



Justice Network for Prisoners in Iraq (JNP)

Submission to the UN Universal Periodic Review of Iraq

*For consideration by the Office of the UN High
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1. Introduction

Justice Network for Prisoners JNP combines, voluntary, of non-governmental, non-profit and independent organizations i, which work in the field of human rights and monitoring prisoners and detainees' rights in Iraq. JNP works with the aim of improving the situation of detainees and prisoners and to provide legal protection and rehabilitation for them it works also to promote awareness about detainees and prisoners' rights, monitor and document violations at detention centers and prisons, afford legal assistance to detainees and prisoners, improve the conditions of detainees, prisoners and achieve justice in prisons, rehabilitate and educate prisoners and prison's staffs and to propose amendments to the Iraqi regulations with accordance to international standards of treating prisoners.

JNP has implemented a huge number of projects for purposes mentioned above with the financial aids from different international donors, but particularly with UN agencies, JNP has implemented a project in 2012 funded by UNDP with the title of AN EYE ON PRISONS IN IRAQ, with UNOPS through the Italian UPP a project was implemented from 2008 to 2011 under the title PPDT and finally Norwegian Peoples Aid NPA a project with title of IHRSPDI is being implemented.

The submission outlines the JNP's concerns in relation to the following human rights and related issues in Iraq including Kurdistan Region:

- (a) The administration of Prisons and Detention Centers in Iraq.
- (b) Legal Framework for the Protection of Prisoners' Rights in Iraq.
- (c) General Conditions and Observations in the Detentions, Prisons and Women and Juveniles Reformatories.
- (d) Recommendations.

2. Legal Framework for the Protection of Prisoners' Rights in Iraq:

In Iraq the legal framework for the protection of the rights of prisoners and detainees includes the relevant national laws such as the Constitution, the Penal Code, the Code of Criminal Procedure, the Prison Administration Law issued under CPA Memorandum No. 2 of 2003, the Public Prosecution Law No. 159 of 1979 (2) of 2003 and other related laws such as juvenile welfare law No. (76) for the year 1983, in addition to the internal regulations and regulations governing the work of these institutions supervising the administration of prisons and prison detention facilities, in addition to the binding international texts of the International Convention of Civil and Political Rights and the relevant rights of prisoners and detainees which have been ratified by the Iraqi government and other international instruments that have been ratified by Iraq.

The Constitution of Iraq, which is in force, establishes a permanent body of guarantees and rights that represent the rules of criminal justice in Iraq and recognizes the rights and guarantees of the accused and convicted persons in particular and adopts basic principles that recognize justice, equality and respect for human dignity and human rights which could be summarized in the following points:

1. The principle of the legality of crime and punishment shall be decided;

I. There shall be no crime or punishment except by a provision, and no penalty shall be imposed except for the act established by law at the time of its commission as a crime.

2. The principle of personal punishment shall be determined

I. The punishment is personal.

3. The principle of the independence and sovereignty of the judiciary shall be determined;

- a) The judiciary is independent and has no authority over it other than the law.
- b) Litigation is a protected right guaranteed to all.
- c) Court hearings are public unless the court decides to make them secret.
- d) No one may be arrested or interrogated except by judicial decision.
- e) The preliminary investigation papers shall be submitted to the competent judge within a period not exceeding twenty-four hours after the arrest of the accused and may be extended only once and for the same period.
- f) Everyone has the right to be treated fairly in judicial and administrative proceedings.

4. The principle and presumption of innocence of the accused shall be determined; -

The accused is presumed innocent until proven guilty in a fair trial, and the accused is again tried for the same charge again after release, unless new evidence emerges.

5. The principle of the right of sacred defense will be decided:

- The right to defense is sacred and guaranteed at all stages of investigation and trial.

- The Court shall appoint a lawyer to defend the accused of a felony or misdemeanor for a person who has no lawyer to defend him and at the expense of the State.

6. The principle of non-retroactivity of penal laws shall be decided

- The Penal Code shall not be retroactive unless it is more favorable to the accused.

7. The principle of protecting persons from administrative detention or placement in non-custodial non-governmental institutions decides.

-Reservations are prohibited.

-No detention or detention may be carried out in other than designated places in accordance with the laws of prisons covered by health and social care and subject to the authority of the State.

8. The principle of respect for human dignity and against torture and other treatment shall be determined.

-Human freedom and dignity are protected.

- All forms of psychological and physical torture and inhuman treatment shall be prohibited, nor shall any confession be extracted under duress, threats or torture. The injured person shall be entitled to compensation for material and moral damage suffered in accordance with the law.

3. Prison Administration and Detention Facilities Act

The Prison Administration and Detention Facilities Act No. 2 of 2003, published in the Iraqi Gazette No. 3978 in June 2003 in addition to the law No. 151 of 1969) The legal system governing the conditions of prisons and detention facilities in Iraq.

The above law is in consistent with the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations The United Nations Conference on the Prevention of Crime and the Treatment of Offenders and other relevant principles, including its legal guarantees and rights, which uphold the principles of human rights and recognize respect for human dignity which could be summarized in:

1. The principle of non-detention only under a prison order issued by an authorized judicial authority.
2. The principle of non-discrimination between prisoners on grounds of race, color, religion, sex, language or opinion
3. The right to health and safety
 - The Right to Deposit in a Qualified Detention Center in terms of Building and Services
 - The right to apply the rules of personal hygiene
 - Right to exercise and the right to food
4. Right to practice religious rites
- 5 - Right to medical care
6. Right to family visit and contact with the outside world
7. The principle that the restrictions imposed by the administration should not exceed the extent necessary to maintain security and order and to regulate the relationship of prisoners among themselves in prison
8. Right to complain and appeal before the administrative, supervisory and judicial authorities
9. Principle of classification of prisoners in terms of gender / age / criminal status
10. Principle of respect for human dignity in the treatment of a prisoner
11. Right of prisoner or his family to receive death, illness or transport information
12. The right to receive legal assistance and enjoy the guarantees established by law
13. The right to benefit from educational programs and work for prisoners
14. The Principle of Observation and Inspection Institutions
15. The principle of the inadmissibility of the use of instruments of restraint as a means of punishment

4. Related UPR recommendations issued for Iraq in the Second Cycle of UPR in Nov 2014

As mentioned in the Report of the Human Rights Council -A/HRC/28/14, 12 December 2014, Twenty-eighth sessionⁱⁱ (II. Conclusions and/or recommendations):

127.97 Implement laws which facilitate access to justice for women in detention, as well as allow women to inherit land and acquire property (Sierra Leone);

127.121 Investigate promptly allegations of torture and ill-treatment and facilitate visits by the Special Rapporteur on the question of torture to all detention facilities in Iraq(Norway);

127.148 Strengthen its criminal investigation and prosecuting capacities in order to prevent and eliminate arbitrary detention and extrajudicial killings (Czech Republic);

127.158 Consider adopting the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders or the “Bangkok Rules” to respond to the specific needs of female inmates (Thailand);

127.160 Continue applying special legal measures to juvenile from the detention stage until confinement and enforcement of the sentence, including by considering incorporating restorative justice principles in the juvenile justice system (Indonesia);

127.222 Reform judicial practices under its anti-terrorism law, so that the law cannot be used as a pretext for arrests without warrants and lengthy detentions without trial, in violation of due process rights (United States of America);

In Spite of the fact that the Iraqi Council of Ministers decided to activate the National Plan for Human Rights in Iraq on 29th of May 2017, which has addressed the recommendations issued for Iraq during the second cycle of UPR including the above mentioned recommendations related to the detention and prisons issues, but unfortunately no any kind of progress has been noticed regarding the implementation of the mentioned 6 recommendations.

5. General Observations on the Conditions in the Detentions, Prisons and Women and Juveniles Reformatories.

Through the information gathered by the network's working groups during the field visits to prisons and detention centers, many cases that constitute a violation of human rights have been observed and the concerned authorities should pay attention to them and deal with them as soon as possible:

1. The geographical location of the prisons and the detention facilities: It is noted that the locations of these detention centers vary in their geographical distribution within the cities, but they share the fact that they are located in locations that are not suitable for sites of prison institutions.
2. The provisions of Section 1 of the Prisons Administration Law stipulate that all prisons must be subject to the supervision and authority of the Ministry of Justice exclusively and that the Ministry of Justice enforce the criteria set out in this law. The fact is that Iraqi

prisons and detention centers are subject to multiple administrations. Iraqi Reform Department This constitutes the harmony and the provisions of the above section of the law. While others from these prisons and detention centers are under the jurisdiction of the Ministry of the Interior and the Ministry of Defense, which in principle constitutes a violation of the provisions of the above section of the law.

3. The Iraqi prison system is still limited to providing all the detention facilities with libraries that help the prisoner to educate himself and fill the leisure time with what is useful and to learn about life in the outside world. However, the teams noticed the availability of libraries in a very few numbers of reformatories.

4. Medical and health equipment's: - the detention facilities and the prison system in Iraq vary in the level of medical services. The levels of equipment for these medical institutions vary in terms of availability of laboratories, dental equipment and ambulances.

5. Overcrowding in prisons and detention facilities in Iraq; the size of the overcrowding experienced by the prison system in Iraq and all ministries is noticed. The overcrowding results in negative effects, which are summarized as follows:

- Lack of land space that preserves the dignity of the prisoner.
- The difficulty of implementing rehabilitation programs and social, educational and vocational reintegration.
- The difficulty of implementing the classification required by law in terms of categories of prisoners as one of the most serious negative effects of overcrowding resort to the combination of different categories of prisoners without taking into account the seriousness of the criminal.
- The spread of the phenomenon of the promotion and abuse of narcotic pills
- Malnutrition.
- The spread of diseases, especially infectious ones.
- Difficulty managing and running the daily work of staff and observers.

6. In most of the prison detention and reformatory institutions there is an Office of Human Rights, but it lacks the presence of quantitative and qualitative of the number of employees.

7. UN and ICRC teams have access to the majority of the detention and reformatory facilities in Iraq, but this procedure is harder regarding local NGO's.

8. Rehabilitation and aftercare programs: The sections (22-23-24-25-26) of the law oblige the classification of prisoners according to studies prepared by the medical, health, legal and social research departments, and then subject them to rehabilitation programs as

required by each case. Responsibility and be classified according to the criminal record and determine the system of privileges and the inclusion of prisoner's work.

9. 5. Only 42% of the prisons and reformatories buildings are in bad condition, to 32% of the building has minimum and 26% in very good condition.

10. All prison institutions have a registry contains data about imprisoned and detained people, the registry contains information such as age, sex, health situation, the reasons for imprisonment, and judicial decision has been made for them.

11. Classification of the prisoners in the prisons is very limited and simple, such as classifying them based on age, sex or the war they are are detainee or prisoners.

12. Only two third of the prison buildings enjoy a favorable environment in terms of ventilation and exercise, while these requirements are not available in the rest third of them.

13. Only two third of the prison institutions provide bedding for the prisoners, such as beds, bed sheets and blankets, Lack of initial bed forces some prisoners to sleep on the ground or in the entrance of the rooms they are jailed in.

14. Prison's administration 100% kin of offering hot and cold water (based on needs), shaving kits and hygiene material. However, 31% of prison administrations are unable to offer hygiene materials for prisoners.

15. The maintenance of the prisoners' luggage: - The Iraqi prison system and the majority of the essentials of them are clearly deficient in the provision of tires for the maintenance of luggage of the prisoner, which is often replaced by bags, and excluded the facilities of the role of observation events that provide the event a special wheel for the preservation of belongings.

16. Two Third of prison institutions provide appropriate clothes to prisoners and detainees twice a year, but they lack the presence of signs to distinguish between prisoners by type of crime and place of prison and... etc.

17. Underwear and cleaning powders: - Prisons and detention facilities vary and the detention centers of the Ministries of Justice and Labor are more committed than the Ministries of Defense and Interior, which vary in their commitment to provide the above from one detention facility to another and all detention facilities in Baghdad and the governorates.

18. All prison institutions provide three meals for prisoners, according to contracts made between the government and food making contractors, but the food has no variety with inadequate calories, as well as the failure to provide special meals for patients.
19. JNP teams have monitored numerous allegations of torture and ill-treatment of prisoners and during tours and field visits to prisons and detention centers.
20. 100% of the prison institution encourage prisoners to do exercises. 72 % of prisons contains halls for exercise and entertainment, 18% of the institutions have limited capacity to offer exercising halls, while 10% does not have capacity at all.
21. Medical teams are available in 94% of these institutions, but only 37% of them contain medical supplies with proper staff of doctors other 63% has lack of specialized doctors, maternity wing, Intensive care units, ambulances and most of the necessary medicines are not available in quality and quantity. The lack of medicine and specialist doctors, especially in women's prisons led to many unpleasant death accidents.
22. Only 65% of the administrations of these institutions provide elementary education for the prisoners, and permit external examinations for those who desire.
23. Social researchers are present in 88% of the prison institutions, however, in 79% of the prisons the is lack of social advisors. According to some statistics, each social advisor has 350-500 prison.
24. There has been a remarkable decrease in cases of physical harm. In 2016, 25% of the prisons reported beating cases committed by the staff. However, this situation dropped to 4% in 2017. The use of insulting words was recorded (21%).
25. Attempts to commit suicide (26%), which means that the rate is lower than last year by 3%.
26. After carrying out more than one hundred and sixty visits to forty detainees and meeting with hundreds of prisoners and detainees, it was found that 80% of them are aware of the obligations imposed by the regulations and regulations in prisons, but JNP found that 84% of them do not know their rights Which have been approved by laws, regulations and regulations in prisons.
27. Hiring a lawyer by the prisoners to follow cases is one of the constitutional rights granted to all. JNP have noticed that the prison administrations completely allow them for so, however, there are some special procedures for the attorney to follow accused of terrorism.
28. The right to communicate with the outside world through television channels, crimes and telephone calls are monitored by the administration 100%. However, most of prisons and reformative centers do not contain books and publications that are compatible with the educational standards of prisoners.

29. Family visits are 100% guaranteed and its usually twice a month in addition to the special visits that are often allowed by the administration, however,100% of these institutions have a big problem with the meeting place as most visits and meetings are conducted In parks, playgrounds, gardens and even corridors inside the prison.

30. The domestic visits of convicted prisoners stipulated in Law 104 of 1981, as amended in Article 35 to 38, and law No(1)in the Kurdistan Region of Iraq, provide for the granting of home leave to convicts to visit their relatives, Is due to the fear of the escape of the. However, the reformative centers in the Kurdistan Region are applying regularly, which is also stipulated in law No(1).

31. The practice of religious rituals for all recognized religions in Iraq is allowed at 100%. However, prisons generally lack special places for worship, and prayers, rituals and occasions are usually held in the halls. The practice of religious rites is easier for Muslims than for other religions, and prison administrations do not prevent clerics from coming to the prison to give speeches and arguments.

32. The Law 104 for1981, stipulates that the administration reserves large sums of money, medicines, tools and arms for prisoners and must provide places to maintain the needs of prisoners. This is done in 84% of the prisons. However, through visits JNP noticed that the luggage, clothes and daily necessities are close to the sleeping place of the prisoner and are usually under the bed or hanging on the walls near the bed, which causes suffocation of the prison areas which are already insufficient due to overcrowding and are usually a source of fine smells and the growth of fungi and microbes due to the warmth Humidity and darkness.

33. The prisons departments provide transportation to and from the courts, police stations and hospitals, without incurring any costs In addition, 62% of the prisons have cars that conceal the prisoners from the sight of the people when they move From one place to another, but it was noted that 38% of the prison administrations do not have shaded cars or are not enough so prisoners are transferred to the sight of people.

34. Employment of staff from administrators, guards, researchers, health and legal staff in prisons to this day is centralized by the government and not according to special specifications established by the prison departments based on their needs.

35. Regarding the educational background, 1% of the prisoners were illiterate, 23% were primary school graduates and 76% were university graduates.

36. With regard to training and qualification of the staff, 31% of them did not receive self-defense training while they are in daily contact with dangerous convicted people, 68% did not receive any training on human rights issues. , And that 78% of the managers and others did not receive training in the field of their work in management, safety and other.

37. There is no penalty by the administration for those who are convicted of imprisonment with hard labor, even though hard labor within the penalties stipulated in the penal law, but in general prisons in Iraq impose the prisoners to clean the halls and prison cells.

38. In terms of productive workshops, we did not find a single prison or a rehabilitation center or any other institution that owns production workshops, in usual cases, a factory produces goods continuously and send them to the market while this does not happen in rehabilitation centers in Iraq.

39. Women's prisons 100% are run by women woman Male employees do not attend halls and cells without being accompanied as a female component of the administration staff.

40. In 2017, no mental or psychological disorder was recorded, but it was found that 38% of the convicts suffered from psychological disorders (general depression, schizophrenia, manic depression, anxiety and fear of dark places) after a period of staying in the prisons.

41. Regarding the laws which are regulating the prisons, there is Law No. (104) for the year 1981 (amended), which is called (the Law of Reforming prisoners and detainees), indirectly, Public Prosecution Law deals with prisons. In the Kurdistan Region of Iraq, Order No. (1) which is issued by the Council of Ministers organizes prison issues. The majority of prisons have regulations and rules that organize their work and protect the rights of prisoners and the rights of employees as well.

42. In 51% of the prisons, has been found drugs, pills and medicines which are used instead of drugs because it is usually cheaper.

43. 42% of the prisons are implementing rehabilitation and integration programs. However, administration staff indicates that those programs are not sufficient for many different reasons. The ratio of returning to crime is between 22-18 % in the visited prisons.

6. Urgent

Recommendations:

1. The establishment of modern model prisons in accordance with international and national human rights standards, which have all the basic services that are enough to maintain the mental and physical health of prisoners by providing the possibilities for rehabilitation and rehabilitation programs.
2. Unifying the parties who administrate and supervise the detention, reformatory and prisons, including the military detentions and detentions of the internal security forces and the convicted prisoners belong to the military or security forces, in order to facilitate the issue of the regulations and system which facilitate the implementation of the management of the prisons and detention facilities on the inmates inside the mentioned institutions.
3. The importance of adopting the international standards in categorizing and classifying the inmates and detainees in all prisons and detention facilities in Iraq.
4. In order to solve the issues of overcrowding the following solutions are urgently recommended:
 - a. Increasing the conditional release and decreasing the duration from spending two third of the sentence to the half of the duration of the sentence.
 - b. Using the alternative punishments or alternatives for the punishments which restricts the freedom, as most of the countries do not use the punishments which restrict the freedom if convinced that the convicted person does not constitute a risk on the community and on himself, and if the crime was not intentionally committed, and the preference is usually given to the alternative punishments for the juvenile, women and disabled persons instead of sending them to the prisons, mixing them with dangerous persons, increasing the cost on the government and the other negative aspects of imprisonment on the convicted persons, they request him or her to do a social service for the community instead of implementing the sentence against him or her.
 - c. Using the fines and increasing its usage in the cases of the crimes which their sentences do not exceed three months or even 6 months.
 - d. Increasing the usage of (suspending the execution of the sentence) for the unintentional crimes and the first time crime and taking into consideration the age of the convicted person especially if the person was lacking experience in dealing with the problems which lead him or her to make mistakes which constitute crimes and was still in his or her early stages of life.
 - e. Adopting the system of postponing the implementation of the punishment in the cases which could be postponed, and this idea is implemented in many countries, as if they see

the prisons are not ready to receive the convicted person in any time, then the judge will decide to postpone the implementation of the punishment for a specific period.

f. Constructing incubation units and kindergartens for the children whom are living with their parents in the women prisons.

4. Providing institutions and programs for the care of prisoners suffering from mental disorders and speeding up the completion of their cases to determine the criminal responsibility they can bear by law and provide mental and psychological services to them

5. Opening offices for the human rights inside the prisons and detention facilities where such offices do not exist, and capacity building of the employees in the mentioned offices through engaging them in specialized advanced courses.

6. Encourage and streamline the procedures for involving civil society components in monitoring prisons and detention facilities and granting licenses to visit prisons

7. The locations of the prisons should be away from the public residence, and noticing not to construct new prisons with big cells and halls for health and security considerations, and finally considering the establishment of useful vocational trainings in the prisons, as the majority of the prisons contain workshops for carpentry and smithery.

8. Paying better attention to the issue of ensuring special records for the prisoners and detainees with considering the importance of electronic documentation in all prison institutions.

9. Improving the conditions of bathrooms, sanitary facilities and sewer networks

10. Finding solutions for the ventilation problems through putting required air conditioners in the detentions and increasing the exercising hours, especially during the times when exposing to the sun is more effective during the midday,

through taking the inmates outside the halls as long as possible on daily bases. It is also important to use detergents and cleaning liquids on weekly bases and periodic and annual medical sterilization for the cells.

11. In addition to the recommendations related to decreasing overcrowding, JNP recommends ensuring beds and other accessories for all prisoners in order to ensure comfortable condition for sleeping.

12. Increasing the number of bathrooms and toilets and paying attention to the medical condition and cleaning of such facilities.

13. Develop programs to treat addicts, provide services of psychiatry and dentistry and provide conditions and hygiene items and distribute them regularly.

14. Providing special clothes for the prisoners, with having the name of the hosting prison and government on it, and providing uniforms according to seasons in Iraq hic is diffirent in humidity, temperature and climate, also to categorize the uniform according to the crimes committed.

15. Setting conditions on the food vendor companies to provide special meals for the patients and for those who need special diet, with taking into consideration the number of calories, the nutrition value and rate of fats in the meals. the management of the prisons should be very careful of the sources of food coming from outside the prison as in many cases prohibited materials like drugs, cellphones and other materials were found while they were trying to leak them to the inmates. Investigation committees were established on this issue in many prisons.

16. Increasing the number of exercising hours and imposing exercise on everyone to exercise on daily bases and organizing tournaments for the prisoners in the same prison and with other close prisons in the same area.

17. Take into account the number of inmates in the prisons when considering the health, and emphisizing to have hospitals according to the number of inmates that amy be in some prisons we have thousands of them. With the importance of building a total health centers in terms of medical staff, Lounges, laboratory, X-ray and dental, medicine and ambulances.

18. Guarantee the constitutional right of access to free compulsory educational services , building schools for primary stages and take all measures facilitate getting education at different stages to the Universities and post graduate studies.

19. Assigning social researchers in all prisons, reformatories and detentions and increasing their number to be suitable with the number of prisoners, also encouraging the social researchers to apply for positions to work as social researchers inside the prisons by ensuring privileges and hazard allowances. Conducting a concrete review to the curriculum of universities and private colleges which graduate social workers by including subjects related to prisons and crimes, rehabilitation programs and supporting people with deviant behavior, with opening specialized courses on regular basis for the social researchers.

20. JNP recommends that the Administration of the prisons to issue clear and strict applicable disciplinary regulations to be applied on the prisoners and detainees. As beating and humiliating are considered as perfect crime, hence we emphasize on the necessity of applied law and referring those who commit the mentioned crimes to the special courts and not restricting the issue with administrative disciplinary punishments, as such punishments will not replace the punishment mentioned in the Iraq Penal Code for the person who use torture or ill-treat or misuse the authorities. JNP recommend that the prison management should make agreements with the universities for preparing studies and researches on the reasons which lead to committing suicide, escape and find solutions for them as the finding

solutions for the crimes could be through getting to know the reasons behind it but not the results of the crimes.

21. Ensuring that the applied regulations shall be put in a visible location in all jails and cells, and to facilitate access to legal representation for all prisoners and detainees or those who arrested for terror charges because the right to access to a legal representation must be ensured for everyone regardless of the type of crimes they committed. Providing the libraries of the prisons with useful books through requesting the universities and publishers to send versions of books and publications free of charge to the libraries of the prisons.

22. Constructing halls for family visits and activating the family visits with simple procedures, as many convicted prisoners are deprived from this right because they cannot secure a sponsor or cannot afford paying the bill of sponsorship. As the family visits can help in sorting out many problems inside and outside the prisons and such visits could replace the lack of facilities in the prisons for wife's and husbands to meet in a private location.

23. As the religious practices are allowed in the prisons, hence the administration of the prisons must not discriminate and must prepare appropriate locations for all religions like the ones prepared for Muslims.

24. Developing and improving the applied system of saving the properties and belongings of the prisoners in order to protect their quantities and values, and preparing special locations for the clothes of the prisoners and detainees, because gathering all of them in the corners of the room will decrease the space of the rooms and will make uncomfortable smell in addition to its uncivilized view when they are hanging their clothes on the walls.

25. for ensuring the safety and security of the prisoners during transferring them, it is important to make sure that they are transferred by special vehicles and not exposed to public, and when arriving at any institution it is important to make sure that they are not seen by others until the mission that they have been transferred for is over and returned to the prison.

26. applying special mechanisms, procedures, and conditions during the process of recruiting employees for the prisons in addition to the general conditions of employment, and this should be detailed, with emphasizing on the importance of using the good relationship with the international and national organizations for the sake of organizing workshop training of capacity building and develop the qualifications and organizing Training of Trainers TOT courses on different fields and areas (Human Rights, Self-Defense, Good Management, Rehabilitation Programs, Law, Health Care, Education, Socialetc.

27. JNP emphasizes that law does not impose neither on convicted prisoners nor detainees to do any type of work for the favor of the prison management, and if this seemed to be

necessary then they should be paid for doing it, and we emphasize on the necessity of the availability of different workshops and ensuring appropriate marketing for the products in coordination with the related ministries and parties with opening repairing factories, car wash and for fixing the government vehicles and washing them and this will save millions of dinars for the government.

28. The necessity of engaging female employees in the women prisons by training course on how to defend themselves, and encouraging women to be employed and work in the prison institutions by providing privileges, with emphasizing on the importance of ensuring kindergartens for the children whom

are living with their mothers in the prisons, and respecting the full rights of the mentioned children as they have been deprived from their liberty forcibly without committing any offence.

29. Providing special location for the mental and psychological patients in the prisons, whether convicted or detained got the illness after sending them to the prisons, until a decision is issued to refer them to a specialized hospital. And with the necessity of referring such kind of cases to the medical committees and not restricting to the routines which usually delay reviewing the cases of such patients which could be dangerous on themselves, others and the management of the prison, with the importance of having special cells for homosexuals in the male and female prisons, as physical attacks and harassment cases have been reported against this type of persons by others.

30. The importance of ensuring that the applied regulations and systems have been put in all prisons and detention facilities as they are considered as instruments for the protection of rights and freedoms inside the prisons, therefore everyone shall have access to them.

31. Amending Law No. (104) of 1981 amended in a way to ensure the rights and freedoms mentioned in the international instruments related to prisons especially the (United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)- 2015 are detailed and included.

32. There is a need in the Kurdistan Region to legislate a law for ruling the prisons, detention facilities either by activating the Law No. 104 of 1981 amended, after making necessary amendments, or by legislating a special law for prisons in the Kurdistan Region, which is the idea that JNP is supporting.

33. JNP believes that prisons in Iraq are purely punitive institutions up to now with the attempts of some prison administrations to implement the reform programs, and if we look forward to make prisons as rehabilitation centers, building human and re-integration into the society and its necessary to fight the criminal phenomena, we should work to provide and implement rehabilitation programs seriously and creating the right environment to such difficult process.

34. In relation to following up the convicted persons after being released, this issue is very necessary because the Iraqi community until now do not accept the convicted persons in an appropriate way, and such kind of persons cannot live

normally in the community after being released, hence, attention should be paid to this issue by following him and helping him to acclimate with the community again and prevent him to commit crimes again because such kind of persons are easy to be employed by the criminal gangs or bands.

35. In order to enable the related institutions to decrease and then to prevent the cases of returning to commit crimes, it is important to conduct researches and scientific and academic studies to know the actual reasons behind returning these people to commit crimes again to handling the criminal phenomenon through knowing their causes instead of their results, because addressing and finding solutions for the causes will prevent others as well from committing crimes, but addressing the crime and trying to find solution for it through its results, will only affect the perpetrator.

ⁱ An annex with the names of the participated organizations has been attached to the submission.

ⁱⁱ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/241/84/PDF/G1424184.pdf?OpenElement>