The Iraqi National Human Rights Plan Adopted by Council of Ministers On 27-09-2011
Public Policies

A number of programs aiming to promote, protect and respect human rights are operating in Iraq while others are under preparation at various levels. The plan emphasizes such projects and schemes where they reflect positively on national human right respect and facilitate the implementation of the UPR recommendations’ strategic plan. This will eventually boost the national human rights plan preparation and the long term enforcement thereof.

The Plan would emphasizes the tools as being consider setting mechanisms to coordinate all significance efforts as an aggregation tool that is in the direct interest of Iraq.

Part of these efforts: The role of MoHR in the promoting human rights culture and education, revising draft laws, considering acceding human rights international treaties, delegated team to conduct inspections on the situation of prisons and detentions, the publication of relevant reports, and the broad educational activities carried out by the National Institute of Human Rights.

Part of the MoHR efforts is setting a national plan for the promotion of human rights, establishing a national program for human rights education, establishing a High Commissioner for Human Rights, promoting human rights educational curricula, preparing and submitting Iraq’s periodic report to the CEDAW Committee, and the UN civil society organizations training for the interaction with human rights treaties.

The Iraqi commitment to the UPR is an important step as well as preparation of the current action plan.

The national report of UPR

UPR reports may constitute a number of significance letters sent by Iraq [government] to its citizens and international partners. These included:

- Commitment to promote the protection and respect for human rights.
Commitment to cooperate with the international community as well as its tools.

Adherence to human rights international standards.

Adherence to UPR procedures in drafting the report.

Pay particular attention to the principles of human rights and its values.

Emphasize the Iraqi society unity and the advantage of Iraq’s ethnic, religious and cultural diversity.

Respect for pluralism and democracy.

Highlight the positive attitude of the government in reflecting human rights rules in its plans and programs.

Identify human rights-related aspects in the national action plan.

The Committee’s educational role via introducing the UPR mechanism and encouraging engagement in the preparation process thereof.

Highlight the contribution of UN agencies in the report drafting process.

 Highlight the positive attitudes of the State with regard to national and international civil society.

Highlight the broad national consultations.

Demonstrate the will to ratify further international conventions.

Adopt further obligations to ensure commitment to the human rights aspects described in the “International Combat with Iraq (ICI).”

Highlight relevant legal and constitutional guarantees to human rights.

The significance of diversifying the concerned institutions’ structures, roles and mandates.

Acknowledge the civil society role within national mechanisms.

Showing interest in adopting the human development concept in Iraq.

Caring for those in need and marginalized segments.

Focus on economic, social and cultural rights.

Demonstrate the will to implement civil and political rights.

Highlight obstacles and challenges facing the implementation of rights and freedoms.

Focus on transitional justice and national reconciliation.

Focus on anti-corruption.

Identify achievements and the positive commitments.

In discussing the best practices, the report referred to the institutional structures in Iraq established for further adherence to human rights such as Ministry of Human Rights, human rights administrations and committees in the Ministries, the Law of Human Rights High Commissioners and its mandate, national consultations and transparency in drafting the national report, as well as women participation in political life.

**Voluntary commitments and obligations**

The report highlighted a number of voluntary commitments and obligations which were internationally well received, namely:

- Review of reservations.
- Ensure that national legislations are in line with the International Human Rights Law.
- Follow the general UN procedures -not deriving from a specific Human rights treaties and conventions- (i.e. rapporteurs, etc.).
- Complete ratification procedures of anti-torture convention.
- Join the Convention on the Rights of Persons with Disabilities.
- Submit periodic reports to respective treaty bodies.
- Complete measures for the formation of the [HR] Commission.
- Draft a national plan for the promotion of human rights.
- Adopt a five-year plan for human rights culture and education.
Human Rights National Plan
Mechanisms and Methods

The plan adopts an implementation vision that relies on benefiting from the various ongoing mechanisms in Iraq which are important for the internal accumulation of human rights respect. According to the plan, an ad hoc committee will be established to follow up the plan’s completion and implementation procedures without being limited to specific means and tools.

Like any short, medium or long term plans, this plan requires the establishment of a widely representative national committee (governmental and non-governmental). The actors should follow up, coordinate and open essential channels for participation to enhance the plan activation.

Mechanisms
In Iraq, there are some ordinary national bodies of human rights that operate under the three authorities (executive, judicial and legislative) as well as the civil society. The most competent bodies are: the Ministry of Human Rights (MoHR), the High Commission for Human Rights (under establishment), the CoR Human Rights Committee, human rights committees and directorates in ministries, the MoHR National Institute of Human Rights which was established to provide trainings and dissemination of human rights culture, and a number of experienced and specialized human rights civil society organizations which have long-term programs in two fields – protection and promotion of human rights.

These institutions play a vital role in the implementation of the national plan through their legal mandate and official duties, and their practical or anticipated performances. However, it is still important to establish a follow-up and coordination committee to implement this plan during the coming three years in line with the procedures followed in the implementation of any long-term national plan to uphold the human rights.

As for the team that was tasked to implement the [UPR] recommendations, it includes the team established mid 2009 to draft the national plan for the promotion of human rights. Members of [UPR recommendations team] have significantly reduced the efforts needed by the team of national plan of action through the valuable database and the consultations they provided throughout the entire year.

Specialized Human Rights Institutions

1. Ministry of Human Rights (MoHM)
MoHR was established on September 2003 as an embodiment of the Iraqi people’s aspiration to heal from the heritage of human rights violations that lasted several decades, to spread the culture of human rights as a base for respecting human dignity, and to protect and strengthen human rights through monitory missions to oversee and assess government performance. The Ministry’s structure goes with its following objectives: monitoring, getting rid of the heritage of human rights violations, disseminating the culture of human rights. MoHR has a number of branches scattering...
across 14 governorates, with two in Baghdad (Rasafa and Kharkh). Quantitative and qualitative improvement in MoHR actions to implement its objectives is noticeable. In KRG, a Human Rights Commission has been established since 1999 and tasked to raise awareness on human rights, monitor and protect human rights. It has branches and offices in 13 directorates in KRG.

The establishment of a human rights ministry is essential, as seen in some states, particularly [these applying] parliamentary systems as is the case in Iraq. The Ministry filled a crucial gap during the transitional and establishment period – one that neither the state nor the civil society could fill. MoHR has now sufficient human resources and professional experts constituting a key body with expertise to address human rights cases and affairs in Iraq. Therefore, it is necessary to invest in and build on its achievements.

While admitting that some of these experiences reflected that there is no need to establish a ministry specialized in human rights after ending the transitional and establishment period, it is acknowledged that having such Ministry to act as an indispensable guide in human rights for the executive authority is essential, as human rights is part of this authority and plays a leading role in the protection of human rights under the three authorities.

The current internal human rights accumulation in Iraq is not a pretext to dispense with the MoHR, whether in case of the development of a concerned civil society with human rights or the establishment of a high commission for human rights. This was proven via several international and regional experiences. This accumulation of human rights might positively push for reconsidering the Ministry's mandate to play a guiding role for the executive authority and spread human rights culture throughout the country by law enforcement, civil service and local government personnel. It may also contribute in reconsidering duplication of roles of the Commission and civil society in protecting and maintaining human rights since the Ministry reports to the executive authority.

Through the positive national accumulation in the human rights field during the transitional period, the role of MoHR becomes indispensable and enhances the transitional process. Delegated tasks to MoHR will be carried out for years to come throughout the transitional and establishment processes. Since it will report to the executive authority, MoHR’s roles and tasks will significantly increase during the implementation of the national plan in order to execute the recommendations and the ongoing national program on human rights education.

2. Higher Commission for Human Rights

National institutions for human rights promotion and protection play a vital role in the internal accumulation of human rights in the societies, particularly if established in a manner that ensures its independency and enables it to reliably carry on its duties to the most possible extent based on its mandate. International regional experiences had proven the significance of such institutions in promoting respect for human rights in communities whether through its monitoring roles or via consultations provided to various official bodies as well as its active role in bridging the gap between the state and civil society. These institutions also act as a mirror reflecting the communities’ concerns and issues related to human rights and citizenship.
Methods

In addition to the methods referred previously to in the role of institutions and mechanisms, the National Plan adopts a number of methods formerly applied by the Iraqi Government, its human rights and other organizations in its activities and programs promoting respect for human rights. However, it also adopts an integrated systematic perspective for its coordination and organization to become more capable to work and realize the intended outcomes.

With regard to the plan of action aspects and ongoing efforts promoting the human rights culture in the country, the plan mainly focuses on the following steps respectively:

1. Survey and study previous efforts in spreading awareness of and training on human rights.
2. The need to measure impacts of these efforts in a manner that ensures knowing the outcomes and consequences.
3. Review approaches and analyses applied in these activities.
4. Analyze current and future needs and identify priorities.
5. Develop a strategic vision on the methods and mechanisms spreading better awareness on the culture of human rights.
6. Link these efforts to others related to drafting a national program for human rights education.
7. To further link training techniques applied in the national program for human rights education and the social nature of Iraq based on its phases.
8. Benefit from technical support programs in:
   - Develop reference manuals and guidelines for the public education and awareness programs in human rights.
   - Pay special attention to conducting trainings on [embedded] values, namely for law enforcement personnel and members of the judicial and prosecution apparatus, as well as civil service staff.
   - Focus on conducting trainings on [embedded] values, namely for legislators and members of representing councils.
   - Finalize practical methods of the administration of cultural diversity and enhancement of minorities’ rights.
   - Develop guidelines for state employees training.
   - Develop guidelines for specialized trainings.
   - Develop guidelines for skills training.
   - Develop guidelines for training of trainees.
9. Conduct trainings on the international humanitarian laws, ways of its enactment in the context of respect for human rights in armed conflicts.
10. Adopt an integrated human rights media strategy promoting respect for human and citizenship rights and enhance awareness of values for the public.
11. Continuous development and review of efforts aiming to introduce human rights in the annual and substantial curriculum.
12. Develop guidelines to introduce human rights in higher education (i.e. universities and academic institutions).
13. Develop and support human rights independent academic research centers.
14. Direct the attention of universities and independent research centers towards human rights principles and norms.
15. Build knowledge on the human rights development approach (the human rights-based development approach). The need to link human rights enactment strategies to MDGs.

16. Mobilize experiences:

With regard to the plan of action aspects, and the ongoing efforts promoting respect for and protection of human rights in the country, the plan focuses on the need to adopt the following steps:

1. The anticipated role of the High Commission for Human Rights and its special mandate stipulating its rapid establishment.
2. Evolving MoHR role as guidance for the executive authority in promoting and introducing human rights in public policies and in the implementation of human rights protection via monitoring.
3. Strengthen the role of the CoR Human Rights Committee pursuant to its monitoring and legal mandate.
4. Engage judicial and public prosecution systems in finalizing national visions on promoting human rights’ protection.
5. Enhance building capacities’ programs for judicial and public prosecution systems.
6. Support the judicial independency and the doctrine of separation of powers.
8. Enhance capacities of active human rights NGOs in Iraq, as well as other CSOs active in social defense, provision of assistance and legal representation.
9. Build capacities of CSOs concerned with relevant human rights international mechanisms.
10. Conduct researches, studies and specialized seminars on the reasons and aspects behind the most significance problems related to the protection of human rights and make recommendations on the required legislative, political and executive measures.

The Program

In accordance with the measures promulgated by the human family, the plan follows the international human rights law approaches, values and principles. Although varies, the following values are cohesive: dignity – freedom – equality – justice – and tolerance. In order to be effective, these values should have dialogue mechanisms, diversity respect and the positive interaction.

Based on equality and equal opportunities, the principle of citizenship is essential to ensure respect for human rights within national community, renunciation of discrimination and enjoyment of equal rights. The principles and rights of citizenship are core values, particularly in multi-ethnic and multi-religions societies where the philosophy social diversity must be emphasized in all societies.

Based on this well-established foundation, intended goals and national interest, the plan builds its program to promote the respect for and protection of human rights throughout the country.
- Support the role of respective CSOs

### The Right to Freedom of Assembly and Association

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| - Prepare the security apparatuses to deal peacefully with the freedom of association by protecting individuals and keeping public peace  
- Wage an awareness campaign to enhance positive attitude in gatherings, rallies and the various forms of peaceful protest | -Coordination and Follow up Committee – Ministry of Human Rights  
- The Parliamentary Human Rights Committee  

### The Right to organize in Union and Political Parties

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| - Set practical procedures to develop union life and ensure unions independence and effectiveness  
- Knowledge-building and skills on democratic inter-governamental ruling and Business Administration techniques in various associations forms.  
- Encourage associations to set a code of conducts as an internal guideline and for regulating the relations with various society sectors  
- Support the participation of associations in setting and implementing human rights educational programs  
- Support associations’ participation, as per their mandates, in setting general policies and national projects.  
- Allocate items in the general budget for supporting associations, especially their social projects | Coordination and Follow up Committee – Ministry of Human Rights – Ministry of Justice The Parliamentary Human Rights Committee – High Commission for Human Rights – CSOs – Political Sciences Faculties | Council of Ministers / NGOs Department | –Ministry of State for civil society affairs – Professional associations and federations – Ministry of Finance | 2 years |

### The Right to Political Participation and Administrating Public Affairs

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<td>- Promote ethnic minorities representation percentage</td>
<td>The Parliamentary Human Rights</td>
<td>Ministry of Interior –</td>
<td>–The Parliamentary</td>
<td>36 months</td>
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- provide proposals for positive dialogue to enforce the constitution regarding Kirkuk city
- Promote law abidance in political decision making
- promote the role of the High Independent Elections Commission
- Knowledge and capacity building on participation mechanisms
- increase awareness to promote participation
- Enhance democratic skills in various representational institutions and promote democratic choice respect

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<th>Committee</th>
<th>Ministry of Justice</th>
<th>Human Rights Committee – Ministry of Human Rights – CSOs</th>
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<tr>
<td>-Coordination and Follow up Committee – Ministry of Human Rights – Ministry of Justice – High Commission for Human Rights</td>
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- Ethnic and Religious Minorities

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- Ensure Prisoners Rights

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- Develop police and inspector skills on maintaining human rights during investigation to provide the legal protection for inmates and juveniles

- Qualify inmates and juveniles in prisons (provide training courses for inmates and their families, especially for female inmates families to rehabilitate inmates with the society after being released by providing them with jobs)

- Provide female inmates with shelters after being released

Chapter Four: Iraqi Refugees and IDPs

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<tr>
<td>- Enhance the efforts of pursuing national reconciliation on the basis of human rights that guarantee efforts soundness and robust results - support the national call efforts for IDPs and refugees to return voluntarily - Support national efforts to provide the basics needed for the voluntary return - Provide urgent humanitarian aid and basic services for refugees and IDPs in their current places - Enhance legal protection for</td>
<td>Coordination and Follow up Committee – Ministry of Human Rights – Ministry of Migration and Displaced - State Ministry for Women Affairs - Ministry of Interior – Ministry of Justice – Ministry of Defense - The Parliamentary Human Rights Committee - Ministry of Migration and Displaced</td>
<td>The Parliamentary Human Rights Committee - Ministry of Migration and Displaced</td>
<td>- Ministry of Migration and Displaced - State Ministry for Women Affairs - Ministry of Interior – Ministry of Justice – Ministry of Defense - Ministry of Higher Education and Scientific Research – Ministry of Science and Technology</td>
<td>3 years</td>
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returnees to recover their possessions and rights and ensure their compensation
- Work with the international community to provide protection for Iraqi refugees
- Encourage the return of skilled migrants

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<tr>
<td>- Provide special training courses for lawyers and judges on the mechanism of dealing with agreements</td>
<td>-Coordination and Follow up Committee- State Ministry for Women Affairs-, Ministry of Human Rights - NGOs and UN</td>
<td>-Ministry of Justice - The Higher Judicial Council</td>
<td>-Ministry of Justice - International and non-governmental organizations</td>
<td>3 years</td>
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<tr>
<td>- Empower women through: * adopt planned procedures to provide women with loans * Employ and promote women in all public sectors * Take serious steps regarding women judges training at all courts level including family courts * Provide child daycare in public institutions and ministries to empower working mothers</td>
<td>The Higher Judicial Council Coordination and Follow up Committee State Ministry for Women Affairs, Ministry of Human Rights NGOs and UN</td>
<td>The Higher Judicial Council State Ministry for Women Affairs, Ministry of Human Rights NGOs and UN</td>
<td>Central Bank and private sector banks Ministries and public sector The Higher Judicial Council</td>
<td>3 years</td>
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<tr>
<td>- Help vulnerable women by providing them with livelihood via various forms of assistance, reducing bureaucracy, provide homeless women and children with care and shelter as well as helping them in finding permanent residence</td>
<td>Coordination and Follow up Committee, State Ministry for Women Affairs, Ministry of Human Rights</td>
<td>Ministry of Labor and Social Affairs</td>
<td>Ministry of Labor and Social Affairs</td>
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## Chapter Six: Disabled Persons Rights

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<tr>
<td>- Develop and empower disabled women to ensure their practice of the basic rights and freedoms</td>
<td>Coordination and Follow up Committee</td>
<td>The Parliamentary Human Rights Committee Council of Ministers</td>
<td>Respective CSOs – Ministry of Health – Ministry of Education – Ministry of Labor and Social Affairs</td>
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<td>- Seek the best interest of the disabled child</td>
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<td>- Increase society awareness on disabled rights</td>
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<td>- Take necessary procedures to enable the disabled access to their surroundings: transportation, information and communication technology, facilities, and other special services: sign language, Brill signs, personal assistance and guidance</td>
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<td>- Ensure the right of rehabilitation to help disabled persons become independent and advance their capacities and participation</td>
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<td>- Establish a follow up mechanism and a special fund to support the disabled rights</td>
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<td>- Increase social awareness on accepting disabilities as part of the human diversity within the human rights educational programs</td>
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<td>- Set proposals for quantitative and qualitative development of specialized institutions for fostering and improving the disabled skills</td>
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<td>- Enhance health facilities care of disabled</td>
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<td>- Set local mapping programs for accommodating the infrastructure to serve the disabled including roads, buildings and pedestrian bridges</td>
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<td>- Develop the educational process to integrate the disabled and encompass their needs</td>
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## Chapter Seven: Combating Human Trafficking

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<td>- Set social assistance program for human trafficking victims and rehabilitate the victims socially and economically</td>
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<tr>
<td>- Promote human trafficking information</td>
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<td>- Set anti-human trafficking campaigns</td>
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<td>- Organize training courses for law enforcement institutions to help human trafficking victims</td>
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<td>- Cooperate with international organizations to combat human trafficking.</td>
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## Chapter Eight: Human Rights Information and Culture

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<td>- Ensure human rights awareness in the Iraqi society via:</td>
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<td>* Promote independent publications</td>
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<td>* Establish newspaper columns to discuss human rights</td>
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<td>- Encourage the Armed forces, police, general prosecution, and other security bodies representatives to investigate and punish crimes against journalists and civil society activists.</td>
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### Human Rights Promotion Procedures/ Human Rights Culture

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Training of trainers (TOT) on human rights education
- Encourage post-graduate students to conduct human rights studies
- Demonstrate international human rights experience for Iraqi students

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<th>Coordination and Follow up Committee</th>
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**Actors:** (Parties contributing directly in the plan implementation)

1. The Executive Authority
   a. Council of Ministers
   b. Respective Ministries (are directly in charge of a specific dossier).
   c. Relevant Ministries (are indirectly in charge of a specific field of specialization).
2. The Legislative Authority
3. The Judicial Authority
   a. The Higher Judicial Council
   b. Public Prosecution.
4. KRG
5. KRG Parliament.
6. Local governments in Governorates (Governorates and Municipalities Councils)
7. Relevant independent and specialized committees and commissions.

**Partners:** (International governmental and non-governmental institutions and international organizations that provide direct support for participating bodies in the preparation and implementation of the plan)

A. The American University
B. The United Nations.
   a. UNOPS.
   b. UNAMI.
   c. UNOHCHR.
   d. UNDP.
   e. The United Nations Human Rights Training and Documentation Centre.
   f. UNICEF
   g. UNESCO
   h. ESCWA
   i. ICRC.
   j. WHO.
   k. UNHCR.
   l. IOM
   m. UN-habitat
Supporting Partners: (potential providers of financial and logistical support)

a. World Bank and donor international and foreign institutions.
b. Human rights international and regional NGOs.

g. The United Nations Democracy Fund (UNDEF)

General Recommendations

Introducing the national plan document and implementing the UPR recommendations is essential for its activation at the national level. Setting the plan constitutes an international precedent where it should be available at the international level. The plan suggests the following:

1. Publish the plan together with the UPR documents:
   a. The national report of the State of Iraq as per the UPR mechanism.
   b. The composite report prepared by OHCHR based on stakeholders reports.
   c. The synthesized report prepared by OHCHR based on the reports of the UN organizations and agencies.
   d. Previously submitted questions.
   e. Troika report (the tripartite group designated to facilitate UPR) on the interactive dialogue during the UPR session.
   f. Iraq’s responses on UPR delayed recommendations.
   g. The Human Rights Council report on UPR in Iraq.
   h. List of national team members tasked to prepare the plan, their respective bodies and team of editors.
   i. List of international institutions helped technically in preparing the plan.

Introducing the plan should be done by preparing a book of the plan and UPR to be distributed at the national level. Special attention should be paid to operative bodies and institutions. The plan text should be made available on the internet to be accessible at the regional level.

2. The plan should be translated into English, French and Kurdish languages and sent to international stakeholders. It should be also published on the internet.