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# A comparative analysis of how the rights of children as set out in the United Nations Convention on the Rights of the Child are made effective through their implementation in Kurdistan/Iraq and the United Kingdom

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University of Plymouth

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## **Appendix 1**

### **Survey and Accompanying Letter (English)**

Dear Sir/Madam,

My name is Nishitiman Mohammed, I am a post-graduate Research Masters student, studying law at Plymouth University. My research involves conducting a comparative analysis of how the rights of children as set out in the United Nations Convention on the Rights of the Child (UNCRC) are made effective through their implementation in Kurdistan/Iraq and the United Kingdom.

Your participation in this research would be greatly appreciated. It is voluntary and therefore you have the right to decline. If you wish to assist me with my research, please complete the enclosed survey, answering all questions as fully as possible. You may find that some of the questions do not apply to your setting so please leave these blank. You have the right to decline answering any of the questions. Once you have completed the survey please return it in the envelope provided. A copy of the survey will also be emailed, so if you wish you may complete an electronic version and email it back to me. Please return the survey to me by 30<sup>th</sup> October 2012.

The survey is about the implementation of Articles contained within the UNCRC. I have enclosed some information about the UNCRC for your guidance as I am aware that some respondents may not be familiar with the Convention.

The information that I would like to collect from you is purely for academic purposes and therefore will not be used for any other purpose. Any material that is published will be anonymous. On completion of my thesis all data collected will be destroyed,

any comments used will not be attributed to their source. If you have any queries please feel free to email me at [nishitiman.mohammed@students.plymouth.ac.uk](mailto:nishitiman.mohammed@students.plymouth.ac.uk)  
I would like to take this opportunity to thank you in advance for your participation.

Yours Sincerely

Mrs Nishitiman Mohammed

Survey on the Implementation of the United Nations Convention on the Rights of the Child

Name of Organisation	
Position Held	

**Notes on Completion:**

*There are 2 parts to this survey, please complete both parts and please try to answer all questions as fully as possible.*

*If a question is not applicable to your organisation please leave blank or enter N/A by the question.*

*Please write all answers clearly.*

*If you need more space for your answers please use the continuation sheet at the end of the survey, please make a note of the survey part number and question number.*

**Your help in completing this survey is greatly appreciated.**

Part 1

Question	Yes/No	Please elaborate on the policy/measures that are in place.	How could these policies/measures be improved upon?
1 Do you have measures in place to ensure that children are not discriminated against on any grounds?			
2 Do you have a policy that relates to the best interests of the child?			
3 Are policies in place to protect a child's right to life?			
4 Do your policies/procedures allow a child to enjoy his or her culture, religion and language of origin?			
5 Are policies in place to prevent torture, cruel, inhumane or degrading treatment?			

Question	Yes/No	Please elaborate on the policy/measures that are in place.	How Could these policies/measures be improved upon?
<b>6</b> Are there policies in place specifically for children that are deprived of a family environment?			
<b>7</b> Are measures in place to prevent or report actual or suspected child abduction?			
<b>8</b> Do you have policies in place to prevent violence against children?			
<b>9</b> Is special care and assistance available to all children with disabilities?			
<b>10</b> Do your policies/practices ensure that all children have access to adequate healthcare?			

Question	Yes/No	Please elaborate on the policy/measures that are in place.	How Could these policies/measures be improved upon?
<b>11</b> Do you have systems in place to ensure children and their parents have access to relevant benefits?			
<b>12</b> Are there measures in place to ensure all children have equal educational opportunities?			
<b>13</b> Are steps in place to encourage school attendance and prevent school drop out?			
<b>14</b> Do you have policies in place relating to child labour and the reporting of?			
<b>15</b> Are measures in place to safeguard children from sexual abuse and exploitation?			

Question	Yes/No	Please elaborate on the policy/measures that are in place.	How Could these policies/measures be improved upon?
<b>16</b> Are there measures in place to ensure appropriate recovery and social reintegration of children involved in the juvenile justice system?			
<b>17</b> Do you have practices in place to educate children about drugs, alcohol and tobacco?			

*Thank you for taking the time to complete this survey, your participation in my research is greatly appreciated.*

## Part 2

On a scale of 1 – 10 (with 1 being the least effective and 10 being the most effective) how effectively would you rate your policies on the following, if you do not have a policy that relates to the specific area please leave blank.

Policy Area	1	2	3	4	5	6	7	8	9	10
Non-Discrimination of children										
Best interests of the child										
A child's right to life										
Allowing children to express their views										
Allowing children to enjoy their culture, religion and language of origin										
Children's freedom of expression										
Protecting children from unsuitable information and material										
Ensuring that children are not prevented from enjoying their right of freedom, thought, conscience and religion; and their right of freedom of association and peaceful assembly										
Children's right to privacy										
Preventing torture, cruel, inhumane or degrading treatment of children										
Parents taking part in their child's welfare										
Children that are deprived of a family environment										
Preventing/reporting of actual/suspected child abduction										

	1	2	3	4	5	6	7	8	9	10
Preventing violence against children										
Promoting and facilitating the physical and psychological recovery and social reintegration of children who are victims of neglect, abuse or exploitation										
Non-Discrimination of children with disabilities										
Special care and assistance for children with disabilities										
Children having access to adequate healthcare										
Access to relevant benefits										
Assisting children without adequate living conditions										
Equal educational opportunities										
Anti-bullying policy for children										
Encouraging school attendance and prevent school drop out										
Ensuring that children are given responsibilities and opportunities to practice choice decision making and independence										
Environmental planning taking into account play needs										
Access to cultural and artistic events										
Children's right to rest and leisure										
Children in situations of emergency										

	1	2	3	4	5	6	7	8	9	10
Recovery and social reintegration of children involved in the juvenile justice system										
Child labour										
Educating children about drugs, alcohol and tobacco										
Safeguarding children from sexual abuse and exploitation										

*Thank you for taking the time to complete this survey, your participation in my research is greatly appreciated.*

Continuation Sheet

Part Number	Question Number	

Part Number	Question Number	

## **Appendix 2a**

### **Interview Questions (English)**

#### ***General Principles***

“The committee on the Rights of the Child highlighted that the best interests of the child shall be a primary consideration in all actions concerning children.”

1. How is this principle implemented within your organisation?
2. Do you feel this is adequate or are there any areas where improvements could be made and how could these improvements be achieved?

#### ***Civil Rights and Freedoms***

3. Can you give me some examples of how your organisation protects children’s rights and freedoms?

#### ***Family Environment and Alternative Care***

“Articles 5 and 18 of the UNCRC provide a framework for the relationship between the child, his or her parents and family and the state.”

4. How does your organisation develop and maintain healthy relationships with children and their parents and families? Is there any way that this could be improved on?

#### ***Basic Health and Welfare***

5. In what ways does your organisation ensure that children have access to adequate health services?

6. What services do you have in place specifically for children with disabilities and their families? How are these services promoted?

### ***Education, Leisure and Cultural Activities***

“A child’s right to education is one of the most fundamental rights”

7. How do you ensure that all children have access to appropriate education?
8. How do you feel that the implementation of a child’s right to education could be improved?

### ***Special Protection Measures***

9. What processes are in place to protect children from situations of exploitation, and how can these be improved on?
10. In cases where exploitation has occurred, what steps are in place to assist with physical and psychological recovery and social reintegration?

## Appendix 2b

### Interview Questions (Kurdish)

کۆمهڵیک پرسیار له سهر جیبهجیکردنی ریکهوتنامه نیودهولتهکان سهبارهت به

پاراستنی مافی مندالان له کوردستان

**بنهما گشتی یهکانی مافی مندالان**

لێزنهی مافی مندالان له نهتهوه یهکگرتومهکان ئاماژهی کردووه بهوهی که پێویسته

باشترین سوود بگهیهریت به مندالان له ههموو بواره تاییهتیهکانی ژیان.

۱- ئایا ئهم بنهمایه (گهیاندنی باشترین سوود به مندالان) چون له دام و دهزگاکانی

حکومهت جیبهجی ئهکریت؟

۲- ئایا پێتوایه ئهم بنهمایانه به تهواوی جیبهجی ئهکرین لهگهڵمندالانی کۆمهڵگای ئێمه

له تهواوی دام و دهزگاکانی حکومهت یاخود پێتوایه که چاکسازی بکریت بۆ جیبهجی

کردنی ئهم بنهمایانه وه پێویسته چی بکریت بۆ پراکتیزه کردنی ئهو چاکسازیانه؟

**مافه شارستانی و سهربهستی یهکانی مندالان**

۳- ئایا دهتوانیت باس له چهند نمونهیهکی زیندوو بکهیت که تیایدا چون پارێزگاری له

مافی مندالان و سهربهستییهکانی دهکریت له دام و دهزگاکانی حکومهتی ههریم؟

**دابینکردنی ژینگهی خێزانی و چاودیری کردنی مندالان**

مادهی (۵ و ۱۸) له ریکهوتنامهی نیودهولتهی بۆ مافی مندالان که بریتی یه له

دیاریکردنی چوارچێوهی پهیوهندی نێوان مندال لهگهڵ دایک و باوکی وه ههروهها

خێزان و دهولت.

۴- ئایا ریکخراومهکانی پاراستنی مافی مندالان یاخود دام و دهزگاکانی حکومهت چون

پهیوهندی دروست له نێوان مندال و دایک و باوک یاخود پهیوهندی نێوان مندال و

خیزان گهشه پیده‌دات و وه ئهم په‌یوه‌ندی یه ئه‌پاریزیت؟ ئایا هیچ پلانیك هه‌یه بو  
باشترکردنی ئهم په‌یوه‌ندیانه؟

### بنه‌ماکانی چاودیری و ته‌ندروستی منداڵ

۵- ئایا هیچ میکانیزمیک له ناو دام و دهرگاکی حکومه‌تی ههریم هه‌یه بو دنیابوون  
له پاراستن و پیشکesh کردنی خزمه‌تگوزاری بو ته‌ندروستی منداڵان؟

۶- ئایا خزمه‌تگوزاری و ئاسانکاری هه‌یه بو منداڵانی که‌م ئه‌ندام و خیزانه‌کانیان؟  
ئایا چون پالپشتی له‌و خزمه‌تگوزاریانه ده‌کریت؟

فی‌کردن و دابین کردنی شوینی هه‌وانه‌وه و به‌سه‌ربردنی کات و چالاکی کلتوری  
(مافی منداڵ بو ده‌سته‌به‌رکردنی خویندن یه‌کیکه له گرنه‌ترین پاراستنی مافه‌کانی  
منداڵ)

۷- ئایا تو بروات وایه هه‌موو منداڵان ده‌رفه‌تی خویندنیان بو ده‌رمخسینریت له لایه‌ن  
حکومه‌ته‌وه؟

۸- ئایا ده‌بی‌ت به چ شیوازیك ده‌رفه‌تی خویندن بو هه‌موو منداڵان چاکسازی  
تیدا‌ب‌کریت؟

### ریشوین و پلانی پاراستنی منداڵ

۹- ئایا ریشوینی گونجاو هه‌یه بو پاراستنی منداڵان له کاتی ئیستغلالکردنیان؟ ئایا  
چون ئه‌و میکانیزمه په‌ره پی ئه‌دریت؟

۱۰- ئه‌گه‌ر حاله‌تی ئیستغلالکردنی منداڵان هه‌بوو، ئایا چ هه‌نگاو و پلانیك هه‌یه بو  
دووباره گیرانه‌وه‌ی منداڵان له‌ روی جه‌سته‌یی و ده‌روونی یه‌وه بو ناو کۆمه‌لگا؟

## **Appendix 3a**

### **Second set of Interview Questions (English)**

“The Committee on the Rights of the Child highlighted that the best interests of the child shall be a primary consideration in all actions concerning children”

- 1- In your opinion how should this be implemented?
- 2- Do you feel the current implementation of this right is adequate or are there any improvements that could be made?

“There are a number of articles that come under the heading of ‘civil rights and freedoms’, these include; the right to a name and nationality, preservation of identity, freedom of expression, freedom of thought conscience and religion, freedom of association and peaceful assembly, protection of privacy, access to appropriate information and prohibition against torture and the death penalty”

- 3- In what ways do you think children civil rights and freedoms should be protected?

“Articles 5 and 18 of the UNCRC provide a framework for the relationship between the child, his or her parents and family and the state.”

- 4- How can healthy relationships between children and their parents be maintained?

There are a number of articles that come under the heading of ‘Basic Health and Welfare’; these include standard of living, social security, child care services and facilities, and the rights of disabled children?

5- Do you feel children's healthcare services are adequate? How could services be improved?

6- Do you think that services for children with disabilities are sufficient in this area?

"A child's right to education is one of the most fundamental rights"

7- What is your opinion of education services for under 18 years old?

8- How could education be improved?

"The UNCRC requires that State Parties should protect children from exploitation, the State should ensure that the control exerted over children by adults should be fair and show respect for children as people"

9- Do you think enough is being done to protect children from exploitation? How could this protection be improved?

10- In cases where exploitation has occurred is enough being done to help children with physical, psychological recovery and social reintegration?

## Appendix 3b

### Second set of Interview Questions (Kurdish)

- لیژنه‌ی مافه‌کانی منداڵ ئاماژە‌ی به‌مه‌داوه‌ که‌ گه‌ياندنێ سوود به‌ منداڵ ئه‌به‌یت ئاماژە‌ی سه‌ره‌کی پێبکریت له‌ هه‌موو رێوشوه‌تیکی په‌یوه‌ندیدار به‌ منداڵ.
- 1- به‌رای تۆ ئه‌به‌یت چۆن ئه‌مه‌ جێبه‌جێ بکریت؟
- 2- ئایا به‌رای تۆ ئه‌م مافه‌ جێبه‌جێ کردنه‌که‌ی ئیستای گونجاوه‌ یاخوود پێویستی به‌وه‌ هه‌یه‌ چاکسازی تێدابکریت؟
- ژماره‌یه‌کی زۆر ماده‌دی یاسایی هه‌یه‌ له‌ژێر ناوی یاسای شارستانی و سه‌ربه‌ستی که‌ له‌مانه‌ پێک ده‌یت: پێدانی مافی ناوڵێنان و نه‌ته‌وايه‌تی، پاراستنی ناسنامه‌ و ئازادی رادبرین، سه‌ربه‌ستی له‌بیرکردنه‌وه‌ و وێژدان و ئاین، ئازادی کاری رێکخراوه‌ی و پێکه‌وه‌ژیان، پاراستنی نه‌ینی، مافی به‌ده‌سته‌پێانی زانیاری گونجاو و قه‌ده‌غه‌کردنی توندوتیژی و سزایی له‌سێداره‌دان.
- 3- به‌رای تۆ به‌چ رێگایه‌ک ده‌توانرێ مافه‌کانی منداڵان بۆ شارستانی و سه‌ربه‌ستی بوون بپارێزریت؟
- یاسایی 5 و 18 ی UNCRC چوارچێوه‌یه‌کی دیاری کردووه‌ بۆ په‌یوه‌ندی له‌ نیوان منداڵ و دایک و باوکی خێزانه‌که‌ی و ده‌وله‌ت.
- 4- چۆن ئه‌توانرێ په‌یوه‌ندی دروستی نیوان منداڵ و دایک و باوکی بپارێزریت؟
- ژماره‌یه‌کی زۆر یاسا هه‌یه‌ له‌ژێر ناوێشانی ته‌ندروستی و چاودێری سه‌ره‌کی که‌له‌م به‌شانه‌ پێک ده‌یت: ئاستی بژێوی، بیه‌می کۆمه‌لایه‌تی، خزمه‌ت گوزاری و هۆکاره‌ یارمه‌تی ده‌ره‌کانی به‌خێوکردنی منداڵ و مافه‌کانی منداڵی که‌م ئه‌ندام.
- 5- ئایا پێتوايه‌ خزمه‌تگوزاری چاودێری ته‌ندروستی منداڵان له‌ ئاستی پێویستدایه‌؟ ئایا چۆن ئه‌توانرێ ئه‌م خزمه‌تگوزاریانه‌ باشتر بکریت؟

6- ئايا بىروات وايە پېشكەشكىردنى خىزمەتگوزارى بۇ كەم ئەندامان دەستەبىر كراو لەم بواردە؟

- مافى خويندن يەككە لە ھەرە مافە گىرنگەكانى مندا

7- ئايا راي تۇ چى يە لەسەر سىستەمى خويندى پېشكەشكراو بۇ مندا لاني خوار تەمەنى 18

سال؟

8- چۇن ئەتوانرى سىستەمى خويندن پېش بخريت؟

- UNCRC داوا لەھەموو وولاتە بەشداربوەكانى رېكەوتتنامەكە ئەكات كە پېويستە مندا لان

بپاريزريت لە ھەموو خراب بەكارھىنانىك، ھەروەھا دەولەت پېويستە دۇنيابىت لەو

دەسلەتەي كە گەورەكان لەسەر مندا ل ھەيانە و ئەبىت بەشپوھىەكى گونجاو بىت و ھەروەھا

پېويستە ريز لە مندا لان بگيريت وەك مروف.

9- ئايا پىت وايە ھەولەي تەواو دراوہ بۇ پاراستنى مندا لان لەخراب بەكارھىنانىان؟ ئايا چۇن

ئەتوانريت ئەم ھەولانە پەرە پىدريت؟

10- ئايا لە حالەتى پروودانى خراب بەكارھىنانى مندا لاندە ھەولەي تەواو دراوہ بۇ يارمەتى دانى

مندا لان لەرووى جەستەيى و سايكۆلۇجى و يارمەتى دانىان بۇ دووبارە گەرانەوھيان بۇ

ناوكمەلگا؟

## **Appendix 4**

### **Ethical Approval**

Nishitiman Mohammed

ResM Law Student

Plymouth Business School

Ref: PBS.UPC/FREAC/FREAC1112.42/clc

Date: 17 August, 2012

Dear Nishitiman

**Ethical Approval Application No: FREAC1112.42**

**Title: A comparative Analysis of How the Rights of Children as Set out in the United Nations Convention on the Rights of the Child (UNCRC) are made effective through their implementation in Kurdistan/Iraq and the United Kingdom**

The Faculty Research Ethical Approval Committee has considered the revised ethical approval form and is now fully satisfied that the project complies with the University of Plymouth's ethical standards for research involving human participants.

Approval is for the duration of the project. However, please resubmit your application to the committee if the information provided in the form alters or is likely to alter significantly.

We would like to wish you good luck with your research project.

Yours sincerely

*(Sent as email attachment)*

Dr Syamantak Bhattacharya

**Chair**

**Faculty Research Ethics Approval Committee**

**Plymouth Business School**

## Appendix 5

### Survey and Accompanying Letter (Kurdish)

رومانگەردنیک (Survey) لەسەر جێبەجێکردنی ڕێکەوتنامە نۆڤەدوڵەتیەکان سەیارەت بە پاراستنی مافی منداڵان لە کوردستان

بەرێز ... من گە نام (نیشتەمان عوسمان مەمەد) ه قەرمانبەر لە زانکۆی سۆران و قوتابی ماستەرە لە زانکۆی پالیەوس لە وولاتی بەریتانیا ، ئێستا سەرکاری تۆزێنەوی ماستەرەگەم لەسەر ئەو بابەتە سەرەو کە ئایا باس لە ڕێکەوتنامە نۆڤەدوڵەتیەکان ئەکات لە جیهاندا و هەرێمەکان یاس لە ساردانی بەرێزەکان یەک لە چوینی جێبەجێکردنی ئەم یاسایانە لە جیهاندا ئەکات بەتایبەتی ئە نۆڤان هەرێمی کوردستان و وولاتی شانێنی بەریتانیا تاوگو بتوانیت سوودوهریگری ئە ئەمە باشەکانی جۆنی جێبەجێکردنی ئەو یاسا نۆڤەدوڵەتیە لە لایەن ئەوانەو و هەرێمەکان هەولان بۆ گۆڕینی ئەمەکان کۆمەگای کوردستانی و بەمەش ئەمە ئامۆنان کۆمەگایەکی ئەندروست پێکەشتن کە خۆی لە بەرێزەکانی منداڵ و پاراستنی مافی منداڵان دا ئەمەیتەو.

بەرێز... ئەم رومانگەردنە (Survey) لە دوو بەش پێک دێت. بەشی یەکەم بریتی بە ئەو سیاسەت و بەرێزە نۆڤەدوڵەتیەکان کە لە جیهاندا هەبە سەیارەت بە پاراستنی مافی منداڵ. ئێزەدا مەبەستە ئەوێە ئایا هەمان بێزەر و سیاسەتی گۆنجاو پەڕو ئەمرێت ئەم دام و دەرگایە کە بەرێزان گازی ئایا ئەمە . بەشی دووەم بریتی بە لە هەڵسەنگاندنێک کە تاپەتە بە بەرێزەکانی ڕێکەوتنامە نۆڤەدوڵەتیەکان سەیارەت بە پاراستنی مافی منداڵ لە دام و دەرگای حکومەتی هەرێم و بەتایبەتی شۆنی کارکردنی بەرێزان.

بەرێز ... پەروادەچۆن و هاوکاری کردنت ئە وولام دانیەوی ئەو برێزەکان کە پەروەندی بە بەرێزانەو هەبە نیشاندانی خۆشەویستی بەرێزانە بۆ منداڵانی خانەوانە بەرێزەکان بەتایبەتی و دواتریش دەرخیستی خەم خۆی و بەتەئەوێە هەمان بەرێزانە بۆ ئەوای منداڵانی کوردستان بەگشتی.

• لکایە ئاویشتان و بەرێزەکانی خۆت ئەم خۆشیە خۆرەو بێوسە:

ئاوی شۆنی کارکردنت (پەروەزەکانی حکومەتی یان نا حکومەتی)	
ئاویشتانی بۆست (بەشی بەرێزەکانی)	

## بهشی په کهم

تېښتې، تکاپه تمها وډلامې شو پرسيارانه بدرهوه که پهيو هستې به پسيو رېښکمت و شويې کارگر دنت ، همرهوها نمو پرسياري که په بهلې وډلام لمدريتمود تکاپه شمېرېت پروونکر دندهوي زياتر له همدوو خشتهي براميهري ننوسرېت، تکاپه نهگمر شوېش وډلامې پرسيارمگه گهم ديوو پهردي بهتاي هلوپنچ ههيه لهکوټايې پرسيارگاندا شموانيت پهکارهان پېښيت.

پرسپار	بدلې / نهخير	تکاپه پروونکر دندهوي زياتر بده لمدريتمهېش و نمو پنوه رندهي که له دام و دنگاي سنوري کارگر دنته	پېښيارت يو چاککردنې نمو رېنمېش و پېوړننه چي يه؟
1. ناييا بهلاي تووه پېوړنک لهپرمهستاپه يو دلتيايون لهووي که جياوازي ناکرېت له نتوان مندا لندا چا ج نهو مندا له منداي همزارېت يان دموئمه مند؟			
2. ناييا پلانېکت ههيه که پهيو مندا رېت به گميا ندي باشري سوود به مندا لان؟			
3. ناييا پلانگان ناماد مکرارون يو پارستې ماقي مندا ن تاوگو مامووي لمړيان دا پهر دموام پيت؟			
4. ناييا پلانگانکات ياخود همگانگانکات رېنگا به مندا ن لعدات يو نهووي خوښ وهرېگريت له کهلتورکمي يان ناپهکمي ياخود زماقي داپکي؟			

پیش‌نویس / ته‌خیر	تکلیف رویت‌کردنه‌وه‌ی زیاتر بیه له‌سه‌ر رێنمایی و نه‌و پێش‌نویسه‌ی که له دام و ده‌زگای ستوری کارکردنه	پێش‌نویس بۆ چاک‌کردنی نه‌و رێنما و پێش‌نویسه‌ی په‌	پرسیار
			5- ئایا پلانێکان ئاماده‌کراون بۆ وه‌ستاندنی پان هه‌مه‌شگه‌کردنی ئازادان و مامه‌ڵه‌ی چه‌وساندنانه‌وه و بامگه‌م سه‌هرگرکردنی منداڵان؟
			6- ئایا پلانێ ئاماده‌کراو هه‌یه به‌تایبه‌تی بۆ ئهو منداڵانه‌ی که له ژینگه‌ی خێزانی بێ‌به‌ش ده‌گرێن بۆ نمونه‌ ده‌وای خاڵه‌ی خیاڵونه‌وه یان مریه‌؟
			7- ئایا رێنوشوونی ئاماده‌کراو هه‌یه بۆ وه‌ستانانی (هه‌مه‌شگه‌کردنی) خێزانی منداڵان؟
			8- ئایا پلانێکان ئاماده‌کراون بۆ وه‌ستاندنی (هه‌مه‌شگه‌کردنی) توندتیرێ به‌رامبه‌ر منداڵان؟
			9- ئایا چاوپێرێ تاپه‌ستی و پارمه‌تی ئاماده‌یه بۆ هه‌موو منداڵانی که‌م ئه‌ندام؟
			10- ئایا پلانێکان / رێنوشوونی‌کان دا‌ئیه‌ت ئه‌که‌نه‌نوه له‌وه‌ی که هه‌موو منداڵان ده‌توانن چاوپێرێ ئه‌ندهرستی گونج‌او به‌ده‌ست بیه‌نن؟



پېښيښارت يې چاگكر دنى نهو رڼنماني و پيټوره نه چي يه؟	تكاپه روونكر د نهو ي زياتر يده نه سر رڼنماني و نهو پيټوره نه ي كه له دام و دمر كاكي ستوري كار كړ دننه	بهني / نه خنير	پرسبار
			16. نايبا پيټوره مگاني ددگاي نهو چي واناڼ گونچاون بې دايې پيټون له گيرانننه وه و شمو او ناماده كړ دني متدالان بې دووياره په شديري كړ دنيان (گه پراڼه ونيان) بې ناو كډمه لكا به شپيويهيكي ته ندر ووست؟
			17. نايبا رڼو شويي گونچاو هه يه بې ناموزگاري كړ دني متدالان دويراري مترسي پمكاني دمرمانه پيټولش كمر و خوار د نهو وه گه سول يسه كان و كيشاني چگه رڼه؟

● شويي رڼي و خويوه ويستي خوم دمر نه يې بې مانده وويون و تهر خاڼكر دني كاني به رڼنزان بې وه لامي نه م پرسبار نه

## پهښی دووهم

تکاپه هه ښارګاښان بکه لاسر یوونی کاریګری پلانګان و سیاستی حکومتی هریریم یو جیبه جیکړنی مافګانی منډال. یو لوم مېمېسته ژماره 1 ټ 10 مان له خشته کېدا داناوه. که ژماره پهاک واته کاریګری جیبه جیکړنی پاساګانی مافی منډال زور لاوړده وه هه روهها ژماره 10 واته کاریګری جیبه جیکړنی پاساګانی مافی منډال زور پاشه.

جیبه جیکړنی مافګانی منډال										
10	9	8	7	6	5	4	3	2	1	
										جیاوړی نه کړدن له زیوان منډالدا
										که پاتېدنې پاشترین سوود په منډال
										پاراستنی منډال له مردن
										پنر ګرځن له دهر پړینی بیروړی منډالان
										رېنگه دان په منډالان یو به سهر پېر دنی کات له ههر پهاک له یواری که لټوړی و زمان و ټلپین
										رېنگه دان په سهر پېست یوونی منډال یو ګڼګڼو کړدن
										دور خستنه و پاراستنی منډالان له پاپهت و زاتیاری نامروست (واته هه له و خراب)
										دان پاپوون له ووی که رېنگه له منډالان ناګیریت یو ګوزار شت کړدن له دهر پړینی بیروړا په
										سهر پېستی و پاراستنی وویژدان و داپېنګه کی هه روهها رېنگه ګرځن له دروستیوونی
										رېنگه راو یو منډالان
										ګر ګیدان په تایپه تهنه نڅتی منډال ( الخصوص په )
										هه دغه کړدنې نازاردان و مامه له ی جهوسان لټنه و په ګم سهر کړدن و کړداری
										نامرو فانه بهرام بهر منډالان
										به شتاری کړدنې داپک و پاوک له جیاوړی کړدنې منډالان کانپان
										بیپه شت کړدنې منډالان له رېنگه کی خیزانی به ووی جیاوړنه و توندونیز و ټسانه مت
										مردن پېشه ووه
										څه دغه مکران یا خود نویسینی رښورت لاسر پېشېښی کړدنې ښانډنی منډالان





پیشنیارت بۆ جاڭگودى ئەو رېئىمىي و بېئورائە جى يە؟	تەكلىپە رەئىسكە ئىلگۈرەي زىياتر بىلە لەسەر رېئىمىي و ئىلەو بېئورائەى كە ئە دام و دەزگاي سنورى كاركەندىتە	ئۇمارەى بوسىيار	ئۇمارەى بەش

## **Appendix 6**

### **Convention on the Rights of the Child**

**Adopted and Opened for signature, Ratification and Accession by  
General Assembly Resolution 44/25 of 20 November 1989**

**Entry into Force 2 September 1990, in Accordance with Article 49**

#### **Preamble**

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care

and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the

Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child, Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

## **PART I**

### **Article 1**

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

### **Article 2**

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

### **Article 3**

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff,

as well as competent supervision.

#### **Article 4**

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

#### **Article 5**

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

#### **Article 6**

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

#### **Article 7**

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

#### **Article 8**

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

#### **Article 9**

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

#### **Article 10**

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right

to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

#### **Article 11**

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

#### **Article 12**

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of

national law.

### **Article 13**

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others; or

(b) For the protection of national security or of public order (ordre public), or of public health or morals.

### **Article 14**

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

### **Article 15**

1. States Parties recognize the rights of the child to freedom of

association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

#### **Article 16**

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.

#### **Article 17**

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

(b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of

cultural, national and international sources;

(c) Encourage the production and dissemination of children's books;

(d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

### **Article 18**

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

### **Article 19**

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

## **Article 20**

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the

child's ethnic, religious, cultural and linguistic background.

## **Article 21**

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;

(c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and

endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

## **Article 22**

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason , as set forth in the present Convention.

## **Article 23**

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development
4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to

information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

#### **Article 24**

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

- (a) To diminish infant and child mortality;
- (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
- (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
- (d) To ensure appropriate pre-natal and post-natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

#### **Article 25**

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

#### **Article 26**

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with

their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

#### **Article 27**

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements

or the conclusion of such agreements, as well as the making of other appropriate arrangements.

## **Article 28**

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- (d) Make educational and vocational information and guidance available and accessible to all children;
- (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the

world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

#### **Article 29**

1. States Parties agree that the education of the child shall be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- (e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the

requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

### **Article 30**

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

### **Article 31**

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

### **Article 32**

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
2. States Parties shall take legislative, administrative, social and

educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

### **Article 33**

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

### **Article 34**

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;

(c) The exploitative use of children in pornographic performances and materials.

### **Article 35**

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

### **Article 36**

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

### **Article 37**

States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall

have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

### **Article 38**

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

### **Article 39**

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

#### **Article 40**

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

- (ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;
- (iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;
- (iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;
- (v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;
- (vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;
- (vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to

children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

- (a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;
- (b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected. 4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

#### **Article 41**

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

- (a) The law of a State party; or
- (b) International law in force for that State.

### **PART II**

#### **Article 42**

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

### **Article 43**

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.
2. The Committee shall consist of eighteen experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.
3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.
5. The elections shall be held at meetings of States Parties convened

by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.

10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

11. The Secretary-General of the United Nations shall provide the

necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

#### **Article 44**

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights

(a) Within two years of the entry into force of the Convention for the State Party concerned;

(b) Thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

#### **Article 45**

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

(a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other

competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

### **PART III**

#### **Article 46**

The present Convention shall be open for signature by all States.

#### **Article 47**

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

#### **Article 48**

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

#### **Article 49**

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

#### **Article 50**

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

#### **Article 51**

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General

#### **Article 52**

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

#### **Article 53**

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

#### **Article 54**

The original of the present Convention, of which the Arabic, Chinese,

English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations. In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

## **Appendix 7**

### **Optional Protocol to the Convention on the Rights of the Child on the involvement of children in Armed Conflict**

**Adopted and Opened for Signature, Ratification and Accession by  
General Assembly Resolution A/RES/54/263**

**of 25 May 2000**

**Entry into Force 12 February 2002**

The States Parties to the present Protocol,

Encouraged by the overwhelming support for the Convention on the Rights of the Child, demonstrating the widespread commitment that exists to strive for the promotion and protection of the rights of the child,

Reaffirming that the rights of children require special protection, and calling for continuous improvement of the situation of children without distinction, as well as for their development and education in conditions of peace and security,

Disturbed by the harmful and widespread impact of armed conflict on children and the long-term consequences it has for durable peace, security and development,

Condemning the targeting of children in situations of armed conflict and direct attacks on objects protected under international law, including places that generally have a significant presence of children, such as schools and hospitals,

Noting the adoption of the Rome Statute of the International Criminal Court, in particular, the inclusion therein as a war crime, of conscripting or enlisting

children under the age of 15 years or using them to participate actively in hostilities in both international and non-international armed conflict,

Considering therefore that to strengthen further the implementation of rights recognized in the Convention on the Rights of the Child there is a need to increase the protection of children from involvement in armed conflict,

Noting that article 1 of the Convention on the Rights of the Child specifies that, for the purposes of that Convention, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier,

Convinced that an optional protocol to the Convention that raises the age of possible recruitment of persons into armed forces and their participation in hostilities will contribute effectively to the implementation of the principle that the best interests of the child are to be a primary consideration in all actions concerning children,

Noting that the twenty-sixth International Conference of the Red Cross and Red Crescent in December 1995 recommended, inter alia, that parties to conflict take every feasible step to ensure that children below the age of 18 years do not take part in hostilities,

Welcoming the unanimous adoption, in June 1999, of International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which prohibits, inter alia, forced or compulsory recruitment of children for use in armed conflict,

Condemning with the gravest concern the recruitment, training and use within and across national borders of children in hostilities by armed groups distinct

from the armed forces of a State, and recognizing the responsibility of those who recruit, train and use children in this regard,

Recalling the obligation of each party to an armed conflict to abide by the provisions of international humanitarian law,

Stressing that the present Protocol is without prejudice to the purposes and principles contained in the Charter of the United Nations, including Article 51, and relevant norms of humanitarian law,

Bearing in mind that conditions of peace and security based on full respect of the purposes and principles contained in the Charter and observance of applicable human rights instruments are indispensable for the full protection of children, in particular during armed conflict and foreign occupation,

Recognizing the special needs of those children who are particularly vulnerable to recruitment or use in hostilities contrary to the present Protocol owing to their economic or social status or gender,

Mindful of the necessity of taking into consideration the economic, social and political root causes of the involvement of children in armed conflict,

Convinced of the need to strengthen international cooperation in the implementation of the present Protocol, as well as the physical and psychosocial rehabilitation and social reintegration of children who are victims of armed conflict,

Encouraging the participation of the community and, in particular, children and child victims in the dissemination of informational and educational programmes concerning the implementation of the Protocol,

Have agreed as follows:

## **Article 1**

States Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.

## **Article 2**

States Parties shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces.

## **Article 3**

1. States Parties shall raise the minimum age for the voluntary recruitment of persons into their national armed forces from that set out in article 38, paragraph 3, of the Convention on the Rights of the Child, taking account of the principles contained in that article and recognizing that under the Convention persons under the age of 18 years are entitled to special protection.

2. Each State Party shall deposit a binding declaration upon ratification of or accession to the present Protocol that sets forth the minimum age at which it will permit voluntary recruitment into its national armed forces and a description of the safeguards it has adopted to ensure that such recruitment is not forced or coerced.

3. States Parties that permit voluntary recruitment into their national armed forces under the age of 18 years shall maintain safeguards to ensure, as a minimum, that:

(a) Such recruitment is genuinely voluntary;

(b) Such recruitment is carried out with the informed consent of the person's parents or legal guardians;

(c) Such persons are fully informed of the duties involved in such military service;

(d) Such persons provide reliable proof of age prior to acceptance into national military service.

4. Each State Party may strengthen its declaration at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall inform all States Parties. Such notification shall take effect on the date on which it is received by the Secretary-General.

5. The requirement to raise the age in paragraph 1 of the present article does not apply to schools operated by or under the control of the armed forces of the States Parties, in keeping with articles 28 and 29 of the Convention on the Rights of the Child.

#### **Article 4**

1. Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.

2. States Parties shall take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices.

3. The application of the present article shall not affect the legal status of any party to an armed conflict.

#### **Article 5**

Nothing in the present Protocol shall be construed as precluding provisions in the law of a State Party or in international instruments and international

humanitarian law that are more conducive to the realization of the rights of the child.

#### **Article 6**

1. Each State Party shall take all necessary legal, administrative and other measures to ensure the effective implementation and enforcement of the provisions of the present Protocol within its jurisdiction.

2. States Parties undertake to make the principles and provisions of the present Protocol widely known and promoted by appropriate means, to adults and children alike.

3. States Parties shall take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to the present Protocol are demobilized or otherwise released from service. States Parties shall, when necessary, accord to such persons all appropriate assistance for their physical and psychological recovery and their social reintegration.

#### **Article 7**

1. States Parties shall cooperate in the implementation of the present Protocol, including in the prevention of any activity contrary thereto and in the rehabilitation and social reintegration of persons who are victims of acts contrary thereto, including through technical cooperation and financial assistance. Such assistance and cooperation will be undertaken in consultation with the States Parties concerned and the relevant international organizations.

2. States Parties in a position to do so shall provide such assistance through existing multilateral, bilateral or other programmes or, inter alia, through a

voluntary fund established in accordance with the rules of the General Assembly.

#### **Article 8**

1. Each State Party shall, within two years following the entry into force of the present Protocol for that State Party, submit a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol, including the measures taken to implement the provisions on participation and recruitment.

2. Following the submission of the comprehensive report, each State Party shall include in the reports it submits to the Committee on the Rights of the Child, in accordance with article 44 of the Convention, any further information with respect to the implementation of the Protocol. Other States Parties to the Protocol shall submit a report every five years.

3. The Committee on the Rights of the Child may request from States Parties further information relevant to the implementation of the present Protocol.

#### **Article 9**

1. The present Protocol is open for signature by any State that is a party to the Convention or has signed it.

2. The present Protocol is subject to ratification and is open to accession by any State. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

3. The Secretary-General, in his capacity as depositary of the Convention and the Protocol, shall inform all States Parties to the Convention and all States that have signed the Convention of each instrument of declaration pursuant to article

## **Article 10**

1. The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession.
2. For each State ratifying the present Protocol or acceding to it after its entry into force, the Protocol shall enter into force one month after the date of the deposit of its own instrument of ratification or accession.

## **Article 11**

1. Any State Party may denounce the present Protocol at any time by written notification to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the Convention and all States that have signed the Convention. The denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General. If, however, on the expiry of that year the denouncing State Party is engaged in armed conflict, the denunciation shall not take effect before the end of the armed conflict.
2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any act that occurs prior to the date on which the denunciation becomes effective. Nor shall such a denunciation prejudice in any way the continued consideration of any matter that is already under consideration by the Committee on the Rights of the Child prior to the date on which the denunciation becomes effective.

## **Article 12**

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties with a request that

they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties that have accepted it, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments they have accepted.

### **Article 13**

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States Parties to the Convention and all States that have signed the Convention.

## Appendix 8

### Signatories of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict

New York, 25 May 2000

Participant	Signature	Ratification, Accession(a), Succession(d)
Afghanistan		24 Sep 2003 a
Albania		9 Dec 2008 a
Algeria		6 May 2009 a
Andorra	7 Sep 2000	30 Apr 2001
Angola		11 Oct 2007 a
Argentina	15 Jun 2000	10 Sep 2002
Armenia	24 Sep 2003	30 Sep 2005
Australia	21 Oct 2002	26 Sep 2006
Austria	6 Sep 2000	1 Feb 2002
Azerbaijan	8 Sep 2000	3 Jul 2002
Bahrain		21 Sep 2004 a
Bangladesh	6 Sep 2000	6 Sep 2000
Belarus		25 Jan 2006 a
Belgium <sup>1</sup>	6 Sep 2000	6 May 2002

Belize	6 Sep 2000	1 Dec 2003
Benin	22 Feb 2001	31 Jan 2005
Bhutan	15 Sep 2005	9 Dec 2009
Bolivia (Plurinational State of)		22 Dec 2004 a
Bosnia and Herzegovina	7 Sep 2000	10 Oct 2003
Botswana	24 Sep 2003	4 Oct 2004
Brazil	6 Sep 2000	27 Jan 2004
Bulgaria	8 Jun 2001	12 Feb 2002
Burkina Faso	16 Nov 2001	6 Jul 2007
Burundi	13 Nov 2001	24 Jun 2008
Cambodia	27 Jun 2000	16 Jul 2004
Cameroon	5 Oct 2001	
Canada	5 Jun 2000	7 Jul 2000
Cape Verde		10 May 2002 a
Central African Republic	27 Sep 2010	
Chad	3 May 2002	28 Aug 2002
Chile	15 Nov 2001	31 Jul 2003
China <sup>2, 3</sup>	15 Mar 2001	20 Feb 2008
Colombia	6 Sep 2000	25 May 2005
Congo		24 Sep 2010 a
Costa Rica	7 Sep 2000	24 Jan 2003
Côte d'Ivoire		12 Mar 2012 a

Croatia	8 May 2002	1 Nov 2002
Cuba	13 Oct 2000	9 Feb 2007
Cyprus	1 Jul 2008	2 Jul 2010
Czech Republic	6 Sep 2000	30 Nov 2001
Democratic Republic of the Congo	8 Sep 2000	11 Nov 2001
Denmark <sup>4</sup>	7 Sep 2000	27 Aug 2002
Djibouti	14 Jun 2006	27 Apr 2011
Dominica		20 Sep 2002 a
Dominican Republic	9 May 2002	
Ecuador	6 Sep 2000	7 Jun 2004
Egypt		6 Feb 2007 a
El Salvador	18 Sep 2000	18 Apr 2002
Eritrea		16 Feb 2005 a
Estonia	24 Sep 2003	
Ethiopia	28 Sep 2010	
Fiji	16 Sep 2005	
Finland	7 Sep 2000	10 Apr 2002
France	6 Sep 2000	5 Feb 2003
Gabon	8 Sep 2000	21 Sep 2010
Gambia	21 Dec 2000	
Georgia		3 Aug 2010 a

Germany	6 Sep 2000	13 Dec 2004
Ghana	24 Sep 2003	
Greece	7 Sep 2000	22 Oct 2003
Grenada		6 Feb 2012 a
Guatemala	7 Sep 2000	9 May 2002
Guinea-Bissau	8 Sep 2000	
Guyana		11 Aug 2010 a
Haiti	15 Aug 2002	
Holy See	10 Oct 2000	24 Oct 2001
Honduras		14 Aug 2002 a
Hungary	11 Mar 2002	24 Feb 2010
Iceland	7 Sep 2000	1 Oct 2001
India	15 Nov 2004	30 Nov 2005
Indonesia	24 Sep 2001	24 Sep 2012
Iran (Islamic Republic of)	21 Sep 2010	
Iraq		24 Jun 2008 a
Ireland	7 Sep 2000	18 Nov 2002
Israel	14 Nov 2001	18 Jul 2005
Italy	6 Sep 2000	9 May 2002
Jamaica	8 Sep 2000	9 May 2002
Japan	10 May 2002	2 Aug 2004
Jordan	6 Sep 2000	23 May 2007

Kazakhstan	6 Sep 2000	10 Apr 2003
Kenya	8 Sep 2000	28 Jan 2002
Kuwait		26 Aug 2004 a
Kyrgyzstan		13 Aug 2003 a
Lao People's Democratic Republic		20 Sep 2006 a
Latvia	1 Feb 2002	19 Dec 2005
Lebanon	11 Feb 2002	
Lesotho	6 Sep 2000	24 Sep 2003
Liberia	22 Sep 2004	
Libya		29 Oct 2004 a
Liechtenstein	8 Sep 2000	4 Feb 2005
Lithuania	13 Feb 2002	20 Feb 2003
Luxembourg	8 Sep 2000	4 Aug 2004
Madagascar	7 Sep 2000	22 Sep 2004
Malawi	7 Sep 2000	21 Sep 2010
Malaysia		12 Apr 2012 a
Maldives	10 May 2002	29 Dec 2004
Mali	8 Sep 2000	16 May 2002
Malta	7 Sep 2000	9 May 2002
Mauritius	11 Nov 2001	12 Feb 2009
Mexico	7 Sep 2000	15 Mar 2002

Micronesia (Federated States)	8 May 2002	
Monaco	26 Jun 2000	13 Nov 2001
Mongolia	12 Nov 2001	6 Oct 2004
Montenegro <sup>5</sup>		2 May 2007 d
Morocco	8 Sep 2000	22 May 2002
Mozambique		19 Oct 2004 a
Namibia	8 Sep 2000	16 Apr 2002
Nauru	8 Sep 2000	
Nepal	8 Sep 2000	3 Jan 2007
Netherlands	7 Sep 2000	24 Sep 2009
New Zealand <sup>2</sup>	7 Sep 2000	12 Nov 2001
Nicaragua		17 Mar 2005 a
Niger		13 Mar 2012 a
Nigeria	8 Sep 2000	25 Sep 2012
Norway	13 Jun 2000	23 Sep 2003
Oman		17 Sep 2004 a
Pakistan	26 Sep 2001	
Panama	31 Oct 2000	8 Aug 2001
Paraguay	13 Sep 2000	27 Sep 2002
Peru	1 Nov 2000	8 May 2002
Philippines	8 Sep 2000	26 Aug 2003
Poland	13 Feb 2002	7 Apr 2005

Portugal	6 Sep 2000	19 Aug 2003
Qatar		25 Jul 2002 a
Republic of Korea	6 Sep 2000	24 Sep 2004
Republic of Moldova	8 Feb 2002	7 Apr 2004
Romania	6 Sep 2000	10 Nov 2001
Russian Federation	15 Feb 2001	24 Sep 2008
Rwanda		23 Apr 2002 a
San Marino	5 Jun 2000	26 Sep 2011
Saudi Arabia		10 Jun 2011 a
Senegal	8 Sep 2000	3 Mar 2004
Serbia	8 Oct 2001	31 Jan 2003
Seychelles	23 Jan 2001	10 Aug 2010
Sierra Leone	8 Sep 2000	15 May 2002
Singapore	7 Sep 2000	11 Dec 2008
Slovakia	30 Nov 2001	7 Jul 2006
Slovenia	8 Sep 2000	23 Sep 2004
Solomon Islands	24 Sep 2009	
Somalia	16 Sep 2005	
South Africa	8 Feb 2002	24 Sep 2009
Spain	6 Sep 2000	8 Mar 2002
Sri Lanka	21 Aug 2000	8 Sep 2000
St. Lucia	22 Sep 2011	

St. Vincent and the Grenadines		29 Mar 2011 a
Sudan	9 May 2002	26 Jul 2005
Suriname	10 May 2002	
Swaziland		24 Sep 2012 a
Sweden	8 Jun 2000	20 Feb 2003
Switzerland	7 Sep 2000	26 Jun 2002
Syrian Arab Republic		17 Oct 2003 a
Tajikistan		5 Aug 2002 a
Thailand		27 Feb 2006 a
The former Yugoslav Republic of Macedonia	17 Jul 2001	12 Jan 2004
Timor-Leste		2 Aug 2004 a
Togo	15 Nov 2001	28 Nov 2005
Tunisia	22 Apr 2002	2 Jan 2003
Turkey	8 Sep 2000	4 May 2004
Turkmenistan		29 Apr 2005 a
Uganda		6 May 2002 a
Ukraine	7 Sep 2000	11 Jul 2005
United Kingdom of Great Britain and Northern Ireland	7 Sep 2000	24 Jun 2003
United Republic of Tanzania		11 Nov 2004 a
United States of America	5 Jul 2000	23 Dec 2002

Uruguay	7 Sep 2000	9 Sep 2003
Uzbekistan		23 Dec 2008 a
Vanuatu	16 Sep 2005	26 Sep 2007
Venezuela(Bolivarian Republic )	7 Sep 2000	23 Sep 2003
Viet Nam	8 Sep 2000	20 Dec 2001
Yemen		2 Mar 2007 a
Zambia	29 Sep 2008	

## **Appendix 9**

### **Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography**

**Adopted and opened for signature, ratification and accession by  
General Assembly resolution A/RES/54/263  
of 25 May 2000**

**Entered into Force on 18 January 2002**

The States Parties to the present Protocol,

Considering that, in order further to achieve the purposes of the Convention on the Rights of the Child and the implementation of its provisions, especially articles 1, 11, 21, 32, 33, 34, 35 and 36, it would be appropriate to extend the measures that States Parties should undertake in order to guarantee the protection of the child from the sale of children, child prostitution and child pornography,

Considering also that the Convention on the Rights of the Child recognizes the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development,

Gravely concerned at the significant and increasing international traffic in children for the purpose of the sale of children, child prostitution and child pornography,

Deeply concerned at the widespread and continuing practice of sex tourism, to which children are especially vulnerable, as it directly promotes the sale of children, child prostitution and child pornography,

Recognizing that a number of particularly vulnerable groups, including girl children, are at greater risk of sexual exploitation and that girl children are disproportionately represented among the sexually exploited,

Concerned about the growing availability of child pornography on the Internet and other evolving technologies, and recalling the International Conference on Combating Child Pornography on the Internet, held in Vienna in 1999, in particular its conclusion calling for the worldwide criminalization of the production, distribution, exportation, transmission, importation, intentional possession and advertising of child pornography, and stressing the importance of closer cooperation and partnership between Governments and the Internet industry,

Believing that the elimination of the sale of children, child prostitution and child pornography will be facilitated by adopting a holistic approach, addressing the contributing factors, including underdevelopment, poverty, economic disparities, inequitable socio-economic structure, dysfunctioning families, lack of education, urban-rural migration, gender discrimination, irresponsible adult

sexual behaviour, harmful traditional practices, armed conflicts and trafficking in children,

Believing also that efforts to raise public awareness are needed to reduce consumer demand for the sale of children, child prostitution and child pornography, and believing further in the importance of strengthening global partnership among all actors and of improving law enforcement at the national level,

Noting the provisions of international legal instruments relevant to the protection of children, including the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, the Hague Convention on the Civil Aspects of International Child Abduction, the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children, and International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour,

Encouraged by the overwhelming support for the Convention on the Rights of the Child, demonstrating the widespread commitment that exists for the promotion and protection of the rights of the child,

Recognizing the importance of the implementation of the provisions of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and the Declaration and Agenda for Action adopted at the World Congress against Commercial Sexual

Exploitation of Children, held in Stockholm from 27 to 31 August 1996, and the other relevant decisions and recommendations of pertinent international bodies,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,  
Have agreed as follows:

### **Article 1**

States Parties shall prohibit the sale of children, child prostitution and child pornography as provided for by the present Protocol.

### **Article 2**

For the purposes of the present Protocol:

- (a) Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration;
- (b) Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration;
- (c) Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

### **Article 3**

1. Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether such offences are committed domestically or transnationally or on an individual or organized basis:

- (a) In the context of sale of children as defined in article 2:

(i) Offering, delivering or accepting, by whatever means, a child for the purpose of:

- a. Sexual exploitation of the child;
- b. Transfer of organs of the child for profit;
- c. Engagement of the child in forced labour;

(ii) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption;

(b) Offering, obtaining, procuring or providing a child for child prostitution, as defined in article 2;

(c) Producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography as defined in article 2.

2. Subject to the provisions of the national law of a State Party, the same shall apply to an attempt to commit any of the said acts and to complicity or participation in any of the said acts.

3. Each State Party shall make such offences punishable by appropriate penalties that take into account their grave nature.

4. Subject to the provisions of its national law, each State Party shall take measures, where appropriate, to establish the liability of legal persons for offences established in paragraph 1 of the present article. Subject to the legal principles of the State Party, such liability of legal persons may be criminal, civil or administrative.

5. States Parties shall take all appropriate legal and administrative measures to ensure that all persons involved in the adoption of a child act in conformity with applicable international legal instruments.

#### **Article 4**

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, when the offences are committed in its territory or on board a ship or aircraft registered in that State.

2. Each State Party may take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, in the following cases:

(a) When the alleged offender is a national of that State or a person who has his habitual residence in its territory;

(b) When the victim is a national of that State.

3. Each State Party shall also take such measures as may be necessary to establish its jurisdiction over the aforementioned offences when the alleged offender is present in its territory and it does not extradite him or her to another State Party on the ground that the offence has been committed by one of its nationals.

4. The present Protocol does not exclude any criminal jurisdiction exercised in accordance with internal law.

#### **Article 5**

1. The offences referred to in article 3, paragraph 1, shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties and shall be included as extraditable offences in every extradition treaty subsequently concluded between them, in accordance with the conditions set forth in such treaties.

2. If a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider the present Protocol to be a legal basis for extradition in respect of such offences. Extradition shall be subject to the conditions provided by the law of the requested State.

3. States Parties that do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

4. Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 4.

5. If an extradition request is made with respect to an offence described in article 3, paragraph 1, and the requested State Party does not or will not extradite on the basis of the nationality of the offender, that State shall take suitable measures to submit the case to its competent authorities for the purpose of prosecution.

## **Article 6**

1. States Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in article 3, paragraph 1, including assistance in obtaining evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 of the present article in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their domestic law.

#### **Article 7**

States Parties shall, subject to the provisions of their national law:

(a) Take measures to provide for the seizure and confiscation, as appropriate, of:

(i) Goods, such as materials, assets and other instrumentalities used to commit or facilitate offences under the present protocol;

(ii) Proceeds derived from such offences;

(b) Execute requests from another State Party for seizure or confiscation of goods or proceeds referred to in subparagraph (a);

(c) Take measures aimed at closing, on a temporary or definitive basis, premises used to commit such offences.

#### **Article 8**

1. States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by:

(a) Recognizing the vulnerability of child victims and adapting procedures to recognize their special needs, including their special needs as witnesses;

(b) Informing child victims of their rights, their role and the scope, timing and progress of the proceedings and of the disposition of their cases;

(c) Allowing the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected, in a manner consistent with the procedural rules of national law;

(d) Providing appropriate support services to child victims throughout the legal process;

(e) Protecting, as appropriate, the privacy and identity of child victims and taking measures in accordance with national law to avoid the inappropriate dissemination of information that could lead to the identification of child victims;

(f) Providing, in appropriate cases, for the safety of child victims, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;

(g) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting compensation to child victims.

2. States Parties shall ensure that uncertainty as to the actual age of the victim shall not prevent the initiation of criminal investigations, including investigations aimed at establishing the age of the victim.

3. States Parties shall ensure that, in the treatment by the criminal justice system of children who are victims of the offences described in the present Protocol, the best interest of the child shall be a primary consideration.

4. States Parties shall take measures to ensure appropriate training, in particular legal and psychological training, for the persons who work with victims of the offences prohibited under the present Protocol.

5. States Parties shall, in appropriate cases, adopt measures in order to protect the safety and integrity of those persons and/or organizations involved

in the prevention and/or protection and rehabilitation of victims of such offences.

6. Nothing in the present article shall be construed to be prejudicial to or inconsistent with the rights of the accused to a fair and impartial trial.

## **Article 9**

1. States Parties shall adopt or strengthen, implement and disseminate laws, administrative measures, social policies and programmes to prevent the offences referred to in the present Protocol. Particular attention shall be given to protect children who are especially vulnerable to such practices.

2. States Parties shall promote awareness in the public at large, including children, through information by all appropriate means, education and training, about the preventive measures and harmful effects of the offences referred to in the present Protocol. In fulfilling their obligations under this article, States Parties shall encourage the participation of the community and, in particular, children and child victims, in such information and education and training programmes, including at the international level.

3. States Parties shall take all feasible measures with the aim of ensuring all appropriate assistance to victims of such offences, including their full social reintegration and their full physical and psychological recovery.

4. States Parties shall ensure that all child victims of the offences described in the present Protocol have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible.

5. States Parties shall take appropriate measures aimed at effectively prohibiting the production and dissemination of material advertising the offences described in the present Protocol.

## **Article 10**

1. States Parties shall take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism. States Parties shall also promote international cooperation and coordination between their authorities, national and international non-governmental organizations and international organizations.

2. States Parties shall promote international cooperation to assist child victims in their physical and psychological recovery, social reintegration and repatriation.

3. States Parties shall promote the strengthening of international cooperation in order to address the root causes, such as poverty and underdevelopment, contributing to the vulnerability of children to the sale of children, child prostitution, child pornography and child sex tourism.

4. States Parties in a position to do so shall provide financial, technical or other assistance through existing multilateral, regional, bilateral or other programmes.

## **Article 11**

Nothing in the present Protocol shall affect any provisions that are more conducive to the realization of the rights of the child and that may be contained in:

- (a) The law of a State Party;
- (b) International law in force for that State.

## **Article 12**

1. Each State Party shall, within two years following the entry into force of the present Protocol for that State Party, submit a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol.
2. Following the submission of the comprehensive report, each State Party shall include in the reports they submit to the Committee on the Rights of the Child, in accordance with article 44 of the Convention, any further information with respect to the implementation of the present Protocol. Other States Parties to the Protocol shall submit a report every five years.
3. The Committee on the Rights of the Child may request from States Parties further information relevant to the implementation of the present Protocol.

## **Article 13**

1. The present Protocol is open for signature by any State that is a party to the Convention or has signed it.
2. The present Protocol is subject to ratification and is open to accession by any State that is a party to the Convention or has signed it. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

## **Article 14**

1. The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession.
2. For each State ratifying the present Protocol or acceding to it after its entry into force, the Protocol shall enter into force one month after the date of the deposit of its own instrument of ratification or accession.

## **Article 15**

1. Any State Party may denounce the present Protocol at any time by written notification to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the Convention and all States that have signed the Convention. The denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any offence that occurs prior to the date on which the denunciation becomes effective. Nor shall such a denunciation prejudice in any way the continued consideration of any matter that is already under consideration by the Committee on the Rights of the Child prior to the date on which the denunciation becomes effective.

## **Article 16**

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties that have accepted it, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments they have accepted.

#### **Article 17**

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States Parties to the Convention and all States that have signed the Convention.

## Appendix 10

### Signatories of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

New York, 25 May 2000

Participant	Signature	Ratification, Accession(a),
		Succession(d)
Afghanistan		19 Sep 2002 a
Albania		5 Feb 2008 a
Algeria		27 Dec 2006 a
Andorra	7 Sep 2000	30 Apr 2001
Angola		24 Mar 2005 a
Antigua and Barbuda	18 Dec 2001	30 Apr 2002
Argentina	1 Apr 2002	25 Sep 2003
Armenia	24 Sep 2003	30 Jun 2005
Australia	18 Dec 2001	8 Jan 2007
Austria	6 Sep 2000	6 May 2004
Azerbaijan	8 Sep 2000	3 Jul 2002
Bahrain		21 Sep 2004 a
Bangladesh	6 Sep 2000	6 Sep 2000
Belarus		23 Jan 2002 a

Belgium	6 Sep 2000	17 Mar 2006
Belize	6 Sep 2000	1 Dec 2003
Benin	22 Feb 2001	31 Jan 2005
Bhutan	15 Sep 2005	26 Oct 2009
Bolivia (Plurinational State of)	10 Nov 2001	3 Jun 2003
Bosnia and Herzegovina	7 Sep 2000	4 Sep 2002
Botswana		24 Sep 2003 a
Brazil	6 Sep 2000	27 Jan 2004
Brunei Darussalam		21 Nov 2006 a
Bulgaria	8 Jun 2001	12 Feb 2002
Burkina Faso	16 Nov 2001	31 Mar 2006
Burundi		6 Nov 2007 a
Cambodia	27 Jun 2000	30 May 2002
Cameroon	5 Oct 2001	
Canada	10 Nov 2001	14 Sep 2005
Cape Verde		10 May 2002 a
Central African Republic	27 Sep 2010	24 Oct 2012
Chad	3 May 2002	28 Aug 2002
Chile	28 Jun 2000	6 Feb 2003
China <sup>2</sup>	6 Sep 2000	3 Dec 2002
Colombia	6 Sep 2000	11 Nov 2003
Comoros		23 Feb 2007 a

Congo		27 Oct 2009 a
Costa Rica	7 Sep 2000	9 Apr 2002
Côte d'Ivoire		19 Sep 2011 a
Croatia	8 May 2002	13 May 2002
Cuba	13 Oct 2000	25 Sep 2001
Cyprus	8 Feb 2001	6 Apr 2006
Czech Republic	26 Jan 2005	
Democratic Republic of the Congo		11 Nov 2001 a
Denmark <sup>3</sup>	7 Sep 2000	24 Jul 2003
Djibouti	14 Jun 2006	27 Apr 2011
Dominica		20 Sep 2002 a
Dominican Republic		6 Dec 2006 a
Ecuador	6 Sep 2000	30 Jan 2004
Egypt		12 Jul 2002 a
El Salvador	13 Sep 2002	17 May 2004
Equatorial Guinea		7 Feb 2003 a
Eritrea		16 Feb 2005 a
Estonia	24 Sep 2003	3 Aug 2004
Fiji	16 Sep 2005	
Finland	7 Sep 2000	1 Jun 2012
France	6 Sep 2000	5 Feb 2003

Gabon	8 Sep 2000	1 Oct 2007
Gambia	21 Dec 2000	8 Apr 2010
Georgia		28 Jun 2005 a
Germany	6 Sep 2000	15 Jul 2009
Ghana	24 Sep 2003	
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Kyrgyzstan		12 Feb 2003 a
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Libya		18 Jun 2004 a
Liechtenstein	8 Sep 2000	
Lithuania		5 Aug 2004 a
Luxembourg	8 Sep 2000	2 Sep 2011
Madagascar	7 Sep 2000	22 Sep 2004
Malawi	7 Sep 2000	7 Oct 2009
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Myanmar		16 Jan 2012 a
Namibia	8 Sep 2000	16 Apr 2002
Nauru	8 Sep 2000	
Nepal	8 Sep 2000	20 Jan 2006
Netherlands <sup>5</sup>	7 Sep 2000	23 Aug 2005
New Zealand <sup>6</sup>	7 Sep 2000	20 Sep 2011
Nicaragua		2 Dec 2004 a
Niger	27 Mar 2002	26 Oct 2004
Nigeria	8 Sep 2000	27 Sep 2010
Norway	13 Jun 2000	2 Oct 2001
Oman		17 Sep 2004 a

Pakistan	26 Sep 2001	5 Jul 2011
Panama	31 Oct 2000	9 Feb 2001
Paraguay	13 Sep 2000	18 Aug 2003
Peru	1 Nov 2000	8 May 2002
Philippines	8 Sep 2000	28 May 2002
Poland	13 Feb 2002	4 Feb 2005
Portugal	6 Sep 2000	16 May 2003
Qatar		14 Dec 2001 a
Republic of Korea	6 Sep 2000	24 Sep 2004
Republic of Moldova	8 Feb 2002	12 Apr 2007
Romania	6 Sep 2000	18 Oct 2001
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Rwanda		14 Mar 2002 a
San Marino	5 Jun 2000	26 Sep 2011
Saudi Arabia		18 Aug 2010 a
Senegal	8 Sep 2000	5 Nov 2003
Serbia	8 Oct 2001	10 Oct 2002
Seychelles	23 Jan 2001	11 Dec 2012
Sierra Leone	8 Sep 2000	17 Sep 2001
Slovakia	30 Nov 2001	25 Jun 2004
Slovenia	8 Sep 2000	23 Sep 2004
Solomon Islands	24 Sep 2009	

South Africa		30 Jun 2003 a
Spain	6 Sep 2000	18 Dec 2001
Sri Lanka	8 May 2002	22 Sep 2006
St. Lucia	22 Sep 2011	
St. Vincent and the Grenadines		15 Sep 2005 a
Sudan		2 Nov 2004 a
Suriname	10 May 2002	18 May 2012
Swaziland		24 Sep 2012 a
Sweden	8 Sep 2000	19 Jan 2007
Switzerland	7 Sep 2000	19 Sep 2006
Syrian Arab Republic		15 May 2003 a
Tajikistan		5 Aug 2002 a
Thailand		11 Jan 2006 a
The former Yugoslav Republic of Macedonia	17 Jul 2001	17 Oct 2003
Timor-Leste		16 Apr 2003 a
Togo	15 Nov 2001	2 Jul 2004
Tunisia	22 Apr 2002	13 Sep 2002
Turkey	8 Sep 2000	19 Aug 2002
Turkmenistan		28 Mar 2005 a
Uganda		30 Nov 2001 a
Ukraine	7 Sep 2000	3 Jul 2003

United Kingdom of Great Britain and Northern Ireland	7 Sep 2000	20 Feb 2009
United Republic of Tanzania		24 Apr 2003 a
United States of America	5 Jul 2000	23 Dec 2002
Uruguay	7 Sep 2000	3 Jul 2003
Uzbekistan		23 Dec 2008 a
Vanuatu	16 Sep 2005	17 May 2007
Venezuela (Bolivarian Republic of)	7 Sep 2000	8 May 2002
Viet Nam	8 Sep 2000	20 Dec 2001
Yemen		15 Dec 2004 a
Zambia	29 Sep 2008	
Zimbabwe		14 Feb 2012 a

## **Appendix 11**

### **Laws Introduced In Kurdistan from 1992 Onwards**

1992

Law No. 1 (1992) An act for the National Assembly of Kurdistan – Iraq

Law No. 2 (1992) An act to set out rules for the election of the leader of the Kurdish liberation movement

Law No. 3 (1992) An act to establish the Kurdistan Regional Government- Iraq Council of Ministers

Law No. 4 (1992) An act to establish the Kurdistan Regional Government – Iraq Ministry of Education

Law No. 5 (1992) An act to establish the Kurdistan Regional Government – Iraq Ministry of Peshmerga

Law No. 6 (1992) An act to regulate the protection of foreign and local employees at humanitarian organizations

Law No. 7 (1992) An act to establish the Kurdistan Regional Government – Iraq Ministry of Endowments and Religious Affairs

Law No. 8 (1992) An act to prohibit the use of explosives

Law No. 9 (1992) An act to honour the peshmerga

Law No. 10 (1992) An act to establish the Kurdistan Regional Government – Iraq Ministry of Agriculture

Law No. 11 (1992) An act to establish the Kurdistan Regional Government – Iraq Ministry of Culture

Law No. 12 (1992) An act to establish the Kurdistan Regional Government – Iraq Ministry of Justice

Law No. 13 (1992) An act to establish the Kurdistan Regional Government – Iraq Ministry of Finance and Economy

Law No. 14 (1992) An act to establish the jurisdiction of the Kurdistan Region – Iraq

Law No. 15 (1992) An act to establish the Kurdistan Regional Government – Iraq Ministry of Municipalities and Tourism

1993

Law No. 1 (1993) a law for the Kurdistan Regional Government Ministry of Health and Social Affairs.

Law No. 2 (1993) a law for the Kurdistan Regional Government Ministry of Transportation and Communications.

Law No. 3 (1993) a law for stamp duty.

Law No.4 (1993) a law for the Kurdistan Regional Government Ministry of Industry and Energy.

Law No. 5 (1993) a law for the Kurdistan Region - Iraq budget for the 1993 fiscal year.

Law No. 6 (1993) a law to set out the administrative law for municipalities in the Kurdistan Regional – Iraq

Law No. 7 (1993) a law to establish a lottery to fund the reconstruction of the Kurdistan Region – Iraq

Law No. 8 (1993) a law to return military officers to service in the Kurdistan Region – Iraq

Law No. 9 (1993) a law for the Kurdistan Regional Government Ministry of Interior

Law No.10 (1993) a law to establish the rules for publications in the Kurdistan Region – Iraq

Law No. 11 (1993) a law for the Kurdistan Regional Government Ministry of Reconstruction and Development

Law No. 12 (1993) a law for the Kurdistan Regional Government High Commission for Higher Education and Scientific Research

Law No. 13 (1993) a law for the Kurdistan Regional Government Ministry of Works and Housing

Law No. 14 (1993) a law for the Kurdistan Region - Iraq Federation of Chambers of Commerce and Industry

Law No. 15 (1993) a law for the Kurdistan Region - Iraq Red Crescent Society

Law No. 16 (1993) a weapons' law for the Kurdistan Region – Iraq

Law No. 17 (1993) a law for political parties in the Kurdistan Region – Iraq

Law No. 18 (1993) a law of cooperatives in the Kurdistan Region – Iraq

Law No. 19 (1993) a law for the Kurdistan Region - Iraq Presidency.

Law No. 20 (1993) a law for the Kurdistan Regional Government Ministry of Humanitarian Aid and Cooperation

Law No. 21 (1993) a law for the Kurdistan Region - Iraq customs

1994

Law No. 1 (1994) first amendment of Law No. 16 (1992)

Law No. 2 (1994) first amendment of Law No. 14 (1992) the Judicial Authority Law

Law No. 3 (1994) first amendment of Law No. 3 (1992) the Iraqi Kurdistan Region Council of Ministers Law

Law No. 4 (1994) first amendment of Law No. 1 (1992) the Iraqi Kurdistan National Assembly Law 1995

1995

Law No. 1 (1995) the first extension of the electoral law the Iraqi Kurdistan National Assembly Law

1996

Law No. 1 (1996) the second extension of the first electoral term of Iraqi Kurdistan National Assembly Law

Law No. 2 (1996) the law to extend the first electoral law of the Iraqi Kurdistan National Assembly

Law No. 3 (1996) the second amendment of Law No. 3 (1992) the Iraqi Kurdistan Region Council of Ministers Law

Law No. 4 (1996) the Iraqi Kurdistan Region Budget Law for the period September 1 - December 31, 1996.

1997

Law No. 1 (1997) an act for the Kurdistan Region – Iraq 1997 budget

Law No. 2 (1997) an act for the first amendment of Law No. 17 (1993) the Kurdistan Region – Iraq law for political parties

Law No. 3 (1997) an act for the first amendment of Law No. 6 (1993) the Kurdistan Region – Iraq law for the municipalities' legal departments

Law No. 4 (1997) an act to establish the general organization to deal with martyrs

Law No. 5 (1997) an act for the first amendment of Law No. 7 (1993) the Kurdistan Region – Iraq the lottery law to raise funds for reconstruction of the Region

Law No. 6 (1997) an act for the first amendment of Law No. 12 (1992) the law for the Kurdistan Regional Government Ministry of Justice

Law No. 7 (1997) an act for the first amendment of Law No. 9 (1993) the law for the Kurdistan Regional Government Ministry of Interior

Law No. 8 (1997) an act to abolish Law No. 19 (1993) the law for the Kurdistan Region – Iraq Presidency

Law No. 9 (1997) an act to establish the equivalency of degrees earned at religious schools under the Kurdistan Regional Government Ministry of Endowments and Religious Affairs with public schools under the Kurdistan Regional Government Ministry of Education

Law No. 10 (1997) an act to terminate work carried out under Law No. 2 (1992) by any election officers of the Kurdish liberation movement

Law No. 11 (1997) an act for the first amendment of Law No. 12 (1993) the law for the Kurdistan Regional Government Council for Higher Education and Scientific Research

Law No. 12 (1997) an act for the Law of Kurdish academy in Iraqi Kurdistan.

1998

Law No. 1 (1998): Budget law for the Kurdistan Region – Iraq for the 1998.

Law No. 2 (1998): Second amendment to Law No. 6 (1993) the law for the Municipalities' Administration in the Kurdistan Region – Iraq

Law No. 3 (1998): Electoral law extension of the first National Assembly of Kurdistan – Iraq

Law No. 4 (1998): Abolish the law of lands within the boundaries of municipalities

Law No. 5 (1998): First amendment of Law No. 1 (1992) the Journalists' Union Law for the Kurdistan Region – Iraq

Law No. 6f (1998): First amendment of Law No. 11 (1992) the law of the Kurdistan Regional Government Ministry of Culture

Law No. 7 (1998): Law of legation allowances and travel within the region

Law No. 8 (1998): Artists' Union Law for the Kurdistan Region – Iraq

Law No. 9 (1998): Veterinarians' Association Law for the Kurdistan Region – Iraq.

1999

Law No. 1: Agricultural Engineers' Association Law for the Kurdistan Region – Iraq

Law No. 2: Geologists' Association Law for the Kurdistan Region – Iraq

Law No. 3: Law regarding those missing from the genocidal campaigns

Law No. 4: Engineering Professions' Association Law for the Kurdistan Region – Iraq

Law No. 5: Pharmacists' Association Law for the Kurdistan Region – Iraq

Law No. 6: Health Professions' Association Law for the Kurdistan Region – Iraq

Law No. 7: Third amendment to Law No. 6 (1993) the law for Governorate Municipalities Administration

Law No. 8: Chemists' Union Law for the Kurdistan Region – Iraq

Law No. 9: Council of Ministers retirees Law for the Kurdistan Region – Iraq

Law No.10: National Assembly retirees Law for the Kurdistan Region – Iraq

Law No. 11: The Kurdistan flag law

Law No. 12: Engineers' Association Law for the Kurdistan Region – Iraq

Law No. 13: Third amendment to Law No. 3 (1992) the law of the Council of Ministers of the Kurdistan Region – Iraq

Law No. 14: Law regarding attorneys in the Kurdistan Region – Iraq

Law No. 15: Law regarding Pension Fund lawyers for the Kurdistan Region – Iraq.

2000

Law No. 1 (2000): First amendment of Law No. 15 (1999) the law for the Engineers' Syndicate of the Kurdistan Region - Iraq

Law No. 2 (2000): First amendment of Law No. 9 (1999) the law for the Health Professionals

Law No. 3 (2000): First amendment of Law No. 1 (1999) the law for the Agricultural Engineers' Syndicate

Law No. 4 (2000): an act to regulate traffic fines in the Kurdistan Region – Iraq

Law No. 5 (2000): First amendment of Law No. 20 (1993) the law for the Kurdistan Regional Government Ministry of Humanitarian Aid and Cooperation

Law No. 6 (2000): an act for the Doctors' Union in the Kurdistan Region – Iraq

Law No. 7 (2000): an act for retired and disabled peshmerga

Law No. 8 (2000): an act for the Institute of imams and preachers of the Kurdistan Regional Government Ministry of Endowments and Islamic Affairs

Law No. 9 (2000): an act to separate the civil defence directorates from the Kurdistan Regional Government Ministry of Interior.

Law No. 10 (2000): First amendment of Law No. 10 (1992) the law for the Kurdistan Regional Government Ministry of Agriculture and Irrigation.

Law No. 11 (2000): an act for the regulation of fees for electricity and its accessories.

Law No. 13 (2000): Fourth amendment to Law No. 3 (1992) amended, the law for the Kurdistan Regional Government Council of Ministers

Law No. 14 (2000): an act for the Office of Financial Supervision for the Kurdistan Region – Iraq

2002

Law No. 1 (2002) An act to establish legal actions against civil servants who quit their jobs

Law No. 2 (2002) An act to establish the rules for issuing death certificates

Law No. 3 (2002) An act to separate public libraries from local administrations

Law No. 4 (2002) An act to establish the Kurdistan Region – Iraq Teachers'

## Union

Law No. 6 (2002) An act to amend fines described in Law No. 111 (1969)  
Amended the Penal Code

Law No. 7 (2002) An act for the second amendment of Law No. 17 (1992)  
Amended the law for political parties

Law No. 8 (2002) An act for the first amendment of Law No. 10 (1992) Press  
Law in the Kurdistan Region – Iraq

Law No. 9 (2002) An act for the first amendment of Law No. 3 (1992) Stamp  
Law in the Kurdistan Region – Iraq

Law No. 10 (2002) An act to annul judicial charges set forth in Law No. 14  
(1981)

Law No. 11 (2002) An act for the first amendment to Law No. 17 (1999)  
Lawyers' Law

Law No. 12 (2002) An act to establish a High Commission for Sports in the  
Kurdistan Region – Iraq

Law No. 13 (2002) An act for the first amendment to Law No. 10 (2002)  
regarding judicial charges

Law No. 14 (2002) An act to deal with honour crimes in the Kurdistan  
Region – Iraq

Law No. 15 of the year 2002- an act to accept the services of the lawyers in  
the membership of the parliament of the Kurdistan Region.

Law No. 16 (2002) An act to ratify the terms of the Washington Agreement  
to bring peace to the Kurdistan Region – Iraq

## 2003

Law No. 17 (2003) An act to make April 9 an official holiday

Law No. 18 (2003) An act determining the legal status of officials and  
agents of the previous regime

Law No. 19 (2003) An act to remove the effects of the implementation  
policies of ethnic cleansing.

Law No. 20 (2003) An act for the Erbil Airport

Law No. 21 (2003) An act to annul Article 156 of the Iraqi Penal Code

Law No. 22 (2003) An act to annul Articles of the Iraqi Criminal Procedure

Code Law No. 23 (1971)

Law No. 23 (2003) An act to establish birth and maternity allowances

Law No. 24 (2004) An act to increase the effectiveness of Law No. 188 (1959) Amended

Law No. 25 (2004) An act for the Kurdistan Regional Government Ministry of Construction and Housing

Law No. 26 (2004) An act for the fifth amendment of Law No. 3 (1992) Amended the Law of the Kurdistan Region – Iraq Council of Ministers

Law No. 27 (2004) An act to repeal Article 3, paragraph (f) of Law No. 48 (1971) the Traffic Law

Law No. 28 (2004) An act to amend the Kurdistan Regional Government Ministry of Finance and Economy Law

Law No. 29 (2004) An act to amend Law No. 7 (1992) the Law of the Kurdistan Regional Government Ministry of Endowment

Law No. 30 (2004) An act to annul Law No. 9 (2000) regarding separating the civil defence directorates of the Kurdistan Regional Government Ministry of Interior and attach them to the Kurdistan Regional Government Ministry of Municipalities and Tourism

Law No. 31 (2004) An act to amend Law No. 4 (1993) the Law of the Kurdistan Regional Government Ministry of Industry and Energy

Law No. 32 (2004) An act to amend Law No. 12 (1993) Amended

Law No. 33 (2004) An act for the Law of the Kurdistan Regional Government Ministry of Higher Education and Scientific Research

Law No. 34 (2004) An act for the Law of the Kurdistan Regional Government Ministry of Labour and Social Affairs

Law No. 35 (2004) An act to amend Law No. 13 (1999) the Law of the Kurdistan Parliament – Iraq Members Pension

Law No. 36 (2004) An act for the holders of retired senior posts in the Kurdistan Region – Iraq

Law No. 38 (2004) An act for the Kurdistan Region – Iraq Oil, Gas and Petrochemical Board

Law No. 39 (2004) An act to establish the Kurdistan Regional Government Ministry of Tourism

Law No. 40 (2004) An act for the second amendment of Law No. 4 (1998)  
Amended the Journalists Law

Law No. 41 (2004) An act for the second amendment of Law No. 1 (1998)  
the Agricultural Engineers' Association Law

Law No. 42 (2004) An act to suspend Article 408, paragraph 1 of Law No.  
111 (1969) Amended the Penal Code

Law No. 43 (2004) An act to suspend punishment for crimes committed  
against spouses described in Article 144 of Law No. 111 (1969) the Penal  
Code

Law No. 44 (2004) An act for the second amendment of Law No. 8 (1999)  
the Pharmacists' Association Law

Law No. 45 (2004) An act for the Kurdistan Region – Iraq Dentists' Union

Law No. 46 (2004) An act for the Kurdistan Region – Iraq Asayish (Security  
Agency ) general authority

Law No. 47 (2004) An act for the third amendment of Law No. 1 (1992)  
Kurdistan Parliament – Iraq elections

Law No. 48 (2004) An act for the sixth amendment of Law No. 3 (1992)  
Kurdistan Regional Government – Iraq Council of Ministers

Law No. 37 (2004) An act for the second amendment to Law No. 14 (1992)  
Amended Kurdistan Regional Government – Iraq Judicial Authority Law

2005

Law No.1 (2005) An act to establish the Presidency of the Kurdistan Region  
– Iraq

Law No.2 (2005) An act to establish the Kurdistan Region Presidency Divan  
– Iraq

2006

Law No.1 (2006) An act for the seventh amendment of Law No. 3 (1992)  
Amended the Law of Kurdistan Region – Iraq Council of Ministers

Law No. 2 (2006) An act for the first amendment to Law No. 1 (2005) the  
Law of the Presidency of the Kurdistan Region – Iraq

Law No. 3 (2006) An act for anti-terrorism in the Kurdistan Region – Iraq

Law No. 4 (2006) An act for investment in the Kurdistan Region – Iraq

Law No.5 (2006) An act for the Kurdistan Regional Government – Iraq  
Ministry of Electricity

Law No. 6 (2006) An act to amend Articles of the Second Section of the  
Penal Procedural Law

Law No. 7 (2006) An act for the Kurdistan Regional Government – Iraq  
Ministry of Planning

Law No. 8 (2006) An act for the Kurdistan Regional Government – Iraq  
Ministry of Martyrs and Anfal Victims

Law No. 9 (2006) An act for the Kurdistan Regional Government – Iraq  
Ministry of Water Resources

Law No. 10 (2006) An act for the Kurdistan Regional Government – Iraq  
Ministry of Environment

Law No. 11 (2006) An act for the Kurdistan Regional Government – Iraq  
Ministry of Industry

Law No. 12 (2006) An act for the Kurdistan Regional Government – Iraq  
Ministry of Transport

Law No. 13 (2006) An act for the Kurdistan Regional Government – Iraq  
Ministry of Commerce

Law No. 15 (2006) An act for the second amendment of Law No. 4 (1992)  
Amended the Law of the Kurdistan Regional Government – Iraq Ministry of  
Education

Law No. 16 (2006) An act for the Kurdistan Region – Iraq Judges' Union

Law No. 17 (2006) An act for the Kurdistan Parliamentarians' Union

Law No.18 (2006) An act for the Kurdistan Region – Iraq Ministry of  
Construction and Housing

Law No. 19 (2006) An act for the Kurdistan Regional Government – Iraq  
Ministry for Extra-Regional Affairs

Law No. 20 (2006) An act for the Kurdistan Regional Government – Iraq  
Ministry of Tourism.

2007

Law No. 1 (2007) An act for the Kurdistan Regional Government – Iraq  
Ministry of Agriculture

Law No. 2 (2007) An act for the Kurdistan Regional Government – Iraq

## Ministry of Municipalities

Law No. 3 (2007) for year 2007.

Law No. 4 (2007) An act to establish amnesty law for the Kurdistan Region – Iraq

Law No. 5 (2007) An act for the first amendment of Law No. 3 (1998) regarding the distribution and expropriation of land within the boundaries of municipalities

Law No. 6 (2007) An act for the second amendment of Law No. 17 (1999)

Law No. 7 (2007) An act for the second amendment of Law No. 18 (1999) Amended the Kurdistan Region – Iraq Lawyers' Syndicate Pension Fund Law

Law No. 8 (2007) An act for the Kurdistan Regional Government – Iraq Ministry of Athletics and Youth

Law No. 9 (2007) An act to set out the rights and privileges of the families of the martyrs and Anfal in the Kurdistan Region – Iraq

Law No. 10 (2007) An act for the Kurdistan Region – Iraq General Organization for Mines

Law No. 11 (2007) An act for the Kurdistan Regional Government – Iraq Ministry of Endowment and Religious Affairs

Law No. 12 (2007) An act for the Kurdistan Regional Government – Iraq Ministry of Labour and Social Affairs

Law No.13 (2007) An act for the Kurdistan Regional Government Ministry of Justice

Law No. (14) for the year 2007 - Law of the Ministry of Culture in the Kurdistan Region of Iraq

Law No. 15 (2007) An act for the Kurdistan Regional Government – Iraq Ministry of Health

Law No. 16 (2007) An act to amend Law No. 24 (1960) Amended the Kurdistan Region – Iraq Civil Service Law

Law No. 17 (2007) An act for the first amendment of Law No. 9 (2007) the Rights and Privileges of the families of the Martyrs and the Anfal in the Kurdistan Region – Iraq

Law No. 18 (2007) supplement Law to the attorney general Law No. (159) for the year 1979 in the Kurdistan Region \_ Iraq

Law No. 19 (2007) An act for the Kurdistan Regional Government – Iraq Ministry of Peshmerga.

Law No. 20 (2007) An act for the Kurdistan Region – Iraq January 1 – December 31, 2007 Budget

Law No. 21 (2007) An act for the Kurdistan Regional Government – Iraq Ministry of Natural Resources

Law No. 22 (2007) An act for the Kurdistan Region – Iraq oil and gas

Law No. 23 (2007) An act for the Kurdistan Region – Iraq judicial authority

Law No. 24 (2007) An act to amend Law No. 26 (1962) the real estate tax

Law No. 25 (2007) for the year 2007 - Act to amend the application of the property tax law No. 162 of 1959, as amended

Law No. 26 (2007) An act to amend Law No. 113 (1982) Amended the income tax law

Law No. 27 (2007) An act for the third amendment of Law No. 4 (1992) Amended the Kurdistan Regional Government – Iraq Ministry of Education law

Law No. 28 (2007) An act to put Iraqi Federal Law No. 21 (1997) into effect

Law No. 29 for the year 2007 – federal law of companies of the law commercial agency No. 51 of year 2000

Law No. 30 (2007) An act for genetic blood testing before marriage.

2008

Law No. 1 (2008): an act to regulate the rights for parcelling agriculture land in the Kurdistan Region - Iraq

Law No. 2 (2008): an act for the Office of Financial Supervision in the Kurdistan Region - Iraq

Law No. 3 (2008): Budget Law for the Kurdistan Region - Iraq

Law No. 4 (2008): an act regarding the protection and development of agricultural production in the Kurdistan Region - Iraq

Law No. 5 (2008): an act for the first amendment of the anti-smoking law in the Kurdistan Region - Iraq

Law No. 6 (2008): an act to prevent the abuse of communications

equipment in the Kurdistan Region - Iraq

Law No. 7 (2008): an act regarding housing insurance for citizens of the Kurdistan Region - Iraq

Law No. 8 (2008): an act for the protection and improvement of the environment in the Kurdistan Region - Iraq

Law No. 9 (2008): an act to amend Law No. 87 (1979) Amended, the law regulating property rental

Law No. 10 (2008): an act for the Kurdistan Regional Government Ministry of Higher Education and Scientific Research.

Law No. 11 (2008): an act to extend Law No. 3 (2006) the anti-terrorism law

Law No. 12 (2008): an act for the second amendment of , the law for retired members of the National Assembly of Kurdistan.

Law No. 13 (2008): an act for the second amendment of Law No. 9 (2007) the law regarding the rights and privileges of martyrs and Anfal victims.

Law No. 14 (2008): an act for the Advisory Council of the Kurdistan Region - Iraq

Law No. 15 (2008): an act to amend Law No. 188 (1959) Amended regarding the application of the personal status law.

Law No. 16 (2008): an act regarding the adoption of the Constitution of the Kurdistan Region – Iraq.

2009

Law No. 1 (2009) An act for the second amendment of Law No. 1 (2005) Amended the Law of the Presidency of the Kurdistan Region – Iraq

Law No. 2 (2009) An act for the fourth amendment of the Kurdistan Region – Iraq Elections Law for the Kurdistan National Assembly

Law No. 3 (2009) An act for the provinces of the Kurdistan Region – Iraq

Law No. 4 (2009) An act for provincial, district, and municipal council elections in the Kurdistan Region – Iraq

Law No. 5 (2009) An act for the fifth amendment of Law No. 1 (1992) Amended the Election Law for the Kurdistan Parliament – Iraq

Law No. 6 (2009) An act for the Kurdistan Regional Government – Iraq Ministry of Interior

Law No. 7 (2009) An act the Kurdistan Region – Iraq Judicial Institute

Law No. 8 (2009) An act for the Kurdistan Region – Iraq 2009 budget

Law No. 9 (2009) An act for the first amendment to Law No. 16 (2008) Kurdistan Region – Iraq Constitution ratification.

2010

Law No. 1 (2010) An act for the Kurdistan Region – Iraq 2010 budget

Law No. 2 (2010) An act for the Kurdistan Region – Iraq general board for disputed areas

Law No. 3 (2010) An act for the Kurdistan Region – Iraq board for the protection and enhancement of the environment

Law No. 4 (2010) An act for the Kurdistan Region – Iraq independent board for human rights

Law No. 5 (2010) An act for the Kurdistan Regional Government – Iraq Ministry of Finance and Economics

Law No. 6 (2010) An act for the Kurdistan Regional Government – Iraq Ministry of Agriculture and Water Resources.

Law No. 7 (2010) An act for the first amendment of Law No. (14) 1993 Kurdistan Region – Iraq Chamber of Commerce and Industry Law

Law No. 8 (2010) An act for anti-terrorism law in the Kurdistan Region – Iraq

Law No. 9 (2010) An act to put the 2010 Federal Law of Consumers' Rights into effect

Law No. 10 (2010) An act for the Kurdistan Regional Government – Iraq Ministry of Trade and Industry.

Law No. 11 (2010) An act for the organization of demonstrations in the Kurdistan Region – Iraq

Law No. 12 for the year 2010 Law of the Ministry of Municipalities and Tourism for the Kurdistan Region of Iraq.

Law No. 13 (2010) An act for the salary and allowances of the President and the Deputy President of the Kurdistan Region – Iraq

Law No. 15 (2010) An act for the compensation of those wrongfully arrested and/or convicted in the Kurdistan Region – Iraq

Law No. 16 (2010) An act for the first amendment of Law No. 9 (2008) Real

## Estate Rental Law in the Kurdistan Region – Iraq

Law No. 17 (2010) An act regarding the payment of dowries prior to marriage in the Kurdistan Region – Iraq.

2011

Law No. 1 (2011) An act for non-governmental organizations in the Kurdistan Region - Iraq

Law No. 2 (2011) An act to establish a fund to support small projects for young people.

Law No. 3 (2011) An act to set out the law of the general authority of the integrity of the Kurdistan Region – Iraq

Law No. 4 (2011) An act to establish the Kurdistan Region – Iraq Security Council.

Law No. 5 (2011) An act for the Kurdistan Region – Iraq security forces (Asayish)

Law No. 6 (2011) An act for the Kurdistan Regional Government – Iraq 2011 budget

Law No. 7 (2011) An act for the Civil Service Council.

Law No. 8 (2011) An act against domestic violence.

Law No. 9 (2011) An act for the second amendment of Law for Union of Kurdistan Parliamentarians .

Law No. 11 (2011) An act to set out privileges of prisoners and political detainees in the Kurdistan Region – Iraq

Law No. 12 (2011) An act for the Kurdistan Regional Government – Iraq Ministry of Culture and Youth.

Law No. 16 (2011) An act for the first amendment of Law No. 7 (2008) the Home Insurance Law for citizens in the Kurdistan Region – Iraq

Law No. 17 (2011) An act to annul Iraqi Criminal Procedure Law No. 30 (2007) in the Kurdistan Region – Iraq

Law No. 18 (2011) An act to annul Iraqi Military Penal Code No. 19 (2007) in the Kurdistan Region – Iraq

Law No. 19 (2011) An act for the Kurdistan Regional Government – Iraq Ministry of Transport and Communications

Law No. 20 (2011) An act for the first amendment to Law No. 26 (2007) Income Tax Law in the Kurdistan Region – Iraq

Law No. 21 (2011) An act for the first amendment Law No. 4 (2009) the provincial elections law for the Kurdistan Region – Iraq

Law No. 22 for the year 2011 law the rights and privileges of the disabled and those with special needs in the Kurdistan Region – Iraq.

2012

Law No. (1) for the year 2012 the first amendment to the Act Law Teachers Union of Kurdistan Iraq No.(4) for the year 2002.

Law No. (2) for the year 2012 amnesty law in the Kurdistan region of Iraq.

Law No.(3) for the year 2012 the Public Roads Act of the Kurdistan Region.

Law No. (4) of the 2012 Act amend the application of the law of retirement and social security for Amalno. (39) for the year 1971, as amended in the Kurdistan Region – Iraq.

Law No. (5) of the 2012 Act the second amendment to the Law Academy Kurdish No. (12) of 1997 as amended in the Kurdistan region of Iraq.

Law No. (6) for the year 2012 Act stop working rental property Law No. (9) for the year 2008 in the Kurdistan region of Iraq

Law No. (7) of the 2012 Act to extend the anti-terrorism law No. (3) for the year 2006 in the Kurdistan region of Iraq

Law No. (8) for the year 2012 budget law for the Kurdistan Region - Iraq for the fiscal year 2012.

Law No. (9) of the 2012 Act granted the title and promotion of scientific campaign master's degree and doctorate for workers outside the institutions of higher education in the Kurdistan region of Iraq

Law No. (10) for the year 2012 Forest Law of the Kurdistan Region of Iraq

Law No. (11) for the year 2012 Benefit Fund Act of cancer patients in the Kurdistan region of Iraq

Law No. (12) for the year 2012 Title Act homes located on the campus of the villages within the municipal boundaries of the Kurdistan region of Iraq.

Law No. (13) for the year 2012 Ninth Amendment Act Law of the Council of Ministers of the Kurdistan Region No. (3) of 1992, as amended.

Law No. (14) for the year 2012 law schools and non-governmental institutes

in the Kurdistan region of Iraq.

Law No.(15) of the 2012 Law on the Protection of the members of the Parliament of Kurdistan Iraq.

Law No. Law No. (16) for the year 2012 Law Enforcement and modify the application of the law book reverse No. (33) for the year 1998 in the Kurdistan region of Iraq

Law No.(17) for the year 2012 copyright law and neighboring rights in the Kurdistan region of Iraq.

2013

Law No. Law No. (1) for the year 2013 General Budget Law for the Kurdistan region of Iraq for the fiscal year 2013

## Appendix 12

### IRAQI CONSTITUTION

Approved by Referendum on 15 October 2005

#### The Preamble

*In the name of God, the Most merciful, the Most compassionate*

**{We have honored the sons of Adam}**

We, the people of Mesopotamia, the homeland of the apostles and prophets, resting place of the virtuous imams, cradle of civilization, crafters of writing, and home of numeration. Upon our land the first law made by man was passed, and the oldest pact of just governance was inscribed, and upon our soil the saints and companions of the Prophet prayed, philosophers and scientists theorized, and writers and poets excelled; Acknowledging God's right over us, and in fulfillment of the call of our homeland and citizens, and in a response to the call of our religious and national leaderships and the determination of our great authorities and of our leaders and politicians, and in the midst of international support from our friends and those who love us, marched for the first time in our history towards the ballot boxes by the millions, men and women, young and old, on the thirtieth of January 2005, invoking the pains of sectarian oppression inflicted by the autocratic clique and inspired by the tragedies of Iraq's martyrs, Shiite and Sunni, Arabs and Kurds and Turkmen and from all other components of the people, and recollecting the darkness of the ravage of the holy cities and the South in the Sha'abaniyya uprising and burnt by the flames of grief of the mass graves, the marshes, Al-Dujail and others and articulating the sufferings of racial

oppression in the massacres of Halabcha, Barzan, Anfal and the Fayli Kurds and inspired by the ordeals of the Turkmen in Bashir and the sufferings of the people of the western region, as is the case in the remaining areas of Iraq where the people suffered from the liquidation of their leaders, symbols, and Sheiks and from the displacement of their skilled individuals and from drying out of its cultural and intellectual wells, so we sought hand in hand and shoulder to shoulder to create our new Iraq, the Iraq of the future, free from sectarianism, racism, complex of regional attachment, discrimination, and exclusion. Accusations of being infidels, and terrorism did not stop us from marching forward to build a nation of law. Sectarianism and racism have not stopped us from marching together to strengthen our national unity, following the path of peaceful transfer of power, adopting the course of just distribution of resources, and providing equal opportunity for all. We, the people of Iraq, who have just risen from our stumble, and who are looking with confidence to the future through a republican, federal, democratic, pluralistic system, have resolved with the determination of our men, women, elderly, and youth to respect the rule of law, to establish justice and equality, to cast aside the politics of aggression, to pay attention to women and their rights, the elderly and their concerns, and children and their affairs, to spread the culture of diversity, and to defuse terrorism. We, the people of Iraq, of all components and across the spectrum, have taken upon ourselves to decide freely and by choice to unite our future, to take lessons from yesterday for tomorrow, and to enact this permanent Constitution, through the values and ideals of the heavenly messages and the findings of science and man's civilization. The

adherence to this Constitution preserves for Iraq its free union of people, of land, and of sovereignty.

## **Section One**

### **Fundamental Principles**

#### **Article 1:**

The Republic of Iraq is a single federal, independent and fully sovereign state in which the system of government is republican, representative, parliamentary, and democratic, and this Constitution is a guarantor of the unity of Iraq.

#### **Article 2:**

First: Islam is the official religion of the State and is a foundation source of legislation

- A. No law may be enacted that contradicts the established provisions of Islam .
- B. No law may be enacted that contradicts the principles of democracy.
- C. No law may be enacted that contradicts the rights and basic freedoms stipulated in this Constitution.

Second: This Constitution guarantees the Islamic identity of the majority of the Iraqi people and guarantees the full religious rights to freedom of religious belief and practice of all individuals such as Christians, Yazidis, and Mandeans.

#### **Article 3:**

Iraq is a country of multiple nationalities, religions, and sects. It is a founding and active member in the Arab League and is committed to its charter, and it is part of the Islamic world.

**Article 4:**

First: The Arabic language and the Kurdish language are the two official languages of Iraq. The right of Iraqis to educate their children in their mother tongue, such as Turkmen, Syriac, and Armenian shall be guaranteed in government educational institutions in accordance with educational guidelines, or in any other language in private educational institutions.

Second: The scope of the term “official language” and the means of applying the provisions of this article shall be defined by a law and shall include:

- A. Publication of the Official Gazette, in the two languages;
- B. Speech, conversation, and expression in official domains, such as the Council of Representatives, the Council of Ministers, courts, and official conferences, in either of the two languages;
- C. Recognition and publication of official documents and correspondence in the two languages;
- D. Opening schools that teach the two languages, in accordance with the educational guidelines;
- E. Use of both languages in any matter enjoined by the principle of equality such as bank notes, passports, and stamps.

Third: The federal and official institutions and agencies in the Kurdistan region shall use both languages.

Fourth: The Turkomen language and the Syriac language are two other official languages in the administrative units in which they constitute density of population.

Fifth: Each region or governorate may adopt any other local language as an additional official language if the majority of its population so decides in a

general referendum.

**Article 5:**

The law is sovereign. The people are the source of authority and legitimacy, which they shall exercise in a direct, general, secret ballot and through their constitutional institutions.

**Article 6:**

Transfer of authority shall be made peacefully through democratic means as stipulated in this Constitution.

**Article 7:**

First: Any entity or program that adopts, incites, facilitates, glorifies, promotes, or justifies racism or terrorism or accusations of being an infidel (takfir) or ethnic cleansing, especially the Saddamist Ba'ath in Iraq and its symbols, under any name whatsoever, shall be prohibited. Such entities may not be part of political pluralism in Iraq. This shall be regulated by law.

Second: The State shall undertake to combat terrorism in all its forms, and shall work to protect its territories from being a base, pathway, or field for terrorist activities.

**Article 8:**

Iraq shall observe the principles of good neighborliness, adhere to the principle of noninterference in the internal affairs of other states, seek to settle disputes by peaceful means, establish relations on the basis of mutual interests and reciprocity, and respect its international obligations.

**Article 9:**

First:

A. The Iraqi armed forces and security services will be composed of the

components of the Iraqi people with due consideration given to their balance and representation without discrimination or exclusion. They shall be subject to the control of the civilian authority, shall defend Iraq, shall not be used as an instrument to oppress the Iraqi people, shall not interfere in the political affairs, and shall have no role in the transfer of authority.

- B. The formation of military militias outside the framework of the armed forces is prohibited.
- C. The Iraqi armed forces and their personnel, including military personnel working in the Ministry of Defense or any subordinate departments or organizations, may not stand for election to political office, campaign for candidates, or participate in other activities prohibited by Ministry of Defense regulations. This ban includes the activities of the personnel mentioned above acting in their personal or professional capacities, but shall not infringe upon the right of these personnel to cast their vote in the elections.
- D. The Iraqi National Intelligence Service shall collect information, assess threats to national security, and advise the Iraqi government. This Service shall be under civilian control, shall be subject to legislative oversight, and shall operate in accordance with the law and pursuant to the recognized principles of human rights.
- E. The Iraqi Government shall respect and implement Iraq's international obligations regarding the non-proliferation, non-development, non-production, and non-use of nuclear, chemical, and biological weapons, and shall prohibit associated equipment, materiel, technologies, and

delivery systems for use in the development, manufacture, production, and use of such weapons.

Second: Military service shall be regulated by law.

**Article 10:**

The holy shrines and religious sites in Iraq are religious and civilizational entities. The State is committed to assuring and maintaining their sanctity, and to guaranteeing the free practice of rituals in them.

**Article 11:**

Baghdad is the capital of the Republic of Iraq.

**Article 12:**

First: The flag, national anthem, and emblem of Iraq shall be regulated by law in a way that symbolizes the components of the Iraqi people.

Second: A law shall regulate honors, official holidays, religious and national occasions and the Hijri and Gregorian calendar.

**Article 13:**

First: This Constitution is the preeminent and supreme law in Iraq and shall be binding in all parts of Iraq without exception.

Second: No law that contradicts this Constitution shall be enacted. Any text in any regional constitutions or any other legal text that contradicts this Constitution shall be considered void.

**Section Two**

**Rights and Liberties**

**Chapter One**

**[Rights]**

**First: Civil and Political Rights**

**Article14:**

Iraqis are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, color, religion, sect, belief or opinion, or economic or social status.

**Article15:**

Every individual has the right to enjoy life, security and liberty. Deprivation or restriction of these rights is prohibited except in accordance with the law and based on a decision issued by a competent judicial authority.

**Article16:**

Equal opportunities shall be guaranteed to all Iraqis, and the state shall ensure that the necessary measures to achieve this are taken.

**Article 17:**

First: Every individual shall have the right to personal privacy so long as it does not contradict the rights of others and public morals.

Second: The sanctity of the homes shall be protected. Homes may not be entered, searched, or violated, except by a judicial decision in accordance with the law.

**Article 18:**

First: Iraqi citizenship is a right for every Iraqi and is the basis of his nationality.

Second: Anyone who is born to an Iraqi father or to an Iraqi mother shall be considered an Iraqi. This shall be regulated by law.

Third:

- A. An Iraqi citizen by birth may not have his citizenship withdrawn for any reason. Any person who had his citizenship withdrawn shall have the

right to demand its reinstatement. This shall be regulated by a law.

B. Iraqi citizenship shall be withdrawn from naturalized citizens in cases regulated by law.

Fourth: An Iraqi may have multiple citizenships. Everyone who assumes a senior, security or sovereign position must abandon any other acquired citizenship. This shall be regulated by law.

Fifth: Iraqi citizenship shall not be granted for the purposes of the policy of population settlement that disrupts the demographic composition of Iraq.

Sixth: Citizenship provisions shall be regulated by law. The competent courts shall consider the suits arising from those provisions.

#### **Article 19:**

First: The judiciary is independent and no power is above the judiciary except the law.

Second: There is no crime or punishment except by law. The punishment shall only be for an act that the law considers a crime when perpetrated. A harsher punishment than the applicable punishment at the time of the offense may not be imposed.

Third: Litigation shall be a protected and guaranteed right for all.

Fourth: The right to a defense shall be sacred and guaranteed in all phases of investigation and the trial.

Fifth: The accused is innocent until proven guilty in a fair legal trial. The accused may not be tried for the same crime for a second time after acquittal unless new evidence is produced.

Sixth: Every person shall have the right to be treated with justice in judicial and administrative proceedings.

Seventh: The proceedings of a trial are public unless the court decides to make it secret.

Eighth: Punishment shall be personal.

Ninth: Laws shall not have retroactive effect unless stipulated otherwise. This exclusion shall not include laws on taxes and fees.

Tenth: Criminal laws shall not have retroactive effect, unless it is to the benefit of the accused.

Eleventh: The court shall appoint a lawyer at the expense of the state for an accused of a felony or misdemeanor who does not have a defense lawyer.

Twelfth:

A. Unlawful detention shall be prohibited.

B. Imprisonment or detention shall be prohibited in places not designed for these purposes, pursuant to prison laws covering health and social care, and subject to the authorities of the State.

Thirteenth: The preliminary investigative documents shall be submitted to the competent judge in a period not to exceed twenty-four hours from the time of the arrest of the accused, which may be extended only once and for the same period.

## **Article 20:**

Iraqi citizens, men and women, shall have the right to participate in public affairs and to enjoy political rights including the right to vote, elect, and run for office.

## **Article 21:**

First: No Iraqi shall be surrendered to foreign entities and authorities.

Second: A law shall regulate the right of political asylum in Iraq. No political

refugee shall be surrendered to a foreign entity or returned forcibly to the country from which he fled.

Third: Political asylum shall not be granted to a person accused of committing international or terrorist crimes or to any person who inflicted damage on Iraq.

## **Second: Economic, Social and Cultural Liberties**

### **Article 22:**

First: Work is a right for all Iraqis in a way that guarantees a dignified life for them.

Second: The law shall regulate the relationship between employees and employers on economic bases and while observing the rules of social justice.

Third: The State shall guarantee the right to form and join unions and professional associations, and this shall be regulated by law.

### **Article 23:**

First: Private property is protected. The owner shall have the right to benefit, exploit and dispose of private property within the limits of the law.

Second: Expropriation is not permissible except for the purposes of public benefit in return for just compensation, and this shall be regulated by law.

Third:

A. Every Iraqi shall have the right to own property anywhere in Iraq. No others may possess immovable assets, except as exempted by law.

B. Ownership of property for the purposes of demographic change is prohibited.

### **Article 24:**

The State shall guarantee freedom of movement of Iraqi manpower, goods, and capital between regions and governorates, and this shall be regulated by

law.

**Article 25:**

The State shall guarantee the reform of the Iraqi economy in accordance with modern economic principles to insure the full investment of its resources, diversification of its sources, and the encouragement and development of the private sector.

**Article 26:**

The State shall guarantee the encouragement of investment in the various sectors, and this shall be regulated by law.

**Article 27:**

First: Public assets are sacrosanct, and their protection is the duty of each citizen.

Second: The provisions related to the preservation of State properties, their management, the conditions for their disposal, and the limits for these assets not to be relinquished shall all be regulated by law.

**Article 28:**

First: No taxes or fees shall be levied, amended, collected, or exempted, except by law.

Second: Low income earners shall be exempted from taxes in a way that guarantees the preservation of the minimum income required for living. This shall be regulated by law.

**Article 29:**

First:

A. The family is the foundation of society; the State shall preserve it and its religious, moral, and national values.

B. The State shall guarantee the protection of motherhood, childhood and old age, shall care for children and youth, and shall provide them with the appropriate conditions to develop their talents and abilities.

Second: Children have the right to upbringing, care and education from their parents. Parents have the right to respect and care from their children, especially in times of need, disability, and old age.

Third: Economic exploitation of children in all of its forms shall be prohibited, and the State shall take the necessary measures for their protection.

Fourth: All forms of violence and abuse in the family, school, and society shall be prohibited.

**Article 30:**

First: The State shall guarantee to the individual and the family - especially children and women – social and health security, the basic requirements for living a free and decent life, and shall secure for them suitable income and appropriate housing.

Second: The State shall guarantee social and health security to Iraqis in cases of old age, sickness, employment disability, homelessness, orphanhood, or unemployment, shall work to protect them from ignorance, fear and poverty, and shall provide them housing and special programs of care and rehabilitation, and this shall be regulated by law.

**Article 31:**

First: Every citizen has the right to health care. The State shall maintain public health and provide the means of prevention and treatment by building different types of hospitals and health institutions.

Second: Individuals and entities have the right to build hospitals, clinics, or

private health care centers under the supervision of the State, and this shall be regulated by law.

**Article 32:**

The State shall care for the handicapped and those with special needs, and shall ensure their rehabilitation in order to reintegrate them into society, and this shall be regulated by law.

**Article 33:**

First: Every individual has the right to live in safe environmental conditions.

Second: The State shall undertake the protection and preservation of the environment and its biological diversity.

**Article 34:**

First: Education is a fundamental factor for the progress of society and is a right guaranteed by the state. Primary education is mandatory and the state guarantees that it shall combat illiteracy.

Second: Free education in all its stages is a right for all Iraqis.

Third: The State shall encourage scientific research for peaceful purposes that serve humanity and shall support excellence, creativity, invention, and different aspects of ingenuity.

Fourth: Private and public education shall be guaranteed, and this shall be regulated by law.

**Article 35:**

The state shall promote cultural activities and institutions in a manner that befits the civilizational and cultural history of Iraq, and it shall seek to support indigenous Iraqi cultural orientations.

**Article 36:**

Practicing sports is a right of every Iraqi and the state shall encourage and care for such activities and shall provide for their requirements.

## **Chapter Two**

### **[Liberties]**

#### **Article 37:**

First:

- A. The liberty and dignity of man shall be protected.
- B. No person may be kept in custody or investigated except according to a judicial decision.
- C. All forms of psychological and physical torture and inhumane treatment are prohibited. Any confession made under force, threat, or torture shall not be relied on, and the victim shall have the right to seek compensation for material and moral damages incurred in accordance with the law.

Second: The State shall guarantee protection of the individual from intellectual, political and religious coercion.

Third: Forced labor, slavery, slave trade, trafficking in women or children, and sex trade shall be prohibited.

#### **Article 38:**

The State shall guarantee in a way that does not violate public order and morality:

- A. Freedom of expression using all means.
- B. Freedom of press, printing, advertisement, media and publication.
- C. Freedom of assembly and peaceful demonstration, and this shall be regulated by law.

**Article 39:**

First: The freedom to form and join associations and political parties shall be guaranteed, and this shall be regulated by law.

Second: It is not permissible to force any person to join any party, society, or political entity, or force him to continue his membership in it.

**Article 40:**

The freedom of communication and correspondence, postal, telegraphic, electronic, and telephonic, shall be guaranteed and may not be monitored, wiretapped, or disclosed except for legal and security necessity and by a judicial decision.

**Article 41:**

Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs, or choices, and this shall be regulated by law.

**Article 42:**

Each individual shall have the freedom of thought, conscience, and belief.

**Article 43:**

First: The followers of all religions and sects are free in the:

- A. Practice of religious rites, including the Husseinian rituals.
- B. Management of religious endowments (waqf), their affairs, and their religious institutions, and this shall be regulated by law.

Second: The State shall guarantee freedom of worship and the protection of places of worship.

**Article 44:**

First: Each Iraqi has freedom of movement, travel, and residence inside and outside Iraq.

Second: No Iraqi may be exiled, displaced, or deprived from returning to the homeland.

**Article 45:**

**First:** The State shall seek to strengthen the role of civil society institutions, and to support, develop and preserve their independence in a way that is consistent with peaceful means to achieve their legitimate goals, and this shall be regulated by law.

Second: The State shall seek the advancement of the Iraqi clans and tribes, shall attend to their affairs in a manner that is consistent with religion and the law, and shall uphold their noble human values in a way that contributes to the development of society. The State shall prohibit the tribal traditions that are in contradiction with human rights.

**Article 46:**

Restricting or limiting the practice of any of the rights or liberties stipulated in this Constitution is prohibited, except by a law or on the basis of a law, and insofar as that limitation or restriction does not violate the essence of the right or freedom.

### **Section Three**

#### **Federal Powers**

**Article 47:**

The federal powers shall consist of the legislative, executive, and judicial powers, and they shall exercise their competencies and tasks on the basis of the principle of separation of powers.

### **Chapter one**

#### **The Legislative Power**

**Article 48:**

The federal legislative power shall consist of the Council of Representatives and the Federation Council.

**First: The Council of Representatives****Article 49:**

First: The Council of Representatives shall consist of a number of members, at a ratio of one seat per 100,000 Iraqi persons representing the entire Iraqi people. They shall be elected through a direct secret general ballot. The representation of all components of the people shall be upheld in it.

Second: A candidate to the Council of Representatives must be a fully qualified Iraqi.

Third: A law shall regulate the requirements for the candidate, the voter, and all that is related to the elections.

Fourth: The elections law shall aim to achieve a percentage of representation for women of not less than one-quarter of the members of the Council of Representatives.

Fifth: The Council of Representatives shall promulgate a law dealing with the replacement of its members on resignation, dismissal, or death.

Sixth: It is not permissible to combine membership in the Council of Representatives with any work or other official position.

**Article 50:**

Each member of the Council of Representatives shall take the following constitutional oath before the Council prior to assuming his duties:

**“I swear by God Almighty to carry out my legal duties and responsibilities with devotion and integrity and preserve the**

**independence and sovereignty of Iraq, and safeguard the interests of its people, and ensure the safety of its land, sky, water, wealth, and federal democratic system, and I shall endeavor to protect public and private liberties, the independence of the judiciary, and pledge to implement legislation faithfully and neutrally. God is my witness.”**

**Article 51:**

The Council of Representatives shall establish its bylaws to regulate its work.

**Article 52:**

First: The Council of Representatives shall decide, by a two-thirds majority, the authenticity of membership of its member within thirty days from the date of filing an objection.

Second: The decision of the Council of Representatives may be appealed before the Federal Supreme Court within thirty days from the date of its issuance.

**Article 53:**

First: Sessions of the Council of Representatives shall be public unless, for reasons of necessity, the Council decides otherwise.

Second: Minutes of the sessions shall be published by means considered appropriate by the Council.

**Article 54:**

The President of the Republic shall call upon the Council of Representatives to convene by a presidential decree within fifteen days from the date of the ratification of the general election results. Its eldest member shall chair the first session to elect the speaker of the Council and his two deputies. This period may not be extended by more than the aforementioned period.

**Article 55:**

The Council of Representatives shall elect in its first session its speaker, then his first deputy and second deputy, by an absolute majority of the total number of the Council members by direct secret ballot.

**Article 56:**

First: The electoral term of the Council of Representatives shall be four calendar years, starting with its first session and ending with the conclusion of the fourth year.

Second: The new Council of Representatives shall be elected forty-five days before the conclusion of the preceding electoral term.

**Article 57:**

The Council of Representatives shall have one annual term, with two legislative sessions, lasting eight months. The bylaws shall define the method to convene the sessions. The session in which the general budget is being presented shall not end until approval of the budget.

**Article 58:**

First: The President of the Republic, the Prime Minister, the Speaker of the Council of Representatives, or fifty members of the Council of Representatives may call the Council to an extraordinary session. The session shall be restricted to the topics that necessitated the call for the session.

Second: The legislative session of the Council of Representatives may be extended for no more than 30 days to complete the tasks that require the extension, based on a request from the President of the Republic, the Prime Minister, the Speaker of the Council, or fifty members of the Council of

Representatives.

**Article 59:**

First: The Council of Representatives quorum shall be achieved by an absolute majority of its members.

Second: Decisions in the sessions of the Council of Representatives shall be made by a simple majority after quorum is achieved, unless otherwise stipulated.

**Article 60:**

First: Draft laws shall be presented by the President of the Republic and the Council of Ministers.

Second: Proposed laws shall be presented by ten members of the Council of Representatives or by one of its specialized committees.

**Article 61:**

The Council of Representatives shall be competent in the following:

First: Enacting federal laws.

Second: Monitoring the performance of the executive authority.

Third: Electing the President of the Republic.

Fourth: Regulating the ratification process of international treaties and agreements by a law, to be enacted by a two-thirds majority of the members of the Council of Representatives.

Fifth: Approving the appointment of the following:

- A. The President and members of the Federal Court of Cassation, the Chief Public Prosecutor, and the President of Judicial Oversight Commission by an absolute majority, based on a proposal from the Higher Juridical Council.

- B. Ambassadors and those with special grades, based on a proposal from the Council of Ministers.
- C. The Iraqi Army Chief of Staff, his assistants, those of the rank of division commander and above, and the director of the intelligence service, based on a proposal from the Council of Ministers.

Sixth:

- A. Questioning the President of the Republic, based on a petition with cause, by an absolute majority of the members of the Council of Representatives.
- B. Relieving the President of the Republic by an absolute majority of the Council of Representatives after being convicted by the Federal Supreme Court in one of the following cases:
  - 1. Perjury of the constitutional oath.
  - 2. Violating the Constitution.
  - 3. High treason.

Seventh:

- A. A member of the Council of Representatives may direct questions to the Prime Minister and the Ministers on any subject within their specialty and each of them shall answer the members' questions. Only the member who has asked the question shall have the right to comment on the answer.
- B. At least twenty-five members of the Council of Representatives may raise a general issue for discussion in order to inquire about a policy and the performance of the Council of Ministers or one of the Ministries and it shall be submitted to the Speaker of the Council of

Representatives, and the Prime Minister or the Ministers shall specify a date to come before the Council of Representatives to discuss it.

- C. A member of the Council of Representatives, with the agreement of twenty-five members, may direct an inquiry to the Prime Minister or the Ministers to call them to account on the issues within their authority. The debate shall not be held on the inquiry except after at least seven days from the date of submission of the inquiry.

Eighth:

- A. The Council of Representatives may withdraw confidence from one of the Ministers by an absolute majority and he shall be considered resigned from the date of the decision of withdrawal of confidence. A vote of no confidence in a Minister may not be held except upon his request or on the basis of a request signed by fifty members after the Minister has appeared for questioning before the Council. The Council shall not issue its decision regarding the request except after at least seven days from the date of its submission.

B.

- 1- The President of the Republic may submit a request to the Council of Representatives to withdraw confidence from the Prime Minister.
- 2- The Council of Representatives may withdraw confidence from the Prime Minister based on the request of one-fifth of its members. This request shall not be submitted except after an inquiry directed at the Prime Minister and after at least seven days from the date of submitting the request.
- 3- The Council of Representatives may decide to withdraw confidence

from the Prime Minister by an absolute majority of the number of its members.

- C. The Government is deemed resigned in case of withdrawal of confidence from the Prime Minister.
- D. In case of a vote of withdrawal of confidence in the Council of Ministers as a whole, the Prime Minister and the Ministers continue in their positions to run everyday business for a period not to exceed thirty days until a new Council of Ministers is formed in accordance with the provisions of Article 76 of this Constitution.
- E. The Council of Representatives may question independent commission heads in accordance with the same procedures related to the Ministers. The Council shall have the right to relieve them by absolute majority.

Ninth:

- A. To consent to the declaration of war and the state of emergency by a two-thirds majority based on a joint request from the President of the Republic and the Prime Minister.
- B. The state of emergency shall be declared for a period of thirty days, which can be extended after approval each time.
- C. The Prime Minister shall be delegated the necessary powers which enable him to manage the affairs of the country during the period of the declaration of war and the state of emergency. These powers shall be regulated by a law in a way that does not contradict the Constitution.
- D. The Prime Minister shall present to the Council of Representatives

the measures taken and the results during the period of the declaration of war and the state of emergency within 15 days from the date of its end.

**Article 62:**

First: The Council of Ministers shall submit the draft general budget bill and the closing account to the Council of Representatives for approval.

Second: The Council of Representatives may conduct transfers between the sections and chapters of the general budget and reduce the total of its sums, and it may suggest to the Council of Ministers that they increase the total expenses, when necessary.

**Article 63:**

First: A law shall regulate the rights and privileges of the speaker of the Council of Representatives, his two deputies, and the members of the Council of Representatives.

Second:

- A. A member of the Council of Representatives shall enjoy immunity for statements made while the Council is in session, and the member may not be prosecuted before the courts for such.
- B. A Council of Representatives member may not be placed under arrest during the legislative term of the Council of Representatives, unless the member is accused of a felony and the Council of Representatives members consent by an absolute majority to lift his immunity or if he is caught *in flagrante delicto* in the commission of a felony.
- C. A Council of Representatives member may not be arrested after the

legislative term of the Council of Representatives, unless the member is accused of a felony and with the consent of the speaker of the Council of Representatives to lift his immunity or if he is caught *in flagrante delicto* in the commission of a felony.

**Article 64:**

First: The Council of Representatives may be dissolved by an absolute majority of the number of its members, or upon the request of one-third of its members by the Prime Minister with the consent of the President of the Republic. The Council shall not be dissolved during the period in which the Prime Minister is being questioned.

Second: Upon the dissolution of the Council of Representatives, the President of the Republic shall call for general elections in the country within a period not to exceed sixty days from the date of its dissolution. The Council of Ministers in this case is deemed resigned and continues to run everyday business.

**Second: The Federation Council**

**Article 65:**

A legislative council shall be established named the “Federation Council,” to include representatives from the regions and the governorates that are not organized in a region. A law, enacted by a two-thirds majority of the members of the Council of Representatives, shall regulate the formation of the Federation Council, its membership conditions, its competencies, and all that is connected with it.

**Chapter Two**

**[The Executive Power]**

**Article 66:**

The federal executive power shall consist of the President of the Republic and the Council of Ministers and shall exercise its powers in accordance with the constitution and the law

**First: The President of the Republic****Article 67:**

The President of the Republic is the Head of the State and a symbol of the unity of the country and represents the sovereignty of the country. He shall guarantee the commitment to the Constitution and the preservation of Iraq's independence, sovereignty, unity, and the safety of its territories, in accordance with the provisions of the Constitution.

**Article 68:**

A nominee to the Presidency of the Republic must be:

First: An Iraqi by birth, born to Iraqi parents.

Second: Fully qualified and must be over forty years of age.

Third: Of good reputation and political experience, known for his integrity, uprightness, fairness, and loyalty to the homeland.

Fourth: Free of any conviction of a crime involving moral turpitude.

**Article 69:**

First: The provisions for nomination to the office of the President of the Republic shall be regulated by law.

Second: The provisions for nomination to the office of one or more Vice Presidents of the Republic shall be regulated by law.

**Article 70:**

First: The Council of Representatives shall elect a President of the Republic

from among the candidates by a two-thirds majority of the number of its members.

Second: If none of the candidates receive the required majority vote then the two candidates who received the highest number of votes shall compete and the one who receives the majority of votes in the second election shall be declared President.

**Article 71:**

The President shall take the constitutional oath before the Council of Representatives according to the language stipulated in Article 50 of the Constitution.

**Article 72:**

First: The President of the Republic's term in office shall be limited to four years. He may be re-elected for a second time only.

Second:

- A. The President of the Republic's term in office shall end with the end of the term of the Council of Representatives.
- B. The President of the Republic shall continue to exercise his duties until after the end of the election and the meeting of the new Council of Representatives, provided that a new President of the Republic is elected within thirty days from the date of its first convening.
- C- In case the position of the President of the Republic becomes vacant for any reason, a new President shall be elected to complete the remaining period of the President's term.

**Article 73:**

The President of the Republic shall assume the following powers:

First: To issue a special pardon on the recommendation of the Prime Minister, except for anything concerning a private claim and for those who have been convicted of committing international crimes, terrorism, or financial and administrative corruption.

Second: To ratify international treaties and agreements after the approval by the Council of Representatives. Such international treaties and agreements are considered ratified after fifteen days from the date of receipt by the President.

Third: To ratify and issue the laws enacted by the Council of Representatives. Such laws are considered ratified after fifteen days from the date of receipt by the President.

Fourth: To call the elected Council of Representatives to convene during a period not to exceed fifteen days from the date of approval of the election results and in the other cases stipulated in the Constitution.

Fifth: To award medals and decorations on the recommendation of the Prime Minister in accordance with the law.

Sixth: To accredit ambassadors.

Seventh: To issue Presidential decrees.

Eighth: To ratify death sentences issued by the competent courts.

Ninth: To perform the duty of the High Command of the armed forces for ceremonial and honorary purposes.

Tenth: To exercise any other presidential powers stipulated in this Constitution.

**Article 74:**

A law shall fix the salary and the allowances of the President of the Republic.

**Article 75:**

First: The President of the Republic shall have the right to submit his resignation in writing to the Speaker of the Council of Representatives, and it shall be considered effective after seven days from the date of its submission to the Council of Representatives.

Second: The Vice President shall replace the President in case of his absence.

Third: The Vice President shall replace the President of the Republic in the event that the post of the President becomes vacant for any reason whatsoever. The Council of Representatives must elect a new President within a period not to exceed thirty days from the date of the vacancy.

Fourth: In case the post of the President of the Republic becomes vacant, the Speaker of the Council of Representatives shall replace the President of the Republic in case he does not have a Vice President, on the condition that a new President is elected during a period not to exceed thirty days from the date of the vacancy and in accordance with the provisions of this Constitution.

**Second: Council of Ministers****Article 76:**

First: The President of the Republic shall charge the nominee of the largest Council of Representatives bloc with the formation of the Council of Ministers within fifteen days from the date of the election of the President of the Republic.

Second: The Prime Minister-designate shall undertake the naming of the members of his Council of Ministers within a period not to exceed thirty days from the date of his designation.

Third: If the Prime Minister-designate fails to form the Council of Ministers during the period specified in clause "Second," the President of the Republic shall charge a new nominee for the post of Prime Minister within fifteen days.

Fourth: The Prime Minister-designate shall present the names of his members of the Council of Ministers and the ministerial program to the Council of Representatives. He is deemed to have gained its confidence upon the approval, by an absolute majority of the Council of Representatives, of the individual Ministers and the ministerial program.

Fifth: The President of the Republic shall charge another nominee to form the Council of Ministers within fifteen days in case the Council of Ministers did not win the vote of confidence.

**Article 77:**

First: The conditions for assuming the post of the Prime Minister shall be the same as those for the President of the Republic, provided that he has a college degree or its equivalent and is over thirty-five years of age.

Second: The conditions for assuming the post of Minister shall be the same as those for members of the Council of Representatives, provided that he holds a college degree or its equivalent.

**Article 78:**

The Prime Minister is the direct executive authority responsible for the general policy of the State and the commander-in-chief of the armed forces. He directs the Council of Ministers, presides over its meetings, and has the right to dismiss the Ministers, with the consent of the Council of Representatives.

**Article 79:**

The Prime Minister and members of the Council of Ministers shall take the

constitutional oath before the Council of Representatives according to the language stipulated in Article 50 of the Constitution.

**Article 80:**

The Council of Ministers shall exercise the following powers:

First: To plan and execute the general policy and general plans of the State and oversee the work of the ministries and departments not associated with a ministry.

Second: To propose bills.

Third: To issue rules, instructions, and decisions for the purpose of implementing the law.

Fourth: To prepare the draft of the general budget, the closing account, and the development plans.

Fifth: To recommend to the Council of Representatives that it approve the appointment of undersecretaries, ambassadors, state senior officials, the Chief of Staff of the Armed Forces and his deputies, division commanders or higher, the Director of the National Intelligence Service, and heads of security institutions.

Sixth: To negotiate and sign international agreements and treaties, or designate any person to do so.

**Article 81:**

First: The President of the Republic shall take up the office of the Prime Minister in the event the post becomes vacant for any reason whatsoever.

Second: If the event mentioned in “First” of this Article occurs, the President shall charge another nominee to form the Council of Ministers within a period not to exceed fifteen days in accordance with the provisions of Article 76 of

this Constitution.

**Article 82:**

A law shall regulate the salaries and allowances of the Prime Minister and Ministers, and anyone of their grade.

**Article 83:**

The responsibility of the Prime Minister and the Ministers before the Council of Representatives is of a joint and personal nature

**Article 84:**

First: A law shall regulate the work and define the duties and authorities of the security institutions and the National Intelligence Service, which shall operate in accordance with the principles of human rights and shall be subject to the oversight of the Council of Representatives.

Second: The National Intelligence Service shall be attached to the Council of Ministers.

**Article 85:**

The Council of Ministers shall establish internal bylaws to organize the work therein.

**Article 86:**

A law shall regulate the formation of ministries, their functions, and their specializations, and the authorities of the minister.

### **Chapter Three**

#### **[The Judicial Power]**

**Article 87:**

The judicial power is independent. The courts, in their various types and levels, shall assume this power and issue decisions in accordance with the

law.

**Article 88:**

Judges are independent, and there is no authority over them except that of the law. No power shall have the right to interfere in the judiciary and the affairs of justice.

**Article 89:**

The federal judicial power is comprised of the Higher Juridical Council, the Federal Supreme Court, the Federal Court of Cassation, the Public Prosecution Department, the Judiciary Oversight Commission, and other federal courts that are regulated in accordance with the law.

**First: Higher Juridical Council**

**Article 90:**

The Higher Juridical Council shall oversee the affairs of the judicial committees. The law shall specify the method of its establishment, its authorities, and the rules of its operation.

**Article 91:**

The Higher Juridical Council shall exercise the following authorities:

First: To manage the affairs of the judiciary and supervise the federal judiciary.

Second: To nominate the Chief Justice and members of the Federal Court of Cassation, the Chief Public Prosecutor, and the Chief Justice of the Judiciary Oversight Commission, and to present those nominations to the Council of Representatives to approve their appointment.

Third: To propose the draft of the annual budget of the federal judicial authority, and to present it to the Council of Representatives for approval.

## **Second: Federal Supreme Court**

### **Article 92:**

First: The Federal Supreme Court is an independent judicial body, financially and administratively.

Second: The Federal Supreme Court shall be made up of a number of judges, experts in Islamic jurisprudence, and legal scholars, whose number, the method of their selection, and the work of the Court shall be determined by a law enacted by a two-thirds majority of the members of the Council of Representatives.

### **Article 93:**

The Federal Supreme Court shall have jurisdiction over the following:

First: Overseeing the constitutionality of laws and regulations in effect.

Second: Interpreting the provisions of the Constitution.

Third: Settling matters that arise from the application of the federal laws, decisions, regulations, instructions, and procedures issued by the federal authority. The law shall guarantee the right of direct appeal to the Court to the Council of Ministers, those concerned individuals, and others.

Fourth: Settling disputes that arise between the federal government and the governments of the regions and governorates, municipalities, and local administrations.

Fifth: Settling disputes that arise between the governments of the regions and governments of the governorates.

Sixth: Settling accusations directed against the President, the Prime Minister and the Ministers, and this shall be regulated by law.

Seventh: Ratifying the final results of the general elections for membership in

the Council of Representatives.

Eight:

A. Settling competency disputes between the federal judiciary and the judicial institutions of the regions and governorates that are not organized in a region.

B. Settling competency disputes between judicial institutions of the regions or governorates that are not organized in a region.

**Article 94:**

Decisions of the Federal Supreme Court are final and binding for all authorities.

**Third: General Provisions**

**Article 95:**

The establishment of special or extraordinary courts is prohibited.

**Article 96:**

The law shall regulate the establishment of courts, their types, levels, and jurisdiction, and the method of appointing and the terms of service of judges and public prosecutors, their discipline, and their retirement.

**Article 97:**

Judges may not be removed except in cases specified by law. Such law will determine the particular provisions related to them and shall regulate their disciplinary measures.

**Article 98:**

A judge or public prosecutor is prohibited from the following:

First: Combining a judicial position with legislative and executive positions and any other employment.

Second: Joining any party or political organization or performing any political activity.

**Article 99:**

A law shall regulate the military judiciary and shall specify the jurisdiction of military courts, which are limited to crimes of a military nature committed by members of the armed forces and security forces, and within the limits established by law.

**Article 100:**

It is prohibited to stipulate in the law the immunity from appeal for any administrative action or decision.

**Article 101:**

A State Council may be established, specialized in functions of the administrative judiciary, issuing opinions, drafting, and representing the State and various public commissions before the courts except those exempted by law.

## **Chapter Four**

### **[Independent Commissions]**

**Article 102:**

The High Commission for Human Rights, the Independent Electoral Commission, and the Commission on Public Integrity are considered independent commissions subject to monitoring by the Council of Representatives, and their functions shall be regulated by law.

**Article 103:**

First: The Central Bank of Iraq, the Board of Supreme Audit, the Communication and Media Commission, and the Endowment Commissions

are financially and administratively independent institutions, and the work of each of these institutions shall be regulated by law.

Second: The Central Bank of Iraq is responsible before the Council of Representatives. The Board of Supreme Audit and the Communication and Media Commission shall be attached to the Council of Representatives.

Third: The Endowment Commissions shall be attached to the Council of Ministers.

**Article 104:**

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:**

A public commission shall be established to guarantee the rights of the regions and governorates that are not organized in a region to ensure their fair participation in managing the various state federal institutions, missions, fellowships, delegations, and regional and international conferences. The commission shall be comprised of representatives of the federal government and representatives of the regions and governorates that are not organized in a region, and shall be regulated by a law.

**Article 106:**

A public commission shall be established by a law to audit and appropriate federal revenues. The commission shall be comprised of experts from the federal government, the regions, the governorates, and its representatives, and shall assume the following responsibilities:

First: To verify the fair distribution of grants, aid, and international loans

pursuant to the entitlement of the regions and governorates that are not organized in a region.

Second: To verify the ideal use and division of the federal financial resources.

Third: To guarantee transparency and justice in appropriating funds to the governments of the regions and governorates that are not organized in a region in accordance with the established percentages.

**Article 107:**

A council named the Federal Public Service Council shall be established and shall regulate the affairs of the federal public service, including appointments and promotions, and its formation and competencies shall be regulated by law.

**Article 108:**

Other independent commissions may be established by law, according to need and necessity.

## **Section Four**

### **Powers of the Federal Government**

**Article 109:**

The federal authorities shall preserve the unity, integrity, independence, and sovereignty of Iraq and its federal democratic system.

**Article 110:**

The federal government shall have exclusive authorities in the following matters:

First: Formulating foreign policy and diplomatic representation; negotiating, signing, and ratifying international treaties and agreements; negotiating,

signing, and ratifying debt policies and formulating foreign sovereign economic and trade policy.

Second: Formulating and executing national security policy, including establishing and managing armed forces to secure the protection and guarantee the security of Iraq's borders and to defend Iraq.

Third: Formulating fiscal and customs policy; issuing currency; regulating commercial policy across regional and governorate boundaries in Iraq; drawing up the national budget of the State; formulating monetary policy; and establishing and administering a central bank.

Fourth: Regulating standards, weights, and measures.

Fifth: Regulating issues of citizenship, naturalization, residency, and the right to apply for political asylum.

Sixth: Regulating the policies of broadcast frequencies and mail.

Seventh: Drawing up the general and investment budget bill.

Eighth: Planning policies relating to water sources from outside Iraq and guaranteeing the rate of water flow to Iraq and its just distribution inside Iraq in accordance with international laws and conventions.

Ninth: General population statistics and census.

**Article 111:**

Oil and gas are owned by all the people of Iraq in all the regions and governorates.

**Article 112:**

First: The federal government, with the producing governorates and regional governments, shall undertake the management of oil and gas extracted from present fields, provided that it distributes its revenues in a fair manner in

proportion to the population distribution in all parts of the country, specifying an allotment for a specified period for the damaged regions which were unjustly deprived of them by the former regime, and the regions that were damaged afterwards in a way that ensures balanced development in different areas of the country, and this shall be regulated by a law.

Second: The federal government, with the producing regional and governorate governments, shall together formulate the necessary strategic policies to develop the oil and gas wealth in a way that achieves the highest benefit to the Iraqi people using the most advanced techniques of the market principles and encouraging investment.

**Article 113:**

Antiquities, archeological sites, cultural buildings, manuscripts, and coins shall be considered national treasures under the jurisdiction of the federal authorities, and shall be managed in cooperation with the regions and governorates, and this shall be regulated by law.

**Article 114:**

The following competencies shall be shared between the federal authorities and regional authorities:

First: To manage customs, in coordination with the governments of the regions and governorates that are not organized in a region, and this shall be regulated by a law.

Second: To regulate the main sources of electric energy and its distribution.

Third: To formulate environmental policy to ensure the protection of the environment from pollution and to preserve its cleanliness, in cooperation with the regions and governorates that are not organized in a region.

Fourth: To formulate development and general planning policies.

Fifth: To formulate public health policy, in cooperation with the regions and governorates that are not organized in a region.

Sixth: To formulate the public educational and instructional policy, in consultation with the regions and governorates that are not organized in a region.

Seventh: To formulate and regulate the internal water resources policy in a way that guarantees their just distribution, and this shall be regulated by a law.

**Article 115:**

All powers not stipulated in the exclusive powers of the federal government belong to the authorities of the regions and governorates that are not organized in a region. With regard to other powers shared between the federal government and the regional government, priority shall be given to the law of the regions and governorates not organized in a region in case of dispute.

**Section Five**

**Powers of the Regions**

**Chapter One [Regions]**

**Article 116:**

The federal system in the Republic of Iraq is made up of a decentralized capital, regions, and governorates, as well as local administrations.

**Article 117:**

First: This Constitution, upon coming into force, shall recognize the region of Kurdistan, along with its existing authorities, as a federal region.

Second: This Constitution shall affirm new regions established in accordance with its provisions.

**Article 118:**

The Council of Representatives shall enact, in a period not to exceed six months from the date of its first session, a law that defines the executive procedures to form regions, by a simple majority of the members present.

**Article 119:**

One or more governorates shall have the right to organize into a region based on a request to be voted on in a referendum submitted in one of the following two methods:

First: A request by one-third of the council members of each governorate intending to form a region.

Second: A request by one-tenth of the voters in each of the governorates intending to form a region.

**Article 120:**

Each region shall adopt a constitution of its own that defines the structure of powers of the region, its authorities, and the mechanisms for exercising such authorities, provided that it does not contradict this Constitution.

**Article 121:**

First: The regional powers shall have the right to exercise executive, legislative, and judicial powers in accordance with this Constitution, except for those authorities stipulated in the exclusive authorities of the federal government.

Second: In case of a contradiction between regional and national legislation in respect to a matter outside the exclusive authorities of the federal

government, the regional power shall have the right to amend the application of the national legislation within that region.

Third: Regions and governorates shall be allocated an equitable share of the national revenues sufficient to discharge their responsibilities and duties, but having regard to their resources, needs, and the percentage of their population.

Fourth: Offices for the regions and governorates shall be established in embassies and diplomatic missions, in order to follow cultural, social, and developmental affairs.

Fifth: The regional government shall be responsible for all the administrative requirements of the region, particularly the establishment and organization of the internal security forces for the region such as police, security forces, and guards of the region.

## **Chapter Two**

### **[Governorates that are not incorporated in a region]**

#### **Article 122:**

First: The governorates shall be made up of a number of districts, sub-districts, and villages.

Second: Governorates that are not incorporated in a region shall be granted broad administrative and financial authorities to enable them to manage their affairs in accordance with the principle of decentralized administration, and this shall be regulated by law.

Third: The governor, who is elected by the Governorate Council, is deemed the highest executive official in the governorate to practice his powers

authorized by the Council.

Fourth: A law shall regulate the election of the Governorate Council, the governor, and their powers.

Fifth: The Governorate Council shall not be subject to the control or supervision of any ministry or any institution not linked to a ministry. The Governorate Council shall have independent finances.

**Article 123:**

Powers exercised by the federal government can be delegated to the governorates or vice versa, with the consent of both governments, and this shall be regulated by law.

**Chapter Three**

**[The Capital]**

**Article 124:**

First: Baghdad in its municipal borders is the capital of the Republic of Iraq and shall constitute, in its administrative borders, the governorate of Baghdad.

Second: This shall be regulated by a law.

Third: The capital may not merge with a region.

**Chapter Four**

**[The Local Administrations]**

**Article 125:**

This Constitution shall guarantee the administrative, political, cultural, and educational rights of the various nationalities, such as Turkomen, Chaldeans, Assyrians, and all other constituents, and this shall be regulated by law.

**Section Six**

**Final and Transitional Provisions**

## **Chapter One**

### **[Final Provisions]**

#### **Article 126:**

First: The President of the Republic and the Council of the Ministers collectively, or one-fifth of the Council of Representatives members, may propose to amend the Constitution.

Second: The fundamental principles mentioned in Section One and the rights and liberties mentioned in Section Two of the Constitution may not be amended except after two successive electoral terms, with the approval of two-thirds of the members of the Council of Representatives, the approval of the people in a general referendum, and the ratification by the President of the Republic within seven days.

Third: Other articles not stipulated in clause "Second" of this Article may not be amended, except with the approval of two-thirds of the members of the Council of Representatives, the approval of the people in a general referendum, and the ratification by the President of the Republic within seven days.

Fourth: Articles of the Constitution may not be amended if such amendment takes away from the powers of the regions that are not within the exclusive powers of the federal authorities, except by the approval of the legislative authority of the concerned region and the approval of the majority of its citizens in a general referendum.

Fifth:

A- An amendment is considered ratified by the President of the Republic after the expiration of the period stipulated in clauses

“Second” and “Third” of this Article, in case he does not ratify it.

B- An amendment shall enter into force on the date of its publication in the Official Gazette.

**Article 127:**

The President of the Republic, the Prime Minister, members of the Council of Ministers, the Speaker of the Council of Representatives, his two Deputies, members of the Council of Representatives, members of the Judicial Authority, and people of special grades may not use their influence to buy or rent any state properties, to rent or sell any of their assets to the state, to sue the state for these assets, or to conclude a contract with the state under the pretense of being building contractors, suppliers, or concessionaires.

**Article 128:**

The laws and judicial judgments shall be issued in the name of the people.

**Article 129:**

Laws shall be published in the Official Gazette and shall take effect on the date of their publication, unless stipulated otherwise.

**Article 130:**

Existing laws shall remain in force, unless annulled or amended in accordance with the provisions of this Constitution.

**Article 131:**

Every referendum mentioned in this Constitution is deemed successful with the approval of the majority of the voters unless otherwise stipulated.

## **Chapter Two**

### **[Transitional Provisions]**

**Article 132:**

First: The State shall guarantee care for the families of the martyrs, political prisoners, and victims of the oppressive practices of the defunct dictatorial regime.

Second: The State shall guarantee compensation to the families of the martyrs and the injured as a result of terrorist acts.

Third: A law shall regulate matters mentioned in clauses "First" and "Second" of this Article.

**Article 133:**

The Council of Representatives shall adopt in its first session the bylaws of the Transitional National Assembly until it adopts its own bylaws.

**Article 134:**

The Iraqi High Tribunal shall continue its duties as an independent judicial body, in examining the crimes of the defunct dictatorial regime and its symbols. The Council of Representatives shall have the right to dissolve it by law after the completion of its work.

**Article 135:**

First: The High Commission for De-Ba'athification shall continue its functions as an independent commission, in coordination with the judicial authority and the executive institutions within the framework of the laws regulating its functions. The Commission shall be attached to the Council of Representatives.

Second: The Council of Representatives shall have the right to dissolve this Commission by an absolute majority after the completion of its function.

Third: A nominee to the positions of the President of the Republic, the Prime

Minister, the members of the Council of Ministers, the Speaker, the members of the Council of Representatives, the President, members of the Federation Council, their counterparts in the regions, or members of the judicial commissions and other positions covered by de-Ba'athification statutes pursuant to the law may not be subject to the provisions of de-Ba'athification.

Fourth: The conditions stated in clause "Third" of this Article shall remain in force unless the Commission stated in item "First" of this Article is dissolved.

Fifth: Mere membership in the dissolved Ba'ath party shall not be considered a sufficient basis for referral to court, and a member shall enjoy equality before the law and protection unless covered by the provisions of De-Ba'athification and the directives issued according to it.

Sixth: The Council of Representatives shall form a parliamentary committee from among its members to monitor and review the executive procedures of the Higher Commission for De-Ba'athification and state institutions to guarantee justice, objectivity, and transparency and to examine their consistency with the laws. The committee's decisions shall be subject to the approval of the Council of Representatives.

#### **Article 136:**

First: The Property Claims Commission shall continue its functions as an independent commission in coordination with the judicial authority and the executive institutions in accordance with the law. The Property Claims Commission shall be attached to the Council of Representatives.

Second: The Council of Representatives shall have the right to dissolve the Commission by a two-thirds majority vote of its members.

#### **Article 137:**

Application of the provisions of the articles related to the Federation Council, wherever it may be cited in this Constitution, shall be postponed until the Council of Representatives issues a decision by a two-thirds majority vote in its second electoral term that is held after this Constitution comes into force.

**Article 138:**

First: The expression “the Presidency Council” shall replace the expression “the President of the Republic” wherever the latter is mentioned in this Constitution. The provisions related to the President of the Republic shall be reactivated one successive term after this Constitution comes into force.

Second:

- A. The Council of Representatives shall elect the President of the State and two Vice Presidents who shall form a Council called the “Presidency Council,” which shall be elected by one list and with a two-thirds majority.
- B. The provisions to remove the President of the Republic present in this Constitution shall apply to the President and members of the Presidency Council.
- C. The Council of Representatives may remove a member of the Presidency Council with a three-fourths majority of the number of its members for reasons of incompetence and dishonesty.
- D. In the event of a vacant seat in the Presidency Council, the Council of Representatives shall elect a replacement by a two-thirds majority vote of its members.

Third: Members of the Presidency Council shall be subject to the same conditions as a member of the Council of Representatives and must:

- A. Be over forty years of age.
  - B. Enjoy good reputation, integrity and uprightness.
  - C. Have quit the dissolved (Ba'ath) Party ten years prior to its fall, in case he was a member of it.
  - D. Have not participated in suppressing the 1991 and Al-Anfal uprisings.
- He must not have committed a crime against the Iraqi people.

Fourth: The Presidency Council shall issue its decisions unanimously and any member may delegate to one of the two other members to take his place.

Fifth:

- A. Legislation and decisions enacted by the Council of Representatives shall be forwarded to the Presidency Council for their unanimous approval and for its issuance within ten days from the date of delivery to the Presidency Council, except the stipulations of Articles 118 and 119 that pertain to the formation of regions.
- B. In the event the Presidency Council does not approve, legislation and decisions shall be sent back to the Council of Representatives to reexamine the disputed issues and to vote on them by the majority of its members and then shall be sent for the second time to the Presidency Council for approval.
- C. In the event the Presidency Council does not approve the legislation and decisions for the second time within ten days of receipt, the legislation and decisions are sent back to the Council of Representatives, which has the right to adopt it by three-fifths majority of its members, which may not be challenged, and the legislation or decision shall be considered ratified.

Sixth: The Presidency Council shall exercise the powers of the President of the Republic stipulated in this Constitution.

**Article 139:**

The Prime Minister shall have two deputies in the first electoral term.

**Article 140:**

First: The executive authority shall undertake the necessary steps to complete the implementation of the requirements of all subparagraphs of Article 58 of the Transitional Administrative Law.

Second: The responsibility placed upon the executive branch of the Iraqi Transitional Government stipulated in Article 58 of the Transitional Administrative Law shall extend and continue to the executive authority elected in accordance with this Constitution, provided that it accomplishes completely (normalization and census and concludes with a referendum in Kirkuk and other disputed territories to determine the will of their citizens), by a date not to exceed the 31st of December 2007.

**Article 141:**

Legislation enacted in the region of Kurdistan since 1992 shall remain in force, and decisions issued by the government of the region of Kurdistan, including court decisions and contracts, shall be considered valid unless they are amended or annulled pursuant to the laws of the region of Kurdistan by the competent entity in the region, provided that they do not contradict with the Constitution.

**Article 142:**

First: The Council of Representatives shall form at the beginning of its work a committee from its members representing the principal components of the

Iraqi society with the mission of presenting to the Council of Representatives, within a period not to exceed four months, a report that contains recommendations of the necessary amendments that could be made to the Constitution, and the committee shall be dissolved after a decision is made regarding its proposals.

Second: The proposed amendments shall be presented to the Council of Representatives all at once for a vote upon them, and shall be deemed approved with the agreement of the absolute majority of the members of the Council.

Third: The articles amended by the Council of Representatives pursuant to item "Second" of this Article shall be presented to the people for voting on them in a referendum within a period not exceeding two months from the date of their approval by the Council of Representatives.

Fourth: The referendum on the amended Articles shall be successful if approved by the majority of the voters, and if not rejected by two-thirds of the voters in three or more governorates.

Fifth: Article 126 of the Constitution (concerning amending the Constitution) shall be suspended, and shall return into force after the amendments stipulated in this Article have been decided upon.

**Article 143:**

The Transitional Administrative Law and its Annex shall be annulled on the seating of the new government, except for the stipulations of Article 53(A) and Article 58 of the Transitional Administrative Law.

**Article 144:**

This Constitution shall come into force after the approval of the people thereon in a general referendum, its publication in the Official Gazette, and the seating of the government that is formed pursuant to this Constitution.

## **Appendix 13**

### **Constitution of Kurdistan Region – Iraq**

**Approved by Kurdistan Parliament – Iraq**

**On the 24<sup>th</sup> of June 2009**

**In the Name of God, the Most Gracious, the Most Merciful**

#### **The Preamble**

We, the people of Iraqi Kurdistan,

Acknowledging that successive generations of our people have suffered from oppression, persecution, tyranny and campaigns of genocide, that they have been deprived and dispossessed of their rights to freedom, equality and justice, which were granted by God to all of mankind; carrying out crimes against humanity and ethnic cleansing the history has rarely witnessed such unprecedented acts; presented by the removal of about four thousands five hundred villages and change demographic features in large parts of Iraq-Kurdistan by forced displacement of its population, forcing them to change their nationality, using chemical weapons and other internationally forbidden weapons against civilians in Halabcha city, Balisan, Garman, Bahdinan and other wide areas, and gave thousands of Fayli Kurds to their death in the fields of chemical testing and genocide campaigns after that of the remaining abandoned out of Iraq and their Iraq nationality was shot down, followed by genocide campaigns including more than eight thousands of Baraznis, and the Anfal genocide operation that claimed more than 182 thousand people.

Cherishing the leaders and symbols of the Kurdish Liberation Movement, its Peshmerga fighters, and its devoted martyrs; appreciating the sacrifices they offered for our freedom, for the defense of our dignity, the protection of our nation, and in order to safeguard our right to determine our destiny in our own complete free will and honoring the mission, the goals and the values for which they sacrificed so much; aiming to establish a developed and civilized Kurdish society which prides itself on its ethnic and religious groups, open to all, unleashes the energies of its citizens, and where a spirit of fraternity and tolerance prevails; seeking to build Kurdistan as a nation united for all, founded upon democratic values, enlightened by the principles of human rights, where law and justice prevail; striving to anchor good governance that emanates from our free will, embodies our hopes, and honors our sacrifices so our choices have become unified, and our desire converges with that of the other components of the people of Iraq and its national forces for Iraqi Kurdistan to be a federal region within the federal state of Iraq; as an embodiment of this desire, and a fulfillment of these aims, we have adopted this constitution.

## **Section One**

### **Fundamental Principles**

#### **Article 1:**

The Iraqi Kurdistan Region is a region within the Federal State of Iraq. It is a democratic republic with a parliamentary political system that is based on political pluralism, the principle of separation of powers, and the peaceful transfer of power through direct, general, and periodic elections that use a secret ballot.

**Article 2:****First:**

The Iraqi Kurdistan Region is a geographical historical entity consisting of Dohuk governorate with its existing administrative borders, Kirkuk, Sulaymaniyh, Erbil, and districts of 'Aqrah, Shaikhan, Sinjar, Talkaif, Qaraqush, and townshipsh of Zamar, Ba'asheeqa, and Aski Kalak from Nineveh province, districts of Khanaqeen and Mandali from Diyala province with its administrative boarder before 1968.

**Second:**

The political borders of the Region shall be determined through the implementation of Article 140 of the Federal Constitution.

**Third:**

A new region may not be established within the borders of the Iraqi Kurdistan Region.

**Article 3:****First:**

The people are the source of authority and the basis of its legitimacy: said authority shall be exercised by the people through their constitutional institutions. The Constitution and the laws of the Kurdistan Region are sovereign and supersede all laws issued by the Iraqi government outside of the exclusive jurisdiction of the Federal Republic of Iraq.

**Second:**

In accordance with Article 115 and Paragraph 2 of Article 121 of the Federal Constitution, in the event that the federal law deals with matters within the exclusive jurisdiction of the federal authorities, as listed in Article 110 of the Federal Constitution, or with other matters outside this jurisdiction, this shall not

detract from the sovereignty and supremacy of the Constitution and laws of the Kurdistan Region, nor shall it limit the powers of the Region's authorities.

**Article 4:**

Kurdistan Parliament may put into effect in the Region any federal law that is outside the exclusive jurisdiction of the federal authorities, as stipulated in Article 110 of the Federal Constitution of the Republic of Iraq.

**Article 5:**

The people of the Kurdistan Region are composed of Kurds, Arabs, Chaldo-Assyrian-Syriacs, Armenians and others who are citizens of Kurdistan.

**Article 6:**

This Constitution confirms and respects the Islamic identity of the majority of the people of Iraqi Kurdistan. It considers the principles of Islamic Sharia as one of the main sources of legislation. Likewise, this Constitution upholds and respects all the religious rights of Christians, Yazidis, and others, and it guarantees to every individual in the Region freedom of belief and the freedom to practice their religious rites and rituals. It is not allowed:

**First:**

Enact a law inconsistent with the provisions of the fundamentals of Islam.

**Second:**

Enact a law inconsistent with democracy principals.

**Third:**

Enact a law inconsistent with the rights and fundamental freedoms contained in this constitution.

**Article 7:**

The people of Iraqi Kurdistan shall have the right to determine their own destiny, and they have chosen out their own free will, to be a federal region within Iraq, as long as Iraq abides by the federal, democratic, parliamentary and pluralistic system, and remains committed to the human rights of individuals and groups, as stipulated in the Federal Constitution.

**Article 8:**

**First:**

International treaties and agreements which the Federal Government enters into with any foreign state or party, and which affect the status or rights of the Kurdistan Region shall be effective in the Region if said treaties and agreements meet with the approval of an absolute majority of the Members of the Kurdistan Parliament.

**Second:**

Treaties and agreements which the Federal Government enters into with foreign states shall not be effective in the Kurdistan Region if they deal with matters outside the Federal Government's exclusive jurisdiction, in accordance with Article 110 of the Federal Constitution, unless an absolute majority of the Members of the Kurdistan Parliament approve the implementation of said treaties and agreements in the Region.

**Third:**

The Kurdistan Region shall have the right to enter into agreements with foreign states or with regions within foreign states regarding issues that do not lie within the exclusive jurisdiction of the federal authorities, as stipulated in Article 110 of the Federal Constitution.

**Fourth:**

An agreement concluded between the Kurdistan Region and the governments of foreign states shall be submitted to the Federal Government to secure its approval. Said agreement shall not be effective if the Federal Government refuses to approve it for legal reasons.

**Article 9:**

With regard to the Federal Government, the Region shall have a fundamental and constitutional right to:

**First:**

An equitable share of federal income, including international grants, aids, and loans, pursuant to Articles 106 and 112 of the Federal Constitution. This share shall be determined according to the principle of demographic proportionality and equality, while taking into consideration the policy of genocide, scorching and destruction that afflicted Iraqi Kurdistan during previous regimes and deprived its people of their entitlements.

**Second:**

Equitable participation, in a balanced and proportionate manner, in the administration of the different institutions of the federal state, in academic deputations and scholarships, in delegations and in regional and international conferences. Pursuant to Article 105 of the Federal Constitution, positions in Federal Government offices that are located in the Kurdistan Region shall be entrusted to the citizens of the Region.

**Article 10:**

The city of Erbil (Hewler) shall be the capital of the Kurdistan Region. The parliament may select another city in Kurdistan as the capital.

**Article 11:**

**First:**

The Iraqi Kurdistan Region shall have its own flag, which shall be flown side-by-side with the federal flag. The Kurdistan Region shall have its own national emblem, national anthem, and National Day (Noruz). This shall be regulated by law.

**Second:**

The flag shall be composed of a red (colour), a white (colour), and a green (colour). A yellow sun with twenty-one rays emanating from it shall be located in the middle. The dimensions of the flag and the meaning of its components shall be determined by law.

**Third:**

A law shall be enacted to regulate official holidays, badges and medals.

**Article 12:**

The defensive Peshmerga Forces shall guard the Kurdistan Region in accordance with item Five of Article (121) of the Federal Constitution. The organization and duties of these forces shall be regulated by law. Armed militias may not be formed outside of the scope of the law.

**Article 13:**

No fee or tax may be imposed, modified or waived in the Kurdistan Region without the approval of the Kurdistan Parliament, who must pass a law to that effect.

**Article 14:**

**First:**

Kurdish and Arabic shall be the two official languages of the Kurdistan Region, This Constitution guarantees the right of the citizens of the Kurdistan Region to educate their children in their mother tongue, including Turkman, Assyrian, and

Armenian, in the government's educational institutions and in accordance with pedagogical guidelines.

**Second:**

Along with Kurdish and Arabic, Turkman and Assyrian shall be official languages in administrative districts that are densely populated by speakers of Turkmen and Assyrian. This shall be regulated by law.

**Third:**

Concerning the official language, Article 4 of the Federal Constitution shall be adopted wherever there exists a legal possibility to apply its provisions in the Kurdistan Region.

**Article 15:**

The Kurdistan Region shall adopt a competitive legal market economy, which encourages and embraces economic development on modern foundations, as well as public and private investment. Monopolies shall not be allowed, except as regulated by law.

**Article 16:**

In light of their responsibility to current and future generations, all Regional Authorities must protect the environment, the essential means of subsistence, and the natural and human environment in the Kurdistan Region. The law shall regulate the establishment of protected areas, wild areas, natural parks and public gardens, in order to protect nature, wildlife, wilderness and natural plants and animals, and to preserve them in their natural state. The law shall not permit the erection of buildings or any motorized activity in these zones.

**Article 17:**

**First:**

The general sources and components of natural resources, surface and ground water, not extracted minerals, quarries, and mines are public resources. A law which protects these resources for current and future generations shall regulate the extraction, exploitation or management of said resources, and the conditions for their allocations.

**Second:**

Lands and public properties in the Region are the property of the people of Kurdistan. A law shall regulate their allocation and exploitation.

**Section Two**

**Fundamental Rights**

**Chapter one**

**Civil and Political Rights**

**Article 18 – Commitment and Application:**

**First:**

The legislative, executive and judicial authorities of the Kurdistan Region shall be committed to upholding the fundamental rights listed in this Constitution, considering them a basic element of legislation that must be applied and implemented, as these are the fundamental rights of the Region's citizens.

**Second:**

Stipulations and provisions related to the fundamental rights listed in this Constitution shall be mandatory for natural and juridical persons, while taking into consideration the nature of the right and the nature of the duty imposed by this right.

**Third:**

Within the Kurdistan Region, the fundamental rights granted in this Constitution to natural persons shall also be granted to juridical persons, where applicable.

**Article 19- Freedom, Life and Dignity:**

**First:**

The dignity of the human being is to be secured and respected by Kurdistan Region authorities.

**Second:**

Everyone has the right to life and liberty. They may not be deprived of these rights or restrict them except by law.

**Third:**

The use of physical or mental torture, treating with people inhumanely and disdainfully or subjecting them to scientific, medical or other trials without their free consent is not permissible. Confession made under coercive measures such as duress, torture, threat and intimidations is unreliable. Anyone who has been subjected to torture cruel and disdainful treatments has the right to receive compensation for physical and mental injuries they have been faced with.

**Fourth:**

A person may not be forced to work compulsorily other than public service that applies to all and according to law.

**Fifth:**

No compulsory work may be imposed except by a warrant in case of a prison sentence.

**Sixth:**

Every person has the right to personal security.

**Seventh:**

Every person has the right to have their private life, family, home and all their communications are respected. Homes and alike enjoy inviolability and they may not be transgressed, entered, searched or kept under surveillance except according to law by a warrant. Also it is prohibited to search a person or their properties without a warrant.

**Eighth:**

Everyone has the right to marry and form a family. No marriage certificate may be concluded without the consent of both sides willingly and without compulsion.

**Ninth:**

There is no coercion in matters of religion. Every person has the right to freedom of religion, belief, thought and conscience. The Government of the Region shall guarantee the freedom of Muslims, Christians, Yazidis and others to worship and to practice their rites and the rituals of their religions without being exposed to interference. The government of the Region shall guarantee the sanctity of mosques, churches, and places of worship. In order to safeguard their sanctity and the holiness of their message, therefore, it is forbidden for parties, groups or persons to use mosques, churches or places of worship as a place for party activity or political activity.

**Tenth:**

Every person shall have the right to freedom of expression. The freedom and diversity of the press and other media must be guaranteed. This right shall not apply to libel, infringement of others' rights, sacrilege, provocation to violence, or the incitement of hatred between the groups of the people of Kurdistan.

**Eleventh:**

The right to access to information shall be guaranteed by law.

**Twelfth:**

The Government of the Region shall guarantee the freedom of communication and correspondence by post, telegram, telephone, and electronic means. Such communication and correspondence may not be subject to surveillance, wiretapping, or disclosure unless for legal or security requirements, and when authorized by a judicial decision.

**Thirteen:**

The Government of the Kurdistan Region shall be responsible for youth welfare, for developing the faculties and abilities of the young generation, and encouraging their initiative. The Government shall establish institutions required to train young people and to empower them to keep up with worldwide scientific and technological developments, so that they can play an effective role in society and invest their talents in economic, social and scientific development. The Government shall lay out programs and plans to achieve this goal.

**Fourteenth:**

Every citizen shall have the right to practice sports. The Government of the Kurdistan Region shall encourage sporting activities, establish dedicated sporting institutions, and provide the necessary requirements for them.

**Fifteenth:**

Artistic and literary expression and scientific research shall be free from any restrictions. Academic freedom to perform scientific research must be guaranteed and encouraged. Universities and scientific centers must be supported and sponsored; their sanctity upheld, and the elements of their moral character guaranteed. Their administrative apparatus must be developed on a decentralized basis.

**Sixteenth:**

The Government of the Region shall be responsible for protecting intellectual property, copyright, publication rights, patents, and registered trademarks.

**Seventeen:**

- 1- Every person has the right to hold a rally, found associations, leagues and unions. The authorities of the Region strive for supporting the role of the civil society organizations and their independency. However everyone has the right to demonstrate and to peaceful strike in accordance with law.
- 2- Associations with goals and work contradict the principles of this Constitution and laws or adopt measures against peaceful coexistence or convergence among ethnic or religious entities of the people of Kurdistan – Iraq.

**Eighteen:**

- 1- The freedom to found parties shall be guaranteed and regulated by law, provided that the internal order, organizations, and activities of the party, as well as the rights of its members, abide by the fundamental principles of democracy and human rights, and by the provisions of this Constitution. The party must also respect the flag of Kurdistan and its national anthem.
- 2- The party may not be the branch of a foreign party, or beholden to foreign interests or entities.
- 3- A party shall be considered in violation of the Constitution if it seeks through its goals, its activities, or the behavior of its followers to violate the fundamental democratic system of the Kurdistan Region or to remove this system; or if it seeks in the aforementioned manner to threaten the unity of the Region, or the peaceful coexistence of its ethnic and religious groups. The Constitutional Court shall have the jurisdiction on deciding (whether or not the party is

considered in violation of the Constitution), and it shall take this decision in light of the imputed Constitutional violation, and the extent of its danger.

4- Any entry or approach that adopts, instigates, facilitates, glorifies, promotes, or justifies ethnic or sectarian cleansing or a chauvinist, fascist, racist, terrorist, or infidel ideology shall be prohibited. The authorities of Iraqi Kurdistan shall be committed to combating terrorism in all its forms, and shall work to protect the territories of the Region from becoming a centre or a gateway or a platform for terrorist activity.

5- A party must disclose to the relevant authorities specified in the law its revenues and sources of funding, and how it disposes of them.

**Nineteenth:**

Collective expulsions shall be forbidden.

**Twentieth:**

Within the limits of the law, every person shall have the right to own, inherit, or bequeath his possessions and his property that he has obtained by legal means. Private property shall be protected. It may not be seized or confiscated except in the public interest, and in accordance with a law which provides for fair and immediate compensation being paid at the latest on the date the property is seized, unless the owner agrees by awritten approval.

**Article 20: Equality**

**First:**

All are equal before the law.

**Second:**

All forms of discrimination on the basis of race, colour, sex, language, social background, nationality, origin, religion, belief, thought, age, social, political or

economic status, or handicap are prohibited. The principle of equality shall not prevent redressing the effects and consequences of past injustice perpetrated by former regimes against the citizens of Kurdistan and its ethnic, religious and linguistic groups.

**Third:**

Men and women shall be equal before the law. The Government of the Region must seek to remove all obstacles hindering equality in all spheres of life, and in civil, political, social, cultural and economic rights. The Government of the Region guarantees that all shall enjoy their rights, as stipulated in this Constitutions and the international charters signed by the State of Iraq.

**Article 21 – Citizenship Rights:**

**First:**

Any citizen who has reached 18 years of age shall have the right to vote in any election or referendum organized in the area of their residence within the Region of Kurdistan.

**Second:**

Any citizen who has reached 18 years of age shall have the right to hold public office.

**Third:**

Freedom of residence, movement and travel shall be guaranteed, within the limits of the law.

**Fourth:**

Every citizen shall have the right to submit a complaint or petition with the authorities of the Region, who may not refuse to accept it. Whoever has submitted a complaint or petition has right to receive a prompt response. A refusal to deliver

said response, or a delay in arriving at the response with no legal justification shall entail legal responsibility.

## **Article 22 – The Right to a Fair Trial**

### **First:**

The investigating authority shall submit preliminary investigative documents to a competent judge within a period not exceeding twenty-four hours from the time at which the accused was apprehended. This period may only be extended once, for another period of twenty-four hours.

### **Second:**

Detention of individuals shall be prohibited. No one shall be arrested or imprisoned except in accordance with the law, and based on an order issued to that effect by a competent judicial authority. Any arrested individual must be informed, immediately and in his own language, of the charge brought against them. The apprehended individual has the right of recourse to an attorney. During the investigation and the trial, the court shall appoint an attorney, who shall serve at the Government's expense, to defend the accused charged with committing a felony or a misdemeanor and who does not have an attorney to defend him.

### **Third:**

The accused shall be innocent until proven guilty in a fair and legal trial. After being released, the accused shall not be tried again on the same charge, unless new evidence appears.

### **Fourth:**

Every one shall have the right to a fair and speedy trial before a competent court.

### **Fifth:**

No act shall be considered a crime and no punishment shall be imposed except as stipulated by law. No one may be convicted on account of an act or an omission which did not constitute a criminal offence at the time it was committed.

**Sixth:**

1- No law shall have a retroactive effect, unless the text of the law stipulates otherwise. This shall not apply to taxes and fees.

2- Penal law shall not have a retroactive effect, unless this is more favorable for the accused.

**Seventh:**

Punishment shall be personal.

**Eighth:**

No heavier punishment shall be imposed than the one that was applicable at the time the criminal offence was committed.

**Ninth:**

No one shall be tried or punished twice by criminal or penal procedures for an offense of which they were already acquitted or convicted in accordance with the law.

**Tenth:**

Civilians may not be tried before a military court.

**Eleventh:**

No one may be detained or imprisoned except in locations designated for this purpose and in conformity with the law. Such locations must include health and social services, and be subject to the authority of the Government.

**Twelfth:**

The religious beliefs and moral principles of prisoners must be respected.

## **Chapter two**

### **Social and Economic Rights**

#### **Article 23:**

##### **First:**

The Government of the Kurdistan Region shall be responsible for the welfare of the families of the martyrs of the Kurdistan people's Liberation Movement and the welfare of the families of the Peshmerga martyrs. The Government shall also be responsible for the welfare of the families of victims of AL-Anfal campaign, and victims of the chemical attacks and those affected by permanent disabilities as a result thereof. Qualified individuals from these groups, and their children, shall be given priority in accessing work opportunities, in accordance with the law.

##### **Second:**

The authorities of the Kurdistan Region shall seek for the Federal Government of Iraq to assume its constitutional, legal and moral responsibilities toward the victims mentioned in the preceding paragraph, including political prisoners, who have suffered from the policies of repression practiced by successive central governments, by compensating said victims, and guaranteeing their right to secure healthcare and a dignified means of livelihood.

#### **Article 24:**

##### **First:**

Everyone shall have the right to a standard of living adequate for a dignified life, including food, clothing and housing.

##### **Second:**

Everyone shall have the right to obtain healthcare and medical treatment, regardless of their ability to assume the expenses thereof.

**Third:**

Everyone shall have the right to social security, especially in cases of motherhood, sickness, unemployment, injury, disability, old age displacement, and loss of one's means of livelihood in circumstances beyond one's control.

**Fourth:**

No one shall be compelled to work in a profession or an occupation against their free consents.

**Fifth:**

Every worker shall have the right to equal pay for equal work. The relations between workers and employers shall be regulated by law and founded on economic bases, while taking into account the rules of social justice.

**Article 25:**

The authorities of the Region must ensure the welfare of the handicapped and persons with special needs, and train them in order to integrate them into society. This shall be regulated by law.

**Article 26:**

The Government of the Region shall guarantee the right to form and to freely join professional associations, unions, organizations and federations. This shall be regulated by law.

**Article 27- Education and Family:**

**First:**

The Government of the Region shall guarantee free education at the primary, secondary and university levels. The Government shall also guarantee vocational training and technical education. Education shall be compulsory until the completion of the primary level.

**Second:**

The Government of the Region shall be in charge of the campaign against illiteracy.

**Third:**

The family is the fundamental core of the society. Therefore, mothers and children must be protected, and the economic exploitation of children must be prohibited.

**Fourth:**

The government of the Region shall guarantee the establishment of special homes to protect and care for women who have, for social reasons, lost their family security.

**Fifth:**

All forms of discrimination, violence and abuse in society, school, and in the family shall be forbidden.

**Article 28- Consumers' Rights**

The Government of the Kurdistan Region must protect consumers' rights. It must create legal means to empower consumers to defend their rights and establish consumer associations and federations.

**Chapter three**

**Ethnic and Religious rights of the Different Groups of the Kurdistan Region**

**Article 29:**

People belonging to one of the ethnic or religious groups shall have the right to legal recognition of their names, and the right to use the traditional, local names of places in their languages, while abiding by the provisions of the language law in the Kurdistan Region.

**Article 30:**

**First:**

The provisions of the personal status law for the followers of one religion may not be imposed on the followers of another religion.

**Second:**

The followers of non-Muslim religions and sects, such as Christians, Yazidis and others may establish their own religious councils and may follow the provisions specific to the personal status law of their faiths. Such personal status provisions shall be determined by law, and personal status cases shall be heard before a personal status court. The provisions of personal status laws specific to non-Muslim religions and sects shall remain in effect in the Kurdistan Region as long as they are not amended or annulled by law.

**Article 31- The Authorities' Commitment to Guaranteeing Equality**

The authorities in the Kurdistan Region must guarantee the principle of effective equality among people belonging to ethnic and religious groups and must seek to achieve this equality. The authorities must create the conditions which will ensure that the identity of these ethnic and religious groups is preserved, and must take the necessary measures to reinforce this identity.

**Article 32- The Authorities' Commitment to Avoiding Forced Expulsions**

**First:**

The authorities in the Region must protect people belonging to ethnic and religious groups from any measure aiming at forced expulsion. Likewise, the authorities must support and encourage these people to establish their own specific leagues and associations.

**Second:**

The Government of the Kurdistan Region shall be committed to preventing any intentional change in population percentages in the areas inhabited by ethnic or religious groups. This shall not effect the process of equitable restitution for the policies of Arabization and forced displacement practiced by the Baathist regime in Iraqi Kurdistan, particularly in the city of Kirkuk.

**Article 33:**

The authorities in the Kurdistan Region shall strengthen the principle of mutual respect between all of the Region's inhabitants, particularly in the fields of education, media and general culture. The authorities shall create the necessary conditions for persons belonging to ethnic or religious groups to participate effectively in all fields of life.

**Article 34:**

Every religious group in the Region shall have the right to establish a council to develop, organize, and advance its cultural and social affairs, and its heritage. This shall be regulated by law.

**Article 35:**

This Constitution guarantees national, cultural and administration autonomy to the Turkmen, Arabs and Chaldo-Assyrian-Syriacs wherever they represent a majority of the population. This shall be regulated by law.

**Article 36:**

The provisions contained in this chapter shall be considered additional rights to the rights of ethnic and religious groups mentioned in this Constitution.

## **Chapter Four**

### **Article 37- International Agreements, Charters and Laws**

Everyone shall have the right to enjoy the rights mentioned in the international agreements, charters, covenants and declarations on human rights that have been ratified and acceded to by Iraq. In addition, everyone shall have the right to enjoy the rights guaranteed by this Constitution and by international law.

#### **Article 38- Scope of Restrictions on Rights**

**First:**

No restriction may be placed on the exercise of civil, political, social, economic and cultural rights, or on the rights of ethnic and religious groups recognized in this Constitution, unless such a restriction is imposed by law. Such a restriction may only infringe upon the essence of these rights to the extent that is necessary and acceptable in a democratic and peaceful society built upon diversity, dignity, equality and freedom. Any restriction that is imposed and that conflicts with this principle shall be null and void.

**Second:**

Anyone who is directly concerned by a restriction imposed on his right may appeal to the Region's Constitutional Court against the measure or the law restricting these rights.

### **Section Three**

#### **The Authorities of the Kurdistan Region**

**Article 39:**

The Authorities of the Iraqi Kurdistan Region shall be comprised of:

**First:** the Legislative Authority (Kurdistan Parliament)

**Second:** the Executive Authority.

**Third:** the Judicial Authority.

**Article 40:**

Kurdistan Parliament shall be the legislative authority, and it shall be the authority for settling decisive issues affecting the people of the Kurdistan Region. Members of the Parliament shall be elected directly by secret ballot in a free and general election.

**Article 41:**

**First:**

The law shall determine the manner used to elect the members of the Kurdistan Parliament – Iraq, the timing of the election, how the election is conducted, and the proportion of representation.

**Second:**

Fair representation of all geographic localities, ethnic and religious groups shall be taken into consideration when organizing a system for electing members, as well as guaranteeing that no less than 30% of the seats in the Kurdistan Parliament be reserved for women representatives.

**Third:**

A Member of Parliament shall represent all the groups that make up the people of Iraqi Kurdistan, regardless of their political, ethnic and religious affiliation, or his or her electoral district.

**Article 42:**

**First:**

The Parliament shall be elected for a term of four years, starting from the day of its first assembly.

**Second:**

The Parliament shall convene at the invitation of the President of the Kurdistan Region, within fifteen days of the announcement of the final election results. If an

invitation to convene is not issued, then the Parliament shall convene automatically at 12p.m on the day following this fifteen day period.

**Article 43:**

The Parliament shall hold its first session under the chairmanship of its oldest member, and shall elect by secret ballot a Speaker, a Deputy Speaker, and a Secretary General chosen from its members.

**Article 44:**

Before assuming their duties, Members of Parliament shall take the following Constitutional oath: [I swear by Almighty God to protect the interests of the people of the Kurdistan Region-Iraq, to safeguard the Region's unity and dignity, to protect the rights and freedoms of its citizens, and to protect public funds. I swear by Almighty God to abide by the provisions of the Constitution and to perform the duties of a member faithfully and loyally].

**Article 45:**

Upon taking the Constitutional oath, a Member of Parliament shall be considered to have resigned from his position. He shall have the right to return to that position, or to a similar one, at the end of his term in Parliament. The length of the term served as a Member of Parliament shall be taken into account for purposes of promotion, advancement, seniority and retirement.

**Article 46:**

A Member of Kurdistan Parliament may not serve simultaneously as a member in the Federal Parliament, in local and municipal councils, or in the civil service. A Member of Parliament shall be dedicated exclusively to parliamentary work; and shall be forbidden from practicing any other profession while serving in Parliament.

**Article 47:**

**First:**

Parliament shall hold two sessions a year, each lasting four months. Parliamentary rules of procedure shall define how these sessions are held.

**Second:**

The Parliamentary session in which the general budget is proposed shall not be concluded until the budget is approved. Based on the request of the President of the Kurdistan Region, of the Speaker of the Parliament of Kurdistan, or the President of the Council of Ministers, or twenty-five Members of Parliament, a Parliamentary session may also be extended for a period not exceeding thirty days to complete other tasks whose importance requires such an extension.

**Article 48:**

An absolute majority of the Members of Parliament shall constitute a quorum. Resolutions shall be issued by a majority vote of those in attendance, unless Parliamentary law or procedure specify otherwise. If equal votes are cast, the President of the Parliament shall cast the deciding vote.

**Article 49:**

Ten Members of Parliament, or a competent Parliamentary committee, may introduce bills or draft resolutions to Parliament.

**Article 50:**

**First:**

A Member of Parliament may question the Prime Minister, his Deputy, and the Ministers regarding matters that concern the Council of Ministries. Parliamentary law and procedure shall organize the questioning of these officials.

**Second:**

Ten Members of Parliament may request to interpellate the Prime Minister or the Members of the Council of Ministers. The interpellation shall not take place until eight days after the date on which the request for the interpellation arrived at the Prime Minister's office. If the interpellation results in a request for a motion of no-confidence in the Prime Minister, or one of the Ministers, the motion shall be passed by the agreement of two-thirds of the Members of Parliament in the case of the prime Minister, and by the agreement of an absolute majority of the Members of Parliament in the case of a Minister.

**Article 51:**

The President of the Parliament, the Deputy President, the Secretary General, and the Members of the Parliament shall be entitled to rights and privileges which ensure their independence and their livelihood. Such rights and privileges shall be fixed and regulated by law.

**Article 52:**

Parliamentary law and procedure shall determine and regulate the details of Parliament's work processes, and the manner in which its ordinary and extraordinary sessions are held, organized and conducted. Parliamentary law and procedure shall also address the situations in which membership is terminated, and how vacant seats should be filled.

**Article 53:**

The Parliament shall exercise the following powers, in addition to any other powers which the laws in force in the Region have delegated to it:

**First:**

Settle decisive issues affecting the people of Kurdistan, by a vote of a majority of two-thirds of its members.

**Second:**

Approve proposed constitutional amendments, according to Article 120/fourth of this Constitution.

**Third:**

1- Legislate, amend and repeal laws in all matters in Kurdistan, except for issues that lie wholly within the exclusive legislative jurisdiction of the Federal Authorities, according to Article 110 of the Federal Constitution.

2- Approve the entry into force of federal laws in the Kurdistan Region, and amend their application, in accordance with the law. However, laws that lie wholly within the exclusive legislative jurisdiction of the Federal Authorities, according to Article 110 of the Federal Constitution, shall be exempt from this process, and shall be applied in the Region upon their entry into force according to the provisions of the Federal Constitution.

**Fourth:**

Take measures to impeach the President or Vice President of the Kurdistan Region, by the agreement of a majority of two-thirds of Parliament's members, on account of perjury of the constitutional oath, serious violation of the Constitution, or high treason.

**Fifth:**

Pass a motion of confidence in the Council of Ministers or vote of no confidence. To pass a motion of no confidence in the Prime Minister shall be by a majority of two thirds of the members of the Parliament and in a minister by absolute majority of its members.

**Sixth:**

Monitor the activities of the executive branch, and hold the Prime Minister, the Deputy Prime Minister, and the Ministers accountable, in accordance with parliamentary law and procedure.

**Seventh:**

Approve the general budget for Kurdistan and its final accounts; transfer among sections; and approve expenditures not referred to in the budget.

**Eighth:**

Approve general development plans.

**Ninth:**

Levy, amend, annul, or grant exemptions to taxes and duties.

**Tenth:**

Settle, by an absolute majority vote of those present, the validity of a Member of Parliament's membership. This decision shall be subject to appeal before the Region's Constitutional Court within thirty days of the date on which it is issued.

**Eleventh:**

Put in place Parliamentary rules of procedure, appoint Parliamentary staff and employees and fix their salaries, and estimate the Parliament's budget.

**Twelfth:**

Form permanent, temporary, and investigative committees.

**Thirteenth:**

Confirm, by an absolute majority of its members, the nomination of members to the Constitutional Court for the Kurdistan Region.

**Fourteenth:**

Confirm, by an absolute majority of its members, the nomination of the heads of the independent Authorities and Commissions listed in Article 107 of this Constitution.

**Article 54:**

The Parliament may not relinquish its legislative authority, except as stipulated in the seventh paragraph of Article 65 of this Constitution.

**Article 55:**

**First:**

Members of Parliament shall enjoy Parliamentary immunity, and may speak freely within the boundaries outlined in Parliamentary procedure.

**Second:**

The freedom of Members of Parliament may not be restricted, nor may they be put under surveillance without the approval of Parliament.

**Third:**

Except in cases of flagrante delicto, members of Parliament may not be prosecuted, interrogated or searched; their residences and offices may not be searched; nor may they be apprehended by any authority while Parliament is in session without prior authorization from Parliament.

**Fourth:**

Except in cases of flagrante delicto, members of Parliament may not be prosecuted, interrogated or searched; their residences and offices may not be searched; nor may they be apprehended by any authority while Parliament is not in session without prior authorization from the President of the Parliament.

**Article 56:**

**First:**

Parliament may dissolve itself by the approval of a majority of two-thirds of its members.

**Second:**

The President of the Region shall issue a decree to dissolve Parliament in the following situations:

- 1- Resignation of more than half of the Parliament's members.
- 2- Failure to achieve quorum for a Parliamentary meeting within sixty days of the date on which Parliament was invited to convene after being elected.
- 3- Parliament's failure to pass a motion of confidence to three different and successive proposed cabinets.

**Article 57:**

If Parliament is dissolved, or its electoral term comes to an end, a decree should be issued to hold the elections and determine the date of the elections within 15 days from the date of dissolution or ninety days period preceding the end of its electoral term, provided that to be hold no later than ninety days following the dissolution or be within ninety days prior to the end of its electoral term date.

**Article 58:**

If Parliament is dissolved based on the provisions of Article 56 of this Constitution, or if Parliament's electoral term comes to an end, and new elections are delayed or unfeasible due to extraordinary circumstances, Parliament shall remain in session and continue to perform its duties and exercise its constitutional authorities until a new Parliament is elected and its first session held. In this case, the decree dissolving Parliament shall be considered suspended until elections for the new Parliament are held.

## **Chapter Two**

### **The Executive Authority**

#### **Article 59:**

The executive authority shall be composed of The President of Kurdistan Region and the Council of Ministers. The executive authority shall exercise its powers in accordance with the Constitution and the law.

#### **First: The President of Kurdistan – Iraq**

#### **Article 60:**

##### **First:**

The President of the Kurdistan Region holds the highest office of the executive authority. He is the Commander-in-Chief of the Regional Guard (the Peshmerga). He shall represent the people of the Region and act on their behalf in all national events. He shall be in charge of coordination between Federal and Regional Authorities.

##### **Second:**

The President of the Region shall choose a Vice President who shall assist him in performing his duties. The Vice President shall take the place of the President in case of the President's absence. The Vice President shall also be the Deputy Commander-in-Chief of the Regional Guard (the peshmerga), provided that to have the consent of Parliament by absolute majority of its members.

#### **Article 61:**

The President of the Kurdistan Region shall be elected directly by secret ballot in a general election by the citizens of the Kurdistan Region. The law shall determine the manner of this election.

#### **Article 62:**

If the President of the Region, or the Vice President, is impeached by a vote of a majority of two-thirds of the Members of Parliament on account of perjury of the constitutional oath, serious violation of the Constitution, or high treason, and is then found guilty by the Region's Constitutional Court, he shall be removed from his position.

**Article 63:**

Before assuming their duties, the President of the Kurdistan Region and the Vice President shall take the following constitutional oath before the Parliament of Kurdistan:

(I swear by God almighty to protect the rights, achievements, unity, and interests of the people of Iraq Kurdistan. I swear by God almighty to perform my duties faithfully and loyally and to adhere to the Constitution of the Kurdistan Region).

**Article 64:**

The President of the Kurdistan Region shall be elected for a term of four years, beginning on the date on which he takes the constitutional oath. He may only be reelected once for a second term.

**Article 65:**

In addition to any other powers granted to him by the law, the President of the Region shall exercise the following powers:

**First:**

Propose draft laws and resolutions to the Kurdistan Parliament.

**Second:**

Promulgate laws and resolutions legislated by the Kurdistan Parliament within fifteen days of receiving them. During this period, the President shall have the right to oppose the law or resolution in entirety or in part, and to send the law or

resolution back to Parliament for reconsideration. Parliament's decision regarding such a law or resolution shall then be final. If the President fails to promulgate such laws and resolutions within the aforementioned period and does not oppose them, they shall be considered promulgated and shall be published in the Official Gazette.

**Third:**

Issue a decree for the holding of general elections for the Kurdistan Parliament-Iraqi when Parliament is dissolved or at the end of its electoral term. This shall be done in accordance with Article 56 of this Constitution, while respecting the period set forth in Article 57 herein.

**Fourth:**

Issue a decree inviting the Kurdistan Parliament to hold the first session of its electoral term, within ten days of the date on which final election results are announced. Should the President fail to call Parliament into session, the Parliament shall convene automatically on the day following the end of the aforementioned period.

**Fifth:**

Issue a decree dissolving the Kurdistan Parliament in the situations that are set forth in this Constitution.

**Sixth:**

Issue a decree dismissing a Minister, based on a proposal brought forward by the Prime Minister.

**Seventh:**

Issue decrees that have the power of law after consulting and agreement with the President of the Parliament and the Prime Minister in case Kurdistan Region and

its political system or its security or its constitutional institutions are faced with a sudden danger threatening its entity and the Parliament cannot convene these decrees shall be submitted to the Parliament during its first session, if not submitted or submitted but not approved, they lose their legality

**Eighth:**

In cases of war, occupation, insurrection, chaos, natural disasters, epidemics, or other unexpected emergencies, the President shall have the power to declare a state of emergency, after consulting with the President of the Parliament and the Prime Minister of Kurdistan, and obtaining their consent. The initial period must be no longer than one month. Subsequent extensions shall be approved by an absolute majority of the Members of Parliament: each extension shall be no longer than three months. Provisions related to a state of emergency shall be regulated by law.

**Ninth:**

Grant special pardons to convicted persons, by issuing a decree in accordance with the law.

**Tenth:**

Approve death sentences, or commute them to life imprisonment.

**Eleventh:**

Convene and chair an extraordinary meeting of the Council of Ministers when necessary, to discuss the specific issues for which the meeting was called.

**Twelfth:**

Allow federal armed forces to enter Iraq Kurdistan territory when necessary, after obtaining the approval of the Kurdistan Parliament-Iraq and defining the mission of these forces, as well as the location and duration of their stay in the Region.

**Thirteenth:**

Send the (Regional Guard) the Peshmerga or the Domestic Security Forces outside of the Region, with the approval of the Kurdistan Parliament.

**Fourteenth:**

- 1- Charge the candidate of the majority parliamentary bloc with forming a government within forty five days of the date on which so charged.
- 2- If the first candidate fails to form a government within forty-five days of being so charged, the President of the Kurdistan Region shall charge another candidate from the same bloc with forming a government.
- 3- If the second candidate fails to form a government, the President of the Kurdistan Region may choose whoever he considers fitting, and charge him with forming a government.
- 4- The person charged with forming a government may be a Member of Parliament, or not.

**Fifteenth:**

Issue a decree ordering the government to form, after it has obtained a vote of confidence from the Parliament.

**Sixteenth:**

Issue a decree ordering the resignation of the government or of a Minister after has passed a motion of a no-confidence in either or them.

**Seventeenth:**

Issue a decree accepting the resignation of the government or of a Minister, and charging them with continuing to act as a caretaker government until a new government is formed.

**Eighteenth:**

Issue a decree appointing the members of the Constitutional Court, after the Kurdistan Parliament has confirmed the nominees.

**Nineteenth:**

Issue a decree appointing judges, the Head of the Judiciary Inspection Department, as well as the Head and the members of the Public Prosecution, after these individuals have been nominated by the judiciary Council in Kurdistan.

**Twentieth:**

Issue a decree appointing the heads of the independent authorities and commissions listed in Article 107 of this Constitution, after their nomination has been approved by the Parliament of Kurdistan.

**Twenty-first:**

Issue a resolution establishing special offices for the Kurdistan Region in foreign countries, based on a proposal from the Prime Minister, and in coordination with the competent agency of the Federal Government.

**Twenty-second:**

Appoint individuals to special grades, based on the nomination of the competent Minister and the approval of the Council of Ministers.

**Twenty-third:**

Confer military ranks on the officers of the (Regional Guard) the Peshmerga and the Domestic Security Forces; and issue decrees, according to the laws in force, discharging them or retiring them.

**Twenty-fourth:**

Issue a decree awarding medals and badges, as pursuant to the law.

**Article 66:**

The salaries and allowances of the President and Vice President of the Kurdistan Region shall be specified by law.

**Article 67:**

The President of the Kurdistan Region shall have an office whose organization, privileges and responsibilities shall be specified by law.

**Article 68:**

**First:**

If the President of the Kurdistan Region resigns, dies, or becomes afflicted with a handicap that prevents him from carrying out his presidential duties, his successor shall be elected within sixty days for a period of four years, in accordance with Article 64 of this Constitution.

**Second:**

When the office of President of the Kurdistan Region becomes vacant, the President of the Kurdistan Parliament in accordance with the first paragraph of this Article shall assume the duties of the presidential office until a new President is elected within sixty days of the day on which the office becomes vacant.

**Third:**

The Vice President of the Kurdistan Region shall assume the duties of the President of the Kurdistan Region when the latter is absent from the Kurdistan Region, is on leave, or is temporarily incapable of performing his duties.

**Fourth:**

If the President's term comes to an end, but the holding of new presidential elections is impossible because of war or natural disasters, the President of the Region shall continue to perform his duties until the aforementioned obstacles have been removed, and a new President of Region has been elected.

## **Second: The Council of Ministers of the Kurdistan Region - Iraq**

### **Article 69:**

The Council of Ministers of the Kurdistan Region - Iraq is the executive and administrative authority in the Kurdistan Region.

### **Article 70:**

#### **First:**

The Council of Ministers shall be composed of a Prime Minister, a Deputy Prime Minister or Deputy Prime Ministers, and Ministers. The formation of the Council of Ministers shall be determined by law.

#### **Second:**

A nominee shall be charged with forming a government according to the provisions of the fourteenth paragraph of Article 65 of this Constitution.

#### **Third:**

The Prime Minister-designate shall select his Deputy or Deputies and the Ministers from among the Members of the Kurdistan Parliament; or he may select other individuals who meet the requirements necessary to become Members of Kurdistan Parliament.

#### **Fourth:**

The Prime Minister-designate shall present a list of the members of his government to the President of the Kurdistan Region for his approval.

#### **Fifth:**

Following the approval of the President of the Kurdistan Region, the Prime Minister-designate shall present the members of his government to the Kurdistan Parliament of Kurdistan, requesting a vote of confidence in the government.

**Sixth:**

The Prime Ministers shall preside over cabinet sessions, except for those sessions that are attended by the President of the Region.

**Article 71:**

Before beginning their official duties and after obtaining Parliament's vote of confidence, the Prime Minister and members of the Council of Ministers shall take the following constitutional oath: "I swear by God Almighty to protect loyally the unity of the people and the territory of Kurdistan - Iraq, to respect the Constitution and the laws that are in effect, to protect public funds, and to safeguard fully the interests of the people".

**Article 72:**

Fair representation of the groups making up the people of Kurdistan - Iraq shall be taken into account in the formation of the Council of Ministers of the Kurdistan Region.

**Article 73:**

The Prime Minister and the Ministers shall be jointly accountable to Kurdistan Parliament for matters related to the Council of Ministers. Each Minister shall be individually, primarily, and directly responsible for the activities of his/her Ministry.

**Article 74:**

The Council of Ministers shall exercise the following powers and authorities:

**First:**

Implement laws, resolutions, decrees, and regulations; protect the security of Kurdistan - Iraq and its public funds.

**Second:**

Outline the general policy of the Kurdistan Region, in coordination with the President of the Kurdistan Region; and implement this policy after it is approved by the Parliament.

**Third:**

Prepare the draft general budget for Kurdistan.

**Fourth:**

Draft bills and resolutions and submit them to the Kurdistan Parliament.

**Fifth:**

Issue regulations and executive and administrative resolutions, in accordance with the Constitution and law.

**Sixth:**

Prepare projects for development plans, and implement such projects after they are approved by the Parliament.

**Seventh:**

Form a joint administration with the Federal Government to manage the oil and gas extracted from fields in Kurdistan - Iraq and put into commercial production before August 15,2005. Revenues received from these fields must be distributed fairly in accordance with the principles specified in Article 112 of the Federal Constitution, and with the oil and gas laws of the Kurdistan Region. For the purposes of enforcing the provision of this paragraph, the scale of commercial production shall be defined as the production of no less than five thousand (5.000) barrels per day for a period of twelve (12) months.

**Eighth:**

Work jointly with the Federal Government to formulate the strategic policies necessary to develop oil and gas resources. All matters related to the Region's resources must meet with the approval of the Kurdistan Parliament.

**Ninth:**

Manage, in accordance with the laws of the Kurdistan Region, all exploration, production, management, development, sales, marketing, and export activities, as well as all other operations, required for crude oil and gas fields, including oil and gas that has not been extracted or that has been extracted but not put into commercial production before August 15, 2005. For the purposes of enforcing the provision of this paragraph, commercial production shall be defined as the production of no less than five thousand (5,000) barrels per day for a period of twelve (12) months.

**Tenth:**

Exercise executive powers pertaining to all matters in the Kurdistan Region that do not lie within the exclusive jurisdiction of the federal authorities, in accordance with Article 110 of the Federal Constitution.

**Eleventh:**

Exercise those powers the Federal Authorities and the Kurdistan Authorities jointly authorize it to exercise, in accordance with the provisions of the Federal Constitution.

**Twelfth:**

Oversee, direct, follow up, monitor, and coordinate the activities of the ministries, institutions and public utilities in Kurdistan.

**Thirteenth:**

Appoint, promote, dismiss, discharge or retire employees in accordance with the law and in a manner that does not conflict with the provisions of this Constitution, or the law that are issued based on these provisions.

**Fourteenth:**

Propose the establishment of special offices for the Region's cultural, social and developmental affairs in the embassies and diplomatic missions, and manage such offices.

**Fifteenth:**

Organize and administer the (Region Guard) the Peshmerga, in order to protect the region, as well as the police, the security agencies, and other internal security forces.

**Sixteenth:**

Organize and administer the (Regional Guard) the Peshmerga, in order to protect the region, as well as the police, the security agencies, and other internal security forces.

**Article 75:**

**First:**

In the following situations, the Council of Ministers shall be considered to have resigned, and the cabinet shall be charged with acting as a caretaker government until a new government is formed:

- 1- Acceptance of the Prime Minister's resignation.
- 2- A vote of no confidence in the Prime Minister by the Kurdistan Parliament Iraq.
- 3- Beginning of a new term for the Kurdistan Parliament.
- 4- Beginning of a new term for the President of the Kurdistan Region.
- 5- Death of the Prime Minister.

**Second:**

A Minister shall be considered to have resigned if the Kurdistan Parliament Iraq passes a motion of no confidence in him.

**Article 76:**

**First:**

The law shall regulate the impeachment and trial of the Prime Minister, the Deputy Prime Minister, and Ministers.

**Second:**

The law shall determine the salaries, benefits, and privileges of the Prime Minister, the Deputy Prime Minister, and the Ministers.

**Chapter Three**

**The Judicial Authority**

**First: General Principles**

**Article 77:**

The Judicial authority in the Region is independent. It shall be composed of the Judicial Council, the Constitutional Court, the Court of Cassation, the Judiciary Inspection Department, the Public Prosecution Office, and of the various levels and types of courts, and their cadres. The law shall regulate the manner in which these bodies are formed, the conditions and procedures for appointing their members, and for holding these members accountable.

**Article 78:**

The Judiciary shall be independent and subject to no authority except that of the law.

**Article 79:**

The Judiciary shall have general jurisdiction over all natural and legal persons in Kurdistan.

**Article 80:**

Judicial rulings and decisions shall be issued and implemented in the name of the people.

**Article 81:**

All judges shall be appointed for an unlimited term, with compulsory retirement at an age specified by law. Judges may not be removed, except in the cases specified by law. Judges must be provided with suitable working conditions, and granted remuneration that is consistent with the dignity of their office and the scale of their duties, and that guarantees their independence. While judges in office, their remuneration may not be diminished, nor may their working conditions be changed.

**Article 82:**

Judges and members of the Public Prosecution shall be prohibited from:

**First:**

Simultaneously holding a judicial position and a legislative or executive position, or any other job.

**Second:**

Being affiliated with a political party or organization.

**Article 83:**

Court sessions shall be public, unless the court decides in favor of a closed session, for the sake of public moral, or sanctity of the family. In the case of a closed session, the ruling must be pronounced in an open session.

**Article 84:**

It shall be forbidden to establish special or extraordinary courts in Kurdistan.

**Article 85:**

The law shall regulate which courts have jurisdiction to investigate crimes of a military nature committed by members of the (Regional Guard) the Peshmerga, or by members of the internal security forces, as well as crimes committed by members of these forces against each other.

**Article 86:**

It shall be prohibited for law to stipulate that the courts are forbidden from hearing cases arising from such laws.

**Article 87:**

It shall be prohibited for laws to stipulate that any executive or administrative resolution or procedure is immune from appeal.

**Article 88:**

The law shall guarantee the impartiality of the administration, and that any individual who abuses his power shall be punished.

**Article 89:**

Anyone injured as a result of the misconduct or negligence of staff members from the Kurdistan Government's Departments or Authorities, while said staff members are performing their jobs, shall be entitled to claim compensation from the aforementioned agencies.

**Article 90:**

Judicial decisions must be implemented. Refusal to implement them, or obstructing their implementation, shall be considered a criminal offense punishable by law. If the accused is a civil servant or an individual charged with performing a public service, then in addition to receiving a punitive sanction, he shall be dismissed

from his position. The judgment beneficiary shall have the right to bring an action directly before the competent court, and if he has suffered any harm, the government shall guarantee him full compensation. This compensation shall not detract from the subordinate's responsibility.

## **Second: The Constitutional Court of Kurdistan – Iraq**

### **Article 91:**

The Constitutional Court of Kurdistan – Iraq shall be established by law.

### **Article 92:**

#### **First:**

The Constitutional Court of Kurdistan shall be composed of seven members, including the Chief Justice. Members shall be selected from among judges, law professors, and lawyers who have a total of at least twenty years of practice in the judicial or legislative field, in teaching or in legal practice.

#### **Second:**

The president of the Kurdistan Region, in consultation with the Judicial Council, shall nominate the members of the Constitutional Court.

#### **Third:**

After the Parliament of Kurdistan has confirmed, by a majority of two-thirds of its members, the nominees to the Constitutional Court, the President of the Kurdistan Region shall issue a decree appointing these nominees as members of the Court.

### **Article 93:**

The Court shall elect its Chief Justice from among its members.

### **Article 94:**

Before beginning their duties, the Chief Justice and members of the Constitutional Court shall take the legal oath of office before the President of the Kurdistan Region.

**Article 95:**

The Constitutional Court shall have jurisdiction over the following matters:

**First:**

Explain the stipulations of the article of the Kurdistan Region's Constitution.

**Second:**

- 1- Monitor the constitutionality of the laws, based on a request from the President of the Kurdistan Region, the Council of Ministers, ten members of Parliament, or any concerned party.
- 2- Decide the legality of decrees, regulations, resolutions and instructions, based on the request of any concerned party.

**Third:**

Settle appeals brought before [the Constitutional Court] that arise from an ongoing case before a court and are related to the unconstitutionality of a law or the illegality of a resolution, regulation, or instruction. The aforementioned court must adjourn the case until the result of the appeal is decided.

**Fourth:**

Certify the result of referendums and of general elections for the President of the Region, the Kurdistan Parliament, and local and municipal council.

**Fifth:**

Decide on the constitutionality of proposed amendments to the Constitution of the Kurdistan Region, and decide whether said amendments conform to the requirements listed in Article 120 of this Constitution.

**Sixth:**

Try the President or Vice President of the Kurdistan Region after they have been impeached by the Parliament in accordance with Article 62 of this Constitution. The conviction of the President or the Vice President the agreement of at least five of the Court's members.

**Seventh:**

Settle cases brought before the Court in accordance with Article 19, Paragraph 18/3 of this Constitution.

**Eighth:**

Settle appeals related to the validity of membership, and lift the immunity of parliamentary members.

**Article 96:**

The law shall determine the conditions for membership in the Court, the Court's work processes, and how the Court accepts cases, motions and appeals.

**Article 97:**

The rulings of the Constitutional Court shall be final and binding for all. If the Court, in deciding the constitutionality of laws, or the legality of decrees, regulation, resolutions and instructions, resolves that any law, decree, regulation, resolution or instruction violates the Constitution or the law, the Court should notify the concerned authority in Kurdistan, so that this authority may take the necessary measures to remove or correct the constitutional violations.

**Third: The Judicial Council**

**Article 98:**

**First:**

The Judiciary Council shall be composed of the President of the Court of Cassation and his deputies, the Head of the judiciary Inspection Department, the Head of the Public Prosecution; and the presiding judges of the appellate district courts in Kurdistan.

**Second:**

The judiciary Council shall manage the affairs of the judiciary, guarantee its independence, and oversee judicial agencies, in accordance with the law.

**Article 99:**

**First:**

The judicial authority shall have its own special budget that shall be appended to the budget of the Region. This budget shall be financed through judicial fees and fines collected in accordance with the law, and by the funds which the Government of Kurdistan provides for this purpose.

**Second:**

The Judicial Council shall be responsible for preparing an annual draft budget for the judicial authority, and shall consult the Constitutional Court regarding the allocations set aside for it. The Judicial Council shall present the draft budget to the Parliament of Kurdistan Iraq for its approval. The final figure for this budget must be incorporated into the annual budget of the Kurdistan Region.

**Section four**

**First: The Public Prosecution**

**Article 100:**

The Public Prosecution shall represent society in defending justice, protecting legality, public order, the security of the region and of its public funds, and in

protecting families and individuals and their freedoms. This shall be regulated by law.

## **Second: The Shura (Advisory) Council**

### **Article 101:**

A Shura Council of the Iraq Kurdistan Region shall be established. The missions and authorities of the Shura Council shall be regulated by a law.

## **Section Five**

### **Local Administrations and Municipal Council**

#### **Article 102:**

Administrative divisions in the Kurdistan Region shall be as follows: government, districts, counties and villages. The establishment of these administrative divisions, the designation or change of their capitals, the settling or modification of their boundaries, and the separation of one administrative unit to attach it to other such units shall take place in accordance with the law.

#### **Article 103:**

##### **First:**

In order to achieve democracy, administrative decentralization shall be applied, continuously developed and activated in running the administrative units of Kurdistan (government, districts, counties and villages), because it is one of the indispensable tools for the participation of the Region's citizens in running the administrative unit's general affairs. Each administrative unit shall have a local council, chosen by secret ballot in direct and general elections. The method, in which these councils are elected, as well as their powers and duties, shall be clarified by law.

**Second:**

Each administrative unit shall have an executive council chaired by the chief officer of that administrative unit. The law shall clarify how this council is formed, determine its powers and duties, and define its relationship to the local council of the same administrative unit and to the central Ministries and institutions of Kurdistan.

**Article 104:**

The capital of each government, district, county, or village with a population of at least 3.000 people shall have a municipality, managed by an elected municipal council which shall provide public services to its citizens in accordance with the law.

**Article 105:**

**First:**

Local and municipal councils shall enjoy the status of a legal person.

**Second:**

Each administrative or municipal unit have its own independent budget.

**Article 106:**

**First:**

Equitable representation of the ethnic groups living within an administrative unit or municipality shall be taken into account in the composition of local and municipal councils. This process shall be regulated by law.

**Second:**

The electoral law for local and municipal councils must aim to ensure that at least 30% of the council's members are women.

**Section Six**

## **Independent Authorities and Commissions**

### **Article 107:**

#### **First:**

The following entities shall be established by law:

- 1- The Independent High Authority for Elections and Referenda in Kurdistan - Iraq.
- 2- The Financial Auditing and Integrity Board.
- 3- The Public Authority for the Safety and Quality of Local and Imported Products.

#### **Second:**

The following entities shall be established by law:

- 1- The Advisory Council for Economic and Social Affairs.
- 2- The task of this Council shall be to provide advice to the office of the President of the Region, the Parliament, and the Council of Ministers on economic and social affairs.

### **Article 108:**

#### **First:**

The authorities and commissions included in the first paragraph of Article 107 of this Constitution shall be subject to oversight by the Kurdistan Parliament. The law shall regulate the relationship of each aforementioned authority or commission to the Parliament.

#### **Second:**

Other authorities and commissions may be formed by law, in addition to those mentioned in the first paragraph of Article 107 of this Constitution.

### **Article 109:**

A Council called (The Council of the Region's Security) shall be formed. This Council shall be linked to the President of the Region. The powers and duties of this Council shall be regulated by the law.

**Article 110:**

Low income individuals shall be exempt from taxes in a manner that ensures a fair minimum standard of living. This process shall be regulated by law.

**Article 111:**

The revenues of the Kurdistan Region shall be composed of the following:

**First:**

Kurdistan's share of the federal government's general budget, originating from proceeds from oil and gas resources, customs duties, and other federal revenues, including loans, grants, gifts and aid.

**Second:**

Proceeds from taxes, fees, and charges for public utilities; and from the revenues of public institutions and companies.

**Third:**

Charges collected from the administration and levying of federal taxes and customs fees, and other federal revenues in the Region.

**Fourth:**

Proceeds from the Region government's investments and resources.

**Fifth:**

Grants and gifts.

**Sixth:**

Domestic and foreign loans specific to the Region.

**Seventh:**

Financial support provided by the federal government to the Government of the Region.

**Article 112:**

The fiscal year shall be specified by law.

**Article 113:**

**First:**

A budget law for the Kurdistan Region, including estimated revenues and expenditures, shall be legislated every fiscal year.

**Second:**

The draft budget for the (next) fiscal year shall be presented to the Kurdistan Parliament Iraq three months prior to the end of the fiscal year.

**Third:**

In the event that the preparation or presentation of the budget is delayed for any reason beyond the beginning of the fiscal year, the Government of Kurdistan shall, each month the budget is delayed, disburse one twelfth of the approved appropriations in the budget of the elapsed fiscal year.

**Article 114:**

The President and Vice President of the Kurdistan Region, the President of the Kurdistan Parliament, Members of Parliament, the Prime Minister and the Deputy Prime Minister, Ministers, Judges, public prosecutors and deputy public prosecutors, individuals with special grades, general directors, and individuals of these ranks shall be prohibited from buying or renting any public property in Kurdistan - Iraq. The aforementioned individuals shall also be prohibited from leasing or selling any part of their property to the regional authorities, and from

entering into contracts either directly or by proxy as concessionaries, suppliers, or contractors.

**Article 115:**

Pursuant to Article 126/fourth of the federal Constitution, no amendment to the federal Constitution shall be enacted if it diminishes those powers exercised by the authorities of the Kurdistan Region that do not lie within the exclusive jurisdiction of the federal authorities, unless the agreement of the Region's Parliament to said amendment has been secured, and a majority of voters in a referendum indicate the agreement of the people of Kurdistan to this amendment.

**Article 116:**

In addition to its normal areas of jurisdiction, the Kurdistan Court of Cassation shall have the authority to explain the stipulations of this Constitution, and to settle appeals that arise from ongoing cases before the courts and that are related to the unconstitutionality of laws, or the illegality of resolutions, decrees, regulations and instructions. The Court of Cassation shall exercise these authorities until the Constitutional Court of Kurdistan is formed.

**Article 117:**

Laws shall be published in the official Kurdistan gazette [Waqai'i Kurdistan], and shall come into force on the date of their publication, unless the given law stipulates otherwise.

**Article 118:**

This Constitution shall be considered ratified after it has been approved in a public referendum by a majority of the voters of the people of the Kurdistan Region.

**Article 119:**

In case of amend the sequence of the materials of the Federal Constitution, which was considered in the present Constitution Kurdistan Parliament - Iraq Kurdistan, by a majority vote of those present, shall correct the sequence based on it.

**Article 120:**

**First:**

The Constitution may be amended according to the procedures mentioned in this article, provided that the amendment not infringe upon the integrity of Iraq Kurdistan's republican and democratic system, or upon its territorial unity, and provided that the amendment not undermine the basic right and freedoms set forth in the Constitution.

**Second:**

Together, the President of the Kurdistan Region and the Council of Ministers, or half of the Members of Parliament, may propose a constitutional amendment.

**Third:**

After reviewing the proposed amendment within forty-five days, the Constitutional Court shall determine whether the proposed amendment conflicts the conditions set forth in the first paragraph of this article.

**Fourth:**

The Kurdistan Parliament-Iraq may approve the proposed amendment by a majority of two-thirds of its members.

**Fifth:**

The majority of the voters of the people of Iraqi Kurdistan shall agree to the amendment in a general referendum.

**Article 121:**

The citizens of the Region shall have the right to a referendum. Twenty-five percent of eligible voters in the Region shall have the right to referendum on a particular issue, provided that such a referendum is conducted and regulated by law.

**Article 122:**

**First:**

This Constitution shall go into effect sixty days after the date on which it is approved in a general referendum. The President of the Kurdistan Region shall be responsible for publishing this Constitution in the official gazette (Waqai'i Kurdistan) within ten days of the date on which it is approved in a general referendum.

**Second:**

All of the law in force on the date on which this Constitution comes into effect shall remain in force as long as they are not amended or annulled in accordance with the provisions of this Constitution

## Appendix 14

### Survey Completed by Kurdish Ministry of Education Manager

Survey on the Implementation of the United Nations Convention on the Rights of the Child

Name of Organisation	
Position Held	Manager

**Notes on Completion:**

*There are 2 parts to this survey, please complete both parts and please try to answer all questions as fully as possible.*

*If a question is not applicable to your organisation please leave blank or enter N/A by the question.*

*Please write all answers clearly.*

*If you need more space for your answers please use the continuation sheet at the end of the survey, please make a note of the survey part number and question number.*

**Your help in completing this survey is greatly appreciated.**

**Part 1**

Question	Yes/No	Please elaborate on the policy/measures that are in place.	How could these policies/measures be improved upon?
1 Do you have measures in place to ensure that children are not discriminated against on any grounds?	No	There is always discrimination between poor children and rich children	
2 Do you have a policy that relates to the best interests of the child?	Yes		
3 Are policies in place to protect a child's right to life?	No	There are still children working on the streets	
4 Do your policies/procedures allow a child to enjoy his or her culture, religion and language of origin?			
5 Are policies in place to prevent torture, cruel, inhumane or degrading treatment?	Yes		

Question	Yes/No	Please elaborate on the policy/measures that are in place.	How Could these policies/measures be improved upon?
<b>6</b> Are there policies in place specifically for children that are deprived of a family environment?	No		
<b>7</b> Are measures in place to prevent or report actual or suspected child abduction?	No		
<b>8</b> Do you have policies in place to prevent violence against children?	No		
<b>9</b> Is special care and assistance available to all children with disabilities?	Yes		
<b>10</b> Do your policies/practices ensure that all children have access to adequate healthcare?	Yes		

Question	Yes/No	Please elaborate on the policy/measures that are in place.	How Could these policies/measures be improved upon?
11 Do you have systems in place to ensure children and their parents have access to relevant benefits?	Yes		
12 Are there measures in place to ensure all children have equal educational opportunities?	No		
13 Are steps in place to encourage school attendance and prevent school drop out?	No		
14 Do you have policies in place relating to child labour and the reporting of?	No		
15 Are measures in place to safeguard children from sexual abuse and exploitation?	Yes		

Question	Yes/No	Please elaborate on the policy/measures that are in place.	How Could these policies/measures be improved upon?
16 Are there measures in place to ensure appropriate recovery and social reintegration of children involved in the juvenile justice system?	No		
17 Do you have practices in place to educate children about drugs, alcohol and tobacco?	No		

*Thank you for taking the time to complete this survey, your participation in my research is greatly appreciated.*

## Part 2

On a scale of 1 – 10 (with 1 being the least effective and 10 being the most effective) how effectively would you rate your policies on the following, if you do not have a policy that relates to the specific area please leave blank.

Policy Area	1	2	3	4	5	6	7	8	9	10
Non-Discrimination of children	✓									
Best interests of the child			✓							
A child's right to life		✓								
Allowing children to express their views	✓									
Allowing children to enjoy their culture, religion and language of origin			✓							
Children's freedom of expression				✓						
Protecting children from unsuitable information and material	✓									
Ensuring that children are not prevented from enjoying their right of freedom, thought, conscience and religion; and their right of freedom of association and peaceful assembly		✓								
Children's right to privacy					✓					
Preventing torture, cruel, inhumane or degrading treatment of children				✓						
Parents taking part in their child's welfare				✓						
Children that are deprived of a family environment		✓								
Preventing/reporting of actual/suspected child abduction			✓							

	1	2	3	4	5	6	7	8	9	10
Preventing violence against children	✓									
Promoting and facilitating the physical and psychological recovery and social reintegration of children who are victims of neglect, abuse or exploitation	✓									
Non-Discrimination of children with disabilities			✓							
Special care and assistance for children with disabilities		✓								
Children having access to adequate healthcare				✓						
Access to relevant benefits	✓									
Assisting children without adequate living conditions	✓									
Equal educational opportunities				✓						
Anti-bullying policy for children					✓					
Encouraging school attendance and prevent school drop out			✓							
Ensuring that children are given responsibilities and opportunities to practice choice, decision making and independence		✓								
Environmental planning taking into account play needs					✓					
Access to cultural and artistic events					✓					
Children's right to rest and leisure						✓				
Children in situations of emergency				✓						

	1	2	3	4	5	6	7	8	9	10
Recovery and social reintegration of children involved in the juvenile justice system				✓						
Child labour			✓							
Educating children about drugs, alcohol and tobacco		✓								
Safeguarding children from sexual abuse and exploitation			✓							

*Thank you for taking the time to complete this survey, your participation in my research is greatly appreciated.*

## **Appendix 15**

### **Interview with a Kurdish MP**

***The committee on the Rights of the Child highlighted that the best interests of the child shall be a primary consideration in all actions concerning children. How is this principle implemented within your organisation?***

There is some implementation of this principle but in my opinion it is not completely implemented.

***Do you feel this is adequate or are there any areas where improvements could be made and how could these improvements be achieved?***

I feel that this is not adequate, so to improve this principle the Government should make sure this principle should be reflected in legislation *and* the State should make sure children are put first in all decisions

***Can you give me some examples of how your organisation protects children's rights and freedoms?***

The Kurdish Government continues to emphasise the right of children to be heard and to be taken seriously.

***Articles 5 and 18 of the UNCRC provide a framework for the relationship between the child, his or her parents and family and the state. How does your organisation develop and maintain healthy relationships with children and their parents and families? Is there any way that this could be improved upon?***

It is very rare for a Government organisation to develop relationships with children and their families. I feel at the moment there is not an adequate policy in Kurdistan that encourages this.

***In what ways does your organisation ensure that children have access to adequate health services?***

Unfortunately health services in this country are not adequate, more needs to be done to modernise services.

***What services do you have in place specifically for children with disabilities and their families? How are these services promoted?***

There are some services for children with disabilities in Kurdistan but these are not adequate. We need to provide more services and better policies for children with disabilities.

***A child's right to education is one of the most fundamental rights. How do you ensure that all children have access to appropriate education?***

All children in Kurdistan have equal opportunities for education. Unfortunately some parents are unable to send their children to school as they are needed to help with earning income for the family. The Government needs to come up with a plan to help these families and to encourage these children to go back to school.

***How do you feel that the implementation of a child's right to education could be improved?***

The Kurdish government needs to build more schools and make changes to the education system.

***What processes are in place to protect children from situations of exploitation, and how can these be improved on?***

About 2 years ago the Ministry of Labour and Social Affairs opened a hotline for children and this goes some way to protect them.

***In cases where exploitation has occurred, what steps are in place to assist with physical and psychological recovery and social reintegration?***

These children would be helped by social workers and doctors.

## Appendix 16

### Interview with UK Nursery Manager

***The Committee on the Rights of the Child highlighted that the best interests of the child shall be a primary consideration in all actions concerning children. In your opinion how should this be implemented? Do you feel the current implementation of this right is adequate or are there any improvements that could be made?***

That is a very broad question. I think there is a lot more work to be done and I think it involves people getting close to children, parents and other people who are working in their interests and really knowing them so that each individual child can have their needs met rather than just generalisations being made.

Certainly in early years we are encouraged to put the child at the centre of everything we do, we work around the unique child and everything we do is to help that child to develop to their fullest potential and to be happy and successful. We put around that the key people that are interacting with the child and the environment that they are coming into that will help them to develop but it is all about that child being unique and having their own particular individual needs.

***There are a number of articles that come under the heading of 'civil rights and freedoms', these include; the right to a name and nationality, preservation of identity, freedom of expression, freedom of thought conscience and religion, freedom of association and peaceful assembly,***

***protection of privacy, access to appropriate information and prohibition against torture and the death penalty.***

***In what ways do you think children civil rights and freedoms should be protected?***

Obviously all of those things are very important, bearing in mind that children function as part of a family where possible it has got to involve the whole family because that child will not be free from all of those things unless the family is also free from them. Sometimes you get children that have been separated from their families and they need other people to come into that role that we call in loco parentis who can ensure that they do get all of the rights and freedoms that they are entitled to but in many ways you can't just take the child on their own in that because it is freedom in the whole society and in the family unit as well.

***Articles 5 and 18 of the UNCRC provide a framework for the relationship between the child, his or her parents and family and the state. How can healthy relationships between children and their parents be maintained?***

Most families do love and support their children, there are some families where they need that extra help and one of the things that we can tap into is the children's centre at the children's centre parents can find any extra support that they may need like how to cook healthy meals for their children or how to manage their money so they have enough money to spend on what their child needs not just what they want and also guiding them on how to discipline their children appropriately so they are given firm boundaries as well as lots of love and support, lots of young parents especially find that difficult. It

is good to have things like the children's centre to direct them to. One thing Plymouth is very keen on is early intervention so they are encourage the Health Visitors to pick up where children could be at risk and either giving them the support themselves or pointing them in the direction of the children's centres.

***There are a number of articles that come under the heading of 'Basic Health and Welfare'; these include standard of living, social security, child care services and facilities, and the rights of disabled children?***

***Do you feel children's healthcare services are adequate? How could services be improved? Do you think that services for children with disabilities are sufficient in this area?***

I think that our Health care service is generally very good I think the problem is when governments start making cuts that people start falling through the net and it is not an area where we should be making cuts. The health visitors are very stretched and are getting bigger case loads. They are the person that usually first interacts with the family and they need more time to see families and not so many families so they are not put under pressure.

Service for children with disabilities are very good in this area but that can be very much what they call a postcode lottery and I have heard of parents moving children to other areas to get better facilities, particularly that age at which councils will provided for people with disabilities, some cut it off at 18 and people with learning difficulties is going to need support long after that, and almost still to be treated within the category of children.

***A child's right to education is one of the most fundamental rights. What is your opinion of education services for under 18 years old? How could education be improved?***

I think the education service is very stretched and cuts are being made in areas like teaching assistants who give children early support to help them through difficulties and if those things aren't picked up and dealt with early enough. In general our education system is are good but in my opinion the government went wrong when they brought in too much choice. I would rather be able to send a child to a good school locally rather than send a child to a school far across the city where they don't know anyone and I think they should be aiming to make all schools good schools so that parents feel happy to go there local school.

***The UNCRC requires that State Parties should protect children from exploitation, the State should ensure that the control exerted over children by adults should be fair and show respect for children as people.***

***Do you think enough is being done to protect children from exploitation? How could this protection be improved? In cases where exploitation has occurred is enough being done to help children with physical, psychological recovery and social reintegration?***

I think generally children are very well protected and people working with children are very quick to pick up where a child is being abused or exploited in any way and there are good structures in place to help with that.

## Appendix 17

### Survey Completed by Kurdish Secondary School Teacher

Survey on the Implementation of the United Nations Convention on the Rights of the Child

Name of Organisation	
Position Held	Teacher

**Notes on Completion:**

*There are 2 parts to this survey, please complete both parts and please try to answer all questions as fully as possible.*

*If a question is not applicable to your organisation please leave blank or enter N/A by the question.*

*Please write all answers clearly.*

*If you need more space for your answers please use the continuation sheet at the end of the survey, please make a note of the survey part number and question number.*

**Your help in completing this survey is greatly appreciated.**

**Part 1**

Question	Yes/No	Please elaborate on the policy/measures that are in place.	How could these policies/measures be improved upon?
<b>1</b> Do you have measures in place to ensure that children are not discriminated against on any grounds?	No	There is discrimination against children	I hope that the Government will put in place a policy to prevent child discrimination.
<b>2</b> Do you have a policy that relates to the best interests of the child?	Yes	We implement child rights for the best interests of all children	
<b>3</b> Are policies in place to protect a child's right to life?	Yes	The policy is ready but because of corruption it is not implemented	The Government should make laws to stop corruption
<b>4</b> Do your policies/procedures allow a child to enjoy his or her culture, religion and language of origin?	Yes	We allow children to enjoy our culture, religion and our language	It is necessary to make improvements to the activities offered so that children can get more information about our culture.
<b>5</b> Are policies in place to prevent torture, cruel, inhumane or degrading treatment?	Yes		

Question	Yes/No	Please elaborate on the policy/measures that are in place.	How Could these policies/measures be improved upon?
6 Are there policies in place specifically for children that are deprived of a family environment?	Yes	There are care homes specifically for children that are deprived of a family environment	
7 Are measures in place to prevent or report actual or suspected child abduction?	Yes	The Kurdistan Regional Government has strong security to prevent child abduction	
8 Do you have policies in place to prevent violence against children?	Yes		
9 Is special care and assistance available to all children with disabilities?	Yes	Special care and assistance is available, but there is not enough. Disabled children often have difficulty with transport to and from school	
10 Do your policies/practices ensure that all children have access to adequate healthcare?	No		

Question	Yes/No	Please elaborate on the policy/measures that are in place.	How Could these policies/measures be improved upon?
<b>11</b> Do you have systems in place to ensure children and their parents have access to relevant benefits?	No	When a child's parents work for the Government they are entitled to benefits but not if their parents do not work for the Government.	
<b>12</b> Are there measures in place to ensure all children have equal educational opportunities?	No		
<b>13</b> Are steps in place to encourage school attendance and prevent school drop out?	Yes	In our school we have a daily register for attendance this encourages every child to come to school	The best policy for preventing school drop out is to support children by giving them child benefit
<b>14</b> Do you have policies in place relating to child labour and the reporting of?	No		
<b>15</b> Are measures in place to safeguard children from sexual abuse and exploitation?	No		

Question	Yes/No	Please elaborate on the policy/measures that are in place.	How Could these policies/measures be improved upon?
16 Are there measures in place to ensure appropriate recovery and social reintegration of children involved in the juvenile justice system?	No		
17 Do you have practices in place to educate children about drugs, alcohol and tobacco?	No		

*Thank you for taking the time to complete this survey, your participation in my research is greatly appreciated.*

## Part 2

On a scale of 1 – 10 (with 1 being the least effective and 10 being the most effective) how effectively would you rate your policies on the following, if you do not have a policy that relates to the specific area please leave blank.

Policy Area	1	2	3	4	5	6	7	8	9	10
Non-Discrimination of children					√					
Best interests of the child						√				
A child's right to life		√								
Allowing children to express their views								√		
Allowing children to enjoy their culture, religion and language of origin										√
Children's freedom of expression										√
Protecting children from unsuitable information and material									√	
Ensuring that children are not prevented from enjoying their right of freedom, thought, conscience and religion; and their right of freedom of association and peaceful assembly						√				
Children's right to privacy								√		
Preventing torture, cruel, inhumane or degrading treatment of children							√			
Parents taking part in their child's welfare									√	
Children that are deprived of a family environment	√									
Preventing/reporting of actual/suspected child abduction						√				

	1	2	3	4	5	6	7	8	9	10
Preventing violence against children										✓
Promoting and facilitating the physical and psychological recovery and social reintegration of children who are victims of neglect, abuse or exploitation						✓				
Non-Discrimination of children with disabilities									✓	
Special care and assistance for children with disabilities										✓
Children having access to adequate healthcare										✓
Access to relevant benefits	✓									
Assisting children without adequate living conditions		✓								
Equal educational opportunities		✓								
Anti-bullying policy for children					✓					
Encouraging school attendance and prevent school drop out					✓					
Ensuring that children are given responsibilities and opportunities to practice choice, decision making and independence		✓								
Environmental planning taking into account play needs								✓		
Access to cultural and artistic events									✓	
Children's right to rest and leisure										✓
Children in situations of emergency										✓

	1	2	3	4	5	6	7	8	9	10
Recovery and social reintegration of children involved in the juvenile justice system									✓	
Child labour							✓			
Educating children about drugs, alcohol and tobacco										✓
Safeguarding children from sexual abuse and exploitation										✓

*Thank you for taking the time to complete this survey, your participation in my research is greatly appreciated.*

## Appendix 18

### Interview with CAFCASS Employee

***The Committee on the Rights of the Child highlighted that the best interests of the child shall be a primary consideration in all actions concerning children. In your opinion how should this be implemented? Do you feel the current implementation of this right is adequate or are there any improvements that could be made?***

We work to the children Act which states we should work in the best interests of the child so we are automatically in line with the UN convention in that perspective. In terms of implementation we look at various elements of what constitutes a child's welfare their health, education, socialisation, physical well being, emotional well being.

Best interests is really a cultural issue what we might consider or even what one family would consider the best interests of the child to be may not necessarily be the same as what another family may think or even one parent versus another. Our work is founded on people having different opinions about what best interests are. It's not something tangible and clearly defined. The last government had EVERY CHILD MATTERS which went into more detail about what they considered to be the best interests and how that might be measured.

In terms of implementation. One element of our work is gaining and understanding or an appreciation of what the family's expectations are, what their cultural expectations are or religious beliefs and weighing this against

what our government/society is saying best interests are we would say safety is the key thing we want to ensure so that comes top of the agenda.

***There are a number of articles that come under the heading of 'civil rights and freedoms', these include; the right to a name and nationality, preservation of identity, freedom of expression, freedom of thought conscience and religion, freedom of association and peaceful assembly, protection of privacy, access to appropriate information and prohibition against torture and the death penalty.***

***In what ways do you think children civil rights and freedoms should be protected?***

Different ages of children will make a difference. At CAFCASS we believe the child should have the right to be heard, to have their voice heard and to be consulted. If they are very young we can do this by observing their behaviour and the way they interact with other people. As they get older we would talk to them about what they think and what their perception is of the family situation. As they get older still they could perhaps write down what their thoughts and feelings are. We protect them by making sure they have a voice and that that voice is relayed to people who are making decisions about them. Some of it is about making sure they have information about what their rights and freedoms are and what different options there are. Some of it will be about giving credence to their right to make representation and to be heard. It's about supporting them and making them feel that they matter.

***Articles 5 and 18 of the UNCRC provide a framework for the relationship between the child, his or her parents and family and the state. How can healthy relationships between children and their parents be maintained?***

A lot of our work is about parents who have separated and are in dispute. Some of it can be about helping parents to communicate better, learning how to control their emotions, keeping their focus on the children and thinking about what impact their behaviour has on the children and helping them realise the children can have different kinds of relationships from them, the parents may not get on well enough to live together but for the child who shares a genetic link with both parents they should be allowed to have the opportunity to have a good relationship with both parents as long as they are safe and not at risk.

***There are a number of articles that come under the heading of 'Basic Health and Welfare'; these include standard of living, social security, child care services and facilities, and the rights of disabled children?***

***Do you feel children's healthcare services are adequate? How could services be improved? Do you think that services for children with disabilities are sufficient in this area?***

My knowledge of children's healthcare is limited. My impression is that physical healthcare is pretty good for children in this country. If you move onto emotional or mental healthcare there are more question marks over that, especially for teenagers who might engage less readily and might shy away from straightforward offers of help, there isn't enough support offered and the support that is is not long term enough, not intensive enough, not flexible

enough in how is provided. Sometimes emotional support or mental healthcare for teenagers is best done through the whole family rather than just with the individual. Our experience is that there is room for development in that area, but i do think that some schools are filling the gap.

In terms of disability I don't really know of any particular problems but we don't deal with that many children that have physical disabilities they're more emotional so we would probably have a higher proportion of children that have been diagnosed with autism or ADHD, some of that is linked to their family experiences. I think children with autism and ADHD could do with a higher level of services. These children tend to be picked up by social services and local authority rather than by us and sometimes their focus is more on the parent than the child so there's not as much engagement with the child as perhaps you would hope for and not enough looking at what the family situation is on the whole, how does the child relate to siblings and other family members. It is quite a narrow perspective from the local authority's point of view.

***A child's right to education is one of the most fundamental rights. What is your opinion of education services for under 18 years old? How could education be improved?***

This isn't really my field of knowledge, at the ground level we are lucky to live in a society where there is provision for children up to the age of 18. I think the last government made huge strides in trying to engage more people in the education system rather than some people feeling that they weren't catered for within the education system. There is progress in terms of different

supports that have come in i.e. school councillors, different groups going in to help children understand about issues they may face on a whole range of topics.

In terms of children's rights and how education could be improved it would be nice to see more consistent education about how children participate in the political process, how do they make their views known and how do they become part of a democratic process both at a local, national and international level. Sometime young people may have a concern about an issue but they don't know where to go to with it or how to express it so more education on that would be really good.

I think from our point of view in terms of safeguarding children that there are opportunities for children to learn about inappropriate care, what is considered appropriate and what is considered inappropriate so that if they are not getting care they should receive that they know that there are people they can talk to about any problems they have about their care and their upbringing

***The UNCRC requires that State Parties should protect children from exploitation, the State should ensure that the control exerted over children by adults should be fair and show respect for children as people.***

***Do you think enough is being done to protect children from exploitation? How could this protection be improved? In cases where exploitation has occurred is enough being done to help children with physical, psychological recovery and social reintegration?***

This is a situation where there is always more that you can do. Looking at issues in the media, sexual exploitation, trafficking, employment opportunities for young people, housing benefit changes, there are quite a few areas where things are not brilliant for children at the moment, but there is discussion on how to address this.

The statement about the control exerted over children by adults should be fair and show respect for them as people. That goes to a different level, that's not just about exploitation. In our work if we have parents that are in dispute often they will use the children as part of that dispute and impose their ideas and views about the other parent on the child, sort of training and coaching that child to have a particular perception of the other parent. I don't think that constitutes exploitation but it does constitute an abuse of that child because you're not giving them the freedom to form their own opinion of relationships.

When you say is enough being done, well no, you can never do enough probably. It is a massive task to put things right and I don't think we'll ever be at a stage to say enough is being done; it comes down to time and resources and money.

## Appendix 19

### Survey Completed by a UK Safeguarding Coordinator

Survey on the Implementation of the United Nations Convention on the Rights of the Child

Name of Organisation	
Position Held	Safeguarding Coordinator

**Notes on Completion:**

There are 2 parts to this survey, please complete both parts and please try to answer all questions as fully as possible.

If a question is not applicable to your organisation please leave blank or enter N/A by the question.

Please write all answers clearly.

If you need more space for your answers please use the continuation sheet at the end of the survey, please make a note of the survey part number and question number.

**Your help in completing this survey is greatly appreciated.**

**Part 1**

Question	Yes/No	Please elaborate on the policy/measures that are in place.	How could these policies/measures be improved upon?
1 Do you have measures in place to ensure that children are not discriminated against on any grounds?	Yes	The college has a specific policy document on equality and non-discrimination.	
2 Do you have a policy that relates to the best interests of the child?	Yes	Our safeguarding policy specifically refers to the fact that "the interests of the child are paramount" and refers to the UNCRC. The policy is specifically written to protect children (and vulnerable adults) from 'harm' AND health and safety policy.	The policies are written to cover all aspects of the legal requirements placed on us as well as supporting the UK's commitment to the UN Declaration of Human Rights, UNCRC and EU/UK rights legislation.  Improvement comes through the college's stated values and ethics to embed these values deeply into college.
3 Are policies in place to protect a child's right to life?	Yes		
4 Do your policies/procedures allow a child to enjoy his or her culture, religion and language of origin?	Yes	Equality and diversity as mentioned above.	
5 Are policies in place to prevent torture, cruel, inhumane or degrading treatment?	Yes	Safeguarding policy this also reflects our obligations both legal and moral to protect children.	

Question	Yes/No	Please elaborate on the policy/measures that are in place.	How Could these policies/measures be improved upon?
6 Are there policies in place specifically for children that are deprived of a family environment?	No	Not specifically – but as an educational organisation we have duties towards such children and we are accountable for this.	
7 Are measures in place to prevent or report actual or suspected child abduction?	Yes	Safeguarding policy.	
8 Do you have policies in place to prevent violence against children?	Yes	Safeguarding policy.	As mentioned above
9 Is special care and assistance available to all children with disabilities?	Yes	Policy and procedure statement to ensure that appropriate support is in place.	
10 Do your policies/practices ensure that all children have access to adequate healthcare?	No	Not specifically – but our duty of care puts responsibility on us to support this.	

Question	Yes/No	Please elaborate on the policy/measures that are in place.	How Could these policies/measures be improved upon?
<b>11</b> Do you have systems in place to ensure children and their parents have access to relevant benefits?	Yes	Student welfare team ensure specific benefits are accessed and support for students to access other benefits if appropriate.	
<b>12</b> Are there measures in place to ensure all children have equal educational opportunities?	Yes	Our educational mission statement and statements in policies.	
<b>13</b> Are steps in place to encourage school attendance and prevent school drop out?	Yes	Through our educational mission statements and related policy statements.	
<b>14</b> Do you have policies in place relating to child labour and the reporting of?	No	Not specifically – but would be covered in safeguarding policy.	
<b>15</b> Are measures in place to safeguard children from sexual abuse and exploitation?	Yes	Safeguarding policy	College actively contributes to local and national work to combat sexual exploitation and to protect/rescue children.

Question	Yes/No	Please elaborate on the policy/measures that are in place.	How Could these policies/measures be improved upon?
16 Are there measures in place to ensure appropriate recovery and social reintegration of children involved in the juvenile justice system?	No	Not directly – but our mission statement and values clearly supports recovery, rehabilitation and reintegration.	College runs specific programmes to do this.
17 Do you have practices in place to educate children about drugs, alcohol and tobacco?	Yes	As part of our safeguarding mission and educational/pastoral provision.	Included in tutorials and programmes by student services.

*Thank you for taking the time to complete this survey, your participation in my research is greatly appreciated.*

## Part 2

On a scale of 1 – 10 (with 1 being the least effective and 10 being the most effective) how effectively would you rate your policies on the following, if you do not have a policy that relates to the specific area please leave blank.

Policy Area	1	2	3	4	5	6	7	8	9	10
Non-Discrimination of children									X	
Best interests of the child										x
A child's right to life										X
Allowing children to express their views									X	
Allowing children to enjoy their culture, religion and language of origin									X	
Children's freedom of expression									X	
Protecting children from unsuitable information and material							X			
Ensuring that children are not prevented from enjoying their right of freedom, thought, conscience and religion; and their right of freedom of association and peaceful assembly								x		
Children's right to privacy									x	
Preventing torture, cruel, inhumane or degrading treatment of children									X	
Parents taking part in their child's welfare								X		
Children that are deprived of a family environment								X		
Preventing/reporting of actual/suspected child abduction									x	

	1	2	3	4	5	6	7	8	9	10
Preventing violence against children								x		
Promoting and facilitating the physical and psychological recovery and social reintegration of children who are victims of neglect, abuse or exploitation									x	
Non-Discrimination of children with disabilities									X	
Special care and assistance for children with disabilities									X	
Children having access to adequate healthcare						X				
Access to relevant benefits							x			
Assisting children without adequate living conditions							X			
Equal educational opportunities										x
Anti-bullying policy for children									x	
Encouraging school attendance and prevent school drop out									X	
Ensuring that children are given responsibilities and opportunities to practice choice, decision making and independence								x		
Environmental planning taking into account play needs							x			
Access to cultural and artistic events							X			
Children's right to rest and leisure							X			
Children in situations of emergency								x		

	1	2	3	4	5	6	7	8	9	10
Recovery and social reintegration of children involved in the juvenile justice system								X		
Child labour								X		
Educating children about drugs, alcohol and tobacco									X	
Safeguarding children from sexual abuse and exploitation										X

*Thank you for taking the time to complete this survey, your participation in my research is greatly appreciated.*

## Appendix 20

### Interview with the Deputy Manager of a UK Children's Centre

*The Committee on the Rights of the Child highlighted that the best interests of the child shall be a primary consideration in all actions concerning children. In your opinion how should this be implemented? Do you feel the current implementation of this right is adequate or are there any improvements that could be made?*

Generally this has improved radically over the last few years, including outside agencies talking to each other about the common interest of a child, this way children are less likely to fall through the net and they are much safer as a result of that.

*There are a number of articles that come under the heading of 'civil rights and freedoms', these include; the right to a name and nationality, preservation of identity, freedom of expression, freedom of thought conscience and religion, freedom of association and peaceful assembly, protection of privacy, access to appropriate information and prohibition against torture and the death penalty.*

*In what ways do you think children civil rights and freedoms should be protected?*

Children's civil rights are protected. They are very strongly protected in England.

***Articles 5 and 18 of the UNCRC provide a framework for the relationship between the child, his or her parents and family and the state. How can healthy relationships between children and their parents be maintained?***

Not sure how to answer this, if there was a problem then social services would step in and support the child. If that didn't make a change they would put more support in, if still no change then the child would be put into foster care, but that is a long way down the line, you always try to help the families first unless the children are in real danger.

***There are a number of articles that come under the heading of 'Basic Health and Welfare'; these include standard of living, social security, child care services and facilities, and the rights of disabled children?***

***Do you feel children's healthcare services are adequate? How could services be improved? Do you think that services for children with disabilities are sufficient in this area?***

They are adequate, there are a lot of schools designed especially for children with special needs they will try and integrate children into mainstream schools and quite often run alongside mainstream schools.

Healthcare services are very good in this area. There are a lot of social workers, health visitors, every doctors surgery has a health visitor and links to a social worker should they need it.

***A child's right to education is one of the most fundamental rights. What is your opinion of education services for under 18 years old? How could education be improved?***

There could be more teachers, as teachers are under a lot of stress. The education services are very good, you have mainstream, you have special schools, you have support for children with mental health problems or disability issues, there are a lot of people that you can bring into to help children if they need it.

***The UNCRC requires that State Parties should protect children from exploitation, the State should ensure that the control exerted over children by adults should be fair and show respect for children as people.***

***Do you think enough is being done to protect children from exploitation? How could this protection be improved? In cases where exploitation has occurred is enough being done to help children with physical, psychological recovery and social reintegration?***

We do but things like social networking and the internet which has gone beyond control that exploits children, but that's nothing to do with this, social networking is a different thing.

We are very careful with children in this country, they are not allowed to work under a certain age, they have to be looked after, and the ratio of care within nurseries is small so that they've got plenty of interaction with an adult.

There is an endless amount of counseling available to children and very highly trained people to do that.

## Appendix 21

### Interview with UK MP

***The Committee on the Rights of the Child highlighted that the best interests of the child shall be a primary consideration in all actions concerning children. In your opinion how should this be implemented? Do you feel the current implementation of this right is adequate or are there any improvements that could be made?***

I think what is very important is for children to be brought up in a secure environment, where they aren't being threatened and ideally they are brought up within a family with a mother and father who shows love to them and will make sure that they are safe and are not going to be subject to abuse.

Secondly I think it is important that all children have a decent education and parents who are much more interested in how those children perform at school I think will do very much better. There is a Christian saying which is *give me a child til the age of 8 and I will show you a man* so it is everything that happens in those first 8 years of their lives are just so incredibly important that's the reason we need to make sure that can happen in that.

***There are a number of articles that come under the heading of 'civil rights and freedoms', these include; the right to a name and nationality, preservation of identity, freedom of expression, freedom of thought conscience and religion, freedom of association and peaceful assembly, protection of privacy, access to appropriate information and prohibition against torture and the death penalty.***

***In what ways do you think children civil rights and freedoms should be protected?***

I don't have any statutory powers whatsoever, that is very much down to the statutory authorities and that is principally the local council who deal with that and they interact with the local police, and we have as you probably know a very big initiative here in Plymouth called Operation Encompass, which is about trying to stop domestic abuse either of children or adults as well because it is very difficult to get brought up in an environment where your parents are rowing and fighting all the time.

***Articles 5 and 18 of the UNCRC provide a framework for the relationship between the child, his or her parents and family and the state. How can healthy relationships between children and their parents be maintained?***

Well it is making sure there is a structure in place for making sure those children are well looked after and when you are first born in this country you have a visit from a social worker who will come to assess the conditions that the child is being brought up in and if it is found, and this is very rare, if it is found that the child is subject to abuse or whatever then that child can be taken away and put into care. My personal view is that I think we should try that that should be the very last action to happen because children are better being brought up in a loving family where there is a mother and a father.

***There are a number of articles that come under the heading of 'Basic Health and Welfare'; these include standard of living, social security, child care services and facilities, and the rights of disabled children?***

***Do you feel children's healthcare services are adequate? How could services be improved? Do you think that services for children with disabilities are sufficient in this area?***

You need to talk to the local council because they will be able to tell you, they have a very clear set of criteria as to how children should be brought up but ultimately parents have got to have responsibility for their own children and how that happens.

I think we are very much better at disability than we were when I was a child and disability comes in a number of forms, they come in the form of speech, eyesight issues and physical ailments but also special learning needs as well so those are the issues which need to be done and I think we are better at doing that. I would add that the activities of this week where we had the para-olympics is a very good example of how Britain has moved an enormously long way on dealing with peoples disabilities as well and we almost certainly there is much more concern taken over disability through that.

***A child's right to education is one of the most fundamental rights. What is your opinion of education services for under 18 years old? How could education be improved?***

Every child in this country has to go to school, if they don't go to school and they are going to be taught at home then has got to be a discussion that takes place with the local authority as well. So there are very strict rules and laws about children going to school and being monitored at the same time.

***The UNCRC requires that State Parties should protect children from exploitation, the State should ensure that the control exerted over children by adults should be fair and show respect for children as people.***

***Do you think enough is being done to protect children from exploitation? How could this protection be improved? In cases where exploitation has occurred is enough being done to help children with physical, psychological recovery and social reintegration?***

First of all we don't allow children to work in this country at all they can certainly get some work experience but until you are reasonably able to look after yourself you don't end up by being able to do any work that's the first thing. There are very strict laws and rules, we are a very advanced economy anyway and that's the reason that we make sure that we look after our children to make sure that they are not going to be exploited, and if you are caught doing that then you can find yourself in an enormous amount of trouble which could potentially lead to prison.

(Reintegration) I think you would need to go and talk to the local council and the local police about that to but in the main there are very strict rules in place and there is a regular bit of monitoring which takes place and so therefore it is difficult, we are very keen to make sure children don't get exploited or harmed. Having said all of that there are occasions where of course things fall through the net and it is very difficult to be permanently always be on top of that but I do know that some of the schools where the head teacher knows those children incredibly well and knows as well that if they don't turn up for

school they will physically go and knock on the child's door and say when are you coming to school please so there is a lot of regulation and a lot of parents want to go out to work so they can provide for their children.