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**Iraq\***

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## Introduction

1. In affirmation of its full commitment to the fundamental principles enshrined in human rights treaties and upheld by the treaty bodies, the Republic of Iraq submits its common core document and its treaty reports in a manner consistent with its international obligations. In submitting the present document pursuant to General Assembly resolution 68/268 of 2014 and to recommendations received following the discussion of its periodic reports, Iraq reaffirms the principles of transparency and clarity as an emblem for the advancement and improvement of human rights.
2. The Republic of Iraq fully appreciates that all citizens should enjoy the rights and freedoms enshrined in the Universal Declaration of Human Rights and international treaties. It is also aware of the responsibility it shares with the international community to ensure that all peoples – including the people of Iraq – should be able to enjoy the rights and freedoms envisaged under international treaties and instruments.
3. Under the dictatorship and, subsequently, in its aftermath when acts of terror were being perpetrated by organized terrorist groups, Iraq went through a difficult period during which many citizens lost their lives. Many others suffered and are still suffering the consequences of that period, including orphans, widows, persons with disabilities and the unemployed. Standards of living have declined leading to various social problems.
4. Today, numerous challenges and obstacles lie in the way of achieving the fundamental goal of promoting and protecting human rights. The principal obstacle consists in the terrorist operations conducted by Islamic State in Iraq and the Levant (ISIL) and its associated groups, which have caused harm to so many people. Nonetheless, all competent institutions of the Republic of Iraq are working together as a team to promote, protect and respect human rights and to prevent any violations. The State is working diligently to provide redress and compensation to persons who have suffered harm as a result of terrorist operations, in a manner consistent with the international obligations of Iraq and with the scale of damage such operations have left in their wake.
5. The common core document of Iraq was drafted by a centralized ministerial committee headed by a senior undersecretary of the Ministry of Justice and with its membership made up of jurists and statisticians from the institutions concerned. The information contained in the document was produced on the basis of official statistical data received from various State institutions including the Central Bureau of Statistics in the Ministry of Planning and other ministries, as well as on the basis of the current Constitution and relevant national legislation, and in accordance with the guidelines for the submission of common core documents.
6. In order to protect and promote human rights, the Republic of Iraq seeks to fulfil the obligations arising from its accession to a body of international instruments and treaties and to submit its reports on the human rights situation in the country – first among them the common core document – in coordination and cooperation with the international community.

## Demographic, economic, social and cultural characteristics

7. The territory of the Republic of Iraq is 435,052 square kilometres.
8. Iraq occupies a key position in the Middle East. It is bordered to the east by the Islamic Republic of Iran, to the north by Turkey, to the west by the Syrian Arab Republic and Jordan, and to the south by Saudi Arabia and Kuwait. The country has a barren desert to the west of the Euphrates River, a wide valley between the Tigris River and the Euphrates, and mountains in the north-west. The Tigris and Euphrates flow into the Shatt al-Arab near the Arabian Gulf where they create an extensive area of fertile land.
9. Iraq lies in the northern temperate zone. However, its subtropical continental climate and rainfall are similar to a Mediterranean climate as most of the rain falls in the winter, autumn and spring but not in the summer.

## 10. Geographical divisions of Iraq

<i>Details</i>	<i>Percentage</i>	<i>Area (square metres)</i>
Plains (including lakes and bodies of water)	30.5	132 500
Hill land	9.7	42 000
Mountains	21.1	92 000
Desert	38.7	168 552
<b>Total</b>	<b>100</b>	<b>435 052</b>

*Source:* General statistical compendium 2017.

11. Iraq had a population of 12 million according to the 1977 census. That increased to 16 million in 1987 and to 22 million in 1997, with an annual growth rate for the period (1987–1997) of 2.9 per cent. The estimated population of Iraq, according to the 2009 population and housing survey, was 31.6 million. That estimate increased to 35.2 million in 2015 and to 38.1 million in 2018, according to the 2018 population projection.

12. The population distribution is as follows: 19,261 million males and 18,863 million females. In 2018, life expectancy at birth was 71.7 years for men 75.6 years for women.

13. Indicators show that population growth is increasing. It stood at 35,212,600 in 2015 as compared to 34,819,301 in 2014, which represents an annual growth rate of 2.6 per cent. The sex ratio for 2014 and 2015 was 102.1 while the total fertility rate was 4.08 per cent in 2015 as compared to 4.14 per cent in 2014.

14. In 2014, the average size of a family was 6.6.

15. Of the Iraqi population, 69.8 per cent live in urban areas and 30.2 per cent in rural areas. Population density in 2018 stood at 87.6 individuals per square kilometre.

16. The table below includes a number of demographic indicators.

<i>Indicator</i>	<i>2013</i>	<i>2018</i>
Gross reproduction rate (replacement)	2.0	1.93
Net reproduction rate (percentage)	1.9	1.88
Average age at marriage	23.9	–
Marriage rate of persons aged 15 and over (per 1,000)	609	609
Divorce rate of persons aged 15 and over (per 1,000)	6.6	–
Gross death rate (per 1,000)	4.5	5.3

*Source:* Iraqi population estimates 2015–2018 / Poverty and maternal mortality mapping survey 2013.

17. According to article 143 of the 2005 Constitution, the State Transitional Administration Act and the annex thereto – with the exception of article 53 (a) and article 58 – are to be abrogated when the new Government takes office.

Article 53 (a) of the 2004 State Transitional Administration Act reads:

(a) The Kurdistan Regional Government is recognized as the official government of the territories that were administered by that government on 19 March 2003, in the governorates of Dahuk, Erbil, Sulaymaniyah, Kirkuk, Diyala and Nineveh. In the present Act, the term “Kurdistan Regional Government” shall refer to the Kurdistan National Assembly, the Kurdistan Council of Ministers, and the regional judicial authority in Kurdistan Region.

18. According to article 58 of the Act:

(a) The Iraqi Transitional Government, and especially the Property Claims Commission and other relevant bodies, shall act expeditiously to take measures to remedy the injustice caused by the previous regime’s practices in altering the demographic

character of certain regions, including Kirkuk, by deporting and expelling individuals from their places of residence, forcing migration in and out of the region, settling individuals alien to the region, depriving the inhabitants of work and correcting nationality. To remedy this injustice, the Iraqi Transitional Government shall take the following steps:

- With regard to residents who were deported or expelled, or who emigrated, it shall, in accordance with the statute of the Property Claims Commission and other measures within the law, within a reasonable period of time, restore the residents to their homes and property or, where this is unfeasible, shall provide just compensation;
- With regard to persons newly introduced to specific regions and territories, it shall act in accordance with Article 10 of the Property Claims Commission statute to ensure that such persons may be resettled, may receive compensation from the State, may receive new land from the State near their residence in the governorate from which they came or may receive compensation for the cost of moving to such areas;
- With regard to persons deprived of employment or other means of support in order to force migration out of their regions and territories, it shall promote new employment opportunities in the regions and territories;
- With regard to nationality correction, it shall repeal all relevant decrees and shall permit affected persons the right to determine their own national identity and ethnic affiliation, free from coercion and duress.

(b) The previous regime also manipulated and changed administrative boundaries for political ends. The Presidency Council of the Iraqi Transitional Government shall make recommendations to the National Assembly on remedying these unjust changes in the permanent constitution. In the event the Presidency Council is unable to agree unanimously on a set of recommendations, it shall unanimously appoint a neutral arbitrator to examine the issue and make recommendations. In the event the Presidency Council is unable to agree on an arbitrator, it shall request the Secretary General of the United Nations to appoint a distinguished international person to be the arbitrator.

(c) The permanent resolution of disputed territories, including Kirkuk, shall be deferred until after these measures are completed, a fair and transparent census has been conducted and the permanent constitution has been ratified. This resolution shall be consistent with the principle of justice, taking into account the will of the people of those territories.

19. Articles 140 and 141 of the Constitution of Iraq set out a road map for the status of Kurdistan Region and disputed areas.

#### *Article 140*

(a) The executive is responsible for taking the steps necessary to meet the requirements set forth in article 58 of the State Transitional Administration Act.

(b) The responsibility vested in the executive branch of the Iraqi Transitional Government under article 58 of the State Transitional Administration Act shall extend and continue to the executive elected in accordance with the present Constitution. The entire process – normalization, census and, lastly, a referendum in Kirkuk and other disputed areas to determine the will of citizens – shall be fully completed no later than 31 December 2007.

20. Article 141 reads: “Legislation enacted in Kurdistan Region since 1992 shall remain in force, and decisions of the Kurdistan Regional Government, including court rulings and contracts, shall be considered valid unless they are amended or abrogated by a competent regional entity, pursuant to the laws of Kurdistan Region, and provided that they do not contradict the present Constitution.”

## 21. Iraqi population projections by age group, environment and sex for 2018.

Age group	Urban			Rural			Total		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
0–4	1 919 946	1 816 384	3 736 330	951 778	905 794	1 857 572	2 871 724	2 722 178	5 593 902
5–9	1 767 034	1 681 422	3 448 456	913 027	841 495	1 754 522	2 680 061	2 522 917	5 202 978
10–14	1 582 308	1 479 690	3 061 998	812 859	756 295	1 569 154	2 395 167	2 235 985	4 631 152
15–19	1 425 898	1 361 876	2 787 774	675 579	623 687	1 299 266	2 101 477	1 985 563	4 087 040
20–22	1 306 542	1 221 484	2 528 026	529 055	472 589	1 001 644	1 835 597	1 694 073	3 529 670
25–29	1 046 362	1 004 785	2 051 147	393 384	395 068	788 452	1 439 746	1 399 853	2 839 599
30–34	912 672	922 260	1 834 932	347 996	375 076	723 072	1 260 668	1 297 336	2 558 004
35–39	777 809	812 832	1 590 641	296 739	320 070	616 809	1 077 458	1 132 902	2 207 450
40–44	728 760	744 208	1 472 968	284 525	282 597	567 122	1 013 285	1 026 805	2 040 090
45–49	560 929	573 287	1 134 216	187 893	197 753	385 646	748 822	771 040	1 519 862
50–54	351 256	422 348	773 604	90 254	127 474	217 728	441 510	549 822	991 332
55–59	382 028	395 735	777 763	119 913	129 530	249 443	501 941	525 265	1 027 206
60–64	258 758	283 451	542 209	86 931	94 366	181 297	345 689	377 817	723 506
65–69	175 898	182 843	358 741	51 646	54 212	105 858	227 544	237 055	464 599
70–74	115 308	115 847	231 155	33 150	33 535	66 685	148 458	149 382	297 840
75–79	60 227	71 388	131 615	17 970	22 838	40 808	78 197	94 226	172 423
80+	66 919	99 839	166 758	29 900	40 871	70 771	96 819	140 710	237 529
<b>Total</b>	<b>13 438 654</b>	<b>13 189 679</b>	<b>26 628 333</b>	<b>582 299</b>	<b>5 673 250</b>	<b>11 495 849</b>	<b>19 261 253</b>	<b>18 862 929</b>	<b>38 124 182</b>

Ministry of Planning: Iraqi population estimates 2018.

## Languages

22. Arabic and Kurdish are enshrined in the Constitution as the two official languages of Iraq. Iraqis have the right to educate their children in their mother tongue – such as Turkmen, Syriac or Armenian – in State-run educational institutions, in accordance with the education regulations, or in any other language in private educational institutions.

23. In Kurdistan Region, the Kurdistan Region Official Languages Act No. 6 of 2014 was promulgated, article 22 of which states: “In each administrative unit that is populated by other national groups the language of that group shall, alongside Kurdish, be an official language for education and discourse and for administrative and internal affairs.”

24. Official Languages Act No. 7 of 2014 was promulgated as an expression of respect for the ethnic and linguistic diversity of Iraq and to uphold the humanitarian dimension in the country’s newly inaugurated era of federalism. The Act reflects the teachings of Islam, which enjoins respect for other languages, and it enables the communities of Iraq freely to express their wants and needs in their own mother tongue.

## Ethnic and religious diversity

25. Iraq, like other eastern Arabic States, is characterized by its ethnic and religious diversity. Arabs constitute the great majority followed by Kurds then by Turkmens. They are followed by smaller ethnic and religious groups such as Chaldeans, Syriacs and Assyrians.

26. The division of the population by ethnic group – with the exception of Kurdistan Region – according to figures produced by the Central Bureau of Statistics and Information Technology on the basis of the 1997 census was as follows:

<i>Distribution of the inhabitants of Iraq by ethnic/religious group</i>									
<i>Year</i>	<i>Arab</i>	<i>Kurd</i>	<i>Feyli Kurd</i>	<i>Turkmen</i>	<i>Armenian</i>	<i>Assyrian</i>	<i>Other</i>	<i>Undeclared</i>	<i>Total</i>
1997	18 403 660	578 358	2 210	72 727	8 909	10 919	5 455	564	19 082 802

27. The Constitution guarantees preservation of the Islamic identity for the majority of the Iraqi people. At the same time, it guarantees religious rights and freedom of belief and practice to all individuals, such as Christians, Yazidis and Sabaeen Mandaeans.

28. The Constitution guarantees that all persons can exercise their freedoms without discrimination. It includes adequate and effective guarantees for freedom of thought, conscience, religion and belief by, inter alia, the provision of effective remedies in cases where violations have occurred against the right to freedom of thought, conscience, religion or belief, or the right to celebrate religious rites freely.

29. The Constitution envisages protection for shrines and religious sites (religious and heritage sites). It reaffirms that such sites must remain inviolate and upholds the right to practise religious rites freely there.

30. Iraqis are equal before the law without discrimination on the basis of gender, race, nationality, origin, colour, religion, creed, belief, opinion or economic or social status, as stipulated in article 14 of the 2005 Constitution. Moreover, the Constitution guarantees the freedom of citizens to administer their personal affairs in accordance with their own religion, confession, beliefs or choices.

31. The State grants followers of all religions and religious communities the freedom to practise their religious rites, including Hussaini rites, as well as freedom of worship and the protection of places of worship.

32. The State enacted Act No. 58 of 2012 concerning the Bureau for Christian, Yazidi and Sabaeen Mandaean Endowments, the purpose of which is to consolidate religious ties with the world in general and with the Muslim world in particular; to protect worship, places of worship, religious figures and religious institutions; and to provide optimal services for the followers of those religions. At the same time, the Act aims to support endowment administrators in the management and investment of endowment funds and to encourage and support the opening of schools, orphanages, care homes, hospitals and a public library to attract researchers. In addition, the Act describes and regulates the work of the Bureau, its duties and its subdivisions.

33. In Kurdistan Region, under Decree No. 11 of 2007 issued by the parliament of Kurdistan, the name of the Ministry of Endowments and Islamic Affairs was changed to the Ministry of Endowments and Religious Affairs. The change was made because followers of religions other than Islam were present in the Kurdistan Region of Iraq. Therefore, the Ministry for Endowments did not deal exclusively with one religion or with the religion of the majority of citizens of the Region, but with all religious communities residing there. The Ministry had previously covered three religions – Islam, Christianity and Yazidism – each represented by a directorate. Then, under Ministerial Decree No. 1910 of 9 July 2017, the Ministry of Endowments and Religious Affairs in the Kurdistan Regional Government created a directorate for religious coexistence and the Ministry now has directorates and representative offices for religious minorities including Christianity, Judaism, Yazidism, Yarsanism, Zoroastrianism, Mandaeanism and Baha'ism, the aim being to consolidate ties between those faiths.

34. The Republic of Iraq has adopted the following annex to the Religious Communities Act (Officially Recognized Religious Communities in Iraq) No. 32 of 1981 as follows:

- Chaldean;
- Assyrian;
- Assyrian Catholic;
- Syriac Orthodox;
- Syriac Catholic;
- Armenian Orthodox;

- Armenian Catholic;
- Greek Orthodox;
- Greek Catholic;
- Latin Catholic;
- National Evangelical Protestant;
- Assyrian Evangelical Protestant;
- Seventh Day Adventist;
- Coptic Orthodox;
- Yazidi;
- Sabaeen Mandaean.

35. In Iraq it is forbidden to enact legislation that instigates religious hatred or that constitutes an incitement to discrimination, hostility and violence. Every effort is made to respect and protect religious sites, shrines and symbols, and additional measures are taken when those places are at risk of being defiled or vandalized. Moreover, domestic law guarantees the right of all persons to worship and to assemble in the context of a religion or a belief, to set up and administer premises necessary for that purpose and to write, publish and distribute printed material in that connection. Moreover, in line with international human rights law, domestic legislation fully respects and protects the freedom of individuals and groups to set up and administer religious, charitable or humanitarian institutions.

36. The Government of Iraq condemns all forms of intolerance and discrimination based on religion or belief, as well as violations of freedom of thought, conscience or religion.

37. The Government is taking all necessary and appropriate action, in conformity with international human rights standards, to combat hatred, prejudice and acts of violence, intimidation and coercion motivated by religious intolerance, as well as incitement to hostility and violence, with particular regard to religious minorities and to practices that discriminate against women and violate their human rights including their exercise of the right to freedom of thought, conscience, religion or belief.

38. All the component groups that go to make up the Iraqi people suffered violent attacks – including killing, torture, abduction, rape, slavery and the recruitment of children – at the hands of ISIL terror groups, when they overran a number of the country's governorates.

## **Economic indicators**

39. The national income of Iraq increased from 146,453,468.5 million Iraqi dinars (ID) in 2010 to ID 227,221,851.2 million in 2012, to ID 236,708,036 million in 2014 and to 186,397,293 in 2016, with a growth rate between 2010 and 2016 of 4.1 per cent. In 2017, the official rate of exchange of the Iraqi dinar against the United States dollar was of ID 1,182 to \$1.

40. A figure of 6.4 million people represents a significant level of poverty for 2012. However, there are grounds for hope as current analyses reveal an extraordinary state of affairs in which poverty is widespread but not deeply rooted. In fact, the situation is one in which a large number of people are living below the poverty line; but the number is not so large if compared with the resources available in the country. The poverty rate, which stood at 22.9 in 2007, had fallen to 18.9 by 2012 following improvements in per capita living standards. This led to a narrowing of the poverty gap in Iraq from 4.5 in 2007 to 4.1 in 2012. However, the events of June 2014 led to an increase in the proportion of inhabitants below the poverty line, which reached 22.5 in 2014.

41. Although Iraq is a country rich in oil resources, its per capita income is low compared to that of neighbouring countries. Statistics show that 23 per cent of the Iraqi population live below the poverty line, particularly in rural areas, and current social circumstances suggest that poverty may become more widespread. The measure of the



poverty threshold as \$2.5 per day gives misleading results that fail to reveal the truth about poverty and income inequality. In fact, income inequality is evident among families, in governorates and between rural and urban areas. Therefore, account must be taken of cost of living levels in order to determine the poverty threshold in a particular community.

42. The economic situation in Kurdistan Region:

Family income in 2015 was ID 500,000 – i.e., less than ID 750,000 – while 4.32 per cent of the population work in the private sector and 3.34 per cent in the public sector. The low income level may be ascribed to the financial crisis the Region is experiencing and the war against ISIL.\*

In 2016, as part of the strategic programme it is running in cooperation with the World Bank, the Kurdistan Regional Government established a social welfare programme, which is to run until the end of 2020. The aim of the programme is to improve their living, economic, social and political standards in society with a view to overcoming the current crisis.

43. The table below shows unemployment rates in the population for the period 2011–2016.

<i>Indicator</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016**</i>	<i>Rate of change</i>
Unemployment rate	8.3	11.9	–	10.6	–	10.8	– 10.9

*Source:* Statistical indicators regarding the socioeconomic situation of Iraq 2012–2014.

– The unemployment rate dropped by 10.9 per cent in 2014 as compared with 2012, while average family outlay at market prices increased by 17.8 per cent in 2014 as compared with 2012.

– The unemployment rate in Kurdistan Region stood at 10.2 per cent in 2017.

\* Information provided by the Region.

\*\* Excluding Nineveh and Anbar.

44. The table below provides details about poverty, the poverty gap and the depth of poverty in Iraq in 2014.

<i>Details</i>	<i>Poverty rate</i>			<i>Poverty gap</i>			<i>Depth of poverty</i>		
	<i>2014</i>			<i>2014</i>			<i>2014</i>		
	<i>2012</i>	<i>Pre-crisis</i>	<i>During crisis</i>	<i>2012</i>	<i>Pre-crisis</i>	<i>During crisis</i>	<i>2012</i>	<i>Pre-crisis</i>	<i>During crisis</i>
Iraq	18.9	15	22.5	4.1	3.9	6.6	1.4	1.7	3
Governorates of Kurdistan Region	3.5	3.5	12.5	0.6	0.6	3.7	0.2	0.2	1.7
Baghdad	12	8.9	12.8	2	2.3	3.4	0.5	1.2	1.6
Areas occupied by ISIL	25.7	20.5	41.2	5.6	5.3	14.2	1.8	2.2	7.3
Kirkuk and Diyala	14.9	12.1	17.7	2.8	2.9	4.4	0.8	1.2	1.8
Central governorates	15.8	12.7	18.6	3.1	2.9	4.6	1	1.1	1.8
Southern governorates	33.6	26.1	31.5	8.6	6.8	8.9	3.2	2.7	3.7

*Source:* A study by the World Bank and the Technical Committee for Poverty Reduction on the effects of the twin crises – displacement due to the crimes committed by ISIL and the drop in oil prices – on the economic situation and poverty in Iraq, 2014.

45. Poverty reduction measures include the following:

At the beginning of 2010, Iraq launched a poverty reduction strategy that envisaged multisectoral development policies and legislative reform programmes intended to assist poor persons. The strategy incorporated 6 outcomes, 27 results and 89 activities to be achieved in the period 2010–2014 with a view to reducing the poverty rate from 23 per cent to 16 per cent.

According to the results of a socioeconomic survey of families conducted in Iraq in 2012, the poverty rate among the population had fallen to 18.9 per cent. However, as a result of economic crises and the dominance of ISIL terror groups, poverty had risen again to 22.5 per cent by 2014.

What distinguishes this strategy is that it entered into force as soon as it was adopted by the Council of Ministers under Decree No. 409 of 2009, which requires ministries and governorates to incorporate the activities envisaged in the strategy into their annual planning. This was also achieved by allocating sums from the annual investment budget to service ministries and the poorest governorates, in 2012.

In 2013, the allocations were extended to cover all governorates, with sums earmarked for empowerment and capacity building among poor persons.

*Source:* National human development report 2014.

46. The Iraqi economy, so heavily dependent on oil, is first and foremost an oil-based economy, although oil is not the country's only resource. Iraq, which is a founding member of the Organization of Petroleum Exporting Countries (OPEC), began oil production in 1925. The crude oil sector has seen a significant increase in production volumes: 12 per cent in 2015 compared to 2014. In fact, production increased from 1,135.0 million barrels in 2014 to 1,270.9 million barrels in 2015 with the production rate increasing from 3.1 to 3.5 million barrels per day during that period. In addition, oil exports registered a 19.5 per cent increase in 2015 with respect to 2014 while, over the same period, the amount of crude oil supplied to refineries fell by 21.5 per cent and the amount used for electricity production rose by 20.2 per cent.

47. The table below provides information about the production and export of crude oil in Iraq for the years 2014–2017.

<i>Indicator</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>Rate of change (%)</i>
Federal crude oil production including Kurdistan Region (barrels x 1 million)	1 180.8	1 367.3	1 701.1	1 631.2	-4.11
Federal crude oil exports (barrels x 1 million)	918.2	1 096.8	1 208.4	1 207.8	-0.05
Value of federal crude oil exports (dollars x 1 billion)	84.13	49.06	43.62	59.56	36.65
Price per federal barrel (dollars)	91.63	44.73	36.10	49.35	36.72
Federal crude oil supplied to refineries (barrels x 1 million)	179.9	151.2	229	194.9	-14.89

*Source:* Annual statistical compendium 2017.

48. The table below provides information about total imports for the years 2014–2017.

<i>Commodity</i>	<i>2015</i>		<i>2016</i>	
	<i>Value ID x 1 million</i>	<i>Value \$ x 1 million</i>	<i>Value ID x 1 million</i>	<i>Value \$ x 1 million</i>
Total commodity imports (excluding oil)	45 905 017.4	39 351.4	550 017 118.0	46 605.4
Liquid gas	164 473.6	141.0	5 010.2	4.2
Petrol	1 452 920.1	1 246.1	1 307 535.9	1 106.2

Commodity	2015		2016	
	Value ID x 1 million	Value \$ x 1 million	Value ID x 1 million	Value \$ x 1 million
Mineral oil	73 425.2	63.0	122 451.7	103.6
Fuel oil	982 396.4	842.6	916 614.7	775.5
Total imports of petroleum products	2 673 215.3	2 292.7	2 351 612.5	1 989.5
<b>Total imports</b>	<b>48 578 232.7</b>	<b>41 644.1</b>	<b>57 353 324.3</b>	<b>48 594.9</b>

Source: Annual statistical compendium 2017.

49. The electricity sector achieved a 16.44 per cent production increase in 2016 as compared with 2015. Nonetheless, electricity requirements remain in excess of production levels and, to remedy that shortfall, Iraq is importing electricity from neighbouring States. In 2016, it imported a total of 80 million megawatt hours of electricity.

50. In the electricity sector, the record figure for electricity produced stood at 162.9 per cent in 2015, in comparison with 2012. There has been an increase of 1.9 per cent with respect to last year. The total amount of electricity produced in 2015 was 53,978,093 megawatt hours while the electricity imported in the same year amounted to 6,901,252 megawatt hours. The drop in the figures for 2015 may be ascribed to the fact that they refer to just three quarters of the year.

51. The table below gives indicators concerning electrical power for the period 2012–2016, not including Kurdistan Region.

Indicator	2012	2013	2014	2015	2016	Rate of change (%)
Electricity produced (MW h x million)	63.8	59.8	67.7	68.6	81.8	19.24
Electricity imported (MW h x million)	10.1	12.2	12.2	13.1	7.8	-40.46

52. The electricity production capacity of the Kurdistan Regional Government stands at 6,000 megawatts although, as a result of the economic situation and the war against ISIL, that production has dropped to 3,400 megawatts. Despite the drop, the Region does not import electricity from outside.

53. Agriculture, which has long been an important source of national income, has suffered severe damage over the past five decades despite occasional slight attempts at improvement. The amount of agricultural land with fertile soil and abundant water has diminished significantly throughout the country, after having been abandoned by farmers, leaving in its wake hectares and hectares of empty desert. In 2017, the contribution to gross domestic product (GDP) of agricultural, forestry and fishing activities amounted to ID 3,863,223.0 million at fixed prices, or 1.42 per cent of overall GDP.

54. Wars and the negative impact of migration to cities, as well as the neglect of agriculture and livestock, are factors that have had a real and direct impact on food security. In fact, Iraq is currently dependent on imports to meet the food requirements of its population. The Government is taking concrete steps to reinvigorate this sector and has rolled out a series of irrigation and development projects with a view to rectifying the current parlous situation. It is supplying farmers with loans, agricultural supplies and subsidized fertilizers, including 198,575 tons of urea fertilizer and 21,548 tons of NP composite fertilizers. A total of 238,868 tons of fertilizer were supplied in 2017.

Source: Statistical compendium 2017.

55. The table below provides information about agricultural land and its usage.

<i>Usage</i>	<i>Area</i>	<i>Percentage</i>
All land suitable for agriculture	48.0	27.5
Interaural pasture	16.0	9.2
Natural forest	7.0	4.0
Barren mountain	1.7	1.0
Desert	54.0	31.0
Expanses of water and inhabited areas	47.7	27.3
<b>Total</b>	<b>174.4</b>	<b>100.0</b>

*Source:* Ministry of the Environment, Department of Planning and Technical Follow-up, Environment Section.

56. The responsibility for improving the health situation in Iraq rests with the Government, and the State health sector directly administers and regulates the health system and provides health care to the majority of citizens. This is not to imply that it is sufficient or effective and, in fact, the health system in Iraq faces multiple challenges as it seeks to restructure and reform, a process that will require immense efforts. Article 31 of the Constitution of Iraq states: “Every Iraqi has the right to health care. The State shall be responsible for public health and shall provide means for prevention and treatment through the construction of hospitals and health institutions of various kinds.” Funding is one of the mainstays of any health-care system and most countries in the world make health care their top priority in the allocation of national resources. Health funding and universal health-care coverage are an important part of comprehensive efforts towards social welfare. The total budget allocation to health care in 2017 amounted to ID 3,834,515 million, not counting Kurdistan Region, which represents a quota per individual Iraqi of ID 120,000 dinars, excluding Kurdistan Region.

57. Health conditions in Iraq have improved over the previous two decades. Life expectancy at birth has increased from 58.2 in 2006 to 69.3 in 2014 to 70.3 in 2017, reflecting the progress in the health-care services provided to citizens, despite the security situation Iraq is facing. The population growth rate in the country stands at 2.2 per cent.

58. In 2017, the amount of total government spending dedicated to health stood at 3.81 per cent.

59. The amount dedicated to health in Kurdistan Region stood at 5.77 per cent of the budget of the Regional Government.\*

\* National 10-year strategy to combat violence against women in Kurdistan 2017–2027.

60. The following table includes indicators relating to primary, secondary and tertiary care services in 2017. Such services are a fundamental part of the treatment and rehabilitation provided to citizens at public, specialist and private hospitals throughout Iraq, in order to ensure integrated health care for individuals and society.

<i>Indicator</i>	<i>2017</i>
Number of State run hospitals and specialized centres with beds	273
Number of private hospitals	127
Overall number of doctors	31 451
Number of specialized doctors including Kurdistan Region and staff of the Ministry of Higher Education	11 585
Total fertility rate (births per woman) not including Kurdistan Region, Nineveh and Anbar	4.0
Overall numbers of births inside and outside Iraq	1 063 705
Proportion of births inside health institutions	83.5
Gross birth rate per 1,000 inhabitants	28.05
Women awaiting abortions on maternity wards	16.1

<i>Indicator</i>	<i>2017</i>
Proportion of births that take place under the supervision of specialized health-care personnel	93.7
Proportion of births by Caesarean section across Iraq	35.2
Proportion of births presenting congenital deformations (per 1,000 live births)	2.9
Anti-tuberculosis vaccination	94%
Anti-polio vaccination	85%
Anti-measles vaccination	83%
Mortality rate among children under 5 (per 1,000 live births)	23.1
Mortality rate among children under 1 (per 1,000 live births)	18.6
Gross death rate per 1,000 inhabitants	4.1
Mortality rate among newborns between 0 and 28 days (per 1,000 live births)	13.6
Maternal mortality rate (per 100,000 live births)	31
Death rate among persons aged between 15 and 60, per 1,000 inhabitants	2.2
Total number of beds in State-run institutions	44 527
Total number of prepared beds in State-run institutions, not counting emergency beds	37 143
Beds per 1,000 inhabitants	1.2
Doctors per 10,000 inhabitants	9.4
Rate of early death from the principal non-communicable diseases among persons aged between 30 and under-70, per 1,000 inhabitants of the same age group	3
Rate of use of prepared beds	49%
Number of incubators for premature children	1 821
Number of specialized surgical procedures	23 030
Number of major-plus surgical procedures	261 486
Number of major surgical procedures	260 787
Number of ordinary surgical procedures	326 010
Number of minor surgical procedures	554 249
Total inpatients	2 751 832
Total patient visits	61 345 825
Patient visits to consultative clinics	14 797 116
Patient visits to external clinics	2 121 394
Patient visits to emergency units	8 053 439
Patient visits to specialized centres	2 072 510
Patient visits to primary health-care centres	29 926 827
Total number of primary health-care centres	2 658
Number of principal primary health-care centres	1 295
Number of branch primary health-care centres	1 363
Number of primary health-care centres with beds	117
Number of primary health-care sectors	135
Proportion of first prenatal visit	56
Proportion of fourth prenatal visit	35
Proportion of pregnant women at risk	38
Proportion of first postnatal visit	81
Proportion of fourth postnatal visit	53
Proportion of first visit with child	22
Proportion of third visit with child	14

*Source:* Statistical report of the Ministry of Health and the Environment 2017.

61. In 2017, the number of infections and deaths caused by HIV/AIDS, by sex and governorate, was 95, of which 7 resulted in death. Infection with the virus was more prevalent among men (85 cases) than among women (10 cases).

*Source:* Report of the Ministry of Health 2017.

62. The table below shows mortality rates among children under 1 per 1,000 live births and maternal mortality rates per 100,000 live births.

<i>Year</i>	<i>Mortality rates among children under 1 per 1,000 live births</i>	<i>Maternal mortality rate per 100,000 live births</i>
2013	17.9	35
2014	17.3	30
2015*	19.7	32**
2017	18.6	31

*Source:* Annual statistical compendium and report of the Ministry of Health 2017.

\* Excluding Kurdistan Region and Anbar.

\*\* Excluding Anbar.

63. The table below gives figures on the results of the treatment of registered tuberculosis sufferers in Iraq in 2016.

<i>Number of sufferers</i>	<i>Treatment</i>					<i>Treatment completion</i>	
	<i>Death</i>	<i>failure</i>	<i>Interruption</i>	<i>Transfer</i>	<i>Cure</i>	<i>completion</i>	<i>Success</i>
2 369	3	2	2	1	83	10	93

*Source:* Report of the Ministry of Health 2017.

64. The table below contains numbers of cases of viral hepatitis.

<i>Types of viral hepatitis</i>					
<i>Year</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>E</i>	
2014	4 723	3 429	886	199	
2015	7 970	3 078	1 214	146	
2017	2 833	1 926	594	80	

*Source:* Annual statistical compendium and report of the Ministry of Health 2017.

## Education

65. Educational indicators show that net enrolment rates in primary education fell by 1.4 per cent in 2015 with respect to 2014 and that net enrolment rates in secondary education rose by 7.4 per cent over the same period. The figures also show an increase in the number of students per level – kindergarten, primary, secondary, vocational, teacher training college – by 20.3, 16.7, 20.2, 14.4 and 5.9 respectively over the period 2011–2015. Statistics also point to an increase in the number of teaching staff per level – kindergarten, primary, secondary, vocational, teacher training college – by 16.3, 11.0, 9.8, 8.0 and 2.1 respectively over the same period.

*Source:* Statistical indicators regarding the socioeconomic situation of Iraq 2011–2015.

66. The table below gives indicators relative to the situation of education in Iraq, excluding Kurdistan Region.

<i>Educational indicators excluding Kurdistan Region</i>	<i>2017/18</i>
Total number of schools	23 450
Number of government structures	14 977
Number of members of the teaching corps	450 841
Net enrolment rate in primary education	94
Net enrolment rate in secondary education	56
Overall enrolment rate in primary education	107
Overall enrolment rate in secondary education	67

*Source:* Ministry of Education.

67. The table below gives indicators relative to the situation of education in Kurdistan Region.

<i>Educational indicators for Kurdistan Region</i>	<i>2017/18</i>
Total number of schools	6 635
Number of government structures	5 178
Number of members of the teaching corps	128 421
Net enrolment rate in basic education	1 630 789
Net enrolment rate in secondary education	86 665
Overall enrolment rate in basic education	1 319 127
Overall enrolment rate in secondary education	311 984

68. Education in Iraq during the academic year 2017/18.

<i>Stage</i>	<i>No. of schools</i>	<i>No. of structures (gov.)</i>	<i>No. of students</i>	<i>No. of teachers</i>
Kindergarten	1 195	693	202 937	8 304
Primary	15 965	11 736	6 197 870	286 097
Secondary	7 505	4 050	2 933 539	164 744
Vocational	318	225	51 034	11 289
Institutes	24	20	9 720	1 191
<b>Totals</b>	<b>25 007</b>	<b>16 724</b>	<b>9 395 100</b>	<b>471 625</b>

*Source:* Ministry of Education.

<i>Indicator</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2016</i>	<i>Rate of change (%)</i>
Proportion of literate females with respect to males in the age group 15–24 (%)	0.91	0.91	-	0.93	0.94	0.5
Proportion of girls with respect to boys enrolled in primary education	0.94	0.96	0.92	0.91	0.98	3.8
Proportion of girls with respect to boys enrolled in secondary education	0.85	0.92	-	1.0	0.94	-3.0

69. The table below gives information concerning literacy rates and rates of enrolment in primary and secondary education in the period 2011–2016.

<i>Number of students leaving</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
Number of students leaving State-run primary schools	68 961	62 507	131 468

<i>Number of students leaving</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
Number of students leaving State-run secondary schools	36 140	32 450	68 594
Number of students leaving vocational schools	2 447	1 223	3 670

*Source:* Statistical indicators on the socioeconomic situation of Iraq 2011–2015.

70. Number of students who dropped out in the academic year 2016/17.

*Source:* Ministry of Education.

71. The table below gives information about the number of State-run, private and technical colleges and institutions in the academic year 2016/17.

<i>Type of institution</i>	<i>Number</i>	<i>Number of students</i>
State-run universities	29	434 851
Private colleges	60	126 612
Technical colleges	17	15 369
Technical institutes	28	70 938

*Source:* Ministry of Planning: University and technical education in Iraq 2016/17.

72. The table below shows the number of students enrolled in higher education, disaggregated by level, for the academic year 2014/15.

<i>Type of qualification</i>	<i>Number of students</i>
High-level diploma	1 112
Master's degree	15 534
Doctorate	8 302
<b>Total</b>	<b>24 948</b>

*Source:* Statistical compendium.

73. The following table shows rates of student participation in different levels of education for the year 2015/16, in Kurdistan Region.

<i>Level</i>	<i>Female</i>	<i>Male</i>
Primary	79 687	83 565
Middle	50 924	47 375
Vocational	823	1 679
Secondary	3 309	3 257
Institute	998	2 618
Accelerated education	327	511
<b>Total</b>	<b>136 068</b>	<b>139 005</b>

*Source:* Draft strategical development plan for Kurdistan Region 2012–2016.

74. Spending on education as a proportion of total government spending reached 21.4 per cent in 2015.



## Constitutional and political structure of the State

75. The flag of the Republic of Iraq: The form of the Iraqi flag is defined in Act No. 33 of 1986, as amended by Act No. 6 of 1991 and Act No. 9 of 2008.



76. The nature of the State and the system of governance:
- The Republic of Iraq is a single, federal, independent and fully sovereign State with a republican, representative (parliamentary) and democratic system of governance. A multi-ethnic, multi-religious and multi-confessional country, it is a member of the United Nations and an active founder member of the League of Arab States, the Organization of Islamic Cooperation and the Movement of Non-Aligned Countries.
  - The Iraqi State was established as a monarchy in 1921 and subsequently became a republic on 14 July 1958. Thereafter, Iraq was widely regarded as the most developed country in the Middle East, with people heading to it from across the region in search of the best university education and health care. Iraq at that time had the highest indicators of human well-being, which included infant mortality, school enrolment and household food consumption rates, as well as wage and employment levels, and it was classified by the World Bank as an upper middle-income country. Subsequently, Iraq became the only Middle Eastern country to experience no improvement in living standards. Years of repression, war, embargo and instability destroyed social well-being and inflicted suffering on the entire community. The fall of the dictatorship in the spring of 2003 ushered in an era of dramatic events with the appointment of United States Ambassador Paul Bremer, on 19 May 2003, as Administrator of the Coalition Provisional Authority, the first statutory body formed after the overthrow of the previous regime, which governed the country on the basis of Security Council resolution 1483 (2003). The first sovereign Interim Government was formed on 30 June 2004 and assumed authority for governing the country under the terms of Security Council resolution 1546 (2004), its chief function being to administer national affairs. An Interim National Council with limited oversight powers was established with 100 members, including some of those from the Governing Council left without positions, and it elected a congress composed of 1,000 well-known Iraqis of varying political persuasions and representing a mixture of the country's confessional groups. On 30 January 2005, elections were held for the 275-member National Assembly, which was primarily tasked with drafting a permanent constitution for the country and making preparations for the general parliamentary elections to be held on 15 December 2005. The vote on the draft permanent constitution took place in accordance with the State Transitional Administration Act, on 15 October 2005, and led to a comprehensive review of the legislative structure, the aim being to adapt it to the new political, economic and social order. The Republic of Iraq experienced a major political transformation after the collapse of the former dictatorial regime, which heralded for the country a new democratic era and a new Constitution on which a referendum had been held. The Constitution was published in the Official Gazette

No. 4012 of 28 December 2005 and was the first legal document since 1924 to have been approved by an elected constituent assembly and a national referendum. This Constitution determined the political, economic and social features of the new Iraqi State, setting out fundamental principles, notably those enunciated in article 1 thereof, which provides that: “The Republic of Iraq is a single, independent and fully sovereign federal State with a democratic parliamentary system. This Constitution shall be the guarantor of the unity of Iraq.”

According to article 5 of the Constitution, the construction of a democratic system in the country is to come about through “the rule of law. The people are the source of authority and legitimacy, which they exercise via direct, general, secret ballot and via constitutional institutions.” At the same time, article 6 of the Constitution states that authority is to be transferred peacefully through democratic means:

“The transfer of power is to come about peacefully through democratic means, as stipulated in the present Constitution.”

The domestic legal system and the rights of minorities are described in articles 2 and 3 of the Constitution:

“(a) Islam is the official religion of the State and is a fundamental source of legislation:

- (i) No law may be enacted that contradicts the established tenets of Islam;
- (ii) No law may be enacted that contradicts the principles of democracy;
- (iii) No law may be enacted that contradicts the basic rights and freedoms stipulated in the present Constitution.

(b) The present Constitution guarantees preservation of the Islamic identity for the majority of the Iraqi people. At the same time, it guarantees religious rights and freedom of belief and practice to all individuals, such as Christians, Yazidis and Sabaean Mandaans.”

Article 3 of the Constitution states:

“Iraq is multi-ethnic, multi-religious and multi-confessional country. It is a founding and active member in the Arab League and remains committed to the Charter of the League, and it is part of the Islamic world.”

#### 77. **Distribution of powers in Iraq**

Under article 47 of the Constitution, the federal authorities shall consist of a legislature, an executive and a judiciary each exercising its jurisdiction and role on the basis of the principle of separation of powers.

#### 78. **I. Legislature**

According to article 48 of the Constitution, the federal legislature in Iraq consists of the Council of Representatives and the Federation Council. Under article 49, the Council of Representatives is to be made up of a number seats equivalent to 1 seat per 100,000 Iraqis, so as to represent the entire Iraqi people. Members shall be elected by general, secret ballot and with due consideration for the representation of all groups within the Iraqi people.

Candidates for membership of the Council of Representatives must be Iraqi and in full possession of their faculties. The conditions applicable to candidates, voters and to all matters concerning elections shall be regulated by law.

79. According to article 61 of the Constitution, the Council of Representatives shall have the following prerogatives:

- (a) Enacting federal laws;
- (b) Overseeing the actions of the executive;
- (c) Electing the President of the Republic;
- (d) Regulating the ratification process of international treaties by a law to be enacted by a two-thirds majority of members of the Council of Representatives;
- (e) Approving the appointment of:

- The President and members of the Federal Court of Cassation, the Chief Public Prosecutor and the President of the Judicial Oversight Commission. Approval is by absolute majority on the basis of a proposal from the Supreme Judicial Council;
- Ambassadors and special office holders, on the basis of a proposal from the Council of Ministers;
- The Army Chief of Staff, his assistants, persons of the rank of division commander and above, and the director of the National Intelligence Service, on the basis of a proposal from the Council of Ministers.

(f)

- Questioning the President of the Republic, on the basis of a reasoned request submitted by an absolute majority of members of the Council of Representatives;
- Relieving the President of the Republic, by an absolute majority of members of the Council of Representatives, if he has been convicted by the Federal Supreme Court in any of the following:
  - Breaking the constitutional oath
  - Violating the Constitution
  - Committing high treason

(g)

- A member of the Council of Representatives may address questions to the Prime Minister and ministers on any subject within their remit. They shall answer the questions put to them by members but only the member that asked the question shall have the right to comment on the reply;
- A minimum of 25 members of the Council of Representatives may raise a general issue for discussion, in order to inquire about the policies and performance of the Council of Ministers or one of the ministries. The matter shall be submitted to the Speaker of the Council of Representatives, and the Prime Minister or the ministers shall specify a date on which they will appear before the Council of Representatives to discuss it;
- A member of the Council of Representatives, with the approval of 25 members, may address a question to the Prime Minister or ministers to call them to account on matters that fall within their remit. A discussion on the question can be held only after at least seven days have passed since the question was asked;

(h)

- The Council of Representatives may, by absolute majority, withdraw confidence from a minister and the minister shall be considered to have resigned from the date of the decision of withdrawal of confidence. A vote of no confidence in a minister may not be held except at the latter's request or at a request signed by 50 members following discussion of a question directed to the minister. The Council shall not issue its decision regarding the request until at least seven days after its submission;
- The President of the Republic may submit a request to the Council of Representatives to withdraw confidence from the Prime Minister;
- The Council of Representatives may withdraw confidence from the Prime Minister at the request of one-fifth of its members. Such a request may be submitted only after questions have been addressed to the Prime Minister and at least seven days must pass from the date of submitting the request;
- The Council of Representatives withdraws confidence from the Prime Minister by an absolute majority of members;

- If confidence is withdrawn from the Prime Minister, the Government is considered to have resigned;
- In case of a vote to withdraw confidence in the Council of Ministers as a whole, the Prime Minister and the ministers continue in their positions to run everyday matters for a period not to exceed 30 days, until a new Council of Ministers is formed in accordance with the provisions of Article 67 of the present Constitution;
- The Council of Representatives may question the heads of independent commissions following the same procedures as those applicable to the ministers. The Council shall have the right to relieve those heads, by absolute majority;

(i)

- Consenting to a declaration of war or state of emergency by a two-thirds majority, on the basis of a joint request from the President of the Republic and the Prime Minister;
- Declaring a state of emergency for a period of 30 days, which may be extended although each extension requires approval;
- Delegating to the Prime Minister the powers necessary to manage State affairs during the period of declaration of war or state of emergency. Such powers shall be regulated by a law in a manner that does not contradict the Constitution;
- The Prime Minister shall present the Council of Representatives with the measures taken and results achieved during the period of declaration of war or state of emergency, within 15 days of its termination.

80. The establishment of the Federation Council is envisaged in article 65 of the Constitution, which states:

“A legislative council shall be established, to be called the ‘Federation Council’ and to include representatives from the regions and from governorates that are not organized in a region. The formation, conditions of membership, mandate and all other matters connected with the Federation Council shall be regulated by a law, to be enacted by a two-thirds majority of members of the Council of Representatives.”

## 81. **II. Executive**

According to article 66 of the Constitution, the federal executive is composed of the President of the Republic and the Council of Ministers, and it carries out its prerogatives in accordance with the Constitution and the law.

Article 67 of the Constitution states that the President of the Republic is the Head of State, the symbol of national unity and the embodiment of national sovereignty. It is the President’s responsibility to ensure respect for the Constitution and to preserve the independence, sovereignty, unity and territorial integrity of Iraq.

Under article 73 of the Constitution, the President of the Republic has the following powers:

- (a) Issuing a special pardon at the recommendation of the Prime Minister, save in private cases and cases involving persons convicted for international crimes, terror offences or financial or administrative corruption;
- (b) Ratifying international treaties once they have been approved by the Council of Representatives. Such treaties are considered to be ratified 15 days from the date of receipt;
- (c) Ratifying and issuing laws enacted by the Council of Representatives. Such laws are considered to be ratified 15 days from the date of receipt;
- (d) Calling the elected Council of Representatives to convene, within a period of not more than 15 days after approval of the election results and in other cases envisaged by the Constitution;

- (e) Awarding medals and decorations at the recommendation of the Prime Minister and in accordance with the law;
- (f) Accrediting ambassadors;
- (g) Issuing presidential decrees;
- (h) Ratifying death sentences issued by the competent courts;
- (i) Fulfilling the role of commander-in-chief of the armed forces for ceremonial purposes;
- (j) Exercising any other presidential prerogatives stipulated in the present Constitution.

Given the nature of the transitional period in Iraq and its attendant legal and constitutional particularities, article 138 of the Constitution includes provision for the creation of the “Presidency Council” which, according to that article, “shall replace the expression ‘President of the Republic’ wherever the latter is mentioned in the present Constitution. Provisions related to the President of the Republic shall be reactivated one term after the Constitution comes into force.” In fact, “the Council of Representatives shall elect the President of State and two Vice-Presidents who shall form a council to be called the ‘Presidency Council’, which shall be elected as a single list with a two-thirds majority. ... The Presidency Council shall take its decisions unanimously and any member may delegate one of the two other members to take his place. ... The Presidency Council shall exercise the powers of the President of the Republic as stipulated in the present Constitution.”

## 82. Council of Ministers

The formation of the Council of Ministers is set forth in article 76 of the Constitution, according to which the President of the Republic designates the nominee of the largest bloc within the Council of Representatives to form the Council of Ministers, within 15 days from the date of the election of the President of the Republic. The Prime Minister-designate then names the members of his government, within no more than 30 thirty days from the date of his designation, and presents those names, along with the government programme, to the Council of Representatives. The Prime Minister is deemed to have gained the confidence of the Council once it has approved, by absolute majority, the individual ministers and the government programme.

Article 77 of the Constitution stipulates the same conditions for the Prime Minister as for the President of the Republic. The candidate is to be in possession of a university degree or equivalent qualification and to be at least 35 years of age. The same conditions apply to ministers as to members of the Council of Representatives, and they must be in possession of a university degree or equivalent qualification. Article 78 of the Constitution describes the Prime Minister as the executive officer directly responsible for general State policy and commander-in-chief of the armed forces. The Prime Minister directs the Council of Ministers, presides over its meetings and has the right to dismiss ministers, with the approval of the Council of Representatives.

Article 80 of the Constitution lists the powers of the Council of Ministers in Iraq:

- (a) Planning and implementing general State policy and plans, and overseeing the work of ministries and non-ministerial bodies;
- (b) Proposing bills;
- (c) Issuing regulations, instructions, and decrees for the purpose of implementing the law;
- (d) Preparing the draft of the general budget, final accounts and development plans;
- (e) Issuing recommendations to the Council of Representatives to approve the appointment of undersecretaries, ambassadors, special office holders, the Army Chief of Staff and his assistants, persons of the rank of division commander and above, the director of the National Intelligence Service and heads of security agencies;

(f) Negotiating and signing international treaties, or designating someone to do so.

### 83. III. Judiciary

The judiciary in Iraq is the third of the constitutionally mandated national institutions. It too is independent under the Constitution, article 87 of which reads: “The judiciary is independent and exercises its authority through courts of various types and levels, which issue decisions in accordance with the law.” According to article 88 of the Constitution, “Judges are independent and subject to no authority save that of the law. No one has the right to interfere in the judiciary or the administration of justice.”

Under article 89, the federal judiciary is composed of Supreme Judicial Council, the Federal Supreme Court, the Federal Court of Cassation, the Office of the Public Prosecution, the Judicial Oversight Commission and other federal courts, which are regulated according to law.

Articles 90 and 91 of the Constitution define the role of the Supreme Judicial Council as the body that oversees all matters relating to the organs of the judiciary, as follows:

(a) Administering the affairs of the judiciary and supervising the federal judiciary;

(b) Presenting the Council of Representatives with prospective candidates for the presidency and membership of the Federal Court of Cassation, the office of Chief Public Prosecutor and the office of President of the Judicial Oversight Commission. It is up to the Council, then, to approve those appointments;

(c) Proposing a draft annual budget for the federal judiciary and submitting it to the Council of Representatives for approval.

Articles 92 and 93 of the Constitution cover the formation and jurisdiction of the Federal Supreme Court, as follows:

(a) The Federal Supreme Court is a financially and administratively independent judicial body;

(b) The Federal Supreme Court shall be composed of judges, experts in Islamic jurisprudence and legal scholars. Their number, the method whereby they are selected and the work of the Court shall be determined by a law, to be enacted by a two-thirds majority of the Council of Representatives.

According to article 93, the Federal Supreme Court shall have jurisdiction over the following:

(a) Monitoring the constitutionality of laws and regulations;

(b) Interpreting the Constitution;

(c) Settling matters that arise from the application of federal laws and of decrees, regulations and instructions issued by federal authorities. Under the law, the Council of Ministers, concerned individuals and others shall have the right to appeal directly to the Court;

(d) Settling disputes that arise between the Federal Government and the governments of regions, governorates and local municipalities and administrations;

(e) Settling disputes that arise between the governments of regions and of governorates;

(f) Settling accusations directed against the President of the Republic, the Prime Minister or ministers, as regulated by law;

(g) Ratifying the final results of general elections for members of the Council of Representatives;

(h)

(i) Settling jurisdictional disputes between the federal judiciary and the judicial bodies of regions and of governorates that are not organized as a region;

(ii) Settling jurisdictional disputes between judicial bodies of regions and of governorates that are not organized as a region.

According to article 94 of the Constitution, the decisions of the Federal Supreme Court are final and binding on all bodies. Article 95 prohibits the creation of special or extraordinary courts, while article 97 states: “Judges may not be dismissed except in cases specified by law. The law also specifies the provisions relating to judges and the disciplinary measures whereby they can be held accountable.”

In order to consolidate the principle of judicial independence, article 98 of the Constitution prohibits judges or public prosecutors from combining a judicial post with legislative or executive responsibilities or any other employment, just as it prohibits them from joining a political party or organization or performing any political activity.

The military courts are covered under article 99 of the Constitution, according to which the jurisdiction of such courts is limited to crimes of a military nature committed by members of the armed forces and the security forces, within the limits established by law.

Article 100 states that no law may state that any administrative action or decision is immune from appeal.

For its part, article 101 envisages the establishment of a Council of State, which concerns itself with the functions of the administrative courts, issues opinions and represents the State and other public bodies before the courts, except as exempted by law.

84. The table below provides information about the number of judges and members of the Office of the Public Prosecution in Iraq, except in governorates organized as a region.

<i>Indicator</i>	<i>Years</i>	
	<i>2015</i>	<i>2016</i>
Number of judges in Iraq, except in governorates organized as a region	1 058	1 107
Number of members of the Office of the Public Prosecution in Iraq, except in governorates organized as a region	474	467
<b>Total</b>	<b>1 532</b>	<b>1 574</b>

*Source:* Ministry of Planning. Statistical compendium 2017.

85. The following table shows the ratio of judges with respect to the population and numbers of cases.

<i>Indicator</i>	<i>2015</i>	<i>2016</i>
Approximate ratio of judges per 100,000 inhabitants	4–5 judges per 100 000 inhabitants	4–5 judges per 100 000 inhabitants
Number of cases resolved	1 233 004	1 424 481
Average number of cases considered per judge per year	864	905

*Source:* Ministry of Planning. Statistical compendium 2017.

#### 86. **IV. Independent commissions**

The Constitution of Iraq envisages the creation of independent commissions. In other words, of bodies not associated with any of the three aforementioned powers, in order to prevent any possible interference by those powers in their decisions. Article 102 of the Constitution reads: “The High Commission for Human Rights, the Independent High Electoral Commission and the Commission on Integrity are independent commissions. They are monitored by the Council of Representatives and their functions are regulated by law.”

According to article 103 of the Constitution: “The Central Bank of Iraq, the Financial Audit Office, the Communications and Media Commission and endowment

bureaus are all financially and administratively independent commissions, the operations of which shall be regulated by law. The Central Bank of Iraq is answerable before the Council of Representatives, the Financial Audit Office and the Communications and Media Commission are attached to the Council of Representatives and the endowment bureaus are attached to the Council of Ministers.”

Article 104 of the Constitution reads: “A commission named the Martyrs’ Foundation shall be established and attached to the Council of Ministers, and its functions and competencies shall be regulated by law”. Article 105 states: “A public commission shall be established to guarantee the rights of the regions and of governorates that are not organized as a region with a view to ensuring that they are able to participate fairly in the administration of federal-level State institutions as well as in missions and academic bursaries and delegations to regional and international conferences. The commission shall be made up of representatives from the Federal Government as well as from regions and from governorates that are not organized as a region.”

Under article 106, a public commission shall be established by law to oversee the allocation of federal revenues. The commission shall be comprised of experts and representatives from the Federal Government as well as from regions and governorates, who shall have the following responsibilities:

- (a) Verifying the fair distribution of grants, aid and international loans pursuant to the entitlement of the regions and of the governorates that are not organized as a region;
- (b) Verifying the ideal use and division of federal financial resources;
- (c) Guaranteeing transparency and fairness in the allocation of funds to the governments of regions and of governorates that are not organized as a region, in accordance with agreed quotas.

Under the terms of article 107 of the Constitution, a council is to be established named the “Federal Public Service Council” to regulate the affairs of the federal public service, including appointments and promotions. The composition and mandate of the Council are to be regulated by law.

Article 108 explains that other independent commissions may be established by law, as required.

Since Iraq, by means of its present Constitution, has opted for a federal form of governance, the Constitution undertakes to define the competencies of the federal authorities. Article 109 of the text reads: “The federal authorities shall preserve the unity, integrity, independence, and sovereignty of Iraq and its federal democratic system.” Article 110 identifies the following as being under the exclusive remit of the federal authorities:

- (a) Foreign policy and diplomatic representation; negotiating, signing and ratifying international treaties; negotiating, signing and ratifying borrowing policies; and formulating a sovereign foreign economic and trade policy;
- (b) Formulating and implementing national security policy, including establishing and administering the armed forces to defend Iraq and secure and protect its borders;
- (c) Formulating fiscal and customs policy; issuing currency; regulating trade policy across regional and governorate boundaries; drawing up the national State budget; formulating monetary policy; and establishing and administering the Central Bank;
- (d) Regulating standards, weights and measures;
- (e) Regulating issues of citizenship, naturalization, residency and the right to political asylum;
- (f) Regulating broadcast frequency policy and postage;
- (g) Drafting the bill for the general and investment budget;
- (h) Planning policies relating to water resources from outside Iraq and guaranteeing water levels and flow;
- (i) Gathering general population statistics and conducting censuses.



According to articles 111 and 112 of the Constitution, oil and gas are owned by all the people of Iraq, in all regions and governorates. Furthermore, the Federal government shall – with the governments of the producing regions and governorates – administer the oil and gas extracted from existing fields and distribute the revenues fairly, in proportion to the population distribution in all parts of the country. For a specified period, a quota shall be set aside for regions that suffered harm as a result of unjust deprivation by the former regime and for regions that have suffered harm subsequently, in such a way as to ensure balanced development across the country. This shall be regulated by a law. The Federal Government and the governments of the producing regions and governorates shall together formulate the strategic policies necessary to develop oil and gas wealth in a way that brings most benefit to the Iraqi people, using the most advanced marketing techniques and encouraging investment.

Article 113 states that antiquities, archaeological sites, cultural buildings, manuscripts and coins shall be considered as treasures belonging to the nation. They fall under the jurisdiction of the federal authorities and are to be administered in cooperation with regions and governorates. This shall be regulated by a law.

With a view to resolving any future disputes that might arise between federal and regional authorities, article 114 of the Constitution specifies that they share the following tasks:

- (a) Administering customs, in coordination with governments of regions and of governorates that are not organized as a region, as regulated by law;
- (b) Regulating and distributing the principal sources of electrical energy;
- (c) Formulating environmental policy so as to protect and cleanse the environment from pollution, in cooperation with regions and governorates that are not organized as a region;
- (d) Formulating development policies and general planning;
- (e) Formulating public health policy, in cooperation with regions and governorates that are not organized as a region;
- (f) Formulating public education policy, in consultation with regions and governorates that are not organized as a region;
- (g) Formulating and regulating an internal water resources policy so as to ensure fair distribution, as regulated by law.

Article 115 of the Constitution makes it clear that all powers not stipulated as being the exclusive prerogative of the Federal Government lie with the authorities of regions and of governorates that are not organized as a region. With regard to other powers shared between the Federal Government and the regions, if any dispute arises, priority shall be given to the law that regulates regions and governorates not organized as a region.

Under articles 116 and 117 of the Constitution, the federal system in the Republic of Iraq is made up of a capital and decentralized regions and governorates, as well as local administrations. Moreover, the Constitution, upon coming into force, recognizes Kurdistan Region, along with its existing authorities, as a federal region. The Constitution also recognizes new regions established in line with constitutional provisions.

Article 119 recognizes the right of one or more governorates to organize as a region, on the basis of a request (to be voted on in a referendum) submitted in one of the following two methods:

- (a) A request by one third of members of the provincial assembly of each governorate intending to form a region;
- (b) A request by one tenth of the voters in each of the governorates intending to form a region.

Article 120 of the Constitution states that each region is to adopt a constitution of its own that defines the structure of the different powers in that region, their mandates and the mechanisms for exercising such mandates, provided that this does not contradict the Federal Constitution.

Under article 121, the regional authorities have the right to exercise executive, legislative, and judicial powers in accordance with the Constitution, except for those powers that are the exclusive prerogative of the Federal Government. Moreover, the regional authorities have the right to amend the application of federal law within their region if that law contradicts regional law and concerns an issue that does not fall under the exclusive jurisdiction of the federal authorities. Regions and governorates are to be allocated an equitable share of national revenues, sufficient for them to discharge their responsibilities and duties while taking account of their resources, needs and population. Regions and governorates have the right to set up bureaus in embassies and diplomatic missions, in order to monitor matters related to culture, society and development. The regional government is responsible for all the administrative requirements of the region, particularly the establishment and organization of the internal regional security forces.

Article 122 of the Constitution deals with the composition of governorates, as follows:

- (a) Governorates shall be made up of districts, sub-districts, and villages;
- (b) Governorates that are not organized as a region shall be granted broad-ranging administrative and financial powers under which they are able to manage their own affairs in accordance with the principle of decentralized administration, as regulated by law;
- (c) The governor, who is elected by the provincial assembly, is the highest executive official in the governorate and exercises the powers vested in him by the assembly;
- (d) The election of the provincial assembly and the assembly's powers shall be regulated by law;
- (e) The provincial assembly shall not be subject to the control or supervision of any ministry or any non-ministerial body, and it shall be financially independent.

Under article 125, the Constitution guarantees the administrative, political, cultural and educational rights of the various ethnic groups such as Turkmen, Chaldeans, Assyrians and all other groups, as regulated by a law enacted to that end.

With a view to achieving reconciliation in the aftermath of the human rights violations committed by the former regime, article 132 of the Constitution requires the State to guarantee the welfare of families of martyrs, political prisoners and persons who suffered as a result of the oppressive practices of the defunct dictatorial regime and to compensate the families of persons killed or injured as a result of terrorist acts. The Supreme Iraqi Criminal Tribunal, as an independent judicial body, examines the offences committed by the defunct dictatorial regime and its leaders.

Article 135 of the Constitution includes provision for the De-Baathification Commission to continue its work as an independent commission, in coordination with the judiciary and the organs of the executive, within the framework of the laws regulating its functions. The Commission shall be attached to the Council of Representatives. The Commission's place has since been taken by a new body called the Commission for Accountability and Justice, which undertakes its functions in accordance with a law enacted to that end.

Article 136 of the Constitution includes provision for the Property Claims Commission to continue its work as an independent commission, in coordination with the judiciary and the organs of the executive, in accordance with the law. The Commission shall be attached to the Council of Representatives.

Article 140 envisages steps to resolve other issues related to the practices of the former regime in regard of disputed areas.

- General elections were held for the Council of Representatives, pursuant to the permanent Constitution, and a new democratically elected Government of national unity was formed in mid-2006. Elections for the Council of Representatives were held in 2010 and elections for provincial assemblies were held in 2013, as were elections in the Kurdistan Region.

87. The table below provides details about elections held in 2010 for the Federal Council of Representatives, in 2013 for provincial assemblies and in the Kurdistan Region,

in 2014 for the Federal Council of Representatives and in 2018 for the Federal Council of Representatives.

<i>Description</i>	<i>Elections for the Federal Council of Representatives in 2010</i>	<i>Elections for provincial assemblies in 2013</i>	<i>Elections in the Kurdistan Region in 2013</i>	<i>Elections for the Federal Council of Representatives in 2014</i>	<i>Elections for the Federal Council of Representatives in 2018</i>
Proportion of participants in the elections	62.39 per cent	44.19 per cent	76.22 per cent	62 per cent	44.52 per cent
Number of registered voters	19 240 093	13 571 192	2 666 145	12 619 599	24 352 253
Number of persons who voted	12 002 962	6 132 881	1 939 247	12 619 599	10 989 940
Number of authorized political entities	305	265	39	277	-
Number of political entities participating in the elections	86	139	31	107	-
Number of coalitions	12	50	2	36	23
Number of candidates	6 234	8 057	1 129	9 037	6 990
Number of male candidates	4 428	5 869	763	6 434	4 979
Number of female candidates	1 806	2 188	366	2 604	2 011
Number of seats	325 (310 governorate seats, 8 minority seats and 7 compensatory seats)	447	111	328	329
Number of local observers	114 615	100 180	6 210	170 789	-
Number of international observers	1 447	348	394	1 232	-

## General framework for the protection and promotion of human rights

88. The table below shows the principal United Nations human rights treaties to which Iraq is a party.

<i>No.</i>	<i>Treaty</i>	<i>Date</i>
1	International Convention on the Elimination of All Forms of Racial Discrimination	14/1/1970
2	International Covenant on Economic, Social and Cultural Rights	25/1/1971
3	International Covenant on Civil and Political Rights	25/1/1971
4	Convention on the Elimination of All Forms of Discrimination against Women	13/8/1986
5	Convention on the Rights of the Child	15/6/1994
6	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	24/6/2008
7	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	24/6/2008
8	International Convention for the Protection of All Persons from Enforced Disappearance	23/11/2010
9	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	7/7/2011
10	Convention on the Rights of Persons with Disabilities	20/3/2013

89. The table below shows the conventions of the International Labour Organization (ILO) to which Iraq is a party.

<i>No.</i>	<i>Treaty</i>	<i>Date</i>
1	Abolition of Forced Labour Convention, 1957 (No. 105)	15/6/1959
2	Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	15/6/1959
3	Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	27/10/1962
4	Forced Labour Convention, 1930 (No. 29)	27/10/1962
5	Equal Remuneration Convention, 1951 (No. 100)	28/8/1963
6	Minimum Age Convention, 1973 (No. 138)	13/2/1985
7	Worst Forms of Child Labour Convention, 1999 (No. 182)	9/7/2001

90. The table below shows the principal human rights treaties to which Iraq is a party.

<i>No.</i>	<i>Treaty</i>	<i>Year</i>
1	International Convention for the Suppression of Terrorist Bombings	2012
2	International Convention against the Taking of Hostages	2012
3	Arab Charter on Human Rights	2012
4	Convention on the Protection and Promotion of the Diversity of Cultural Expressions	2012
5	Convention of the Organization of the Islamic Conference on Combating International Terrorism	2012
6	Act whereby Iraq acceded to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation	2012
7	Arab Convention against Transnational Organized Crime	2012
8	International Convention for the Suppression of Acts of Nuclear Terrorism	2012
9	The Hague Convention on the Civil Aspects of International Child Abduction	2013
10	Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition	2013
11	Cartagena Protocol on Biosafety	2013
12	International Convention against the Taking of Hostages	2013
13	Convention of the Organization of the Islamic Conference on Combating International Terrorism	2013
14	Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and its Additional Protocols	2014
15	Convention on the Physical Protection of Nuclear Material and Nuclear Facilities	2014
16	Treaty on Inter-Arab Cooperation in the Regulation and Facilitation of Relief Operations, as amended	2015
17	Protocol to Eliminate Illicit Trade in Tobacco Products	2015
18	Stockholm Convention on Persistent Organic Pollutants	2015
19	Unified Agreement for the Investment of Arab Capital in the Arab States (1980)	2015
20	Promotional Framework for Occupational Safety and Health Convention	2015

<i>No.</i>	<i>Treaty</i>	<i>Year</i>
21	Agreement for the Promotion, Protection and Guarantee of Investments among Member States of the Organization of the Islamic Conference	2015
22	United Nations Convention on Jurisdictional Immunities of States and Their Property	2015

91. Legal framework for the protection of human rights at the national level.

The 2005 Constitution of Iraq guarantees the rights and freedoms of citizens. Rights are afforded clear protection in a manner consistent with the post-dictatorial period, which began in 2003, as the Republic of Iraq has taken a new approach to rights protection with a view to healing the wounds of the previous era. Section II of the Constitution is dedicated to those rights and freedoms, as follows:

- Civil and political rights are addressed in articles 14 to 21 of the Constitution, which envisage protection for such rights and describe the legal mechanisms necessary to give effect to the constitutional provisions, in particular ordinary laws regulating those rights. The articles in question cover equality before the law; the right to life, security and liberty; equality of opportunity; respect for individual privacy; and the inviolability of homes. They also cover the right to citizenship, prohibit the withdrawal of citizenship and envisage the right to pass on citizenship on grounds different to those that existed under the legal system in Iraq prior to 2003. This is to ensure that citizenship is not granted in fulfilment of settlement policies that disrupt the demographic structure of the Republic of Iraq. The same articles also address the independence of the judiciary; the principle that there can be no offence and no penalty save by law; the right to a defence; the presumption of innocence; equality before the courts; public trials; the personal nature of punishments; the non-retroactive nature of laws; the right to participate in political and public life; the right asylum; the deportation of offenders; and other rights.
- Economic, social and cultural rights are addressed in articles 22 to 36 of the Constitution, which describe the exercise of those rights and the obligations incumbent upon the authorities to protect, promote and respect them. The articles in question cover the right to work; the right to organize trade unions; the right to property and its protection; the freedom of movement of the workforce; the reform of the national economy; the encouragement of investment; the inviolability and protection of public funds; the regulation of taxes and tariffs; the protection of the family, mothers, children and older persons; social and health care; the welfare of persons with disabilities and special needs; the protection of the environment and biodiversity; the right to education; the encouragement of scientific research; the protection of cultural institutions and the right to practise sport.
- Freedoms are addressed in articles 37 to 46 of the Constitution, which describe the complementary approach being taken to construct Iraq democratically, by protecting freedoms and laying the groundwork for their enjoyment. The articles in question cover individual freedom and respect for human dignity; the prohibition of torture or ill-treatment of any kind during investigations; the protection of individuals from any form of coercion; the criminalization of forced labour, slavery and the slave trade, of trading in women and children, and of the sex trade; freedom of expression, opinion and the press; freedom of peaceful assembly; freedom to establish and join political associations or parties; freedom of communication and correspondence of all forms; freedom to regulate personal status issues; freedom of thought, conscience and belief; freedom to practise religious rites; freedom of worship; freedom of movement and travel; freedom of operation for civil society institutions; and other freedoms.

92. Human rights treaties come into effect by means of a law enacted by the Iraqi Council of Representatives and ratified by the President of the Republic. They become effective from the date of publication in the Official Gazette. The implementation of treaties at the domestic level depends upon the issuance of implementing legislation that specifies general frameworks and relevant provisions, in line with the treaty concerned.

93. There are courts in Iraq with responsibility for examining matters related to human rights, publishing and media, domestic violence and sports disputes. The administrative courts and the civil service courts look into matters affecting State employees and into grievances arising from an administrative decision.

94. Iraq has enacted legislation under which citizens are able to access redress, compensation and rehabilitation. In fact, transitional justice laws include provision for granting appropriate compensation and envisage privileges for persons who suffered harm as a result of the policies of the former dictatorship. Such measures extend for a specified period of time. Furthermore, Iraq treats victims of combat operations, military errors and terrorist activities in a way that ensures access to redress for all Iraqi people, in accordance with Act No. 20 of 2009, concerning compensation for persons affected by military operations, military errors and terrorist activities, as amended.

95. Iraq reacts to natural catastrophes and other calamities by identifying afflicted areas. Prompt and urgent measures are then taken and high-level decisions made by various State bodies with a view to mitigating the impact of the crisis and providing redress.

## **Human rights institutions**

96. The Republic of Iraq has established a number of official human rights institutions. They help to monitor, promote and protect human rights while also focusing on the reconciliation of issues left as a legacy of the former regime with all the attendant violations which affected broad swathes of the Iraqi people. The institutions also make an important contribution to building Iraqi society and to promoting a culture of human rights.

### **Ministry of Human Rights**

The Ministry was established under Coalition Provisional Authority Order No. 60 of 2004 and, from the moment of its creation, worked to fulfil the following goals:

- Addressing the brutal human rights violations of the past;
- Applying the rule of law and a human rights protection system;
- Adopting international human rights standards.

The Ministry has undertaken the following:

- Establishing services, launching initiatives, undertaking research and identifying conditions for the protection of human rights;
- Preventing human rights violations in Iraq;
- Making official recommendations regarding the establishment of new institutions or the reform of existing ones, and their administration, so as to effectively prevent the occurrence of human rights violations;
- Launching assistance programmes for Iraqi people and society to help them overcome the brutal actions of the past;
- Advising Iraqi legislators with a view to ensuring that domestic legislation does not conflict with the country's international human rights obligations.

The Ministry of Human Rights was dissolved under Administrative Order No. 312 of 2015 and its duties and responsibilities were transferred to a number of other official institutions, each with its own mandate. The international human rights obligations of Iraq, its periodic treaty reporting obligations and follow-up on international treaties were transferred to the Human Rights Bureau of the Ministry of Justice. Matters related to prisoners and missing persons from the Iran–Iraq war and the Iraq–Kuwait war were transferred to the Ministry of Defence. The question of mass graves, victims of terrorism and documentation of violations was placed in the hands of the Martyrs' Foundation. The issue of missing persons was given to the Ministry of the Interior's General Inspectorate (Human Rights Directorate). The task of conducting negotiations relating to prisoners and missing persons was given to the Ministry of Foreign Affairs. In addition, the Prison Oversight Section, the Humanitarian Office, the Bureau for Monitoring and Protecting Rights, the Training Department, the Research Department, the National Centre for Human

Rights and the Governorate Affairs Office were all placed under the aegis of the High Commission for Human Rights.

### **Ministry of Migration and Migrants**

This Ministry was created as a way of ensuring the welfare and living conditions of migrants, deportees, displaced persons and refugees. The Ministry is responsible for an important category of persons within Iraqi society; i.e., emigrants and migrants who were compelled to leave Iraq during the years the country was governed by the former regime, Iraqi emigrants and refugees abroad who left Iraq after 2003 and internal migrants. Using the means at its disposal, the Ministry protects, assists and provides services to the following groups:

(a) Displaced Iraqis who were coerced or compelled to flee their homes or habitual places of residence inside Iraq to avoid armed conflicts, situations of widespread violence, human rights violations, natural or human-made disasters, abuses of power or development projects;

(b) Iraqi deportees who were taken from their homes or habitual places of residence to other places inside Iraq as a consequence of policies or decisions of the Government;

(c) Iraqis returning to the country from abroad or from internal displacement to live in their former homes, places of origin, habitual place of residence or any other place they may choose inside Iraq, following forced migration;

(d) Migrants who lost Iraqi citizenship under Order No. 666 of 1980, which has been abrogated, or who were compelled to flee the country as a result of persecution by the former regime and were unable to obtain asylum outside Iraq;

(e) Refugees and asylum seekers who are living outside Iraq due to forced migration and have obtained permanent residency or citizenship of a foreign State;

(f) Palestine refugees who were compelled to leave their country in 1948 and who reside legally in Iraq, whose asylum has been accepted for the purposes of implementing the present Act;

(g) Persons holding foreign nationalities who sought refuge in Iraq as a result of their ethnicity, religion, nationality, social group or political opinions, or as a consequence of generalized violence or public insecurity that threatened their lives, physical integrity or freedoms, whose asylum has been accepted under the law and the international treaties to which Iraq is a party.

In emergency circumstances, the Ministry provides these persons with the following support, facilitation, coordination and services:

(a) It treats them as a group in matters affecting them, with the exception of special cases, which are identified by clear and specific criteria and which can be treated individually;

(b) It seeks to improve conditions for them to a basic minimum level, which is defined by clear and specific criteria based on United Nations guidelines and international laws, treaties and customs, while taking account of the national interest and internal considerations;

(c) It assigns priority on the basis of poverty, humanitarian requirements and other criteria;

(d) It embraces the principle of proportional distribution in the application of standards and priorities;

(e) It coordinates and cooperates with stakeholders inside and outside Iraq in seeking solutions and providing services.

### **Iraqi High Commission for Human Rights**

Iraq established its High Commission for Human Rights with a view to disseminating, protecting and promoting a human rights culture in the country and to monitoring and evaluating human rights violations. The High Commission – which has

legal personality and is financially and administratively independent – is headquartered in Baghdad and is attached to the Council of Representatives, before which it is answerable. It has 16 branch offices, 2 in Baghdad and 14 in the governorates. The purpose of the High Commission is to ensure that human rights are guaranteed, protected, promoted and respected in Iraq, to protect the rights and freedoms enshrined in the Constitution, the law and the international treaties that Iraq has ratified and to consolidate and develop the values and culture of human rights. In that connection, the High Commission carries out the following functions:

(a) It coordinates with the competent authorities to draft strategies and joint action mechanisms in order ensure that it achieves its objective, as per article 3 of the present Act;

(b) It undertakes studies and research, makes recommendations and delivers opinions on issues related to the promotion and development of human rights;

(c) It examines and evaluates current legislation and its degree of compliance with the Constitution and submits recommendations to the Council of Representatives;

(d) It makes proposals and recommendations regarding the accession of Iraq to international human rights treaties;

(e) It cooperates and coordinates with civil society organizations that work in the field of human rights in Iraq and it communicates with independent and non-governmental international human rights institutions in such a way as to achieve the High Commission's objectives;

(f) It seeks to promote a culture of human rights by:

- Receiving complaints from individuals, groups and civil society organizations about human rights violations committed before and after the entry into force of the Act, while preserving the absolute confidentiality of complainants' names;
- Conducting preliminary investigations into human rights violations on the basis of available information;
- Ascertaining the veracity of complaints received by the Commission and conducting initial investigations as necessary;
- Instituting legal proceedings in cases involving human rights violations and referring them to the Office of the Public Prosecution, which undertakes requisite legal formalities and reports back on the outcomes;
- Visiting prisons, social reform centres, detention facilities and all other such places, without the need to obtain prior permission from the authorities, interviewing convicted prisoners and detainees, documenting human rights abuses, and notifying the competent authorities of the legal measures to be taken.

According to the High Commission for Human Rights Act, all non-ministerial bodies and independent commissions are under an obligation, within a set deadline, to provide the High Commission with documents, data, statistics and information related to its activities and functions. The High Commission is to report to the Council of Representatives should any of those bodies fail to comply.

The Council of Representatives is to create a committee of experts of no more than fifteen members and including representatives from the Council of Representatives itself, the Council of Ministers, the Supreme Judicial Council, civil society organizations and the Human Rights Office of the United Nations in Iraq. The committee's job is to select candidates by means of a national declaration, in accordance with the High Commission for Human Rights Act.

### **Disseminating a human rights culture**

97. The table below lists the institutions charged with protecting and promoting human rights in Iraq.



<i>No.</i>	<i>Institution</i>
1	High Commission for Human Rights
2	Supreme Judicial Council, human rights courts of investigation, courts of first instance, Office of the Chief Public Prosecutor
3	Human rights committees in the Council of Representatives and the provincial assemblies
4	Secretariat of the Council of Ministers/Citizens' Affairs Department, Women's Empowerment Department
5	Ministry of Justice, Human Rights Bureau
6	Transitional justice institutions (the Martyrs' Foundation and the Political Prisoners' Foundation)
7	Ministry for Martyrs' and Anfal Affairs, Independent Human Rights Commission, Supreme Council for Women, Higher Committee on Violence against Women, Judicial Institute in Kurdistan Region, Office for Coordinating International Recommendations
8	Media and Communications Commission
9	Human rights departments, directorates, sections, divisions and committees in government institutions
10	Ministry of Foreign Affairs, Human Rights Bureau
11	Ministry of Defence, Human Rights Directorate
12	Ministry of the Interior, Family/Protection Directorate, Human Rights Directorate, General Inspectorate
13	Child Welfare Commission, Commission for the Care of Persons with Disabilities and Special Needs, Social Protection Commission in the Ministry of Labour and Social Affairs, Central Committee to Combat Human Trafficking

98. The table below provides information about human rights legislation enacted in the Republic of Iraq.

<i>No.</i>	<i>Act</i>	<i>Act No.</i>	<i>Year</i>
1	Criminal Code	111	1969
2	Code of Criminal Procedure	23	1971
3	Coalition Provisional Authority Order creating the Ministry of Human Rights	60	2004
4	Supreme Iraqi Criminal Tribunal Act	10	2005
5	Anti-Terrorism Act	13	2005
6	Act for the reinstatement of persons dismissed for political reasons	24	2005
7	Iraqi Nationality Act	26	2006
8	Political Prisoners' Foundation Act	4	2006
9	Independent High Electoral Commission Act	11	2007
10	Act regulating the pension rights of persons killed or injured during elections	16	2007
11	Act amending Coalition Provisional Authority Order No. 63 of 2004 regarding public security sector death and disability benefits	1	2008
12	Population and Housing Census Act	40	2008
13	Act regulating elections to provincial assemblies, districts and subdistricts	36	2008
14	State and Public Sector Pay Act	22	2008

<i>No.</i>	<i>Act</i>	<i>Act No.</i>	<i>Year</i>
15	Decree establishing that the massacres and mass killings inflicted on the Kurdish people in Kurdistan amount to genocide by any standards	26	2008
16	Act to combat smuggling in petroleum and petroleum products	14	2008
17	Commission for Accountability and Justice Act	10	2008
18	High Commission for Human Rights Act	53	2008
19	Act to compensate persons who lost body parts as a result of the actions of the former regime	5	2009
20	Ministry of Migrants and Migration Act	21	2009
21	Federal Public Service Council Act	4	2009
22	Act for the improvement and protection of the environment	27	2009
23	Consumer Protection Act	1	2010
24	Military Service and Pension Act	3	2010
25	Act for the protection of Iraqi products	11	2010
26	Property Claims Commission Act	13	2010
27	Wildlife Protection Act	17	2010
28	Act for the compensation of property belonging to persons who suffered harm under the former regime	16	2010
29	Non-Governmental Organizations Act	12	2010
30	Commission for Opinions Act	9	2011
31	Commission on Integrity Act	30	2011
32	Act withdrawing the reservation of the Republic of Iraq to article 9 of the Convention on the Elimination of All Forms of Discrimination against Women, as contained in Act No. 66 of 1986	33	2011
33	Internal Security Forces Service and Pension Act	18	2011
34	Act granting a monthly allowance to AIDS sufferers	36	2011
35	Journalists' Rights Act	21	2011
36	Act prohibiting the use and dissemination of silenced weapons	38	2011
37	Illiteracy Act	23	2011
38	Act regulating grants for students at Iraqi State-run universities and institutes	63	2012
39	Act regulating the National Oversight Commission for the Prevention of Nuclear and Chemical Weapons	48	2012
40	Air Pollution Protection Regulation	4	2012
41	Modern Agricultural Villages Act	59	2012
42	Act regulating the Bureau for Christian, Yazidi and Sabaeen Mandaean Endowments	58	2012
43	Decree establishing that the sufferings inflicted on Feyli Kurds amount to genocide	6	2012
44	Anti-Smoking Act	12	2012
45	Anti-Human Trafficking Act	28	2012
46	Medical Personnel Protection Act	26	2013

<i>No.</i>	<i>Act</i>	<i>Act No.</i>	<i>Year</i>
47	Animal Health Act	32	2013
48	Forensic Medicine Act	37	2013
49	Act for the Care of Persons with Disabilities and Special Needs	38	2013
50	Act prohibiting toys that incite violence	2	2013
51	Act regulating elections to the Iraqi Council of Representatives	45	2013
52	Civil Defence Act	44	2013
53	Ministry of the Interior Act	36	2013
54	Act whereby the Republic of Iraq ratified the Comprehensive Nuclear-Test-Ban Treaty	88	2013
55	Act regulating grants for students at State-run schools	3	2014
56	Official Languages Act	7	2014
57	Unified Retirement Act	9	2014
58	Social Protection Act	11	2014
59	Decree establishing the massacre of Badush Prison as an act of genocide	4	2015
60	Rules of procedure of the Political Prisoners' Foundation, its functions and subdivisions	1	2015
61	Treaties Act	35	2015
62	Passport Act	32	2015
63	Decree requiring the Ministry of Higher Education and Scientific Research to appoint the top student in each university annually to a permanent appointment roster	34	2015
64	Rules governing work and salaries for inmates in social reform facilities	4	2015
65	Regulation No. 4 of 2015 on the Reconstruction Fund for Areas Affected by Terrorist Operations	4	2015
66	Act regulating the establishment of private federal health-care institutions	25	2015
67	Noise Regulation Act	41	2015
68	Anti-Money Laundering and Financing of Terrorism Act	39	2015
69	Labour Code	37	2015
70	Political Parties Act	36	2015
71	Iraqi Information Network Act	26	2015
72	Guidelines to facilitate the implementation of the Act prohibiting toys that incite violence	3	2015
73	Insurance Act	31	2015
74	National Identity Card Act	3	2016
75	Martyrs' Foundation Act	2	2016
76	Decree regarding compensation, determination of benefits and assessment of damages in the case of Tuz Khurmatu	27	2016
77	Act regulating the Commission for Guaranteeing the Rights of Regions and of Governorates not Organized as a Region	26	2016
78	General Amnesty Act	27	2016
79	Act regulating the Anti-Terrorism Agency	31	2016
80	Act banning the Baath Party and all racist, terrorist and takfiri entities, parties and activities	32	2016

<i>No.</i>	<i>Act</i>	<i>Act No.</i>	<i>Year</i>
81	Act regulating human organ transplantation and banning trade in such organs	11	2016
82	Medical Personnel Support Act	36	2016
83	Code of Military Procedure	22	2016
84	Act whereby the Republic of Iraq acceded to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78)	42	2016
85	Supreme Judicial Council Act	45	2017
86	Public Prosecution Act	49	2017
87	Act for the protection of witnesses, experts, informers and victims	58	2017
88	Arms Act	51	2017
89	Private Security Companies Act	52	2017
90	Ministry of Electricity Act	53	2017
91	Act regulating the employment of persons in possession of high-level certificates	59	2017
92	Act regulating the employment of top graduates	67	2017
93	Regulations on shelters for victims of human trafficking	7	2017
94	Act commemorating the sacrifices of persons who laid down their lives in the war against ISIL, streamlining relevant procedures and providing high-quality care for the injured	81	2017
95	Act regulating the Federation of Iraqi Parliamentarians	86	2017
96	Residency of Foreigners Act	76	2017
97	Political Parties Act	36	2017
98	Act regulating the Commission for Overseeing the Allocation of Federal Resources	55	2017
99	Guidelines to facilitate the implementation of the Social Protection Act	8	2017
100	Guidelines governing the operating mechanism of the higher committee and subcommittees under the Social Protection Act	7	2017
101	Guidelines for the work of the committee for the compensation of victims and for the determination of which groups are covered by compensation	1	2017
102	Inmates and Detainees Reformation Act	14	2018
103	Drugs and Psychotropic Substances Act	50	2018

99. The table below provides information about human rights legislation in Kurdistan Region.

<i>No.</i>	<i>Act</i>	<i>Act No.</i>	<i>Year</i>
1	Act annexed to the Public Prosecution Act in Kurdistan Region	159	1979
2	Act regulating elections to provincial assemblies, districts and subdistricts in Kurdistan Region	4	2009
3	Act regulating the Judicial Institute in Kurdistan Region	7	2009
4	Act amending the application of the Iraqi Criminal Code (Act No. 111 of 1969) as amended in Kurdistan Region	3	2015

100. Information agencies in Iraq, using all textual, audio and visual means at their disposal, work to raise awareness about human rights in all contexts. To that end, they use the different means available on the Iraqi independent information network, satellite channels, newspapers and broadcasts in order to direct information at target groups such as children, women, workers, agricultural workers and other categories of people. The network also carries debates from the Council of Representatives regarding the ratification of human rights treaties, it transmits educational programmes for children and it organizes seminars for women on such matters as education, health care and other rights.

101. The Ministry of Culture prints cultural publications in all the languages used by the people of Iraq. For its part, the Children's Culture publishing house holds festivals, exhibits children's drawings, stages theatre productions and organizes lectures, conferences and local and international competitions, as well as publishing works for children.

102. Support has been given to a plan to introduce a human rights module into school curricula, in cooperation with competent ministries. Human rights committees exist in most ministries and they too work to disseminate and promote a culture of human rights

103. The Human Rights Committee of the Council of Representatives:

This Committee plays an active role in monitoring the human rights situation in Iraq and in presenting and discussing draft laws on human rights. The Committee operates under the rules of procedure of the Council of Representatives.

104. The table below gives information about the number of media outlets in Iraq.

<i>No.</i>	<i>Type of outlet</i>	<i>Number</i>
1	Satellite channels	68
2	Broadcasters	50
3	Local newspapers, as recorded in May 2017	12
4	Internet sites	147

*Source:* Communications and Media Commission.

105. The table below contains information concerning communications, mobile phones, Internet use and computers.

<i>Indicator</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
Number of telephone exchanges	331	328	329	323	321	248
Total number of telephone lines (millions)	2	2.1	2.1	2.2	2.2	2
Telephones per 100 inhabitants	7	7	6.8	7	6.9	6.9
Total number of mobile telephone lines (thousands)	25 363	29 763	34 257	35 847	33 471	34 958
Percentage of people who use the Internet	-	-	-	13.21	-	-
Percentage of people who use a computer	-	-	-	14.76	-	-

Statistical indicators regarding the socioeconomic situation of Iraq 2011–2015 and annual statistical compendium 2017.

106. The table below shows the number of mobile and wireless telephone lines in 2016, by governorate.

<i>Governorate</i>	<i>Mobile phone lines</i>		<i>Wireless phone lines</i>	
	<i>Zain, Asia Cell, Korek</i>	<i>Fanoos, Kalimat</i>	<i>Public Communications and Postal Company</i>	
Nineveh	1 383 336	54	2 692	
Kirkuk	1 254 767	26 090	-	
Diyala	1 408 671	12 601	38 492	

<i>Governorate</i>	<i>Mobile phone lines</i>	<i>Wireless phone lines</i>	
	<i>Zain, Asia Cell, Korek</i>	<i>Fanoos, Kalimat</i>	<i>Public Communications and Postal Company</i>
Anbar	942 265	221	2
Baghdad	9 013 423	3 960	51 426
Babil	1 698 916	3 479	95 949
Karbala	1 268 924	4 187	32 473
Wasit	1 120 169	-	518
Salah al-Din	1 070 802	9 710	-
Najaf	1 537 600	8 164	55 929
Qadisiyah	897 703	3 977	4 892
Muthanna	615 946	-	4 611
Dhi Qar	1 540 100	-	322
Maysan	853 748	-	74
Basra	2 389 230	573	2 555
Dahuk	1 571 528	-	-
Erbil	3 840 818	1 083	-
Sulaymaniyah	2 549 580	25 778	-
<b>Total</b>	<b>34 957 526</b>	<b>99 877</b>	<b>289 935</b>

(-) = Information not available.

Source: Statistical compendium 2017.

107. The following table provides the number of registered NGOs and their areas of specialization.

<i>No.</i>	<i>Specialization</i>	<i>Numbers</i>
1	Other	1
2	Children and orphans	210
3	Media	91
4	Relief services	76
5	Environment	37
6	Economic development	108
7	Education	142
8	Sustainable development	235
9	Culture	356
10	Human rights	315
11	Public services	113
12	Democracy	56
13	Persons with special needs	55
14	Agriculture	94
15	Youth	110
16	Women	191
17	Health	67
18	Art	36
19	Various	390

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<i>No.</i>	<i>Specialization</i>	<i>Numbers</i>
20	Humanitarian assistance	411
<b>21</b>	<b>Total</b>	<b>3 094</b>

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*Source:* Secretariat of the Council of Ministers, Office for NGOs.

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