support to a proposed Higher Committee to Combat Trafficking. The law is subject to numerous criticisms regarding its framework and reach and it remains to be seen whether the various bodies are allocated sufficient resources in future budgets to ensure effective implementation.

NCCI response:

Despite the issuance of an anti-trafficking law in Iraq by the Iraqi Parliament in early 2012, and the formation of a counter trafficking committee, no executive orders have been issued to date. As such, no full operation to prevent trafficking in persons has been launched. It is recommended that the Committee make their final recommendations to the appropriate authorities to facilitate the issuance of the executive orders as early as possible to enable the police force to appropriately following up on cases of trafficking and bring traffickers to justice. As for the law itself, it needs revision to ensure the provision of a legal umbrella for organizations/NGOs that are already providing protection to victims of trafficking in a low profile manner. Another recommendation is to ensure compensation for victims of trafficking under the counter trafficking law.

Recommendation n°29: *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* (Recommended by Switzerland)

IRI: *not implemented*



DHRD response:

The Penal Code (111) needs to be amended to include specific language against torturing and beating detainees. In DHRD's investigation, 236 of the 446 prisoners surveyed said they had not been that they had a right to a lawyer. Also, 113 of 440 prisoners surveyed claimed they had been tortured (e.g. beaten, humiliated, starved, isolated, electric shocked).

LLG response:

The use of "confessions" obtained through torture and failure to provide for legal advice and equality of arms continue to be issues in the administration of justice.

Recommendation n°48: *Continue the process of national reconciliations in order to enshrine the bases of the national unity, stability and internal security* (Recommended by Sudan)

IRI: *not implemented*

LLG response:

Serious concerns remain with respect to the integration and security of Iraqi religious and ethnic minorities. Article 140 of the Iraqi constitution has not yet been implemented.

Recommendation n°49: *Continue the steps aiming at combating corruption and achieve the efforts to develop national mechanisms in this regard* (Recommended by Sudan)

IRI: *partially implemented*

DHRD response:

One of the areas most prone to corruption in Iraq's judicial system is the setting of trial dates. According to Law No. 23 of the 1971 criminal code, accused persons should not remain in police custody for more than a quarter of the penalty for the crime they are accused of. Yet this is often violated. Furthermore, trial dates are often pushed back and delayed. A speedy trial often requires some sort of connection.

LLG response:

Corruption remains a serious issue throughout the country. Journalists who attempt to raise public awareness of the issue and expose corruption are frequently subjected to attacks, imprisonment and even in extreme cases, death.

IAHRO response:

In 2010 Iraq has adopted the national strategy for combating of corruption and also establishing the higher commission for anti-corruption

Recommendation n°50: *Continue to combat the culture of impunity* (Recommended by United States)

IRI: *not implemented*

+

Recommendation n°61: *Deepen its efforts to improve accountability structures with the view to eradicate impunity* (Recommended by Sweden)

IRI: *not implemented*



DHRD response:

The Sulaymaniyah police directorate followed-up repeatedly on violations found by DHRD, praising DHRD for its contributions. DHRD helped investigate a police commander who served poor quality food to detainees, resulting in his arrest and reassignment. DHRD investigated a police commander who abused a prisoner by confining him in an inappropriate facility for 33 days, resulting in a trial date scheduled.

JC response:

Impunity is so rampant and widespread that much of Iraq exists in a near anarchic state. Crimes committed along sectarian or ethnic lines are dealt with as clashes between effectively sovereign groups, instead of crimes committed between individual citizens of a common state. Thus there is no punishment for crimes as such, instead powerful tribal and sectarian groups negotiate settlements between themselves. Criminals, particularly those from larger sectarian or tribal groups, are able to commit crimes with impunity, particularly when the victims are small ethnic groups or non-Muslim religious minorities.

GICJ response:

+

UAJ response:

Although there has been no attempt made to provide any form of training to security and law enforcement to combat impunity, the underlying problem is a lack of will on part of the government and authorities to hold those responsible for crimes accountable and put an end to the current state of impunity.

Recommendation n°53: *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* (Recommended by United States)

*IRI: not implemented*

DHRD response:

Police and security officials have become more sensitive to DHRD's calls for improvements in detainee treatment and facilities. The police allowed DHRD in all police stations / crime prevention centers even after working hours or on holidays. However, DHRD investigations conclude that many interrogation officers remain unaware that article 333 of the penal law punishes torture as well as the threat of torture/force. In general facilities should be made more sanitary, yard time /sporting activity time increased extended visitation times, and an effort to ensure that privileges are not extended arbitrarily.

LLG response:

Conditions of detention remain far below the minimum international standards. Impunity for torture and ill-treatment continues.



Recommendation n°69: *Ensure all reports of human rights violations, including those against religious minorities and homosexuals, are investigated and prosecuted* (Recommended by Australia)

IRI: *not implemented*

JC response:

Members of ethnic and/or religious minorities, particularly non-Muslim religious minorities, are severely discriminated against at all levels of government. In addition to the denial of basic services, the government fails to provide security and then fails to investigate and prosecute those who commit crimes against minorities. Members of non-Muslim religious minorities are under constant pressure to convert to Islam, and can face violence for public demonstration of non-Muslim religious identity. While such violence is generally carried out by social actors instead of government officials, the government has repeatedly failed to investigate and prosecute those guilty of such crimes, granting them effective impunity. Non-Muslim women, in particular are being forced to wear veils, and have been kidnapped for ransom. Non-Muslim religious minorities have been deliberately targeted by extremists, who have been known to set up check points on public roads. As Iraqi ID cards show religion, the extremists are able to identify and execute non-Muslims. The Government of Iraq continues to deny that there is any targeting of minorities, and claims that any violence against minorities is merely part of the general insecurity.

LLG response:

Impunity remains a serious problem. Serious concerns also remain with respect to the integration and security of Iraqi religious and ethnic minorities. Article 140 of the Iraqi constitution has not yet been implemented. Homosexuals continue to be seriously at risk in Iraq. In February and March 2012 at least 14 young gay and "emo" men were murdered in East Baghdad. Killings were reported in other cities also however, it is difficult to obtain accurate statistics since deaths are not recorded in any special category by the authorities.

Recommendation n°72: *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* (Recommended by Mexico)

IRI: *not implemented*

LLG response:

No effective oversight mechanism of such contracts is in operation and it is clear that there remain serious concerns surrounding the execution of these agreements and their effects on economic, social and environmental rights.

Recommendation n°99: *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* (Recommended by Netherlands)

IRI: *not implemented*

+



Recommendation n°105: *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 (Recommended by United Kingdom)*

IRI: *not implemented*

JC response:

The Iraqi court system fails to adhere to the international standard for fair trials. Defendants were often forced to confess by torture and ill treatments during pre-trial interrogation. Sometimes they were not told the cause of their arrests, and were detained without trial for extended periods of time. In February 2011, Human Right Watch uncovered evidence of a secret detention facility controlled by elite security forces. The former detainees reported that they were beaten, hung upside down for long hours, suffering electric shocks to their bodies until they passed out. The Iraq government should reform its detention facilities and court system to conform to international standards.

LLG response:

Serious issues remain resulting in the failure to fully implement international standards in relation to fair trials and conditions of detention. Accused persons frequently do not have legal representation nor are they afforded sufficient time and resources to present their defence. Torture and other ill-treatment are widespread in prisons and detention centres, in particular those controlled by the Ministries of Interior and Defence. Commonly reported methods are suspension by the limbs for long periods, beatings with cables and hosepipes, electric shocks, breaking of limbs, partial asphyxiation with plastic bags, and rape or threats of rape. Torture is used to extract information from detainees and confessions that are used as evidence in court.

GICJ response:

+

UAJ response:

The majority of individuals charged with a crime have been deprived of fair trials and/or legal representation. Courts are increasingly relying on torture as a means of extracting confessions. Corruption within the judicial system is rampant and there are currently no mechanisms in place to ensure the quality and speed of the judiciary process.

Recommendation n°100: *Implement effective oversight mechanisms within the judiciary to tackle corruption and to improve the quality and speed of the judicial process (Recommended by Austria)*

IRI: *not implemented*

DHRD response:

Lawyers should be provided for the accused during investigations and trial stages. Code No. 15 of 2010 (issued by the Kurdistan parliament) promises compensation for detainees/prisoners proved not guilty, yet this has not been implemented.



Recommendation n°102: *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 (Recommended by Australia)*

IRI: *not implemented*

JC response:

The Iraqi court system fails to adhere to the international standard for fair trials. Defendants were often forced to confess by torture and ill treatments during pre-trial interrogation. Sometimes they were not told the cause of their arrests, and were detained without trial for extended periods of time. In February 2011, Human Right Watch uncovered evidence of a secret detention facility controlled by elite security forces. The former detainees reported that they were beaten, hung upside down for long hours, suffering electric shocks to their bodies until they passed out. The Iraq government should reform its detention facilities and court system to conform to international standards.

GICJ response:

+

UAJ response:

Our organization and partner organizations have credible reports confirming the widespread and serious mistreatment of detainees including abuse by means of various forms of torture. The supervision of Iraq's prisons and detention centers remains divided. Each ministry, political party, militia, police and army units maintain their own prison and detention centers. For this reason, Iraq lacks an adequate, centralized supervision system, which therefore, impedes transparency.

Recommendation n°107: *Increase efforts to improve the quality and capacity of the judicial system (Recommended by Austria)*

IRI: *not implemented*

GICJ response:

The majority of individuals charged with a crime have been deprived of fair trials and/or legal representation. Courts are increasingly relying on torture as a means of extracting confessions. Corruption within the judicial system is rampant and there are currently no mechanisms in place to ensure the quality and speed of the judiciary process.

IAHRO response:

Three draft laws are in COR federal court, judicial council, investigation judge ...are still waiting for approval

UAJ response:

The majority of individuals charged with a crime have been deprived of fair trials and/or legal representation. Courts are increasingly relying on torture as a means of extracting confessions. Corruption within the judicial system is rampant and there are currently no mechanisms in place to ensure the quality and speed of the judiciary process.

Recommendation n°108: *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 (Recommended by Sweden)*

IRI: *not implemented*

LLG response:

Serious issues remain resulting in the failure to fully implement international standards in relation to fair trials and conditions of detention. Accused persons frequently do not have legal representation nor are they afforded sufficient time and resources to present their defence. Torture and other ill-treatment are widespread in prisons and detention centres, in particular those controlled by the Ministries of Interior and Defence. Commonly reported methods are suspension by the limbs for long periods, beatings with cables and hosepipes, electric shocks, breaking of limbs, partial asphyxiation with plastic bags, and rape or threats of rape. Torture is used to extract information from detainees and confessions that are used as evidence in court.

GICJ response:

+

UAJ response:

Torture is an accepted and common practice in Iraqi prisons and detention centers. There has been no credible investigation into the numerous alleged cases of torture. There has been no accountability and thus no compensation for victims.

*Recommendation n°123: Make sure that all de facto detention facilities fall under the responsibility and direct authority of the government (Recommended by Netherlands)*

IRI: *partially implemented*

DHRD response:

The Alternative Punishments reform program was a good attempt to minimize detentions, but it has not yet been seriously implemented. The public prosecutor's office solicited DHRD's help in identifying overcrowded prison facilities. The Sulaymaniyah police agreed to DHRD's letter-request to remove the surveillance cameras from private sections at Raniya jail.

DHRD opened its Legal Protection Center for Journalists in the Kurdistan Region in 2012. The projects mission is to defend freedom of speech by providing legal advice and representation for journalists facing threats or penalties. The project has already begun providing lawyers for journalists and media professionals free of charge. It has also established a hotline for them to contact the center 24/7.

IAHRO response:

According to report of ministry of human rights 2010 there are prisons out of governments control run by political parties and armed groups.

*Recommendation n°128: Promptly investigate crimes and violations against human rights defenders and journalists and prosecute the perpetrators (Recommended by Norway)*

IRI: *not implemented*

LLG response:

Human Rights Defenders remain at risk of imprisonment, attacks and death in Iraq particularly journalists and Iraq remained top of the Committee to Protect Journalists impunity list for the fifth consecutive year in 2011. There is an increased space for Human Rights Defenders and Civil Society Groups to work particularly in the Kurdistan Region however this is severely curtailed when HRD's try to tackle issues which are sensitive to the Government's interests for example corruption. [...]

GICJ response:

+

UAJ response:

HR defenders continue to face ongoing threats and intimidation at the hands of the Iraqi authorities and governmental forces as a result of their involvement in human rights issues. Today, Iraq is still a country where freedom of the press is not respected and where journalists are exposed to severe risks including murder.

*Recommendation n°135: Redouble its efforts to combat corruption and promote good governance with a view to achieving substantial improvements in this regard (Recommended by Republic of Korea)*

IRI: *not implemented*LLG response:

Corruption remains a serious issue throughout the country. Journalists who attempt to raise public awareness of the issue and expose corruption are frequently subjected to attacks, imprisonment and even in extreme cases, death.

*Recommendation n°147: 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 (Recommended by Bosnia & Herzegovina)*

IRI: -

LLG response:

Serious issues remain resulting in the failure to fully implement international standards in relation to fair trials and conditions of detention. Accused persons frequently do not have legal representation nor are they afforded sufficient time and resources to present their defence. Torture and other ill-treatment are widespread in prisons and detention centres, in particular those controlled by the Ministries of Interior and Defence. Commonly reported methods are suspension by the limbs for long periods, beatings with cables and hosepipes, electric shocks, breaking of limbs, partial asphyxiation with plastic bags, and rape or threats of rape. Torture is used to extract information from detainees and confessions that are used as evidence in court.

GICJ response:

+

UAJ response:

The majority of individuals charged with a crime have been deprived of fair trials and/or legal representation. Courts are increasingly relying on torture as a means of extracting confessions. Corruption within the judicial system is rampant and there are



currently no mechanisms in place to ensure the quality and speed of the judiciary process.

Recommendation n°151: *Speed up its justice reforms to comply with international standards* (Recommended by Slovakia)

IRI: -

DHRD response:

New jails and reform centers should accord with international criteria. By 2014, the KRG promises to be in line with UNCHR prison guidelines.

Recommendation n°168: *Take all necessary steps to eliminate torture and other inhuman punishments in prisons and detention facilities* (Recommended by Denmark)

IRI: *not implemented*

LLG response:

The use of "confessions" obtained through torture and failure to provide for legal advice and equality of arms continue to be issues in the administration of justice. Other serious issues remain resulting in the failure to fully implement international standards in relation to fair trials and conditions of detention. Accused persons frequently do not have legal representation nor are they afforded sufficient time and resources to present their defence. Torture and other ill-treatment are widespread in prisons and detention centres, in particular those controlled by the Ministries of Interior and Defence. Commonly reported methods are suspension by the limbs for long periods, beatings with cables and hosepipes, electric shocks, breaking of limbs, partial asphyxiation with plastic bags, and rape or threats of rape. Torture is used to extract information from detainees and confessions that are used as evidence in court.

PAO response:

There is still torture in the Kurdistan region, despite of the necessary measures to prevent the authorities (police and security) of the non-use of torture and cruel punishments, and here is the role of human rights organizations that the sensitizing police officers and security awareness courses for the Treatment of Prisoners.

Recommendation n°170: *Take all necessary steps to strengthen to neutrality and independence of its judiciary* (Recommended by Germany)

IRI: *not implemented*

GICJ response:

+

UAJ response:

The majority of individuals charged with a crime have been deprived of fair trials and/or legal representation. Courts are increasingly relying on torture as a means of extracting confessions. Corruption within the judicial system is rampant and there are currently no mechanisms in place to ensure the quality and speed of the judiciary process.



Recommendation n°175: *Take effective measures to systematically tackle impunity by improving training, including human rights training, of security and law enforcement officials (Recommended by Austria)*

IRI: *not implemented*

GICJ response:

+

UAJ response:

Although there has been no attempt made to provide any form of training to security and law enforcement to combat impunity, the underlying problem is a lack of will on part of the government and authorities to hold those responsible for crimes accountable and put an end to the current state of impunity.

Recommendation n°179: *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 (Recommended by Japan)*

IRI: *not implemented*

LLG response:

Other serious issues remain resulting in the failure to fully implement international standards in relation to fair trials and conditions of detention. Accused persons frequently do not have legal representation nor are they afforded sufficient time and resources to present their defence. Torture and other ill-treatment are widespread in prisons and detention centres, in particular those controlled by the Ministries of Interior and Defence. Commonly reported methods are suspension by the limbs for long periods, beatings with cables and hosepipes, electric shocks, breaking of limbs, partial asphyxiation with plastic bags, and rape or threats of rape. Torture is used to extract information from detainees and confessions that are used as evidence in court.

GICJ response:

+

UAJ response:

Our organization and partner organizations have credible reports confirming the widespread and serious mistreatment of detainees including abuse by means of various forms of torture. The supervision of Iraq's prisons and detention centers remains divided. Each ministry, political party, militia, police and army units maintain their own prison and detention centers. For this reason, Iraq lacks an adequate, centralized supervision system, which therefore, impedes transparency.

## SOGI

Recommendation n°60: *Decriminalize homosexuality and ensure that the authors of violence against homosexuals are brought to justice (Recommended by France)*

IRI: *not implemented*

+

Recommendation n°91: *Fully investigate all allegations of persecution based on gender and sexual orientation* (Recommended by Canada)

IRI: -

+

Recommendation n°101: *Implement measures to address extrajudicial killings of persons on the basis of their actual or presumed sexual orientation* (Recommended by Netherlands)

IRI: *not implemented*

+

Recommendation n°113: *Investigate all allegations of persecution based on gender and sexual orientation and that charges be brought against those behind these crimes* (Recommended by Norway)

IRI: -

+

Recommendation n°165: *Take action in order to end extrajudicial killings of persons on the basis of their sexual orientation* (Recommended by Greece)

IRI: *not implemented*

#### LLG response:

Homosexuals continue to be seriously at risk in Iraq. In February and March 2012 at least 14 young gay and "emo" men were murdered in East Baghdad. Killings were reported in other cities also however, it is difficult to obtain accurate statistics since deaths are not recorded in any special category by the authorities.

#### PAO response:

Still Iraqi society does not accommodate homosexuals has occurred at the end of 2011 and beginning of 2012 intentional killing in the province of Baghdad and the provinces of southern Iraq to a number of them violently and contravenes human rights [...].

#### IAHRO response:

The abuse is continuous against them.

## Women & Children

Recommendation n°1: *Abolish legal provisions allowing for reduced sentences for so-called honor crimes and undertake an awareness-raising campaign* (Recommended by Austria)

IRI: *not implemented*

+

Recommendation n°12: *Amend article 128 of the Criminal Code which identifies the commission of an offence with honourable motives as a mitigating excuse* (Recommended by Spain)

IRI: -

+



Recommendation n°141: *Repeal article 128 of the Criminal Code which identifies the commission of an offence with honourable motives as a mitigating excuse* (Recommended by Canada)

IRI: -

+

Recommendation n°163: *Suspend Article 128 of the Iraqi Penal Code and put in place steps to repeal it completely* (Recommended by New Zealand)

IRI: -

+

Recommendation n°164: *Suspend the application of article 128 in the Criminal Code, with a view to revoke it* (Recommended by Norway)

IRI: -

The Human Rights Foundation and Civil Society (THRFCS) response:

Because of tradition and tribal customs are not changing laws and regulations in force in the field of honor killings

LLG response:

Article 409 of the Iraqi penal code reduces a murder sentence to a maximum of three years if a man "surprises his wife or one of his female dependents (who is) in a state of adultery or finds her in bed with a partner and kills her immediately, or kills one of them." On September 2012 this article had not been repealed. Article 129 of Law 111 of the Iraqi Penal Code continues to provide a mitigating excuse for crimes committed for "honourable motives" or those justified by serious provocation. Under Article 130 a penalty of death is reduced to less than 1 year imprisonment and a penalty of life imprisonment to six months. This article also remains in force.

IAHRO response:

No changes. In Kurdistan region 3 laws have been amended (honor killing is considered as a intense condition which means it is considered worse than normal killing).

Recommendation n°7: *Address the problem of domestic violence* (Recommended by Italy)

IRI: *partially implemented*

DHRD response:

DHRD continues to identify and assist victims of physical and verbal abuse. The high number of victims in the relatively liberal area of Sulaymaniyah alone indicates that frequent domestic violence occurs throughout the entire region. DHRD has had case-by-case success in addressing domestic violence at shelters with social workers who provide counseling, mediate with the victim's family, and/or arrange a divorce. Unfortunately, Article 41(1) of the penal code still grants a legal right to a husband to punish his wife. In many rural towns such as Raniya and Qala Diza, no shelters for women exist, and domestic violence / honor killings are on the rise. No legislation for restrictive orders for violence victims has been enacted. Also, despite the approval of "Law No. 8: the Law against Domestic Violence in the KRG" in Aug 2011, implementation remains severely lacking, and must be strengthened by increased legal awareness campaigns targeting entire rural communities.

THRFCS response:

There is a proposal law legislation to prevent domestic violence and violence against women

JC response:

At least twenty percent of women in Iraq are exposed to domestic violence. In 2011, the Kurdistan parliament passed the Law against Domestic Violence which defines the following acts as a crime: "forceful marriage, preventing female education, hitting a child, nonconsensual divorce, offering of women to settle family feuds and female suicide, if the family is the cause." Domestic violence and honor killings remain a huge problem. Also, there are only a few shelters available for women. Unfortunately, the government has failed to develop a specific system to [address] effectively and practically victims of domestic violence.

El Karama (Karama) response:

While Article 29 in the Iraqi constitution acknowledges the need for a law forbidding domestic violence ("Article (29)(4): Violence and abuse in the family, school and society shall be forbidden"), and Article 44 guarantees Iraq's commitment to international conventions that prohibit and criminalize all forms of violence against women such as the CEDAW Convention ("Article (44): All individuals have the right to enjoy the rights stated in international human rights agreements and treaties endorsed by Iraq and that do not run contrary to the principles and rules of this constitution"), a law against domestic violence is still needed in the criminal code for the police and courts to enforce. Following the executive order issued in 2009, an expert committee was established within the Ministry for Women's Affairs to draft a law. A draft was proposed in 2011 and is currently being finalized in order to be presented to the Ministry of Women's Affairs that will then be responsible for taking all necessary steps to obtain the required governmental approval before transferring it to the Council of Representatives before the end of 2012. Meanwhile, the Kurdistan Regional Government (KRG) passed a Family Violence Law in 2011 that criminalizes domestic violence, forced marriage, and female genital mutilation. A conviction for domestic violence in Kurdistan carries a fine and a jail sentence of 6 months to 3 years. The necessary work remains to be done by the KRG to establish the special courts designated to hear family violence cases, provide the necessary police and judicial training, and to set up the shelters provided by the law.

LLG response:

Violence against women and girls remains a serious issue throughout Iraq. [...] On 21 June 2011 the KRG parliament passed the Family Violence Bill which criminalises FGM along with forced and child marriages, verbal, physical and psychological abuse of girls and women, child abuse and child labour. This law came into effect in August 2011. Steps have been taken by the regional government to run awareness campaigns, train judges, and issue orders to police on the articles of the law dealing with domestic violence. Serious issues remain with financial resources allocated to the various bodies implementing this law. A Human Rights Watch report of August 2012 claims that implementation of the law in relation to the FGM ban is severely lacking. Members of parliament and civil society activists have criticized the



government's lack of action, and say that the practice remains prevalent particularly in areas such as Rania, Haji Awa and Qalat Diza.

IAHRO response:

In 2011 in Kurdistan region a new law been issued called "law of forbidding the domestic violence".

NCCI response:

The Protection of Domestic Violence Draft Law, still under discussion, is comprehensive enough, but amendments to the punishments are recommended to turn them into fines instead of physical punishments. The Law needs to be issued as soon as possible to further enable women through providing the legal protection against domestic violence.

*Recommendation n°10: 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 (Recommended by France)*

*IRI: partially implemented*

THRFCS response:

The militias and terrorist organizations recruit children in armed conflict happening in Iraq.

Karama response:

The Iraqi Council of Representatives passed an anti-trafficking law in the beginning of 2012, for which the harshest punishment in the case of being found guilty is the death penalty. They also established a new committee inside the Ministry of Interior called "The Central Committee to combat human trafficking".

LLG response:

The Iraqi parliament held a first reading of the draft Anti-Trafficking in Persons law on 12 July 2011 and a second reading followed shortly after. The Iraqi Council of Representatives passed the law on 23 February 2012. It includes the establishment of coordination mechanisms for civil society, support to different ministries on victim of trafficking assistance and support to a proposed Higher Committee to Combat Trafficking. The law is subject to numerous criticisms regarding its framework and reach and it remains to be seen whether the various bodies are allocated sufficient resources in future budgets to ensure effective implementation.

NCCI response:

Despite the issuance of an anti-trafficking law in Iraq by the Iraqi Parliament in early 2012, and the formation of a counter trafficking committee, no executive orders have been issued to date. As such, no full operation to prevent trafficking in persons has been launched. It is recommended that the Committee make their final recommendations to the appropriate authorities to facilitate the issuance of the executive orders as early as possible to enable the police force to appropriately



following up on cases of trafficking and bring traffickers to justice. As for the law itself, it needs revision to ensure the provision of a legal umbrella for organizations/NGOs that are already providing protection to victims of trafficking in a low profile manner. Another recommendation is to ensure compensation for victims of trafficking under the counter trafficking law.

IAHRO response:

A new law been issued in Iraq for anti human trafficking

Recommendation n°11: *Advance in the promotion of gender equality and equity and study the necessary legislative reforms to follow international standards such as CEDAW (Recommended by Uruguay)*

IRI: *not implemented*

DHRD response:

Women continue to face harsher sentences than men for similar crimes, particularly crimes relating to adultery, as allowed by ambiguities in the penal code. Women cannot claim self-defense if attacked for extra-marital relations. The legal code still identifies "fathers" rather than "parents" as legal guardians of children. Inheritance law remains in favor of men over women. The constitution's Article 2 continues to constrain gender equality reforms through its invocation of Islamic law: it is a barrier to reforming laws regarding a Muslim woman's ability to divorce, to marry a non-Muslim, and to disobey her husband. Implementation of CEDAW in Iraq remains implausible.

THRFCS response:

Because of tradition and tribal customs are not changing laws and regulations in force in this field

Karama response:

The Ministry of State for Women's Affairs in Iraq has been working with UN Women on a strategy for the advancement of Iraqi women to participate in sustainable development, to enable women to promote and activate their role in the overall development process. The strategy includes seven outcomes to achieve its overall goal: to create a legislative environment and to advocate economically for women, to ensure institutions provide equal rights and opportunities for both sexes, to stop violence against women, to provide better health and education for women, and ensure women's active participation in peace-building. In Kurdistan, the Kurdistan Regional Government established a Women's Rights Monitoring Board, presided monthly by the Prime Minister.

LLG response:

Iraq retains reservations to article 2, paragraphs (f) and (g), article 9, paragraphs 1 and 2, article 29, paragraph 1 of CEDAW. While steps are being made to promote gender equality, serious legal and practical obstacles remain preventing full implementation of international standards.



Recommendation n°18: *Carry-out an awareness raising campaign against domestic and gender based violence, and, in specific terms, against offences against women for reasons of honor* (Recommended by Spain)

IRI: *partially implemented*

THRFCS response:

A number of non-governmental organizations, as well as the Ministry of Human Rights worked on the implementation of several awareness workshops in the field of gender

LLG response:

Awareness campaigns focus specifically on domestic violence and crimes for reasons of honour with little or no awareness or campaigning in relation to FGM. Violence against women and girls remains a serious issue throughout Iraq. FGM continues to be practiced throughout Iraq and not just in the Kurdistan Region as previously thought. On 21 June 2011 the KRG parliament passed the Family Violence Bill which criminalises FGM along with forced and child marriages, verbal, physical and psychological abuse of girls and women, child abuse and child labour. This law came into effect in August 2011. Steps have been taken by the regional government to run awareness campaigns, train judges, and issue orders to police on the articles of the law dealing with domestic violence. Serious issues remain with financial resources allocated to the various bodies implementing this law. A Human Rights Watch report in August 2012 claims that implementation of the law in relation to the FGM ban is severely lacking. Members of parliament and civil society activists have criticized the government's lack of action, and say the practice remains prevalent particularly in areas such as Rania, Haji Awa and Qalat Diza.

Recommendation n°19: *Commit fully to the implementation of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women* (Recommended by Italy)

IRI: -

Karama response:

The Council of Representatives voted in regular session in the presence of 230 deputies in October 2011 to pass a bill that cancels Iraq's reservation on CEDAW's Article 9 that originally stated in Law No. 66 for the year 1986 when Iraq acceded to the Convention. The bill was submitted by the committees of women, family, childhood and foreign relations.

Recommendation n°25: *Consider a legal reform in order to address also in an effective way the so-called honour killings or crimes* (Recommended by Italy)

IRI: *not implemented*

THRFCS response:

[See response to recommendation n° 1]

JC response:

In practice, men still receive limited impunity in honor killing cases. Article 409 is used to grant disproportionately light sentences for men who claim to have killed his family member because of adultery. This provision does not apply to women. Many Iraqi women are being killed by their husbands or relatives every year and under this



provision the men receive lighter sentences. A definitive count of honor killings is difficult to obtain because when a case is presented to the court, the cause of death is disguised. The government has failed to address the impunity granted for honor killings.

LLG response:

[See response to recommendation n° 1]

Recommendation n°36: *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* (Recommended by Netherlands)

IRI: *not implemented*

JC response:

[See response to recommendation n° 25]

LLG response:

Article 409 of the Iraqi penal code reduces a murder sentence to a maximum of three years if a man "surprises his wife or one of his female dependents (who is) in a state of adultery or finds her in bed with a partner and kills her immediately, or kills one of them." On September 2012 this article had not been repealed. Article 129 of Law 111 of the Iraqi Penal Code continues to provide a mitigating excuse for crimes committed for "honourable motives" or those justified by serious provocation. Under Article 130 a penalty of death is reduced to less than 1 year imprisonment and a penalty of life imprisonment to six months. This article also remains in force. While shelters do exist in Iraq there are only a handful for the whole country. These shelters do not receive sufficient funding and security is not guaranteed. Impunity for perpetrators of violence against women persists.

IAHRO response:

In Kurdistan region private and public women shelters are existing, but in Iraq the ministry of social affairs refused to open women shelters

Recommendation n°38: *Continue its efforts for all children to have access to education and health* (Recommended by Bangladesh)

IRI: -

THRFCS response:

There are a number of reforms in the educational system and health [that] could improve the educational and health status of children in the case of special legislation for child

Recommendation n°41: *Continue its efforts to improve the situation of women and empower them* (Recommended by Jordan)

IRI: *partially implemented*

DHRD response:

With improved economic conditions in Iraqi Kurdistan in recent years, women have had the opportunity to participate in economic life and decrease their dependence on husbands.



Karama response:

The Ministry of State for Women's Affairs has been working with UN Women on a strategy for the advancement of Iraqi women to participate in sustainable development, to enable women to promote and activate their role in the overall development process. The strategy includes seven outcomes to achieve its overall goal: to create a legislative environment and to advocate economically for women, to ensure institutions provide equal rights and opportunities for both sexes, to stop violence against women, to provide better health and education for women, and ensure women's active participation in peace-building. In Kurdistan, the Kurdistan Regional Government established a Women's Rights Monitoring Board, presided monthly by the Prime Minister.

LLG response:

Women remain under-represented in local and national government, and the ongoing violence and insecurity acts as a significant obstacle to women's political participation and representation. Iraq retains reservations to article 2, paragraphs (f) and (g), article 9, paragraphs 1 and 2, article 29, paragraph 1 of CEDAW. While steps are being made to promote gender equality serious legal and practical obstacles remain preventing full implementation of international standards. Violence against women and girls remains a serious issue throughout Iraq. FGM continues to be practiced throughout Iraq and not just in the Kurdistan Region as previously thought. On 21 June 2011 the KRG parliament passed the Family Violence Bill which criminalises FGM along with forced and child marriages, verbal, physical and psychological abuse of girls and women, child abuse and child labour. This law came into effect in August 2011.

Steps have been taken by the regional government to run awareness campaigns, train judges, and issue orders to police on the articles of the law dealing with domestic violence. Serious issues remain with financial resources allocated to the various bodies implementing this law. A Human Rights Watch report in August 2012 claims that the implementation of the law in relation to the FGM ban is severely lacking. Members of parliament and civil society activists have criticized the government's lack of action, and say the practice remains prevalent particularly in areas such as Rania, Haji Awa and Qalat Diza.

GICJ response:

+

UAJ response:

It is unfortunate that the situation of women in Iraq has consistently deteriorated. There have been no clear signs of improvement or attempts made to improve the devastating circumstances in which women and children find themselves. Women are still subjected to various forms of violence, which have in some cases increased such as human trafficking and sexual violence.

Recommendation n<sup>o</sup>42: *Continue its gender-sensitive campaigns to create a more nondiscriminatory environment (Recommended by Bangladesh)*

*IRI: partially implemented*



Karama response:

The Ministry of State for Women's Affairs has been working with UN Women on a strategy for the advancement of Iraqi women to participate in sustainable development, to enable women to promote and activate their role in the overall development process. The strategy includes seven outcomes to achieve its overall goal: to create a legislative environment and to advocate economically for women, to ensure institutions provide equal rights and opportunities for both sexes, to stop violence against women, to provide better health and education for women, and ensure women's active participation in peace-building. In Kurdistan, the Kurdistan Regional Government established a Women's Rights Monitoring Board, presided monthly by the Prime Minister.

LLG response:

[See response to recommendation n° 41]

Recommendation n°66: *Enact legislation to combat domestic violence and sexual violence and to ban female genital mutilation (Recommended by France)*

IRI: *partially implemented*

Karama response:

While Article 29 in the Iraqi constitution acknowledges the need for a law forbidding domestic violence ("Article (29)(4): Violence and abuse in the family, school and society shall be forbidden"), and Article 44 guarantees Iraq's commitment to international conventions that prohibit and criminalize all forms of violence against women such as the CEDAW Convention ("Article (44): All individuals have the right to enjoy the rights stated in international human rights agreements and treaties endorsed by Iraq and that do not run contrary to the principles and rules of this constitution"), a law against domestic violence is still needed in the criminal code for the police and courts to enforce. Following the executive order issued in 2009, an expert committee was established within the Ministry for Women's Affairs to draft a law. A draft was proposed in 2011 and is currently being finalized in order to be presented to the Ministry of Women's Affairs that will then be responsible for taking all necessary steps to obtain the required governmental approval before transferring it to the Council of Representatives before the end of 2012. Meanwhile, the Kurdistan Regional Government (KRG) passed a Family Violence Law in 2011 that criminalizes domestic violence, forced marriage, and female genital mutilation. A conviction for domestic violence in Kurdistan carries a fine and a jail sentence of 6 months to 3 years. The necessary work remains to be done by the KRG to establish the special courts designated to hear family violence cases, provide the necessary police and judicial training, and to set up the shelters provided by the law.

LLG response:

Awareness campaigns focus specifically on domestic violence and crimes for reasons of honour with little or no awareness or campaigning in relation to FGM. Violence against women and girls remains a serious issue throughout Iraq. FGM continues to be practiced throughout Iraq and not just in the Kurdistan Region as previously thought. On 21 June 2011 the KRG parliament passed the Family Violence Bill which criminalises FGM along with forced and child marriages, verbal, physical and psychological abuse of girls and women, child abuse and child labour.



This law came into effect in August 2011. Steps have been taken by the regional government to run awareness campaigns, train judges, and issue orders to police on the articles of the law dealing with domestic violence. Serious issues remain with financial resources allocated to the various bodies implementing this law. A Human Rights Watch report in August 2012 claims that implementation of the law in relation to the FGM ban is severely lacking. Members of parliament and civil society activists have criticized the government's lack of action, and say the practice remains prevalent particularly in areas such as Rania, Haji Awa and Qalat Diza.

GICJ response:

+

UAJ response:

It is unfortunate that the situation of women in Iraq has consistently deteriorated. There have been no clear signs of improvement or attempts made to improve the devastating circumstances in which women and children find themselves. Women are still subjected to various forms of violence, which have in some cases increased such as human trafficking and sexual violence.

IAHRO response:

The new law of combating domestic violence it protects female from genital mutilation

Recommendation n°70: *Ensure due monitoring, investigating and prosecuting the recruitment of minors for military purpose and provide efficient rehabilitation and reintegration schemes for the victims* (Recommended by Slovakia)

IRI: -

THRFCS response:

[The state has so far been unable to properly protect minorities from being targeted by terrorist organizations and government militias.]

Recommendation n°73: *Ensure that Iraq's legislation guarantees de jure and de facto non discrimination against women* (Recommended by Mexico)

IRI: *not implemented*

DHRD response:

Due to Article 98 of the Civil Actions Law, religious courts can discriminate against women's testimony. Furthermore, despite the enactment of the KRG law against domestic violence, many communities and judges do not recognize its validity, accentuating the need for special independent courts relating to domestic violence.

LLG response:

Iraq retains reservations to article 2, paragraphs (f) and (g), article 9, paragraphs 1 and 2, article 29, paragraph 1 of CEDAW. While steps are being made to promote gender equality, serious legal and practical obstacles remain preventing full implementation of international standards.

Recommendation n°110: *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 (Recommended by Malaysia)*

IRI: *partially implemented*

DHRD response:

Many of the cases DHRD has supported have been obstructed by excessively long time periods in between court sessions, including some up to 2 years. This often results in the women abandoning their cases. Judges have often disregarded trial times, putting a strain on the ability of lawyers to represent these women.

DHRD's staff members are often treated improperly by police and court officials out of contempt for anyone who would defend women who have committed what they view as unacceptable acts.

Karama response:

The Iraqi Council of Representatives passed an anti-trafficking law in the beginning of 2012, for which the harshest punishment in the case of being found guilty is the death penalty. They also established a new committee inside the Ministry of Interior called "The Central Committee to combat human trafficking". While Article 29 in the Iraqi constitution acknowledges the need for a law forbidding domestic violence ("Article (29)(4): Violence and abuse in the family, school and society shall be forbidden"), and Article 44 guarantees Iraq's commitment to international conventions that prohibit and criminalize all forms of violence against women such as the CEDAW Convention ("Article (44): All individuals have the right to enjoy the rights stated in international human rights agreements and treaties endorsed by Iraq and that do not run contrary to the principles and rules of this constitution"), a law against domestic violence is still needed in the criminal code for the police and courts to enforce. Following the executive order issued in 2009, an expert committee was established within the Ministry for Women's Affairs to draft a law. A draft was proposed in 2011 and is currently being finalized in order to be presented to the Ministry of Women's Affairs that will then be responsible for taking all necessary steps to obtain the required governmental approval before transferring it to the Council of Representatives before the end of 2012. Meanwhile, the Kurdistan Regional Government (KRG) passed a Family Violence Law in 2011 that criminalizes domestic violence, forced marriage, and female genital mutilation. A conviction for domestic violence in Kurdistan carries a fine and a jail sentence of 6 months to 3 years. The necessary work remains to be done by the KRG to establish the special courts designated to hear family violence cases, provide the necessary police and judicial training, and to set up the shelters provided by the law.

LLG response:

[See response to recommendation n° 41]

GICJ response:

+

UAJ response:

Women are still subjected to various forms of violence, which have in some cases increased such as human trafficking and sexual violence. Equally important, is the absence of legal protection for women and the absence of the necessary,



comprehensive laws to protect the rights of women that have steadily diminished since 2003, dramatically impacting their lives. The perpetrators of violence against women have not been held accountable.

NCCI response:

Despite the issuance of an anti-trafficking law in Iraq by the Iraqi Parliament in early 2012, and the formation of a counter trafficking committee, no executive orders have been issued to date. As such, no full operation to prevent trafficking in persons has been launched. It is recommended that the Committee make their final recommendations to the appropriate authorities to facilitate the issuance of the executive orders as early as possible to enable the police force to appropriately following up on cases of trafficking and bring traffickers to justice. As for the law itself, it needs revision to ensure the provision of a legal umbrella for organizations/NGOs that are already providing protection to victims of trafficking in a low profile manner. Another recommendation is to ensure compensation for victims of trafficking under the counter trafficking law.

Recommendation n<sup>o</sup>114: *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 (Recommended by Chile)*

IRI: *not implemented*

LLG response:

Article 409 of the Iraqi penal code reduces a murder sentence to a maximum of three years if a man "surprises his wife or one of his female dependents (who is) in a state of adultery or finds her in bed with a partner and kills her immediately, or kills one of them." [As of] September 2012 this article had not been repealed. Article 129 of Law 111 of the Iraqi Penal Code continues to provide a mitigating excuse for crimes committed for "honourable motives" or those justified by serious provocation. Under Article 130 a penalty of death is reduced to less than 1 year imprisonment and a penalty of life imprisonment to six months. This article also remains in force. [...]

GICJ response:

+

UAJ response:

Women are still subjected to various forms of violence, which have in some cases increased such as human trafficking and sexual violence. Equally important, is the absence of legal protection for women and the absence of the necessary, comprehensive laws to protect the rights of women that have steadily diminished since 2003, dramatically impacting their lives. The perpetrators of violence against women have not been held accountable.

Recommendation n<sup>o</sup>125: *Pay special attention to women from marginal groups who have been affected by armed conflict and displacement (Recommended by Norway)*

IRI: *not implemented*

THRFCS response:

Despite suffering afflicting large marginalized women and displaced, but the government's measures are still below the required level



Recommendation n°129: *Put a decisive end to the practice of female genital mutilation* (Recommended by Greece)

IRI: *partially implemented*

DHRD response:

The 2011 law carries punishments for those who practice or promote FGM. However, its implementation is yet to be seen.

Karama response:

The Kurdistan Regional Government (KRG) passed a Family Violence Law in 2011 that criminalizes domestic violence, forced marriage, and female genital mutilation. However, no implementation of the FGM has been operationalized or carried out to date, no training of the police and courts by the government on enforcing the law.

LLG response:

Awareness campaigns focus specifically on domestic violence and crimes for reasons of honour with little or no awareness or campaigning in relation to FGM. Violence against women and girls remains a serious issue throughout Iraq. FGM continues to be practiced throughout Iraq and not just in the Kurdistan Region as previously thought. On 21 June 2011 the KRG parliament passed the Family Violence Bill which criminalises FGM along with forced and child marriages, verbal, physical and psychological abuse of girls and women, child abuse and child labour. This law came into effect in August 2011. Steps have been taken by the regional government to run awareness campaigns, train judges, and issue orders to police on the articles of the law dealing with domestic violence. Serious issues remain with financial resources allocated to the various bodies implementing this law. A Human Rights Watch report in August 2012 claims that the implementation of the law in relation to the FGM ban is severely lacking. Members of parliament and civil society activists have criticized the government's lack of action, and say the practice remains prevalent particularly in areas such as Rania, Haji Awa and Qalat Diza.

Recommendation n°130: *Raise social awareness on the importance of women's rights* (Recommended by Italy)

IRI: *fully implemented*

THRFCS response:

A number of non-governmental organizations, as well as the Ministry of Human Rights worked on the implementation of several awareness workshops in the field.

Recommendation n°158: *Strengthen measures in response to reported violence against women and girls, and, in the worst cases of honor crimes and end impunity* (Recommended by Japan)

IRI: *not implemented*

JC response:

In practice, men still receive limited impunity in honor killing cases. Article 409 is used to grant disproportionately light sentences for men who claim to have killed his family member because of adultery. This provision does not apply to women. Many Iraqi women are killed by their husbands or relatives every year and under this provision the men receive lighter sentences. A definitive count of honor killings is difficult to obtain because when a case is presented to the court, the cause of death



is disguised. The government has failed to address the impunity granted for honor killings.

Karama response:

The Iraqi Council of Representatives passed an anti-trafficking law in the beginning of 2012, for which the harshest punishment in the case of being found guilty is the death penalty. They also established a new committee inside the Ministry of Interior called "The Central Committee to combat human trafficking". While Article 29 in the Iraqi constitution acknowledges the need for a law forbidding domestic violence ("Article (29)(4): Violence and abuse in the family, school and society shall be forbidden"), and Article 44 guarantees Iraq's commitment to international conventions that prohibit and criminalize all forms of violence against women such as the CEDAW Convention ("Article (44): All individuals have the right to enjoy the rights stated in international human rights agreements and treaties endorsed by Iraq and that do not run contrary to the principles and rules of this constitution"), a law against domestic violence is still needed in the criminal code for the police and courts to enforce. Following the executive order issued in 2009, an expert committee was established within the Ministry for Women's Affairs to draft a law. A draft was proposed in 2011 and is currently being finalized in order to be presented to the Ministry of Women's Affairs that will then be responsible for taking all necessary steps to obtain the required governmental approval before transferring it to the Council of Representatives before the end of 2012. Meanwhile, the Kurdistan Regional Government (KRG) passed a Family Violence Law in 2011 that criminalizes domestic violence, forced marriage, and female genital mutilation. A conviction for domestic violence in Kurdistan carries a fine and a jail sentence of 6 months to 3 years. The necessary work remains to be done by the KRG to establish the special courts designated to hear family violence cases, provide the necessary police and judicial training, and to set up the shelters provided by the law.

LLG response:

Awareness campaigns focus specifically on domestic violence and crimes for reasons of honour with little or no awareness or campaigning in relation to FGM. Violence against women and girls remains a serious issue throughout Iraq. FGM continues to be practiced throughout Iraq and not just in the Kurdistan Region as previously thought. On 21 June 2011 the KRG parliament passed the Family Violence Bill which criminalises FGM along with forced and child marriages, verbal, physical and psychological abuse of girls and women, child abuse and child labour. This law came into effect in August 2011. Steps have been taken by the regional government to run awareness campaigns, train judges, and issue orders to police on the articles of the law dealing with domestic violence. Serious issues remain with financial resources allocated to the various bodies implementing this law. A Human Rights Watch report in August 2012 claims that the implementation of the law in relation to the FGM ban is severely lacking. Members of parliament and civil society activists have criticized the government's lack of action, and say the practice remains prevalent particularly in areas such as Rania, Haji Awa and Qalat Diza. Article 409 of the Iraqi penal code reduces a murder sentence to a maximum of three years if a man "surprises his wife or one of his female dependents (who is) in a state of adultery or finds her in bed with a partner and kills her immediately, or kills one of



them." At September 2012 this article had not been repealed. Article 129 of Law 111 of the Iraqi Penal Code continues to provide a mitigating excuse for crimes committed for "honourable motives" or those justified by serious provocation. Under Article 130 a penalty of death is reduced to less than 1 year imprisonment and a penalty of life imprisonment to six months. This article also remains in force.

*Recommendation n°160: Strengthen policies and measures, including legislation in the area of domestic violence (Recommended by Brazil)*

*IRI: partially implemented*

THRFCS response:

There is a proposal law legislation to prevent domestic violence and violence against women

Karama response:

[See response to recommendation n° 158]

NCCI response:

The Protection of Domestic Violence Draft Law, still under discussion, is comprehensive enough, but amendments to the punishments are recommended to turn them into fines instead of physical punishments. The Law needs to be issued as soon as possible to further enable women through providing the legal protection against domestic violence.

LLG response:

Violence against women and girls remains a serious issue throughout Iraq. FGM continues to be practiced throughout Iraq and not just in the Kurdistan Region as previously thought. On 21 June 2011 the KRG parliament passed the Family Violence Bill which criminalises FGM along with forced and child marriages, verbal, physical and psychological abuse of girls and women, child abuse and child labour. This law came into effect in August 2011. Steps have been taken by the regional government to run awareness campaigns, train judges, and issue orders to police on the articles of the law dealing with domestic violence. Serious issues remain with financial resources allocated to the various bodies implementing this law. A Human Rights Watch report in August 2012 claims that the implementation of the law in relation to the FGM ban is severely lacking. Members of parliament and civil society activists have criticized the government's lack of action, and say the practice remains prevalent particularly in areas such as Rania, Haji Awa and Qalat Diza

*Recommendation n°162: Submit the second and third reports to the Committee on the Rights of the Child (Recommended by Uruguay)*

*IRI: partially implemented*

THRFCS response:

There is a committee working on the preparation of reports which is in the final stages of completion during this year



Recommendation n°169: *Take all necessary steps to strengthen the adequate access to justice especially for vulnerable groups such as women* (Recommended by Germany)

IRI: *partially implemented*

DHRD response:

Several government institutions exist to proposing legislative reforms for discrimination against women, such as the Ministry of Human Rights, the Ministry for Women's Affairs, the Parliamentary Committee for Women and Children, the Ministry for National Dialogue, and the Ministry for Labor and Social Affairs' Department for the Welfare of Widows and Divorcees.

THRFCS response:

Measures taken by the government are insufficient to ensure and promote respect for the rights of women. Knowing that there are a number of international organizations working to support the government in this area.

Recommendation n°172: *Take all the necessary measures to fight against all forms of violence against women and proceed to investigate and punish those responsible* (Recommended by Uruguay)

IRI: *partially implemented*

THRFCS response:

There is a proposal law legislation to prevent domestic violence and violence against women

Karama response:

The Iraqi Council of Representatives passed an anti-trafficking law in the beginning of 2012, for which the harshest punishment in the case of being found guilty is the death penalty. They also established a new committee inside the Ministry of Interior called "The Central Committee to combat human trafficking". While Article 29 in the Iraqi constitution acknowledges the need for a law forbidding domestic violence ("Article (29)(4): Violence and abuse in the family, school and society shall be forbidden"), and Article 44 guarantees Iraq's commitment to international conventions that prohibit and criminalize all forms of violence against women such as the CEDAW Convention ("Article (44): All individuals have the right to enjoy the rights stated in international human rights agreements and treaties endorsed by Iraq and that do not run contrary to the principles and rules of this constitution"), a law against domestic violence is still needed in the criminal code for the police and courts to enforce. Following the executive order issued in 2009, an expert committee was established within the Ministry for Women's Affairs to draft a law. A draft was proposed in 2011 and is currently being finalized in order to be presented to the Ministry of Women's Affairs that will then be responsible for taking all necessary steps to obtain the required governmental approval before transferring it to the Council of Representatives before the end of 2012. Meanwhile, the Kurdistan Regional Government (KRG) passed a Family Violence Law in 2011 that criminalizes domestic violence, forced marriage, and female genital mutilation. A conviction for domestic violence in Kurdistan carries a fine and a jail sentence of 6 months to 3 years. The



necessary work remains to be done by the KRG to establish the special courts designated to hear family violence cases, provide the necessary police and judicial training, and to set up the shelters provided by the law.

Recommendation n<sup>o</sup>177: *Undertake additional measures to protect rights of women and children* (Recommended by Ukraine)

IRI: *partially implemented*

THRFCS response:

The Iraqi government nor the parliament so far did not take any action in that area.

Karama response:

The Ministry of State for Women's Affairs has been working with UN Women on a strategy for the advancement of Iraqi women to participate in sustainable development, to enable women to promote and activate their role in the overall development process. The strategy includes seven outcomes to achieve its overall goal: to create a legislative environment and to advocate economically for women, to ensure institutions provide equal rights and opportunities for both sexes, to stop violence against women, to provide better health and education for women, and ensure women's active participation in peace-building. In Kurdistan, the Kurdistan Regional Government established a Women's Rights Monitoring Board, presided monthly by the Prime Minister.

LLG response:

Awareness campaigns focus specifically on domestic violence and crimes for reasons of honour with little or no awareness or campaigning in relation to FGM. Violence against women and girls remains a serious issue throughout Iraq. FGM continues to be practiced throughout Iraq and not just in the Kurdistan Region as previously thought. On 21 June 2011 the KRG parliament passed the Family Violence Bill which criminalises FGM along with forced and child marriages, verbal, physical and psychological abuse of girls and women, child abuse and child labour. This law came into effect in August 2011. Steps have been taken by the regional government to run awareness campaigns, train judges, and issue orders to police on the articles of the law dealing with domestic violence. Serious issues remain with financial resources allocated to the various bodies implementing this law. A Human Rights Watch report in August 2012 claims that implementation of the law in relation to the FGM ban is severely lacking. Members of parliament and civil society activists have criticized the government's lack of action, and say the practice remains prevalent particularly in areas such as Rania, Haji Awa and Qalat Diza. The Iraqi parliament held a first reading of the draft Anti-Trafficking in Persons law on 12 July 2011 and a second reading followed shortly after. The Iraqi Council of Representatives passed the law on 23 February 2012. It includes the establishment of coordination mechanisms for civil society, support to different ministries on victim of trafficking assistance and support to a proposed Higher Committee to Combat Trafficking. The law is subject to numerous criticisms regarding its framework and reach and it remains to be seen whether the various bodies are allocated sufficient resources in future budgets to ensure effective implementation.



PAO response:

In the province of Kurdistan - the government opened a hotline for the protection of children has distributed figures by media organizations and published this has helped to some extent of the protection of children. As for the women open circle against violence against women in Kurdistan and now there is a committee headed by the Prime Minister and the ministers concerned to follow the women's Affairs has been the establishment of the Supreme Council for Women and also to some extent.

## Other

Recommendation n°17: *Build mechanisms which would enable provision of adequate humanitarian assistance to the large number of internally displaced persons* (Recommended by *Bosnia & Herzegovina*)

IRI: not implemented

+

Recommendation n°159: *Strengthen policies and further seek international cooperation to ensure the human rights of Internally Displaced Persons, including measures for their return or resettlement* (Recommended by *Brazil*)

IRI: not implemented

GICJ response:

+

UAJ response:

There are a very large number of internationally displaced persons in Iraq. These individuals are in camps that lack the basic human needs and often place them in an overall extremely precarious situation. Women and children are particularly vulnerable groups of IDP.

Recommendation n°20: *Commit to abide by international humanitarian law and international law* (Recommended by *Kuwait*)

IRI: not implemented

LLG response:

Incorporation and implementation issues remain.

Recommendation n°23: *Complete the process of establishing the independent high commission for human rights* (Recommended by *Algeria*)

IRI: fully implemented

+

Recommendation n°87: *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* (Recommended by *Spain*)

IRI: fully implemented

+

Recommendation n°124: *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 (Recommended by Australia)*

IRI: *fully implemented*

LLG response:

The Iraqi High Commission for Human Rights was approved by the Iraqi Parliament in April 2012. The commission will be made up of 11 members of which 2 will be women. Members will serve four year terms. It is proposed that the Commission will replace the Human Rights Ministry after the 2014 elections.

GICJ response:

+

UAJ response:

Although Iraq announced the established of the Independent Commission for Human Rights, it is not yet functioning.

IAHRO response:

Yes, all members of human rights commission been selected and they are operating now.

*Recommendation n°37: Continue its cooperation with the international and regional human rights mechanisms, in particular in the area of technical assistance and training (Recommended by Saudi Arabia)*

IRI: *not implemented*

GICJ response:

+

UAJ response:

Our NGO has not been able to identify any significant form of effective collaboration between these Human Right mechanisms.

*Recommendation n°46: Continue its utmost efforts to improve the civil, political, social, economic and cultural rights for the Iraqi people (Recommended by Bangladesh)*

IRI: *partially implemented*

LLG response:

While efforts have been made, there are serious shortfalls in effective implementation of these rights.

*Recommendation n°51: Continue to establish democracy, good governance, rule of law and equality (Recommended by Jordan)*

IRI: *not implemented*

JC response:

Democracy and good governance continue to be hamstrung by the failure of Iraq to create and maintain a secular state in which all citizens are equal before the law. Instead, sectarian and ethnic groups dominate the government system at every level for the benefit of their specific clan or sect. Members of ethnic and/or religious minorities, particularly non-Muslim religious minorities, are severely discriminated against at all levels of government. In addition to the denial of basic services, the



government fails to provide security and then fails to investigate and prosecute those who commit crimes against minorities.

IAHRO response:

Independent commission of elections been re-elected recently

Recommendation n°55: *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* (Recommended by Australia)

IRI: *not implemented*

LLG response:

Iraq has not ratified the Refugee Convention and incorporation and implementation issues remain.

Recommendation n°56: *Continue to strengthen human rights principles of the newly adopted Constitution* (Recommended by Kazakhstan)

IRI: -

LLG response:

Budgetary constraints severely hinder implementation.

Recommendation n°47: *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* (Recommended by United Arab Emirates)

IRI: *partially implemented*

+

Recommendation n°58: *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* (Recommended by Australia)

IRI: *partially implemented*

LLG response:

On 30 May 2012 UNAMI and the Office of the United Nations High Commissioner for Human Rights published their joint annual report on the human rights situation in Iraq for 2011. The report recognizes that the Government of Iraq has made some progress in implementing measures to protect and promote the human rights of the Iraqi people. However, the impact of those measures on the overall human rights situation remains limited. Since 2008, at the request of the Government of Iraq and in light of the changed circumstances in the country since 2005, the United Nations and the Government have been negotiating a new status of mission agreement, the absence of which has increasingly hindered the Mission's ability to effectively and efficiently implement its mandate. UNAMI and the United Nations country team have experienced increasing operational and logistical difficulties, including long delays in receiving customs clearance for crucial items and the imposition of visa requirements and fees, which have severely disrupted the deployment/rotation of United Nations Guard Unit troops.



Recommendation n°63: *Develop the institutional environment for the protection of human rights in Iraq* (Recommended by Qatar)

IRI: *partially implemented*

LLG response:

Budgetary constraints severely hinder implementation.

IAHRO response:

Establishing of the national commission for human rights

Recommendation n°67: *Encourage the collective return of the Iraqi refugees, ensure their rights and reintegrate them into the unified Iraqi society* (Recommended by Morocco)

IRI: *fully implemented*

IAHRO response:

Iraqi government has issued special instructions for collective return of Iraqis and also allocated airplanes for free for Iraqis in Syria and Egypt

Recommendation n°83: *Establish an independent human rights commission in accordance with the Paris Principles* (Recommended by United Kingdom)

IRI: *fully implemented*

+

Recommendation n°85: *Establish national human rights institution, in accordance with the Paris Principles* (Recommended by Pakistan)

IRI: *fully implemented*

+

Recommendation n°89: *Explore the possibility of establishing an independent national human rights institution in conformity with the Paris Principles* (Recommended by Malaysia)

IRI: *fully implemented*

LLG response:

The Iraqi High Commission for Human Rights was approved by the Iraqi Parliament in April 2012. The commission will be made up of 11 members of which 2 will be women. Members will serve four year terms. It is proposed that the Commission will replace the Human Rights Ministry after the 2014 elections.

IAHRO response:

In Iraq in 2011 they established the commission of human rights according to Paris principles.

Recommendation n°116: *Investigate thoroughly crimes against women and minorities and fully implement laws intended to enforce constitutional protections for women and minorities, including laws against discrimination* (Recommended by United States)

IRI: *not implemented*

DHRD response:

[...]



JC response:

Members of ethnic and/or religious minorities, particularly non-Muslim religious minorities, are severely discriminated against at all levels of government. In addition to the denial of basic services, the government fails to provide security and then fails to investigate and prosecute those who commit crimes against minorities. Members of non-Muslim religious minorities are under constant pressure to convert to Islam, and can face violence for public demonstration of non-Muslim religious identity. While such violence is generally carried out by social actors instead of government officials, the government has repeatedly failed to investigate and prosecute those guilty of such crimes, granting them effective impunity. Non-Muslim women, in particular are being forced to wear veils, and have been kidnapped for ransom. Non-Muslim religious minorities have been deliberately targeted by extremists, who have been known to set up check points on public roads. As Iraqi ID cards show religion, the extremists are able to identify and execute non-Muslims. The Government of Iraq continues to deny that there is any targeting of minorities, and claims that any violence against minorities is merely part of the general insecurity.

LLG response:

Serious concerns remain with respect to the integration and security of Iraqi religious and ethnic minorities. Article 140 of the Iraqi constitution has not yet been implemented. Iraq retains reservations to article 2, paragraphs (f) and (g), article 9, paragraphs 1 and 2, article 29, paragraph 1 of CEDAW. While steps are being made to promote gender equality serious legal and practical obstacles remain preventing full implementation of international standards.

Recommendation n°142: *Request and be given, based on its assessed needs, necessary technical and financial assistance to address its human rights concerns (Recommended by Pakistan)*

IRI: *fully implemented*

DHRD response:

Resourcing is less a problem of receiving assistance than of appropriately allocating national resources. Rather than allocate greater resources to human rights awareness / programs, the KRG recently allocated \$265 million to the National Security Council, whose corruption enables the impunity of the security forces in regards to human rights violations.

GICJ response:

+

UAJ response:

Since 2003, the Iraqi people have been deprived of their basic human rights including political, economic, social and cultural rights. To date, the water, electricity and other basic systems required to sustain the population are not functioning due to the severe damage and destruction that occurred.

Recommendation n°153: *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 (Recommended by Chile)*

*IRI: not implemented*

GICJ response:

+

UAJ response:

Since 2003, the Iraqi people have been deprived of their basic human rights including political, economic, social and cultural rights. To date, the water, electricity and other basic systems required to sustain the population are not functioning due to the severe damage and destruction that occurred.

*Recommendation n°157: Strengthen its efforts to promote and protect human rights in Iraq (Recommended by Saudi Arabia)*

*IRI: not implemented*

GICJ response:

+

UAJ response:

Since 2003, the Iraqi people have been deprived of their basic human rights including political, economic, social and cultural rights. To date, the water, electricity and other basic systems required to sustain the population are not functioning due to the severe damage and destruction that occurred.



## Methodology

### A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted the Permanent Mission to the UN either in Geneva (when it does exist) or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.
4. UN Agencies which sent information for the UPR were contacted.

We posted our requests to the States and NHRI, and sent emails to NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedbacks from the latter.

### B. Processing the recommendations

The persons we contact are encouraged to use an Excel sheet we provide which includes all recommendations received by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split up among recommendations we think it belongs to. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention neither that the recommendation was “fully implemented” nor that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.



UPR Info retains the right to edit comments that are considered not to directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

### C. Implementation Recommendation Index (IRI)

*UPR Info* developed an index showing the implementation level achieved by the State for the recommendations received at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

### **Disclaimer**

*The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views, and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.*

## Uncommented recommendations

Hereby the recommendations which the MIA does not address:

rec. n°	Recommendation	SMR	Response	A	Issue
9	Adopt and apply measures aimed at guaranteeing full respect for human rights and international humanitarian law for all refugees	Chile	Accepted	4	International humanitarian law, Asylum-seekers - refugees,
16	Bring the national law to conformity with the international human rights standards	Ukraine	Accepted	5	General
34	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	Accepted	2	Justice
39	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	Accepted	2	Public security
40	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	Accepted	2	Public security, Migrants,
44	Continue its policies to achieve the goal set in 2006 of building more than 3.5 million dwellings by 2015	Angola	Accepted	2	Development
52	Continue to implement a comprehensive security, economic, political and social welfare plan	Kazakhstan	Accepted	2	General
54	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	Accepted	2	Other
62	Develop a national plan to provide assistance and compensation to internally displaced persons	Chile	Accepted	5	National plan of action, Internally displaced persons,

rec. n°	Recommendation	SMR	Response	A	Issue
71	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	Accepted	4	Minorities
74	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	Rejected	4	Rights of the Child, Justice,
92	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	Accepted	4	Rights of the Child, Right to housing, Right to health, Right to food, Right to education,
93	Give priority to facilitating the visits requested by Special Rapporteurs of the Human Rights Council	Norway	Accepted	4	Special procedures
96	Harmonize its Constitution and legislation with the accepted international law standards	Slovenia	Accepted	5	General
106	Incorporate a human rights-based approach in its every effort to achieve sustainable security and development, particularly in anti-terrorism operations	Republic of Korea	Accepted	4	Counter-terrorism
112	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	Accepted	4	Indigenous peoples, Freedom of religion and belief,
115	Investigate promptly, effectively and independently allegations of torture in order to ensure that those responsible are brought to justice	Switzerland	Accepted	5	Torture and other CID treatment
122	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	Accepted	4	Minorities, Elections,
143	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	Accepted	1	Treaty bodies, Technical assistance, Justice,
144	Respect at least minimum standards, as long as it maintains death penalty	Belgium	Accepted	4	Death penalty
145	Restore the legitimacy and credibility of trials in the country	Germany	Accepted	4	Justice



rec. n°	Recommendation	SMR	Response	A	Issue
152	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	Accepted	4	Human rights education and training
154	Strengthen efforts to harmonize national human rights legislation with the relevant international instruments	Libya	Accepted	5	International instruments
161	Strengthen security for judicial staff and lawyers	Austria	Accepted	4	Justice
173	Take effective measures to ensure the independence of the judiciary and the right to access to justice	Argentina	Accepted	4	Justice

A= Action Category (see on [our website](#))

SMR = State making recommendation

## Contact

---

### UPR Info

Avenue du Mail 14  
CH - 1205 Geneva  
Switzerland

---

Website: <http://www.upr-info.org>



Phone: + 41 (0) 22 321 77 70

Fax: + 41 (0) 22 321 77 71

*General enquiries* [info@upr-info.org](mailto:info@upr-info.org)

*Follow-up programme* [followup@upr-info.org](mailto:followup@upr-info.org)

*Newsletter "UPR Trax"* [uprtrax@upr-info.org](mailto:uprtrax@upr-info.org)