

Republic of Iraq



The Amended Law of the Iraqi High Commission for Human Rights No. (53) of 2008

Iraq – Baghdad – Karrada Mariyam
Conference Palace Building

www.ihchr.iq
info@ihchr.iq

**The Amended Law of the Iraqi High Commission for
Human Rights No. (53) of 2008**

3rd Edition, 2018

On Behalf of the People

Presidency Council

Pursuant to the approval of the Council of Representatives in accordance with the provisions of paragraph (1) Article (61) of the Constitution and for the duration of the legal period provided for in paragraph (Fifth/A) Article (138) of the Constitution, the following law was issued:

The Law No. (53) of 2008 of the Iraqi High Commission for Human Rights

Chapter I

Definitions, Founding and Objectives

Article: 1

For the purpose of realizing this Law, the following terms shall mean the following definitions listed next to them:

1. The Commission: the High Commission for Human Rights.
2. The Board: the Board of Commissioners.
3. The President: The President of the High Commission for Human Rights.
4. The Committee: Experts on the Selection of Commissioners.

Article: 2

- **First:** A human rights commission named “the High Commission for Human Rights” shall be formed, given the benefit of a juridical personality with financial and administrative independence, headquartered in Baghdad and linked to, and overseen by, the COR.
- **Second:** The Commission should open branch offices in regions and provinces not incorporated into a region.

Article: 3

The Commission targets:

- **First** : To ensure, protect and promote respect for human rights in Iraq.
- **Second**: To protect the rights and freedoms stipulated in the Constitution and laws, treaties and conventions ratified by Iraq.
- **Third**: To consolidate, breed, and develop the values and culture of human rights.

Chapter II

Tasks and Duties

Article: 4

The Commission shall undertake the following tasks:

- **First**: To coordinate with relevant authorities to develop joint strategies and mechanisms to ensure the achievement of the objectives stated in Article (3) of this law.
- **Second**: To prepare studies and research, make recommendations, and give opinion on matters pertaining to promoting and developing human rights;
- **Third**: To examine and evaluate the legislations in force and assess the conformity with the constitution, in addition to submitting their recommendations to the Council of Representatives.
- **Fourth**: To submit proposals and recommendations concerning Iraq's accession to international treaties and conventions relating to human rights.
- **Fifth**: To cooperate and coordinate with civil society institutions working in the field of human rights in Iraq, and to engage with independent and non-governmental international human rights institutions in a manner that achieves the objectives of the Commission.
- **Sixth**: To work on spreading the culture of human rights through the following means:

- A-** Including the culture of human rights material in educational and teaching curricula.
- B-** Holding conferences, seminars, artistic and social events, issuing bulletins and publications, and preparing media information programs on human rights issues.
- **Seventh:** Submitting recommendations and proposals to the committees responsible for the preparation of reports which the State is obliged to submit to the United Nations.
- **Eighth:** Submitting an annual report to the Council of Representatives, including a general assessment of the situation of human rights in Iraq, then publishing this report through various media.

Article: 5

The Commission shall:

- **First:** Receive complaints from individuals, groups and civil society organizations regarding violations before and after the passing of this law while maintaining absolute confidentiality of names of those submitting the complaints.
- **Second:** Conduct initial investigations regarding human rights violations based on information.
- **Third:** Verify the correctness of the complaints received by the Commission and conduct initial investigations if necessary.
- **Fourth:** Move claims of human rights violations and refer them to the prosecution to take legal action and notify the Commission of the results.
- **Fifth:** Visit prisons, social reform centers, detain places and all other places without prior permission from the mentioned entities, meet with convicted persons and detainees, document cases of human rights violations and notify the competent authorities to take appropriate legal measures.

Article: 6

Ministries, entities not affiliated with ministries and independent bodies shall commit to submit documents, data, statistics and information relevant to the activities and tasks of the Commission on a specific date. The Commission shall notify the COR in case of lack of adherence by the abovementioned entities;

Chapter III

Board of Commissioners

Article: 7

- **First**: The Council of Representatives shall form a committee of experts no more than fifteen members, including representatives of the Council of Representatives, the Council of Ministers, the Supreme Judicial Council, civil society organizations.
- **Second**: The Committee shall select candidates for membership of the Board of Commissioners with a national communique and shall benefit from the advice and technical support provided by the United Nations Office for Human Rights in Iraq.
- **Third**: The United Nations Office for Human Rights in Iraq may appoint a representative to attend the meetings of the Committee as an observer¹.

Article: 8

First: the Board shall consist of (12) original members and (3) backup members previously nominated by the Committee. Their selection shall be approved by the absolute majority of the number of COR attendees²

¹) The third amendment of the High Commission for Human Rights Law No (53) of 2008, in which the text of Article (7) of the Law was repealed and replaced by the article (7) mentioned above under the Law No.(69) of 2017 that published in the Iraqi Waqa'a Gazette No. (4456) on 7/8/2017.

²) The second amendment of the High Commission for Human Rights Law No. (53) of 2008, in which the text of Article (8/First) was amended by the Law no.(47) of 2017 published in the Iraqi Waqa'a Gazette No.(4435) on 20/2/2017.

Second: The conditions for Council membership:

(A) Iraqi citizenship with permanent residency in Iraq.

(B) S/He is not less than thirty-five years of age.

(C) Must have expertise in the field of human rights.

(D) Must hold at a minimum a bachelor's degree.

(E) Must not be affiliated with any political organizations or prohibited from Council membership in accordance with provisions of the law of Accountability and Justice

(F) Must be of good morale character and not previously charged with a crime of honor;

- **Third**: The Board shall elect, at its first meeting from among its members and by secret ballot, a President and deputy President by a majority of the members.

- **Fourth**: The representation of women in the Board shall not be less than one-third of its members.

- **Fifth**: There shall be at least one original and one backup minority member in the Council.

- **Sixth**: The duration of membership in the Board shall be 4 years.

- **Seventh**: The President is the legitimate representative of the Commission.

Article: 9

The President and members of the Board shall undertake legal oath before the COR by stating: "I swear by the Almighty God that I shall dedicatedly, honestly, and sincerely perform my legal and professional responsibilities, and work to independently and neutrally accomplish the tasks entrusted in me, and May God be my Witness;"

Article: 10

- **First**: The Board shall conduct its meetings monthly and the President may summon an emergency meeting as necessary. Decisions and recommendations shall be taken by either the majority of present Board members, or by the side the President voted for in the case of a tie vote.
- **Second**: The Board may invite representatives of the State, public, mixed and private sectors and civil society organizations to attend the meetings as observers.

Article: 11

- **First**: The divisions, tasks, and formations of organizational structure shall be specified by the Board of Commissioners issued bylaws approved by a two-thirds majority;
- **Second**: An Office for the General Inspector shall be established in the Commission.

Chapter IV

Functions of the Board

Article: 12

The Board shall undertake the following functions:

- **First**: Supervising, following up and monitoring the work of the Commission.
- **Second**: Discussing human rights situation in Iraq and the reports received, and taking the necessary decisions and recommendations. The Board Members shall not disclose the ongoing discussions without the permission of the President.
- **Third**: Making the necessary decisions and recommendations to prevent violation of the rights and freedoms of citizens guaranteed by the Constitution and the legislations in force.
- **Fourth**: Submitting an annual report to the CoR, which includes the achievements of the Commission and its future work plan.

- **Fifth**: Proposing the financial budget of the Commission and submitting it to the CoR for approval.
- **Sixth**: Employing experienced and competent executive officers for the Commission's offices in the regions and governorates, and to process resignation or termination of their employment as stipulated by the law.
- **Seventh**: Determining bonuses for the Commission employees and the conditions for granting them.

Article: 13

- **First**: The Board shall issue special rules for the service and staffing of the Commission during the first month of its commencement.
- **Second**: The rules of service of the Commission staff shall be presented to the CoR for approval.

Article: 14

The financial resources for the Commission shall consist of:

- **First**: Funds allocated in the general budget of the State.
- **Second**: Resources contributed to the Commission from inside and outside Iraq, provided that they do not contradict Iraqi laws, or affect the independence of the Commission.
- **Third**: the Commission shall receive the resources mentioned in the second above, after the approval of the Council of Representatives by an absolute majority.
- **Fourth**: The cash funds of the Commission shall be deposited in a special account with an Iraqi bank.
- **Fifth**: The Commission bank accounts shall be subject to scrutiny and regulation by the Federal Board of Supreme Audit (FBSA).

Chapter V

Expiration of Membership

Article: 15

- **First:** The term of membership for the President and Board members shall expire for any of the following reasons:

1. Resignation
2. Death
3. Retirement
4. Termination
5. Incompetence
6. Three Council meeting absences in a row without authorization
7. Provided false information on employment application
8. Demonstrated inability to perform job responsibilities due to mental or physical disability
9. Convicted of a crime against honor

- **Second:** The President shall submit to the CoR the recommendation to terminate the membership and shall be approved by the absolute majority in the cases mentioned in Article (15 / First) of this Law.

- **Third:** The President shall be released from his post by a CoR decision taken by an absolute majority based on a request by the Board for the reasons mentioned in Article [15/First] of this law;

- **Fourth:** The CoR has the right to question the President according to the minister questioning procedures stipulated in the Constitution.

- **Fifth:** The backup member replaces, according to the entitlement of the component within the list approved by the CoR, the member whose membership is expired for one of the reasons abovementioned.³

³) The first amendment of the High Commission for Human Rights Law No. (53) of 2008, in which the text of Article (15/Fifth) of the Law of was repealed and replaced by article (15/Fifth) above mentioned under the Law No.(81) of 2012 published in the Iraqi Waqa'a Gazette No.(4256) on 5/11/2012.

Chapter VI

Rights of the President and Members of the Board

Article: 16

- **First:** The Commission is headed by a President of ministerial rank.
- **Second:** The Vice-President shall be of deputy ministerial rank.
- **Third:** Members of the Board shall have the rank of Director General.
- **Fourth:** The Board's President, Vice-President, and members possess immunity while performing their responsibilities.

Chapter VII

Final Provisions

Article: 17

- The Board has the right to issue instructions to facilitate the implementation of this law.

Article: 18

This law shall be in force on the date of voting for the members of the Board of Commission by the CoR, and shall be published in the official Gazette.⁴

Justifying Reasons

In order to protect, strengthen, ensure and promote the culture of human rights in Iraq and monitor and evaluate violations, For the purpose of the formation of a High Commission for Human Rights to undertake those tasks, this law was enacted.

⁴) The first amendment of the High Commission for Human Rights Law No (53) of 2008, in which the text of Article (18) of the Law was repealed and replaced by the article (18) mentioned above under the Law No.(81) of 2012 that published in the Iraqi Waqa'a Gazette No. (4256) on 5/11/2012.

First Amendment of the High Commission for Human Rights Law

No. (53) of 2008

On Behalf Of the People

The Presidency of the Republic

Resolution No. (82)

Based on what was approved by the Council of Representatives and ratified by the President of the Republic, and according to the provisions of Item (First) of Article (61) and Item (Third) of Article (73) of the Constitution.

The President of the Republic decided on 22/10/2012 to issue the following law:

No. (81) of 2012

The Law Of

The First Amendment of the High Commission for Human Rights Law

No.(53) Of (2008)

Article: 1

The text of Article (15/Fifth) shall be repealed and replaced by Article (15/Fifth) and read as follows: -

- The backup member replaces, according to the entitlement of the component within the list approved by the CoR, the member whose membership is expired for one of the reasons abovementioned.

Article: 2

The text of Article (18) shall be repealed and replaced by Article (18) and read as follows:

- This law shall be in force on the date of voting for the members of the Board of Commission by the CoR, and shall be published in the official Gazette.

The President of the Republic (Jalal Al-Talabani)

Justifying Reasons:

For the purpose of guaranteeing the representation of women in the Board of Commissioners, fulfilling the judicial resolution, implementing law and disseminating human rights culture in Iraq; and for not violating the rights of components to be represented in the Board of the Commission, this law was enacted.

Second Amendment of the High Commission for Human Rights Law

No.(53) of 2008

On Behalf of the People

The Presidency of the Republic

Resolution No.(4)

Based on what was approved by the Council of Representatives and ratified by the President of the Republic, and according to the provisions of Item (First) of Article (61) and Item (Third) of Article (73) of the Constitution.

The President of the Republic decided on 1/2/2017 to issue the following law:

No. (47) of 2017

The Law Of

The Second Amendment of the High Commission for Human Rights Law

No.(53) of 2008

Article: 1

The amendment of Article (8 / First) and read as follows:

- The Board shall consist of (12) original members and (3) backup members previously nominated by the Committee. Their selection shall be approved by the absolute majority of the number of COR attendees

Article: 2

- This law shall be in force on the date of its publishing in the official Gazette.

The President of the Republic (Fu'ad Ma'soom)

Justifying Reasons:

For the purposes of public interest and for expanding participation in the Board of Commissioners of the High Commission for Human Rights, this law was enacted.

**Third Amendment of the High Commission for Human Rights Law
No. (53) of 2008**

On Behalf of the People

The Presidency of the Republic

Resolution No.(26)

Based on what was approved by the Council of Representatives and ratified by the President of the Republic, and according to the provisions of Item (First) of Article (61) and Item (Third) of Article (73) of the Constitution.

The President of the Republic decided on 4/7/2017 to issue the following law:

No. (69) of 2017

The Law Of

The Third Amendment of the High Commission for Human Rights Law

No.(53) of 2008

Article: 1

The text of Article (7) shall be repealed and replaced by the following:

- **First**: the Council of Representatives shall form a committee consists of a number of experts no more than (15) members including representatives of the CoR, CoM, Supreme Judicial Council and civil society organizations.
- **Second**: The Committee shall select candidates for membership of the Board of Commissioners with a national communique and shall benefit from the advice and technical support provided by the United Nations Office for Human Rights in Iraq.
- **Third**: The United Nations Office for Human Rights in Iraq may appoint a representative to attend the meetings of the Committee as an observer.

Article: 2

This law shall be in force on the date of its approval by the CoR on 29\4\2017.

Article: 3

This law shall be published in the Official Gazette.

The President of the Republic (Fu'ad Ma'soom)

Justifying Reasons:

For the purpose of demonstrating the role of the UN Office for Human Rights in Iraq on the selection of candidates for membership of the Commissioners Board, which is represented by oversight and providing advice and technical support, this law was enacted.
