

# **Iraq: High Commission for Human Rights**

## **The Iraq's National Human Rights Institution before the International Coordinating Committee of NHRIs**

**Alkarama Foundation**

**Association of Human Rights Defenders in Iraq**

**General Federation of Iraqi Women**

**Human Rights Division at the Association of Muslims Scholars in Iraq**

**Iraqi Commission for Human Rights (Iraqi-CHR)**

**Organisation for Justice & Democracy in Iraq (OJDI)**

**19 December 2014**

## Table of content

---

Table of content .....	2
1. Introduction.....	3
2. Background.....	3
3. Lack of guarantees for pluralism and independence .....	4
3.1 Founding texts of the High Commission for Human Rights.....	4
3.2 Appointment procedure .....	4
4. The Iraqi High Commission for Human Rights in Practice: Methods of Operation.....	6
4.1 Structure .....	6
4.2 Relations with victims of violations and civil society.....	6
4.3 External interference on the HCHR activities .....	7
4.4 Transparency on the activities of the commission and public accountability .....	9
5. Conclusions and Recommendations .....	10
5.1 Conclusions .....	10
5.2 Recommendations .....	10
5.2.1 To the Subcommittee on Accreditation .....	10
5.2.2 To the HCHR .....	10
5.1 Conclusions	
5.2 Recommendations	
5.2.1 to the Sub-Committee on Accreditation	
5.2.2 to the HCHR	

---

## 1. Introduction

---

The High Commission for Human Rights (hereinafter HCHR) of Iraq, founded in 2008, has applied for accreditation to the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) without requesting for a specific status, according to the available information.

Alkarama Foundation, Association of Human Rights Defenders in Iraq, General Federation of Iraqi Women, Human Rights Division at the Association of Muslims Scholars in Iraq, Iraqi Commission for Human Rights (Iraqi-CHR) and Organisation for Justice & Democracy in Iraq (OJDI) would like to provide information that may serve to assist in the evaluation of the compliance of the Iraqi national human rights institution (NHRI) with the Paris Principles in both legal and practical terms.

In this report, we have attempted to make a formal and substantive evaluation of the High Commission for Human Rights of Iraq and its role in the promotion and protection of human rights in the country.

We finally wish to note that to this date, the work of the HCHR is very opaque. It has published only very limited documentation and the accessible publications are not substantive, but merely formal compilations of information. Furthermore, it is the civil society's perception that the HCHR supports almost only the position of the government, as, for instance, a clear lack of reporting on the widespread and systematic violations stems out of its official declarations, publications and activities.

## 2. Background

---

Over the past decades, Iraq has been involved in several successive armed conflicts: the Iraq – Iran war in 1980-1988; the invasion and occupation of Kuwait in 1991, followed by an international trade embargo – which, despite a UN “oil for food programme” caused extreme poverty and starvation for the people of Iraq –; and the US-led invasion of 2003. Since then, Iraq has remained in a volatile security situation. The government of Nouri al Maliki, Prime Minister from 2006 to 2014, proved incapable of uniting the country's various communities and create a political dialogue. The consequent political paralysis has meant that grievances have swelled. The demands discussed in Parliament were not responded to, and the subsequent protest movement that began in 2012 was violently repressed. Benefiting from the accumulated frustration, lack of perspective within Iraq's Sunni community and the deterioration of the security situation, the “Islamic State” surged out of Syria to seize Iraq's second city of Mosul in June 2014. The group is currently advancing into central and northern Iraq, causing mass displacement of civilians, due also to the targeted attacks to members of religious minorities, journalists, women and children.

The legacy of dictatorship, years of foreign occupation, internal divisions along with the lack of political will to address the ensuing challenges have contributed to create an environment conducive to serious human rights violations carried out by governmental authorities, former occupying forces and the different armed groups operating in the country. For instance, State security forces have kept responding to peaceful demonstrations with violence, while mass arrest campaign on the basis of the abusive 2005 Anti-Terrorism Law have been carried out, targeting ordinary civilians and prominent political opponents and human rights activists. Detainees are often kept in prolonged detention without a judicial hearing or even detained in secret, systematically subjected to torture and ill-treatment. Judicial procedures are heavily flawed, with frequent sentences handed down after trials in the absence of legal counsel, and relying on testimonies given by secret informants or based on confessions extracted under torture. These shortcomings are of a grave concern considering also the high number of capital punishments pronounced or implemented in recent years. In addition, an increasing number of cases of enforced disappearance has been recorded.

In light of this concerning situation with regards to the human rights record of Iraq, it is essential that the Iraqi HCHR be independent and effective in protecting human rights of Iraqi citizens and promoting a human rights culture.

### **3. Lack of guarantees for pluralism and independence**

---

#### **3.1 Founding texts of the High Commission for Human Rights**

Article 102 of the Iraqi Constitution of 15 October 2005 foresees the institution of HCHR, to be "considered independent" and "subject to monitoring by the Council of Representatives", with its functions "regulated by law". Three years later, the Council of Representatives passed Law No. 53 of 2008, which formally established the HCHR.

According to the Paris Principles, the founding text of a national human rights institution, of a constitutional or legislative nature, shall ensure its independence, setting a clear mandate, composition and sphere of competence<sup>1</sup>.

The text of Law No. 53 of 2008 vests the HCHR with a broad mandate to ensure the protection and promotion of human rights and has a wide range of competences<sup>2</sup>, mirroring those demanded by Paris Principles. It further stipulates that the HCHR is accountable only to the Council of Representatives and formally gives the HCHR powers to act freely from interference<sup>3</sup>.

However, full compliance with the Paris principles is not ensured in law, as it does not ensure a pluralist representation of society. Indeed, regarding the inclusion of minority groups, the requirement of only two representatives from minority groups on a total of fifteen commissioners (article 9.5) does not fully reflect the multicultural and multireligious character of Iraqi population. The lack of any provision demanding the presence of representatives of different sectors of society, does not completely guarantee the pluralist representation of the social forces as set forth in the Paris principles<sup>4</sup>.

In addition, as it will be detailed in the following sections of this report, the practical implementation of the law does not guarantee the independence of the HCHR. Political bias and practical impediments hinder the Commission's concrete work, so that the HCHR itself cannot fulfil its mandate set forth in Law No. 53.

All these shortcomings render the Iraqi national institution for human rights an empty box which is far from being an independent and effective national institution for the protection and promotion of human rights at the national level.

#### **3.2 Appointment procedure**

According to article 7 of Law No. 53, the members of the HCHR shall be selected by a Committee of Experts among all candidates applying to a national appeal, while article 8 require that members be not affiliated to political parties, as to ensure the independence of the commissioners as well as to be experienced in the field of human rights, without however specifying any precise qualification or previous experience to fulfil the position.

In May 2011, the Council of Representatives endorsed the Committee of Experts, which was composed of 15 representatives: eight from the Council of Representatives, two from the High

---

<sup>1</sup> Paris Principles, "Competence and Responsibilities", para.2.

<sup>2</sup> These are set in articles 3, 4, 5 of Law No. 53 and include drafting studies and researches; making evaluations of the current legislation and recommendations to the Council of Representatives; cooperating and coordinating with civil society organisations; disseminating human rights principles and standards in educational curricula as well as in the media including through public reports; receiving complaints from individuals and carrying on its own investigations; submitting cases to the judiciary as well as visiting detention centres.

<sup>3</sup> According to articles 5 and 6 of Law No 53 of 2008, the HCHR can hold visits to prisons and detention centers without prior permission, in addition to which all ministries have an obligation to provide the HCHR with all the requested documents and information.

<sup>4</sup> Paris Principles, "Composition and Guarantees of Independence and Pluralism", para.1.

Judicial Council, two from the Council of Ministers, two from Civil Society Organisations, and a non-voting representative from the United Nations Mission in Iraq (UNAMI)<sup>5</sup>.

After the experts reviewed a total of 3,052 applications and interviewed 54 candidates, they submitted the final 15 shortlisted names to the Council of Representatives, which endorsed them on 12 April 2014.

However, local sources and human rights defenders report that the criterion applied for the choice of the members of the HCHR was in fact based on the political affiliation of the candidates rather than their merit or qualifications in terms of human rights competencies. Political pressure and interference both from the government and political parties was rampant during the appointment procedure. The elected commissioners were chosen in order to ensure the representation of the different political parties and factions in power, while only two commissioners belonged to civil society organisations.

This is a clear violation of the requirements provided in Law No. 53 as well as the Paris principles, as a process that promotes merit-based selection and ensures pluralism is indispensable to ensure the independence of, and public confidence in, the national human rights institution<sup>6</sup>. This constitutes a major shortcoming in the constitution of the HCHR.

The fact that the HCHR is composed of members of opposing factions and affiliates to the government is also at the origin of internal disagreements between the members which often lead to blockades on the treatment of issues of relevance, as different affiliates naturally tend to hide, cover, dismiss and in the end influence the HCHR not to consider the violations of human rights committed by their affiliated side.

At the same time, these internal blockades, encouraged also by political interference, have so far prevented the appointment of a president and a vice-president, which is demanded by article 8.3 of Law No. 53, in order to ensure the well functioning of the HCHR. This seriously hampers the work of the Commission and is seen as a major obstacle in settling the internal divisions within the HCHR.

For these reasons, it cannot be maintained that the Iraqi HCHR fulfils the fundamental criteria of independence, as required by Paris Principles<sup>7</sup>.

---

<sup>5</sup> UNAMI and UNDP conducted a five day workshop from 2 – 6 July 2011 in Beirut, attended by all 17 members of the Experts Committee and facilitated a further training session in Istanbul in September of the same year during which members of the Experts Committee received guidance from three experts who are Commissioners from NHRIs in Malaysia, the Palestinian Territories, and South Africa. UNAMI Human Rights Office, OHCHR, *Report on Human Rights in Iraq: 2011*, May 2012, Baghdad, p. 37.

<sup>6</sup> International Coordinating Committee on National Institutions for the Promotion and Protection of Human Rights (ICC), *General Observations of the Sub-Committee on Accreditation*, May 2013, p. 22.

<sup>7</sup> Paris Principles, "Composition and guarantees of independence and pluralism".

## 4. The Iraqi High Commission for Human Rights in Practice: Methods of Operation

---

### 4.1 Structure

The Paris Principles foresee that the “national institution shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding”, whose purpose is to enable it to have its own staff and premises, to ensure its financial and administrative independence from the government<sup>8</sup>. These principles are endorsed in articles 2, 12.4 and 14 of Law No. 53 of 2008.

As for the financial means, it is reported that in November 2012 a preliminary budget of 4 billion Iraqi dinars<sup>9</sup> was approved, which were mostly spent on administrative costs. A second preliminary budget of 20 billion Iraqi dinars<sup>10</sup> was approved by the Council of Representatives on 7 March 2013<sup>11</sup>, leaving the HCHR without funds for the first half of the year. Considering the amount of money provided, it is arguable that the HCHR has now the financial resources necessary to properly carry out its mandate. However, the lack of publicity of the budget and accountability over the HCHR expenses raises some doubts on the proper allocation of funds.

A temporary office was provided by the Council of Representatives in the second half of 2013<sup>12</sup> in Baghdad. The HCHR could also hire its own personnel, and about 90 people are allegedly currently employed by this institution. However, up to the date of writing, there is no information regarding the establishment of regional offices, while sources have referred that, at least in one case, members of the HCHR would not even be permanently residing in Iraq, which clearly impedes the proper exercise of their functions.

In conclusion, it is concerning to note that despite the allocation of substantial funds, the HCHR does not seem to currently dispose of a structure permitting its smooth functioning as well as geographical proximity to victims.

### 4.2 Relations with victims of violations and civil society

The HCHR is mandated by law to cooperate and coordinate with civil society organisations, to disseminate a culture of human rights in the public (article 4 of Law No. 53 of 2008) as well as to receive complaints from individuals, groups and civil society organisations (article 5 of Law No. 53 of 2008). This abides, theoretically, by the Paris principles requirement that NHRIs shall develop relations with the non-governmental organisations devoted to promoting and protecting human rights and hear any person or obtain any information and any documents necessary for assessing situations falling within its competence<sup>13</sup>. Accessibility to the public is, in fact, particularly important for the most vulnerable sections of society, who would otherwise encounter particular difficulties bringing attention to any violation of their human rights<sup>14</sup>. In the case of Iraq, where vulnerable persons such as members of minorities are partly located in geographically remote parts of the country, the absence of HCHR regional offices constitutes a major shortcoming.

In terms of victims’ accessibility, it is reported that the Commission began to receive complaints from Iraqi citizens on violations of human rights in prisons and detention centres and referred the complaints to the Ministry of Interior and Ministry of Justice for investigation<sup>15</sup>. We find this worrying as cases of human rights violations should be referred to the Public Prosecutor for investigation and, when appropriate, prosecution of those responsible. Moreover, numerous human rights violations are

---

<sup>8</sup> Paris Principles, “Composition and Guarantees of Independence and Pluralism”, para.2.

<sup>9</sup> Which is equivalent to around 3 400 000 US Dollars.

<sup>10</sup> Which is equivalent to around 16 000 000 US Dollars.

<sup>11</sup> UNAMI Human Rights Office, OHCHR, *Report on Human Rights in Iraq, January-June 2013*, August 2013, Baghdad, p. 23.

<sup>12</sup> UNAMI Human Rights Office, OHCHR, *Report on Human Rights in Iraq, July-December 2013*, June 2014, Baghdad, p. 23.

<sup>13</sup> Paris Principles, “Methods of Operation”.

<sup>14</sup> International Coordinating Committee on National Institutions for the Promotion and Protection of Human Rights (ICC), *General Observations of the Sub-Committee on Accreditation*, May 2013, p. 27.

<sup>15</sup> UNAMI Human Rights Office, OHCHR, *Report on Human Rights in Iraq, July-December 2013*, June 2014, Baghdad, p. 30.

committed by agents of the Ministry of Interior acting under its order or at least with its tacit approval.

For example, detainees of Iraqi and non-Iraqi nationality have addressed the Commission on several occasions in 2012 and 2013, denouncing ill-treatment and torture in detention centres, asking to meet with members of the HCHR. However, they have never received any response. Following these demands, they reported that conditions of detention had then significantly worsened. As a consequence, and fearing for retaliation, they have not addressed any further demand subsequently. In addition, as the HCHR has no oversight over the judiciary, it is not capable both to address the violations committed as well as to follow-up on cases eventually referred for investigation and prosecution. We also wish to note that no statistics or examples of alleged cases referred are publicly made available by the HCHR.

In addition, despite the lack of own independent investigators, it is reported that the HCHR carried out its own fact finding missions, with prison visits in Kurdistan, in particular in Kirkuk and monitored the situation of Syrian refugees in refugee camps in the Kurdistan Region<sup>16</sup>. Civil society organisations are surprised to note that the HCHR decided to carry its own fact finding mission specifically in those prisons where, compared to other detention centres under the control of the Iraqi Ministry of Interior, no major violations are encountered. Furthermore, due to the existence of an Independence Commission for Human Rights for the Kurdistan Region<sup>17</sup>, it is hard to see how also carrying these visits in the Kurdistan Region would be meaningful.

It is moreover to be noted that the HCHR does not have any means to protect the victims reporting violations from retaliation and further abuses. In a situation such as the Iraqi one, where State Security Forces and militias affiliated to the government are too often the perpetrators of human rights abuses, the lack of capacity to protect victims adequately also contributes to a lack of reporting of human rights violations themselves.

Additionally, it is to be pointed out that the HCHR 13 priority areas of work<sup>18</sup> do not adequately reflect the major human rights issues that should be addressed in the country. For example, the widespread violations of fair trial guarantees, the systematic use of torture and summary executions, widely documented by local and international civil society organisations, are not among the violations covered by the HCHR.

As for HCHR relations with civil society organisations, our sources have reported that members of the civil society do not perceive the HCHR and its members as independent, due to their political affiliation. Despite few first partnerships which had been established between the HCHR and local non-governmental organisations, these partnerships are not formalised and stable, and no information is available to the public on their alleged common agreement. Human rights defenders and civil society organisations report in fact that members of the HCHR are often difficult to reach and that in numerous instances, cases or situations of serious human rights violations are not even considered, due to internal political divisions and political bias.

For these reasons, we can conclude that the Iraqi HCHR is not yet effectively working in partnership with non-governmental organisations, does not enjoy a full and free access to victims and does not benefit from an effective power to refer cases of violations to the competent judicial authorities, as it can only do so to the Ministry of Justice and Ministry of Interior.

### **4.3 External interference on the HCHR activities**

#### **4.3.1 Interference from the government**

<sup>16</sup> *Ibidem*.

<sup>17</sup> Available here: <http://ihrckr.org/>

<sup>18</sup> The endorsed priority areas are: Minority rights, Family and child rights; Relationships with national and international institutions and organisations; Social security; Health and environment; Immigration and displacement; Education; Rights of women; Missing persons; Freedom of expression; Rights of people with disabilities; Mass graves; Victims of terrorism. UNAMI, *Report on Human Rights, January-June 2013*, August 2013, Baghdad, p. 23.

The Paris principles demand that national institutions be free in their work, considering any issue of their competence without any interference from higher authorities<sup>19</sup>. In line with this principle, article 5.1 of Law No. 53 establishes that the HCHR shall carry out visits to prisons or detention centres without the need of prior permission, while article 6 provides that ministries and independent bodies have an obligation to furnish all documents and information related to the realisation of the tasks of the Commission.

Actually, the five-member committee created within the HCHR to monitor prisons and detention centres<sup>20</sup> has not been permitted to work independently. It has in fact been reported that in February 2014, the Iraqi Ministry of Justice refused a request by the Commission to visit Iraqi detention centres and asked the Commission to wait for its approval<sup>21</sup>. When visits to detention centres have then been carried out, they have always been carried with prior permission from the relevant ministry and under its previously set conditions. Furthermore, the HCHR does not have access to secret places of detention, where major violations are encountered.

An emblematic case is the joint visit of members of the Commission and members of the Ministry of Interior at the al Rusafa women's prison in Baghdad on 23 May 2013<sup>22</sup>, after more than one year since the HCHR had first expressed its intention to visit it. The fact that a prison visit was conducted by the HCHR jointly with members of the Ministry of the Interior raises serious concerns as it is difficult to envisage how HCHR members would be free to access all areas of prisons as well as to hold private meetings with detainees to report on actual life conditions and the violations they have suffered from. This example shows that the freedom of action of the HCHR is seriously hampered and that governmental authorities retain the control over its activities, which goes against the provisions contained in the Paris principles as well as Iraqi Law No. 53 of 2008 establishing the Commission.

In addition, the Ministry for Human Rights, which should have been abolished with the establishment of the HCHR, does not provide any support to the activities of the HCHR but represents instead an impediment to its work, downplaying human rights violations committed by Security Services as well as the different militias linked to the government. It is alleged that, there is competition between the Ministry of Human Rights and the HCHR, instead of a complementary role.

Finally, UNAMI has even concluded that there was a "lack of political will to establish a strong and independent national human rights institution"<sup>23</sup>.

This leads us to conclude that the Iraqi HCHR is not free in its work due to interference from governmental authorities in carrying out its own mandate.

#### **4.3.2 Interference from external actors**

It must also be noted that national human rights institutions shall be free from any other form of external pressure and avoid any conflict of interest<sup>24</sup>.

However, the Iraqi HCHR does not enjoy freedom of action from other external stakeholders. One source has reported a preoccupying case, in which the husband of one of a woman commissioner, a religious leader himself, interferes with her activities within her mandate as a member of the HCHR. For example, during a visit overseas in May 2013, her husband not only attended all meetings related to her function as HCHR commissioner, but also proactively participated by taking the floor and seeking to influence the decision-making process. Considering this case as an emblematic example, it

<sup>19</sup> Paris Principles, "Methods of operation", para.a.

<sup>20</sup> *Ibidem*.

<sup>21</sup> Al Monitor, *Human Rights Watch Condemns Situation in Iraq*, 7 February 2014, <http://www.al-monitor.com/pulse/originals/2014/02/iraq-human-rights-situation-bad-hrw.html#> (accessed on 19 December 2014).

<sup>22</sup> UNAMI Human Rights Office, OHCHR, *Report on Human Rights in Iraq, January – June 2013*, August 2013, Baghdad, p. 24.

<sup>23</sup> UNAMI Human Rights Office, OHCHR, *Report on Human Rights in Iraq, July-December 2013*, June 2014, Baghdad, p. 30.

<sup>24</sup> International Council for Human Rights Policy and OHCHR, *Assessing the Effectiveness of National Human Rights Institutions*, 2005, p. 12.



is clear that the Commission can be easily influenced by external stakeholders and its work can suffer from external interferences which seriously undermine its independence as well as its effectiveness in pursuing its own mandate and not the agenda of other actors.

In addition, due to the role pro-governmental militias play in Iraqi society, interfering with all the activities of civil society organisations as well as repressing all form of dissent, the HCHR is furthermore impeded to freely denounce human rights violations committed by non-state armed groups, even if of a serious nature due to fear of retaliation and violent threats.

In conclusion, it is clear that the work of the HCHR suffers from serious bias due both to the interference from the government as well as from possible other external stakeholders.

#### **4.4 Transparency on the activities of the commission and public accountability**

The Paris Principles also require national human rights institutions "to publicise human rights and efforts to combat all forms of discrimination, especially racial discrimination, by increasing public awareness, especially through information and education and by making use of all press organs"<sup>25</sup>. Publicity in the work of national human rights institutions is both embedded in the mandate of promotion of the activity of the institution itself and responds as well to the principle of public accountability.

The absence of local premises of the HCHR raises further questions concerning the public awareness of the work of the HCHR within the general public and victims in particular, especially considering that, if issued, reports are not made public in a timely manner.

The recently established website of the HCHR<sup>26</sup> contains limited information, including a report on the violations of human rights perpetrated by the Islamic State<sup>27</sup> as well as one annual report<sup>28</sup>, which presents a general account of the situation of human rights in the country with some examples of the activities of the HCHR as well as a general list of recommendations addressed to the different Iraqi institutions.

It is to be noted, however, that before the publication of this report, the HCHR had limited access to the press and other media in disseminating its activities. For example, following its visit to the the al-Rusafa women's prison in Baghdad on 23 May 2013, the Commission did not publish any report or further information on the recommendations that were reportedly made onsite to the prison authorities<sup>29</sup>. The current annual report shall also be made available in different formats<sup>30</sup>, and the HCHR shall also be able to publicise regularly its findings and recommendations in a timely manner in order to increase its credibility.

Other information on the website concern, for instance, the travels of the Commissioners, for example at the occasion of Iraq's review by the Committee on the Elimination of Racial Discrimination (CERD), in August 2014. This is however not enough to ensure public accountability for the work of the Commission since it has been reported that in some instances, some commissioners would take the occasion of a scheduled training abroad for instead travelling on their own. Another example of the lack of a mechanism of public accountability is represented by the fact that, in at least one case, Commission members would not even reside permanently in Iraq.

<sup>25</sup> Paris Principles, "Competence and responsibilities", para.3.g.

<sup>26</sup> Available at: <http://ihchr.iq/ar/>.

<sup>27</sup> المفوضية العليا لحقوق الإنسان العراق - تقرير خلية الأزمة عن الأوضاع الإنسانية التي شهدتها محافظة نينوى خلال شهر حزيران 2014

<http://ihchr.iq/ar/upload/upfile/5crisis%20report1june2014.pdf> (accessed on 19 December 2014).

<sup>28</sup> مجلس المفوضية بموجب المادة 4 فقرة 8 من القانون رقم 53 لسنة 2008 - التقرير الشامل الأول حول أوضاع حقوق الإنسان في العراق لعام 2013

<http://ihchr.iq/ar/upload/upfile/4annual%20report.pdf> (accessed on 19 December 2014).

<sup>29</sup> Amnesty International, *Submission for the fourth UN Universal Periodic Review, XX<sup>th</sup> Session of the UPR Working Group*, October-November 2014, p. 2.

<sup>30</sup> International Council for Human Rights Policy and OHCHR, *Assessing the Effectiveness of National Human Rights Institutions*, 2005, p.23.

To conclude, it seems that at the time of writing, steps are being taken to ensure publicity of the work of the Commission, for instance through the publication of the annual report, but this does not seem enough to ensure complete transparency over its activities and accountability of its members.

## **5. Conclusions and Recommendations**

---

### **5.1 Conclusions**

The State of Iraq is currently witnessing serious violations of human rights, ranging from arbitrary detention, the widespread and systematic use of torture and the increasing number of summary executions and other violations of the fundamental rights and freedoms guaranteed by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights as well as other international instruments for the protection of human rights of which Iraq is party. In view of such worrisome patterns, the role of a NHRI in the promotion and protection of human rights is fundamental.

However, the lack of independence of the Iraqi HCHR, be it due to the political affiliation of its members, internal or external interferences from governmental authorities or other stakeholders, its ineffective functioning as well as lack of transparency and accountability clearly illustrate its lack of compliance with the Paris Principles.

### **5.2 Recommendations**

#### **5.2.1 To the Subcommittee on Accreditation**

The HCHR of Iraq has not in any way played the role expected of a national human rights institution. Its lack of independence, its composition and official activities do not allow it to ensure an effective and efficient role in promoting and protecting human rights in the country. Even if the HCHR seems *de jure* to be generally complying with the Paris Principles, they in no way, comply with them *de facto*.

For these reasons, we suggest that the Sub-Committee on Accreditation recommend that the Iraqi HCHR **be accredited with C status**.

#### **5.2.2 To the HCHR**

To enter into conformity with the Paris Principles, the HCHR should ensure a real independence from political factions as well as from governmental authorities, and undertake concrete actions to ensure the promotion and protection of victims of human rights violations. This would ensure that it effectively contributes to improving the situation of human rights in the country.

We thus recommend the HCHR to:

1. Review the appointment procedure of its commissioners; and appoint new ones that are competent, independent from any political affiliation and reflect the pluralism of the Iraqi society (including by electing members of civil society and from minorities);
2. Elect a president, a vice-president, and establish both a permanent central office and regional branches;
3. Establish solid and effective partnerships with civil society organisations;
4. Set as priority area violations of fair trial guarantees, the prohibition of torture and of the right to life;
5. Regularly report on all human rights violations;

6. Be empowered to follow-up on its recommendations with the relevant public authorities;
7. Carry on its work in a transparent and accountable manner, through public reports published in a timely manner on both its conducted activities and expenses;
8. Be provided with all the due means to carry on its mandate without external interference, in particular be empowered to visit detention centres in total independence, investigate cases of violations and refer them to the relevant judiciary authorities.