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Iraq*

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Introduction

1. The present report was prepared pursuant to General Assembly resolution 60/251, in accordance with the general guidelines for the preparation of information under the universal periodic review and further to Human Rights Council resolution 5/1 of 18 June 2007.
2. The Republic of Iraq attaches great importance to the observance of human rights, to the promotion of freedom, dignity, equality, justice, tolerance and democracy and to the fulfilment of its human rights obligations, notwithstanding the challenges and difficulties which Iraq has faced for over half a century.
3. The Republic of Iraq occupies an important geographical position and has a wealth of economic and human resources. Iraqi society itself has a very rich and varied demographic structure encompassing a large array of ethnic groups, faiths and religious denominations. The country has an area of 435,052 km² and a population of 30,009,800 distributed across 18 governorates, 3 of which constitute the region of Kurdistan.
4. Iraq is a founding member of the United Nations, of the League of Arab States, of the Organization of the Islamic Conference and of the Movement of Non-Aligned Countries.
5. The Republic of Iraq is a parliamentary democracy founded on respect for pluralism and democratic principles.
6. The Republic of Iraq looks forward to getting out of the impasse in which the country has been trapped for the past three decades owing to the excesses of dictatorial rule, repressive policies, grave and systematic human rights violations, major wars and the international sanctions imposed on Iraq under Chapter VII of the Charter of the United Nations.
7. After April 2003, the Coalition Provisional Authority prepared Iraq for transition to democracy and political pluralism and for the establishment of a permanent Constitution that would help to lay the foundations of legitimate government and to build a State with strong institutions. However, some of the policies and decisions adopted by the Authority between April 2003 and May 2004 frustrated the hopes of Iraqi society, which had been badly affected by the virtual collapse of security and by the rising incidence of robberies, the spread of organized crime and financial corruption, the infiltration of the country's borders and the proliferation of terrorist groups and of outlawed organizations, problems which continue to the present time.
8. The Government of National Unity which acceded to power in May 2006, following the holding of parliamentary elections at the end of 2005, has been trying to develop a new vision for Iraq that is worthy of a country with a history stretching back thousands of years before the birth of Christ to a time when Mesopotamia made a significant contribution to human civilization by, inter alia, creating the first legal code in human history – Hammourabi's Code. The Government is taking steps to strengthen the rule of law and to build a State with strong institutions.
9. The Government's programme is based on the Constitution and laws which guarantee rights and freedoms for all and it aims at ensuring the effective participation of women and supporting a stronger role for, and the independence of, civil society institutions. Thus, the approach that has been adopted is one which rejects violence and condemns "takfiri" (apostate) and terrorist ideologies in all their forms, encouraging a spirit of friendship and tolerance among all the people of Iraq in keeping with international human rights norms.

10. The Government's programme also includes provisions for the rapid reconstruction and rehabilitation of the electricity, basic services and security sectors, by the following means:

- Establishing a comprehensive security, economic, political and social welfare plan
- Applying the criteria of equity and merit in administrative systems and in the allocation of responsibilities and posts in Government departments, the army, the police, the security services and embassies, in order to create equal opportunities and to ensure equitable representation
- Improving professional performance and creating effective mechanisms to monitor expenditure and to deal with corruption
- Creating a social solidarity and a social security scheme to deal with poverty and underdevelopment
- Putting a stop to forced displacement across the country and helping the displaced to return to their homes
- Establishing a Government committee, as soon as the Ministry has drawn up its terms of reference, to oversee and tackle prisoners' issues, to release the innocent, to revitalize the role of the courts, to release detainees being held without a warrant and to implement Order No. 91 of 2004, concerning the regulation of the Armed Forces and militias in Iraq

Methodology for the preparation of the report

11. As soon as the Human Rights Council adopted the universal periodic review mechanism, the Government set up a national committee to draft the national report of the Republic of Iraq. The committee was given prime ministerial support and was composed of representatives of the ministries concerned respectively with human rights, planning and development cooperation, justice, higher education and scientific research and foreign affairs. The Ministry of Human Rights oversees the work of the committee.

12. The committee liaises with Government agencies and with relevant ministries, civil society organizations, authorities, commissions, independent national institutions and other sectors.

13. In the course of its work, the committee incorporated the subject of international human rights mechanisms, including the work of the Council and the universal periodic review, into a human rights awareness campaign which is part of a Ministry of Human Rights programme being run with input from officials of relevant ministries and from civil society activists. The committee's efforts culminated in a major conference on the universal periodic review and the lessons to be learned from the process.

14. For information, the committee drew on reports by the Central Bureau for Statistics, data provided by various ministries and the archives of the Ministry of Human Rights.

15. The committee receives support from the United Nations Assistance Mission in Iraq (UNAMI) and the United Nations Office for Projects Services (UNOPS), in the framework of a wider project involving a training assistance programme for committee members, visits to learn from past experiences in the preparation of national reports and the appointment of a United Nations expert to provide technical support.

16. The Government took steps to ensure that the project included capacity-building and training for civil society institutions, in order to allow them to contribute to the universal periodic review of the Republic of Iraq.

17. In the course of its work, the committee published a preliminary draft of the report on the Ministry of Human Rights website and placed an advertisement in a wide range of Iraqi newspapers and in the media, together with articles explaining the report and the review mechanism. The public and various institutions were then invited to submit their views, comments and proposals on the report. The committee received quite a lot of feedback from civil society organizations and human rights activists and held several meetings with ministries and relevant institutions to discuss the draft. The present report is the fruit of wide-ranging discussions with numerous national stakeholders in the Government sector and in society at large.

General normative framework for the promotion and protection of human rights

International conventions and treaties

18. The Republic of Iraq has acceded to the five main human rights treaties, as well as the two optional protocols to the Convention on the Rights of the Child (see annex).

<i>Item</i>	<i>Treaty</i>	<i>Year of accession</i>
1	International Covenant on Economic, Social and Cultural Rights	1971
2	International Covenant on Civil and Political Rights	1971
3	International Convention on the Elimination of All Forms of Racial Discrimination	1970
4	International Convention on the Elimination of All Forms of Discrimination against Women	1986
5	Convention on the Rights of the Child	1994
6	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	2007
7	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	2007

19. Moreover, the Republic of Iraq declared its acceptance of article 8 of the Convention on the Elimination of All Forms of Racial Discrimination (25 May 2001) and acceded to the Convention on the Prevention and Punishment of the Crime of Genocide on 20 January 1959.

20. The Republic of Iraq has completed the domestic formalities for ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and of the Convention for the Protection of All Persons from Enforced Disappearance and is in the process of depositing the instruments of ratification. The process of ratification of the Convention on the Rights of Persons with Disabilities is under way.

21. The Republic of Iraq is also a party to a number of International Labour Organization (ILO) conventions, in particular:

<i>Item</i>	<i>ILO Convention</i>	<i>Date</i>
1	The Forced Labour Convention, 1957 (No. 105)	15 June 1959
2	The Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	15 June 1959

<i>Item</i>	<i>ILO Convention</i>	<i>Date</i>
3	The Right to Organize and Collective Bargaining Convention, 1949 (No. 98)	27 October 1962
4	The Forced Labour Convention, 1930 (No. 29)	27 October 1962
5	The Equal Remuneration Convention, 1951 (No. 100)	28 August 1963
6	The Minimum Age Convention, 1973 (No. 138)	13 February 1985
7	The Worst Forms of Child Labour Convention, 1999 (No. 182)	9 July 2001

22. Other important conventions to which the Republic of Iraq has acceded include: the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and Their Destruction; the United Nations Convention against Transnational Organized Crime and the two optional protocols thereto; the Convention on Biological Diversity; the United Nations Framework Convention on Climate Change and the Kyoto Protocol; and the United Nations Convention against Corruption. Under Iraqi law, duly ratified international treaties are published in the Official Gazette and have binding force. The courts, public prosecutors and lawyers can invoke these instruments in legal proceedings.

International Covenant

23. The International Covenant with Iraq is an initiative taken by the Government of Iraq to establish a new partnership with the international community that could help to lay the foundations for a unified, democratic federal State which is secure and stable and accords all citizens equal rights and duties. The Government views the Covenant as an important part of the obligations which it has undertaken in this domain.

24. The Covenant aims at creating a prosperous economy with a diversified production base which is capable of ensuring sustainable development. The Covenant includes a number of pledges which Iraq is working to fulfil, with the assistance of the international community. These pledges include:

- Applying international human rights norms and standards in the domestic courts
- Capacity-building to help the Government meet its human rights treaty obligations
- Including human rights information in educational curricula and strengthening human rights awareness among lawmakers, judicial personnel, different State institutions and all sectors of the Iraqi population
- Establishing a national human rights institution
- Capacity-building for the Government in regard to reporting on Iraq's international human rights treaty obligations
- Strengthening and building the capacities of national, regional and local authorities in the development of a modern and reliable database on human rights violations
- Strengthening the role of civil society organizations in the construction of a democratic society
- Strengthening legal and institutional protection in line with international standards, particularly for priority groups such as minorities, women and children, internally displaced persons, refugees returning to Iraq, widows and older persons
- Establishing effective policies and institutions to promote and enforce the rule of law

- Establishing the legal framework provided for under the Constitution in full accordance with international and national human rights commitments
- Conducting a thorough assessment of existing police, judicial and forensic services
- Ensuring the preparedness of justice institutions, including judicial and forensic science institutes
- Improving the administration of the judicial system and of the criminal courts in line with international standards and with the support of the international community and the United Nations
- Reviewing the oversight process for prisons and reform systems in order to guarantee due process
- Providing separate and appropriate facilities for women, minors and male prisoners, in conformity with international standards
- Carrying out confidence-building measures, such as the general amnesty scheme, in accordance with the rules on transitional justice; releasing persons being detained illegally; and dealing with the legacy of violations committed by previous Governments based on the rule of law and respect for human rights (General Amnesty Act of 17 February 2008)
- Condemning terrorism and taking effective action to deal with the phenomenon
- Eliminating violence against the State and among confessional and ethnic groups in Iraq
- Observing the rule of law, including civil liberties and human rights
- Creating a sovereign, united, democratic and federal Iraq
- Creating an institutional framework for democratic federalism based on consensus
- Distributing resources fairly and equitably
- Cooperating with neighbouring States and the international community on the basis of mutual interests

The Iraqi Constitution

25. The Iraqi Constitution is the primary instrument which guarantees the observance and protection of human rights. It contains several chapters, in particular chapter II (rights and freedoms, arts. 14 to 46), embodying a series of human rights standards and principles set forth in international treaties. The most important principles established by the Constitution are:

- Equality, non-discrimination and citizenship (art. 14).
- Right to life, security and liberty (art. 15).
- Right to equality of opportunity (art. 16).
- Right to privacy and inviolability of the home (art. 17).
- Right to nationality (art. 18): “An Iraqi is any person born to an Iraqi father or an Iraqi mother.” A new nationality law was drawn up based on this constitutional provision, repealing the previous law which granted nationality only to persons whose parents were both Iraqis.
- The independence of the judiciary and fair trial principles (art. 19).

- Right of men and women to participate in public affairs and to exercise political rights, including the right to vote and to stand for election (art. 20).
- Right to political asylum and to protection from extradition to a foreign State or from compulsory return to a country from which the person has fled (art. 21).

26. Articles 22 to 36 of the Constitution guarantee economic, social and cultural rights in accordance with international human rights instruments and with the International Covenant on Economic, Social and Cultural Rights. These rights refer to matters such as property, work, health, the environment, housing, the formation of a family and education. Articles 37 to 46 of the Constitution guarantee fundamental rights and general freedoms, including: the prohibition of torture, forced labour and slavery; the right to freedom of expression; freedom of assembly; the right to peaceful protest; freedom to establish an association or a political party; freedom of movement; freedom of thought and conscience; freedom of belief; strengthening the role of, and support for, civil society organizations; and freedom of worship. The Iraqi Constitution won the support of 78 per cent of those who voted on the text.

Public laws and policies

Laws

27. Domestic legislation comprises a series of old laws amended to reflect political, economic, social and cultural changes and developments, together with other laws which were enacted after the Spring of 2003, in particular:

- The Code of Criminal Procedures (No. 23 of 1971)
- The Criminal Code (No. 111 of 1969), as amended
- The Personal Status Code (No. 188 of 1959), as amended
- The Pensions and Social Security Act (No. 39 of 1971), as amended
- The Iraqi Nationality Act (No. 26 of 2006)
- The Act on elections to governorate, provincial and district assemblies (No. 36 of 2008)
- The Act on the return of political exiles (No. 24 of 2005)
- The Act on the authority for the resolution of disputes on real property (No. 2 of 2006)
- The Act on the rights and privileges of martyrs and of victims of the Anfal from the region of Iraqi Kurdistan (No. 9 of 2007)
- The Political Prisoners Foundation Act (No. 4 of 2006)
- The Martyrs Foundation Act (No. 3 of 2006)
- The Act repealing legal provisions which prevent the courts from hearing cases (No. 19 of 2005)
- The General Amnesty Act (No. 19 of 2008)
- The adoption of Directives No. 3 of 2005 on compensation for victims of terrorism

Institutions for the protection and promotion of human rights

The executive authority

28. The Government of National Unity comprises a number of ministries concerned with the promotion and protection of human rights, the main ones being the Ministry of Human Rights, the Ministry of the Environment, the Ministry of Displacement and Migration, the Ministry for Civil Society Affairs, the Ministry for Women's Affairs and the Ministry for National Dialogue.

Ministry of Human Rights

29. The Ministry of Human Rights, which was established in September 2003, is the first Ministry to be set up after Spring 2003 in response to the aspirations of the Iraqi people, for an end to the human rights abuses which were carried out over many long decades. The Ministry was established to disseminate a human rights culture and human rights education, as a basis for ensuring respect for human dignity, and to protect and promote human rights by monitoring and evaluating the Government's performance. The Ministry has created structures on the basis of principles which are consistent with the realization of its goals: oversight and monitoring systems; a process for overcoming the legacy of past human rights abuses; and systems for disseminating a human rights culture and human rights education. The Ministry has branches in 13 governorates and has made quantitative and qualitative improvements in working towards the achievement of its goals (annex 1).

30. The Human Rights Ministry in the region of Kurdistan was established in 1999 and was given responsibility mainly for human rights education, monitoring and protection. The Ministry has branches in 13 provinces and offices in various parts of Iraqi Kurdistan (annex 2).

Human rights units and committees in ministries

31. Committees were set up in 2006, at the behest of the Ministry of Human Rights, to help create a climate conducive to the exercise of human rights in different ministries and to disseminate a human rights culture. In some ministries, the committees have become fully-fledged administrative units which seek to achieve progress in their respective areas of work and to create stable conditions for their staff. The units provide technical support and liaise with the Ministry of Human Rights following the practice in effect in the Ministry of the Interior, the Ministry of Defence, the Ministry of Justice, the Ministry of Health, the Ministry of Education, the Ministry of Higher Education and Scientific Research, the Ministry of Labour and Foreign Affairs, the Ministry of Housing and Construction and the Ministry of Foreign Affairs.

32. The Ministry of Human Rights runs continuous human rights training and educational programmes for members of the committees and for staff of the relevant ministries. It also involves committee members in a range of activities, including drafting reports on the human rights situation in Iraq and periodic reports submitted to the treaty bodies, as well as the national report under the universal periodic review. In cooperation with the human rights committees, foundation courses were run for staff of ministries, between 2006 and 2009 (see Table 3).

Council of Representatives

33. The first Iraqi Council of Representatives was established following the parliamentary elections held at the end of 2005. The Council has 275 members representing a wide spectrum of political opinion. Over 27 per cent of the members are women. As

stated in the Constitution, the Council has two main roles: law-making and oversight. In pursuance of these functions, the Council established 24 committees to deal with a range of issues, in particular human rights (the Human Rights Committee, the Legal Committee, the Education Committee, the Labour and Services Committee, the Displaced Persons, Migrants and Expatriates Committee, the Accountability and Justice Committee, the Women's, Families' and Children's Committee, the Civil Society Institutions Committee, the Complaints Committee and the Martyrs and Political Prisoners Committee). The Council of Representatives has enacted 181 laws since its inception (see Table 4).

Judiciary

34. The work of the judiciary is regulated under part III of the Constitution (arts. 87–101). The judiciary consists of the Higher Judicial Council, the Supreme Federal Court, the Federal Appeal Court, the Office of the Public Prosecutor, the Judicial Oversight Authority and other federal courts regulated by law.

35. As stated in article 47 of the Constitution, the judiciary is independent of all other authorities. Article 88 of the Constitution guarantees the independence of the judiciary, which is subject to no authority in its decision-making other than the law. No authority may interfere with the courts or in matters of justice. Article 97 of the Constitution guarantees the irremovability of judges, except in the circumstances specified by law. The law has special provisions on judges, including on disciplinary matters. Article 95 of the Constitution prohibits the establishment of special and exceptional courts. An estimated 5 per cent of judicial positions are held by women, indicating that the number of women employed in this sector is increasing.

Independent institutions

36. The Higher Commission for Human Rights: The Act establishing the Higher Commission for Human Rights (Act No. 23 of 2008) as an independent national institution gave a broad mandate to the Commission, which is being set up at the present time. The aims of the Commission include: liaising with relevant agencies in the creation of joint strategies and mechanisms; preparing studies and research; making recommendations and commenting on matters relating to the promotion of human rights; examining and assessing legislation to assess how far it is consistent with the Constitution; making recommendations to the Council of Representatives; submitting proposals and recommendations on accession to international human rights instruments; cooperating and liaising with civil society institutions which work on human rights issues in Iraq; liaising with independent international human rights institutions and non-governmental organizations in pursuance of the Commission's goals; disseminating a human rights culture; making proposals on human rights capacity-building to the committees which draft national reports for submission to the United Nations; submitting an annual report on the human rights situation in Iraq to the Council of Representatives and publicizing the report in all the media.

37. The Commission's mandate is defined as follows:

- (a) Receiving complaints from individuals, groups and civil society organizations about past and present abuses;
- (b) Conducting preliminary investigations into human rights violations, based on available information;
- (c) Verifying the complaints lodged with the Commission and conducting preliminary investigations where necessary;

(d) Preparing legal cases about human rights violations and referring them to the Office of the Public Prosecutor for the requisite legal formalities; the Commission is informed of the outcome of each case;

(e) Conducting visits to prisons, social reform centres, detention facilities and all other places, without needing to obtain prior permission from the relevant authorities; meeting with convicted prisoners and detainees; documenting human rights abuses and notifying the competent authorities of the legal measures to be taken. In October 2009, the Council of Representatives began the process for selecting the members of the Board of Commissioners.

38. Commission on Integrity: The Commission on Integrity was established by Order No. 55 of 2004, largely for the purpose of combating corruption. It has various mechanisms which carry out functions such as: investigating cases of corruption; proposing legislation; ensuring that senior civil servants disclose their financial interests; drawing up professional codes of conduct; designing school curricula; fostering a culture of integrity and transparency; conducting studies as a means of guaranteeing accountability; organizing conferences; and running training and public communications programmes.

39. Independent High Electoral Commission: This is an independent and impartial body which has legal personality and answers to the Council of Representatives. Its activities are regulated by Act No. 11 of 2007 and help to give effect to the right to participation.

Civil society institutions

40. Civil society institutions provide an important national mechanism for protecting, promoting and defending human rights, particularly human rights advocacy and education. These institutions operate in a wide range of areas and include organizations which focus on specific issues such as women, children's rights, the rights of persons with disabilities and prisoners' rights. There are thought to be more than 6,000 such institutions.

41. There are dozens of organizations devoted mainly to disseminating a human rights culture and human rights education through educational and training programmes. These organizations play a major role in boosting democracy, encouraging individuals to participate in elections and monitoring the performance of the Government. In the period after April 2003 there was an unprecedented increase in the number of such organizations. The activities of these organizations are regulated under Order No. 45 of 2003, and the Council of Representatives is currently considering a new bill on the subject, following consultations with the organizations to overcome a number of legal obstacles.

Promotion and protection of human rights in Iraq

42. The Republic of Iraq is committed to achieving progress and prosperity as soon as possible, in order to free the Iraqi people from the deprivation caused by three decades of war, economic sanctions and deteriorating security. The Government views economic growth, coupled with social, human and sustainable development, as its primary goals. Iraq attaches considerable importance to the fulfilment of the Millennium Development Goals, and, notwithstanding the circumstances with which it has to contend looks forward to overcoming a number of obstacles thereto in the near future.

43. In the region of Kurdistan, the human rights situation has improved considerably, partly because of the special legal status which the region was given in 1991, as well as the stable political and security situation and the economic and social improvements that have been made.

Human development and the Millennium Development Goals

44. The progress made in this regard can be summed up as follows: some improvement in the levels of enrolment in general education, a narrowing of the gender gap and a reduction in infant and maternal mortality rates. The next two tables contain key indicators on the progress made with regard to the Millennium Development Goals and human development.

Some Millennium Development Goals indicators (figures for Iraq as a whole)

<i>Indicator</i>	<i>Base No.</i>	<i>Base year</i>	<i>Current No.</i>	<i>Year</i>	<i>Target for 2015</i>
Percentage of population with an income of less than US\$ 1	27.5	1990	3.1	2007	13.8
Percentage of children below 5 years of age who are underweight	9.0	1991	7.6	2006	4.5
Proportion of the population below the minimum level of dietary energy consumption	20.0	1991	22.0	2007	10.0
Proportion of the population without food security			3.1	2007	5.5
Net primary school enrolment rate	90.8	1990	89.3	2007	100.0
Reading ability among 15–24-year-olds	78.6	1990	83.9	2007	100.0
Ratio of girls to boys in primary education	79.5	1990	88.0	2007	100.0
Ratio of girls to boys in secondary education	64.1	1990	75.0	2007	100.0
Proportion of paid jobs in agriculture held by women	10.6	1990	9.3	2008	50.0
Percentage of seats in national parliaments held by women	13.2	1990	27.3	2006	50.0
Under-5 mortality rate	62.0	1990	34.0	2008	21.0
Maternal mortality ratio	117.0	1990	84.0	2006	29.0
Unemployment rate among 15–24-year-olds	7.1	1990	30.3	2006	3.6

Some human development indicators for Iraq as a whole and for the region of Kurdistan

<i>Indicator</i>	<i>Region of Kurdistan</i>	<i>Iraq</i>
Life expectancy at birth, 2006	62.9	58.2
Adults aged 15 and over who can read and write, 2004–2006 (%)	64	77
Total school enrolment rate, 2006/07 (%)	70	59
Parliamentary seats held by women, 2006–2010 (%)	27.5	27.2
Women members of parliament, managers and administrators, 2006 (% of total)	17	22.4
Women professionals and technicians, 2006 (% of total)	44.5	61.8
Proportion of the population without access to drinking water, 2006 (%)	3.2	15.8
No. of doctors, 2008 (per 100,000 population)	51	63
Infant mortality rate, 2008 (per 1,000 live births – %)	33.4	26
Primary school enrolment rate, 2006 (%)	94	86
Net secondary school enrolment rate, 2006 (%)	52	40

<i>Indicator</i>	<i>Region of</i>	
	<i>Kurdistan</i>	<i>Iraq</i>
Ratio of girls to boys in primary education, 2006 (%)	95	88
Ratio of girls to boys in secondary education, 2006 (%)	100	75
Proportion of women in the 15-to-24 age group who can read, 2006 (%)	63.9	65.6
Proportion of the population with sources of safe drinking water, 2006 (%)	96.8	84.2
Proportion of the population which uses improved sanitation networks, 2006 (%)	97.7	92.3

Welfare rights of priority groups

45. Constitutional human rights guarantees and Iraq's commitments under the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women provide the basic normative framework for protecting and promoting the human rights of children and women, who account for the largest proportion of the population (over 50 per cent). These are the two groups most affected by changes in the human rights situation, including acts of violence and terrorism, as well as by shortcomings in welfare services and structures and elements of the prevailing culture which adversely affect their ability to exercise their rights in general.

46. The terrorist operations which have devastated Iraq have widowed or orphaned tens of thousands of people and added to the burdens of women, who increasingly are forced to work outside the home in order to maintain their families. The employment sector has also been badly affected by the violence and terrorism and by numerous structural problems.

47. Nevertheless, a number of positive achievements have been scored with regard to the enjoyment of women's rights. In particular:

(a) An institutional structure has been established to deal with women's and family issues. This structure includes the Ministry of State for Women's Affairs, the Parliamentary Committee for Women and Children and the Department for the Welfare of Widows and Divorcees, which is part of the Ministry of Labour and Social Affairs. In addition, the Higher Commission for the Advancement of Women has undertaken to formulate a strategy on the advancement of women, while dozens of non-governmental organizations are dedicated to women and children.

(b) A legal structure has been developed which reflects the principles of equality set out in the Constitution and also in subsequent legislation such as the Nationality Act, which eliminated the discrimination that used to exist between women and men with regard to the right to transmit nationality to children. Moreover, special measures were put in place to facilitate women's participation in national decision-making; a quota of not less than 25 per cent was established for women in the Parliament and in governorate-level assemblies.

(c) The Government introduced a policy on the advancement of women which led to the establishment of the Department of Community Policing to deal with violence against women and efforts to care for and rehabilitate women victims of violence. A social security policy for women was furthermore introduced to include a larger number of groups in the social welfare network (as of the end of 2008, a total of 86,095 widows, 2,939 divorcees and 1,114 women refugees in Baghdad alone had benefited from the social welfare scheme and from a microcredit scheme designed to improve their economic status and to generate sources of income – 3,652 loans were disbursed to women in 2008).

48. There has been a marked improvement in the situation of women in various domains. In particular, the number of women employed in the non-agricultural sector, the number of females in primary, university and higher education and the number of women in

missions abroad (see Table 5) have increased. With regard to participation in public life, 27.2 per cent of the current Members of Parliament are women. In the present Government, women hold three ministerial portfolios (the Ministry of Human Rights, the Ministry of the Environment and the Ministry of Housing), and two Minister of State positions: the Minister of State for Women's Affairs and the Minister of State for the Governorates.

49. Of women in leadership positions, 87 are directors, 215 are experts and deputy directors, 33 are senior judges and 8 are deputy ministers.

50. In the region of Kurdistan, the legal and legislative framework for the empowerment of women and their protection from violence is of a very high standard. A series of additional conditions have been introduced to curb the practice of polygamy and to prevent female genital mutilation, and the lighter penalties prescribed for "honour crimes" have been abolished. However, the statistics point to a rising incidence of violence against women in the region: the estimated number of women who were killed in 2008 is 117 and a total of 333 cases were recorded in which women were burned.

51. The institutional structure for the advancement of children's rights includes the Child Welfare Authority (a multisectoral authority representing various ministries with a stake in the situation of children), which formulates policies aimed at improving the situation of children and resolving their problems. The Authority has taken initiatives such as creating schools for gifted children, and the Children's Culture Home, which is linked to the Ministry of Culture and produces periodicals, booklets and courses for children. The Children's Parliament was established, on the initiative of civil society organizations, in the governorate of Maysan, while a Youth Parliament was established at the behest and with the support of the Ministry of Sports and Youth.

52. The "Friends of Human Rights" groups established in schools via direct and free elections is one of the key achievements to which attention may be drawn. In 2008/09, during the first phase of the experiment which was carried out under the auspices of the Ministry of Education, "Friends of Human Rights" groups were set up in 90 schools in Baghdad. In 2009/10, during the second phase, the experiment was extended to include all the governorates.

53. Owing to the special circumstances created in Iraq as a result of over two decades of war and more than a decade of economic sanctions, the number of persons with disabilities is higher than the international average. The Constitution guarantees that the State will safeguard the rights of persons with disabilities (art. 32). The Iraqi Government attaches particular importance to this category of persons. A certain proportion of Government positions are assigned to persons with disabilities, relevant legislation has been enacted, with the support of non-governmental organizations which work on disability issues, and conferences and workshops have been held to raise awareness of the rights of persons with disabilities and to promote their integration into society.

54. The domestic procedures for accession to the Convention on the Rights of Persons with Disabilities are being completed. The Council of Representatives has before it a bill on the establishment of a national body for the welfare of persons with disabilities.

55. As far as minority rights are concerned, the Constitution guarantees the rights of all minorities, including freedom of belief and freedom of religion (art. 2), freedom of thought, conscience and belief (art. 42) and freedom of worship (art. 43). It also guarantees cultural rights and linguistic identity (art. 4), prohibiting all forms of racism and discrimination (art. 7) and guaranteeing freedom of choice in respect of personal status based on religion, faith group, belief or preference (art. 41).

56. Minorities have been subjected to a number of grave violations, largely at the hands of terrorist groups and outlawed militias. In some isolated incidents, they have also been

targeted as individuals or as a group. Places in which minorities are represented, including places of worship, have also been targeted, with the result that some have been forced to flee to other parts of the country or abroad. The Government of National Unity has taken various measures to provide protection and emergency aid to vulnerable minorities, together with compensation for victims.

57. The Government has adopted a policy to support the rights and freedoms of minorities in keeping with the guarantees set out in the Constitution. For example, an endowment fund for other faiths was established to safeguard the religious rights of minorities, while religious institutions and places of worship are protected and support is given to civil society organizations dedicated to the protection of minority rights and freedoms.

Realization of economic, social and cultural rights

58. The Republic of Iraq espouses the principles of equality, non-discrimination and gradualism in the realization of economic, social and cultural rights with a view to meeting its obligations under plans and policies aimed at the realization of these rights at the earliest opportunity, and at meeting the basic minimum needs of society. The Government of Iraq looks forward to achieving these objectives in the near future, especially as the relatively stable security situation makes it possible to speed up development efforts.

Right to health

59. The normative framework guaranteeing the right to health is the Constitution, basically article 30 and, more specifically, article 31.

60. In all health establishments in Iraq free health services are provided mainly by the Ministry of Health. Government health care is provided at nominal prices, while the private sector operates through small hospitals and special clinics which are found in all the governorates and offer health services at slightly higher prices. Health care is delivered at three levels: the first is primary health care, which is delivered at health centres; the second is health care at public hospitals; and the third is health care delivered by specialized centres.

61. A family medicine scheme was set up in health centres and a package of basic health services was created for members of the public. These centres provide follow-up services and tests services for women and children. Maternity and paediatric hospitals also offer the same services.

62. Primary health care is delivered at 1,989 health centres, 250 of which were established in various parts of Iraq after 2003, catering for close to 16,000 persons. Secondary and tertiary-level health services are provided at 288 Government hospitals and 80 private hospitals, with a total of 38,330 beds, in all the governorates of Iraq. Most hospitals are located in urban centres. In 2008, the occupancy rate was 49 per cent. The private sector contributes to health-care delivery at a slightly higher cost, through 80 hospitals.

63. The health situation in Iraq was adversely affected by the events of the past four decades, particularly during the 1980s (the Iraq-Iran war) and during the 1990s when economic sanctions were imposed with catastrophic consequences. These events had an impact on the volume of Government spending on health care (which contracted sharply), including Ministry of Health imports of drugs and medical supplies. They also severely

reduced the population's purchasing power, placing medicines, medical supplies and health care beyond the reach of wide sectors of society; access to medicine has now improved.

64. In 1997, the health sector accounted for approximately 5.5 per cent of total Government spending, as compared with 7.3 per cent in 1999. That figure rose again after 2003, reaching 11.5 per cent in 2004. It then fell to 10.6 per cent in 2005, 8 per cent in 2006 and 6 per cent in 2009. The absolute figures for allocations increased considerably, however, albeit at a lower rate than the rate of growth for the State's general budget.

65. As for health policy post-2003, a process of decentralization of health service delivery was introduced, offering health administrations in the governorates greater opportunities to formulate plans and strategies tailored to the needs and situation on the ground.

66. In 2008, the under-5 mortality rate was 34 per 1,000 live births, while the infant mortality rate was 29 per 1,000 live births. This is an encouraging sign as far as the attainment of the Millennium Development Goals is concerned. On the other hand, the challenges which the Iraqi health system has faced since 2003 must not be forgotten, particularly in the light of the acts of violence and terrorism which have affected lives and health, increasing the health needs of the population, reducing health resources and access to health services and placing a wide cross-section of the population in general, and women and children and health care workers in particular, at risk. In this connection, it is worth noting that the Ministry of Health recently adopted a strategy focusing more on prevention than treatment. The Ministry has taken care to provide children in particular with essential vaccinations and has run numerous immunization campaigns. The Ministry also liaises constantly with school administrations on school health matters in order to prevent the spread of diseases among schoolchildren.

Right to education

67. The education system in Iraq was described as one of the best systems in the region before 1980, based on a series of indicators. However, with the descent into war, the Government paid less attention to the sector and the budgets for developing the education system were reduced, putting considerable strain on educational institutions.

Item	Kindergartens		Primary education		Secondary education		University and college education	
	No. of No. children	No. of schools	No. of students	No. of schools	No. of students	No. of faculties and colleges	No. of students	
1992/93	578 90 836	8 003	2 857 467	2 450	992 617	104	197 437	
2006/07	589 81 536	12 141	4 150 940	4 109	1 491 933	258	353 174	
Kurdistan region								
2006/07	146 27 393	3 674	713 410	1 222	4 399 992	27	13 174	

68. Considering the situation with which Iraq has had to contend both in the past and in recent times, the achievements that have been scored in education, in terms both of school enrolment and the number of children who continue their studies, do credit to Iraqi society, which insists on the importance of education as a gateway to the future, even if the challenges remain.

69. With regard to Government spending, the education sector absorbed 5.2 per cent of total expenditure in 1997, as compared with 10.8 per cent in 2006. Government spending

on the education sector accounted for 0.5 per cent of gross domestic product in 1997 and 2.6 per cent in 2006.

Right to food

70. Guaranteeing food security poses a major humanitarian challenge, especially in the circumstances which obtain in Iraq. Ensuring the right to food security has been a fundamental challenge ever since the 1990s, when the country was subjected to a system of economic sanctions which caused great economic hardship. When the sanctions were introduced, a system was put in place whereby food items were distributed centrally using ration cards. The system was intended to supply the urgent and growing humanitarian needs of the population at a minimum level. The system succeeded in mitigating the impact of the sanctions.

71. The system of centralized distribution of food items was widely criticized, because it imposed a single model and a uniform system for food allocation which took no account of income disparities or differences in consumption patterns between urban and rural areas. Government opponents were denied their rations and the quality of the service was poor, had a bad reputation, failed to meet the public's needs and was not flexible enough to deal with emergencies. The system was also corrupt and there were incidents of bribery among those involved in the system in Iraq and abroad.

72. The Government of National Unity continued to support the rationing system, in spite of the pressure which it put on the budget, out of a concern to give effect to the right to food and to meet the needs of the population. There has been a sharp fall in the proportion of the population without food security – from 15.4 per cent in 2003 and 2004 to 3.1 per cent in 2007. Indeed, the figures show that the proportion of the population vulnerable to food insecurity fell from 31.8 per cent in 2003 and 2004 to 9.4 per cent in 2007.

Right to housing

73. Since the Government of National Unity took up its functions in mid-2006, the Ministry of Construction and Housing has embarked on a comprehensive study of the housing crisis, which is a top priority in the Government's programme of action. It seems that more than 3.5 million housing units will be needed by 2015, meaning 352,859 units per year during the decade 2006–2015.

74. The goal of the programme is to increase the number of housing complexes from 5 in 2005, at a cost of 102 billion Iraqi dinars (ID), to 27 at a cost of ID 1,335 billion. The complexes are now being constructed by the Ministry and by private sector companies operating under the supervision of the Public Housing Authority. Four housing complexes have been completed in the governorates under the investment plan, at a cost of ID 72 billion. The Ministry of Construction and Housing is building 23 complexes, at a cost of 1,263 billion dinars. The complexes include ancillary services buildings such as schools, shops, mosques, sanitation plants, infrastructure and children's parks.

75. In order to help citizens to build their own homes, the National Housing Project Committee was set up under the chairmanship of the Minister for Construction and Housing, with members drawn from relevant ministries and agencies, to allocate plots of land and other facilities to the public. The Iraqi Housing Fund was furthermore established by Order No. 11 of 2004 and a system of facilitated loans was put in place.

Civil and political rights

Political participation

76. The Constitution provides for the establishment of a free and democratic country, democracy being a prerequisite for the protection of human rights. Likewise, free and democratic elections are a vital means by which citizens can participate effectively in decisions on the general and specific nature of the political establishment. Iraqi society took part in three rounds of national elections in 2005, the first experience of democratic practice which Iraq had ever enjoyed. National Assembly elections were held in January 2005, followed by elections in October 2005 on the Constitution which was drawn up by the National Assembly and legislative elections in December 2005. A total of 12,191,133 out of 15,568,702 registered voters took part in the elections, representing over 78 per cent of the electorate and including close to 300,000 Iraqi voters in 15 States. The elections were monitored by 126,125 national and 949 international observers and led to the establishment of the first ever permanent Council of Representatives with 275 members selected from among 7,655 candidates. The Council then selected the first permanent Iraqi Government.

77. Two elections have been held for governorate-level assemblies, the first in December 2005 and the second in January 2009.

Prisons and detention centres

78. In addition to the Iraqi Constitution and the penal laws, Iraqi prisons are regulated by the laws on prisons and detention centres and on the welfare of young persons. A multi-stakeholder support mechanism also ensures oversight of these places. The Office of the Public Prosecutor is the linchpin of the system for judicial oversight of prison management, while the Ministry of Human Rights plays a similar role in the executive, conducting regular site inspections (165 inspections in 2009), in conjunction with the Human Rights Committee and the Integrity Committee of the Council of Representatives. Civil society organizations also have coordination mechanisms and partnerships for prison monitoring.

79. The laws embrace the principles necessary for protecting fundamental human rights and the rule of law, in particular the following:

- Crimes and penalties must be defined by law (Constitution of Iraq, article 19, paragraph 2)
- Everyone has the right to seek a legal remedy (Constitution, article 19, paragraph 3)
- The right to a defence is sacred and is guaranteed to all during every stage of investigation and trial proceedings (Constitution, article 19, paragraph 4)
- The presumption of innocence (Constitution, article 19, paragraph 5)
- The right to fair treatment in judicial and administrative proceedings (Constitution, article 19, paragraph 6)
- The individual nature of punishment (Constitution, article 19, paragraph 8)
- Criminal laws, do not apply retroactively unless they favour defendants (Constitution, article 19, paragraph 10)
- Trial proceedings must be conducted in public (Constitution, article 19, paragraph 7)
- Administrative detention is prohibited (Constitution, article 19, paragraph 12 (a))
- Everyone has the right to be detained in a designated detention facility (Constitution, article 19, paragraph 12 (b))
- The judiciary is independent (Constitution, article 19, paragraph 1)

Implementing legislation such as the Code of Penalties and Criminal Procedures is consistent with these principles.

80. The law makes special provision for young offenders with regard to legal procedures, detention, placement and the serving of penalties, through the juvenile police directorate, the juvenile courts and the Department of Juvenile Reform at the Ministry of Labour. By law, capital punishment does not apply to young persons, who may not be placed in detention or in homes not designated for young persons.

81. The oversight mechanisms of the Ministry of Human Rights have established that the Ministry of Defence, the Ministry of the Interior, the Ministry of Justice and the Ministry of Labour manage detention centres, including departments that are subject to the law and departments that are still in transition, pending the transfer of their functions to legal departments.

82. There are 14 central prisons in Iraq which report to the Ministry of Justice, while the Ministry of Labour and Social Affairs in the region of Kurdistan is responsible for running the region's prisons. The Ministry of Justice oversees approximately 80 per cent of remand facilities, in accordance with the Prisons and Detention Centres Administration Act. The remainder are overseen by the Ministry of the Interior and the Ministry of Justice, pending the transfer of administrative authority to the Ministry of Justice and the Ministry of Labour and Social Affairs.

83. The number of inmates in Iraqi prisons and detention centres (as of the end of July 2009) was close to 29,130.

<i>By Criminal Status</i>		<i>By Sex</i>		<i>By Age</i>	
<i>Convicted</i>	<i>Detained</i>	<i>Males</i>	<i>Females</i>	<i>Adults</i>	<i>Minors</i>
10 951	18 179	28 655	475	27 939	1 191

84. A further 9,750 persons are being detained by the multinational forces in Iraq pending clarification of their cases by a joint committee. The committee has already dealt with thousands of cases and is expected to process the cases of these persons in conformity with article 22 of the Security Agreement between the Iraqi Government and the United States Administration. Under that Agreement, the Iraqi courts and investigating authorities are responsible for examining case files with a view to bringing prosecutions and to releasing detainees owing to lack of evidence. As of the end of August 2009, a total of 1,220 cases had been resolved.

85. Oversight mechanisms have concluded that prisons and detention centres in Iraq suffer from inadequate infrastructure and that the measures taken by the Iraqi Government in past years ran into a number of obstacles, in particular security problems. However, the detention system in Iraq was strengthened by the establishment of model custodial and rehabilitation facilities in Jamjamal and Nasiriyah with the efforts made to improve Susa Federal Prison, to rehabilitate Baghdad Central Prison, to develop the Women's Prison and to improve residential facilities for young persons.

86. Government, judicial and oversight authorities have taken steps to make a number of changes to the legislative process in order to prevent ill-treatment or torture in detention centres. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was approved by the Council Of Representatives and was ratified by a decision of the Presidential Council. Since ratification, action has been taken to modernize penal and prison laws. The committees reviewing prison laws completed their work of creating a single system of prison administration law pursuant to a unified law

which is consistent with Iraq's international obligations. At the same time, committees continue to review the Code of Criminal Procedures.

87. Governmental and judicial monitoring bodies play an important role in countering ill-treatment and torture in detention centres and prisons. For example, the Ministry of Human Rights uncovered several cases of abuse and conducted preliminary investigations into them. The authorities referred 121 cases to the courts in 2008 involving incidents which had taken place in 2007, together with 307 cases in 2009 concerning incidents which had taken place in 2008 and 296 cases concerning incidents in 2009.

88. By law, the authorities are required to cooperate with the Ministry of Human Rights in investigations into the deaths of persons in prison and in detention centres, in order to ensure that no ill-treatment has occurred. In one case, charges were preferred in relation to incidents that had occurred in 2008 and the matter was referred to the courts.

89. The Office of the Prime Minister responded to a request from the Ministry of Human Rights to end the practice of classifying annual and other reports on prisons and detention centres, in keeping with the established policies on transparency. In fact, the reports for 2007 and 2008 were publicized.

90. In line with national reconciliation policies, the General Amnesty Act No. 19 was issued in 2008, and the cases of 134,822 persons, including detainees and convicted prisoners, were cleared up by October 2009, as follows.

- A total of 15,977 detainees were covered by the General Amnesty Act
- A total of 8,767 convicted prisoners were covered by the Act
- A total of 65,531 persons on bail were covered by the Act
- A total of 45,762 persons who had not been placed under arrest were covered by the Act
- The remaining 33,722 persons were not covered by the Act and are either in detention or have been convicted

91. As for the Kurdistan region, there are 2,863 persons in detention, of whom 1,860 have been convicted and 1,003, including 37 women and 66 minors, are under investigation.

Right to freedom of opinion and expression

92. The Constitution guarantees freedom of expression in all its forms, together with freedom of the press, printing, advertising, information and publication. The right to freedom of opinion and expression is a fundamental component of the democratization process that has been under way since 2003. There are no restrictions on the use of satellite receivers, mobile telephones and the Internet or on the establishment of broadcasting stations, the publication of newspapers and magazines and the importation of foreign press materials. Freedom of the press has become a central feature of the country's political culture following a long period of isolation from the rest of the world. This is borne out by the following data.

- The number of Internet subscribers rose from 4,500 before 2003 to 261,000 as of April 2007
- More than 180 newspapers were published in the first three months after April 2003, including daily and weekly newspapers and 40 magazines and periodicals produced by Government institutions

- A total of 31 terrestrial and satellite broadcasting stations were operating in Iraq as of September 2007
- There are 80 broadcasting stations operating in the country
- There are eight independent news agencies in Iraq
- There are over 1,100 Iraqi Internet sites

93. This major expansion in information and in freedom of opinion and expression is an indicator of the real state of affairs with regard to the democratization process and the enjoyment of human rights. However, the media sector has been severely affected by the targeting of journalists in abductions, killings and acts of intimidation, by the imprisonment and prosecution of journalists for doing their jobs, by the well-known risks involved in working as a journalist in a climate of armed violence and by the restrictions that can be placed on press activities and on freedom of information. The Council of Representatives currently has before it a bill of the protection of journalists, together with a bill on freedom of information.

Right to establish and to belong to political parties and associations

Political parties

94. The Constitution guarantees the freedom to found and to set up political parties without imposing any restrictions or conditions thereon (art. 39). Although there is no legislation regulating party political activity in Iraq, several political parties have been established since 2003. There are now 160 political parties in Iraq, a country where political freedoms were denied for decades and where political parties were banned and outlawed at the end of the 1990s. Under Order No. 97 of 7 June 2004, a political establishment is defined as a structure which promotes participation in elections and which has its own rules of procedure. Freedom to establish political parties is a fundamental guarantee of political pluralism.

Civil society organizations

95. Ever since April 2003, political support has been given for efforts to change the relationship between the authorities and society, with a key focus on the freedom to establish and to join associations. To that end, Order No. 45 of 2003 was issued, regulating the work of non-governmental organizations, which have grown rapidly in quantitative and qualitative terms. These organizations work throughout Iraq and number more than 6,000. They deal with a diverse and broad range of areas, including the protection and promotion of a human rights culture and the rights of specific groups such as women, children and persons with disabilities. The organizations play a major role in promoting democracy and in encouraging participation in national elections. They also make an important contribution to construction and reconstruction, and even to addressing unresolved issues.

Challenges, constraints and responses

Destruction of infrastructure and the impact of the economic sanctions on Iraq

96. Iraq was engulfed in three major wars in the space of less than a quarter of a century, accompanied by a period of economic sanctions which lasted more than 12 years. As a result Iraqi society was militarized, security considerations were given priority over the interests and freedoms of citizens and the human rights situation and human rights guarantees in Iraq suffered considerably. Widescale damage was furthermore done to

infrastructure, adversely affecting the health and education systems, causing great structural damage to economic, social and cultural activities, and placing a terrible strain on subsequent reconstruction efforts. The violence of the past five years has also taken its toll on these efforts.

Transitional justice

97. For many long years, Iraq lived in the shadow of a succession of dictatorships which made ample use of extrajudicial violence to consolidate their power. These periods were characterized by frequent course to imprisonment, torture, extrajudicial killings and summary trials by special courts.

98. Grave violations were carried out against ethnic, religious and political groups and the crimes committed against broad sectors of society included forced displacement in certain areas, settlement campaigns aimed at permanently altering the demographic situation in particular locations, the withdrawal of Iraqi nationality from opponents of the regime and other victims, random attacks, crimes against humanity and enforced disappearance on a large scale. Hundreds of mass graves were left behind as a result of these practices.

99. Close to 58,000 Iraqis have been missing since the first Gulf War (1980–1988) and the second Gulf War (1990–1991).

100. Ensuring proper legal accountability for the past is a vital process in the Iraqi State's efforts to prepare for the future and to guarantee respect for the rule of law and for human rights.

101. The Iraqi Government has taken a wide range of measures to compensate victims and to deal with the aftermath of past violations. Before the end of 2004 it established a committee to compensate the victims of the previous regime. The Iraqi Parliament enacted laws on a policy to provide redress to former political prisoners and for the victims of political killings. The Martyrs Foundation and the Political Prisoners Foundation were established in 2007, despite the technical and political challenges involved. Legislation was furthermore enacted for the protection of mass graves (Act No. 6 of 2006).

102. At an early stage, the Ministry of Martyrs and Anfal Affairs was established in the region of Kurdistan to provide for the victims in the region of the previous regime.

Terrorism

103. Terrorism poses a major challenge to the Government's human rights policy, since continuous terrorism operations create a tense atmosphere which lends itself to human rights violations. Between 2004 and 2008, Iraq was subjected to a wave of violence which undermined several meaningful initiatives and led to a series of grave and systematic violations of international human rights law and of fundamental rights, including the right to life. The violence, which mainly affected innocent civilians, in particular women, children, older persons and persons with disabilities, took the form of abductions, forced disappearances, illegal detention, the destruction of economic facilities and infrastructure, as well as places of worship, schools, universities and transport, communications, electricity, fuel and water networks, together with attacks against ethnic and religious minorities.

104. In the period 2004–2008, close to 85,000 persons were killed, of whom, 51,675 have been identified. These persons were put in special graves. A further 150,000 were injured (for details, see Table 6).

Security measures

105. The Government drew up security and military plans for hunting down the terrorist organization Al-Qaida and for countering the influence of armed and outlawed groups in various regions of Iraq. It succeeded in bringing about a marked reduction in the incidence of violence and crime in the second half of 2008 and in 2009, based on a law enforcement plan, although the dangers of terrorism for hundreds of innocent people remain.

106. These measures did much to reduce the number of random bombings and killings, especially in Baghdad, and curbed the growing civil unrest in Samarra following the bombing of the Al-Askari shrine in Samarra.

Political measures

107. The Government's security drive and its efforts to establish peace and security in Iraq have been accompanied by measures to defuse civil and political unrest based on a national reconciliation project which seeks to: foster harmony among the Iraqi people; strengthen the national unity; create an atmosphere of harmony and cohesion among the different members of the nation; create a sense of genuine citizenship whereby all Iraqis have equal rights and duties without any discrimination based on creed, race or political affiliation and; establish a broad national front to deal with the challenges and requirements of Iraqi reconstruction, of achieving national prosperity and of fully restoring people's right to exercise their will and sovereignty.

108. The Government has taken several steps to achieve these objectives. In particular, it held a conference of religious scholars (*ulama'*) to support the reconciliation process, as well as a conference of tribal leaders, a conference of active political forces and a conference of civil society organizations. A policy on dialogue with political groups was adopted, opportunities for participation in the political process were created, the Ba`ath Party Eradication Act was revised, the Accountability and Justice Act and the General Amnesty Act were enacted and measures were taken to deal with the situation of many members of the former Iraqi army.

109. The National Institute for Human Rights is running a programme to foster a culture of national reconciliation. A total of 74 workshops, attended by 4,440 individuals, have been held on national reconciliation processes in other countries.

Establishment of "neighbourhood watch" groups

110. In 2007, the Iraqi Government decided to establish local "neighbourhood watch" groups to counter acts of terrorism in the neighbourhoods where their members live. These groups provide a means for curbing terrorism and for encouraging public participation in efforts to contain terrorism. They also contribute to the success of the Government's security plans.

111. The agreement concluded on the withdrawal of United States forces and of other multinational forces from Iraq helped to strengthen confidence in the Government of National Unity.

The Counter-Terrorism Act

112. On 7 November 2005, the Counter-Terrorism Act No. 13 of 2005 was issued, stating that "the scale and gravity of the damage caused by terrorism operations has reached such a level as to threaten national unity, security and public order". The Act, which consists of only six articles, expands the definition of terrorism to include "any criminal act carried out by an individual or an organized group which targets an individual, a group of individuals, a group, or a governmental or non-governmental institution and which damages public or

private property for the purpose of undermining security, stability or national unity, of terrorizing, intimidating or frightening the public or of creating panic in pursuance of terrorist objectives”.

113. The other articles of the Act deal specifically with terrorism, participation therein and the main and subsidiary penalties to be inflicted on terrorists, including capital punishment.

Capital punishment

114. Over the past six years, the Republic of Iraq has not been in a position to abolish capital punishment for the most serious crimes against society, because of the severity and intensity of terrorist crimes, which reached such a pitch that thousands of innocent civilians from all walks of life were killed in workplaces, markets, places of worship, Government buildings and on the roads and means of transport. Moreover, terrorism has destabilized the country, threatening public security and contributing to the emergence of other forms of serious crime.

115. The Iraqi authorities have made sure that capital punishment is imposed only for the most serious crimes. In the past five years, 122 death sentences were executed out of a total of 925 sentences handed down by the criminal courts in proceedings which met fair trial standards and offered the requisite safeguards. The sentences were upheld at appeal.

116. The Republic of Iraq hopes that its continuous efforts to maintain security will bring about stability, prevent crime and protect the lives of nationals and foreign residents in Iraq, paving the way for the abolition of capital punishment.

Act on the compensation of victims of terrorism

117. In 2004, Orders Nos. 10 and 17 were issued providing for compensation to be awarded to victims of terrorism and their families, including injured persons. Since then, injured victims and the families of those who were killed have been given assistance pursuant to these Orders.

Mechanism for combating terrorism

118. A special mechanism was set up to carry out Iraq’s counter-terrorism strategy in conjunction with relevant national and international organizations.

Forced migration and displacement

119. Internal displacement is one of the most difficult challenges with which Iraqi society has had to contend for several decades, following three major wars over the past quarter of a century and violations involving forced displacement, demographic manipulation and expulsion from Iraq. In addition, wars and repressive policies forced hundreds of thousands of Iraqis to flee the country, seeking refuge and asylum abroad.

120. The country saw a large wave of displacement following the civil unrest which exploded after the Al-Askari shrine in Samarra was bombed in February 2006. Approximately 1,204,400 people are believed to have been displaced, presenting a further major challenge. The Government mobilized its resources to resolve the situation and to stem the tide of displacement, firstly, by defusing the conflict and stepping up security, secondly, by meeting the urgent humanitarian needs created by the displacement process and, thirdly, by preventing attacks against the property of displaced persons in order to encourage voluntary returns.

121. The success of the law enforcement plan brought about a marked reduction in displacement rates, and voluntary returns to areas of origin picked up in 2008.

122. In order to deal with the rising numbers of refugees abroad, the Government undertook to provide assistance and protection to Iraqi refugees and asylum-seekers abroad, on condition that they return to Iraq. Initial aid allocations worth US\$ 25 million were assigned to help the families of refugees in the Syrian Arab Republic and the Hashemite Kingdom of Jordan and to facilitate travel for refugees wishing to return to Iraq. Branches of Government banks were opened up in these two countries to facilitate payment of retirement pensions to Iraqi refugees, and the Government launched a campaign to lure back expatriates by providing subsidies and incentives for them to return and to contribute to Iraqi reconstruction and development.

The Iranian *Mujahidin Khalq* organization

123. Thousands of members of the Iranian *Mujahidin Khalq* militia live in Iraq. These persons were the guests of the previous Iraqi Government, which allowed them to carry out their activities on Iraqi soil. After occupying Iraq in 2003, the United States forces disarmed the militia. However, the militia is still an active military organization in Iraq and many of its members have been found guilty and convicted of acts of terrorism against the Iraqi people and of participating in the destabilization of Iraq. These actions constitute interference in Iraq's domestic affairs. Nevertheless, the Iraqi Government has not set a deadline for these persons to leave Iraq, nor has it expelled them from being in Iraq illegally, according to the law and the Constitution.

Administrative and financial corruption

124. Corruption poses a major challenge to efforts to give effect to human rights. The authorities have set up oversight institutions to counter corruption, the most important being the Commission on Integrity, the Board of Supreme Audit and the offices of public inspectors. The Commission on Integrity, which has referred 3,027 cases for judicial investigation, received 5,031 complaints in 2008. To date, 98 persons have been found guilty of wrongdoing and 417 are in custody pending investigation. A total of 382 cases have been brought to court. The Commission helped to identify 317 forged certificates presented by candidates for regional council elections. These certificates were forwarded to the independent Electoral Commission.

125. The Republic of Iraq looks forward to receiving continued support from the international community in building the capacity of Iraqi society and of the Iraqi State to deal with the challenges that they face. It hopes in particular that support for capacity-building and for the development of the security services will be provided in a form that will strengthen the rule of law and lead to the adoption of best practices aimed at furthering the observance of human rights.

126. Iraq furthermore calls for continued international capacity-building support to be provided for the judiciary and the prosecution service to improve their technical and substantive skills and so strengthen the central role of the courts in protecting human rights and the rule of law.

127. Iraq calls for continued international support in building and developing the capacities of governmental and non-governmental human rights institutions and entities with a view to enhancing their participation in the promotion and protection of human rights and to promoting good governance.

128. In that connection, Iraq calls for continued international support in building its capacities in the fields of human rights monitoring, protection and education and in the preparation of periodic and other human rights reports.

Achievements and best practices

- Establishment of the Ministry of Human Rights and support for its staff and for its monitoring and protection functions; the dissemination of human rights education; the inclusion of human rights standards in the political decision-making process; the formulation of development plans for Iraq; the publication of human rights reports as a means of ensuring transparency and of dealing with human rights abuses
- The establishment of the National Institute for Human Rights as a fully-fledged institution with responsibility for implementing human rights education plans
- The establishment of human rights committees and departments in various ministries and the vital role which they play in conjunction with the Ministry of Human Rights and other relevant institutions
- The enactment of a law on the establishment of the Higher Commission for Human Rights as an independent national institution for the promotion and protection of human rights
- The broad mandate given to the Higher Commission for receiving complaints, carrying out investigations, instituting legal proceedings, reviewing legislation and visiting prisons
- The creation of a committee to select the members of the Higher Commission, in cooperation with the executive, legislative and judicial authorities and civil society and in partnership with the United Nations
- The adoption of a transparent approach to the preparation and discussion of the national report for the universal periodic review which paves the way for comprehensive national consultations; the draft report was posted on the Internet and all Iraqis were invited to provide feedback, suggestions and comments one month before the finalization of the report
- The promotion of human rights education through the inclusion of human rights in curricula for the basic and secondary stages of education and the teaching of human rights as a subject in its own right in higher education curricula
- The International Covenant with Iraq, and the Constitution provide a comprehensive national programme of action aimed at strengthening the rule of law, giving effect to human rights and ensuring cooperation with the international community and its mechanisms
- The establishment of independent national commissions to oversee elections and to combat corruption
- The establishment of independent national commissions, such as the Political Prisoners Foundation and the Martyrs Foundation, to deal with the consequences of past abuses
- The creation of a national legal mechanism to compensate the families of victims of human rights violations, including terrorism crimes
- The highest rate in the world of women's political participation in legislative bodies and in representative assemblies
- The highest rate in the region of women's participation in executive and leadership positions
- The establishment of the Ministry of State for Women's Affairs, the Higher Authority for the Advancement of Women, the Parliamentary Committee for

Women and Children, the Department for the Welfare of Widows and Divorcees at the Ministry of Labour and Social Affairs, the Community Police Department on Violence against Women

- The establishment of a child welfare authority, schools for gifted students and the Children's Culture Home; the consolidation of democratization processes and human rights values through the creation of the Children's Parliament and the Youth Parliament; and efforts to establish "Friends of Human Rights" groups in schools through free and direct elections
- The quantitative and qualitative growth of civil society institutions and the central role played by civil society in the promotion of human rights
- The quantitative and qualitative growth of the print and broadcast media and of Internet media, which has benefited freedom of opinion and expression and freedom of information
- The quantitative and qualitative growth in political parties, based on efforts to strengthen the freedom to form political parties and to engage in political activities
- Accession to the two optional protocols to the Convention on the Rights of the Child
- Finalization of the domestic procedures for ratification of the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment and the Convention on the Protection of All Persons from Enforced Disappearance

Commitments and pledges

- Review the reservations which the Republic of Iraq made when acceding to international human rights treaties
- Strengthen efforts to bring domestic human rights legislation into line with international human rights law
- Cooperate with the special procedures of the Human Rights Council and their missions
- Complete the procedures for ratifying the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment and the Convention on the Protection of All Persons from Enforced Disappearance
- Accede to the Convention on the Rights of Persons with Disabilities
- Provide regular periodic reports to the United Nations treaty bodies and submit them in a timely fashion
- Complete the procedure for establishing the independent Higher Commission for Human Rights
- Draw up a national five-year plan for the promotion and advancement of human rights
- Adopt a five-year plan on human rights education, focusing on students and young persons of both sexes, in line with the World Programme for Human Rights Education

Annexed tables

1. Achievements of the Ministry of Human Rights, 2007–2009

<i>Item</i>	<i>Activity</i>	<i>Total</i>
1	Visits to Government institutions	4 261
2	Events, conferences and celebrations	132
3	Courses and workshops on disseminating a human rights culture	456
4	Procedures completed	7 694
5	Complaints received	1 241
6	Studies, research and surveys	24
7	Contacts with national organizations	807
8	Proposals for legislative amendments	6

2. Achievements of the Ministry of Human Rights in the region of Kurdistan, 2006–2008

<i>Item</i>	<i>Activity</i>	<i>Total</i>
1	Symposia and seminars	556
2	Workshops	102
3	Courses	206
4	Radio and television programmes	134

3. Courses and workshops run by the National Institute for Human Rights and human rights committees in ministries in Baghdad and the governorates

<i>Item</i>	<i>Year</i>	<i>Courses and Workshops</i>	<i>No. of beneficiaries</i>
1	2006	21	325
2	2007	69	662
3	2008	82	2 056
4	2009	47	1 690

4. Laws enacted by the Council of Representatives

<i>Year</i>	<i>No. of laws</i>
2006	13
2007	87
2008	61
2009	20

5. Women's participation

- The proportion of seats held by women in the Parliament was 27 per cent in 2006, as compared with 7 per cent in 1997
- The proportion of female workers in paid employment in the non-agricultural sector was 15.3 per cent in 2006, as compared with 10.6 per cent in 1990
- The ratio of girls to boys in primary education was 88 per cent in 2007, as compared with 80 per cent in 1990
- The ratio of girls to boys in secondary education was 75 per cent in 2007, as compared to 64 per cent in 1990
- The ratio of females to males in university education was 75 per cent in 2005, as against 51 per cent in 1990
- The ratio of females to males in higher education was 62 per cent in 2007, as compared to 52 per cent in 2000
- A total of 751 Iraqi women were studying abroad in 2008

6. Violence against women in the region of Kurdistan, 2008

<i>Month</i>	<i>Total</i>	
	<i>Murder</i>	<i>Burning</i>
1	8	18
2	11	29
3	3	32
4	9	27
5	14	29
6	11	15
7	14	29
8	10	23
9	19	22
10	4	30
11	6	38
12	8	31
Total	117	333

7. Impact of terrorism on normal life in Iraq

1. Victims of terrorism, 2004–2008

<i>Year</i>	<i>No. of persons killed.</i>	<i>No. of persons injured</i>	<i>Dead bodies found</i>
2004	5 271	19 387	6 042
2005	8 093	42 411	7 724
2006	17 832	37 101	14 790
2007	16 536	38 609	5 463
2008	6 787	20 178 (from 1/1 to 31/10)	
Total	54 519	157 686	

2. No. of fatalities and refugees among confessional groups, 2004–2007

<i>Confessional groups</i>	<i>Fatalities</i>	<i>Refugees (families)</i>
Christians	174	1 752
Sabian Mandaeans	127	62
Yazidis	311	-
Shabaks	529	3 078

3. No. of children and women killed and injured, 2004–2007

<i>Victim</i>	<i>Killed</i>	<i>Injured</i>
Children	1 279	4 176
Women	2 334	8 032

4. No. of judges, lawyers, educators, professionals and students killed, 2004–2007

<i>Victim</i>	<i>Killed</i>	<i>Injured</i>
University lecturers (as at 9/2009)	263	59
University students (as at 9/2009)	472	99
Judges	21	
Lawyers	95	
Journalists	265	20
Total		164

5. No. of holy places and places of worship attacked by terrorists, 2004–2007

<i>Place</i>	<i>No.</i>
Shiite mosques	219
Sunnite mosques	94
Churches	41
