Country/entity	Iraq
Region	Middle East and North Africa
Agreement name	Constitution of Iraq
Date	15 Oct 2005
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict

Iraq Wars and the Iraqi Insurgency (1989-1990) (2004 -)

In the aftermath of the Iraq-UN conflict following President Saddam Hussein's invasion of Kuwait in 1989, the UN enforced no-fly zones and set up a monitoring commission of the arms capacity of the Iraqi government. By the late 1990s, Iraqi officials had increased their resistance against the implementation of these programmes. In the aftermath of the 2001 terrorist attacks on New York, the U.S. accused the Iraqi government of having weapons of mass destruction. In 2003, a U.S.-led coalition overthrew the government of Saddam Hussein, but failed to maintain security in the country as ex-Bathist and Islamist groups launched a counter-campaign. Violence reached a peak in 2006 as the conflict took on sectarian traits leading to mass human rights violations by domestic Sunni and Shi'a groups, as well as occupying forces. Despite the failure to stabilize the country, the U.S.-led forces withdrew in December 2011. Since then Iraq has effectively been split into three territories based on ethno-religious identity including the Shi'a in the south, the Kurds in the north, and a Sunni band in the middle, which is currently occupied by the organisation known as the Islamic State (formerly of Iraq and the Levant).
Close
Iraq Wars and the Iraqi Insurgency (1989-1990) (2004 -
)

Stage	Framework/substantive - comprehensive
Conflict nature	Government
Peace process	Iraq peace process - second Iraq war
Parties	The committee drafting the Consitution is headed by Dr. Hamam Hamoudi and includes secular and religious Shi'a and Sunni, the two major Kurdish groups, women representing both the conservative Islamic tradition and the more secular liberal tradition, Turkmen, and other minority groups.

Third parties	-
Description	More of a General Framework Agreement than a traditional legalistic constitution. The Constitution will sets forth a number of principles and themes that will guide the next Iraq Assembly, to be elected on Dec. 15, as it implements laws and regulations which find a proper place for Islam in a modern democratic state, protect human rights, especially those of women, and secure the autonomy of Kurdistan. Does NOT provide for rotating presidencies, set-aside seats in parliament and the judiciary for specific ethnic groups, sectarian distribution of executive offices, or direct international participation in the governance of the state.

Agreement document	IQ_051015_Iraqi Constitution.pdf (opens in new tab) | Download PDF

Groups

Children/youth

Groups→Children/youth→Rhetorical
Page 2, The preamble,
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.
Groups→Children/youth→Substantive
Page 11, Section Two: Rights and Liberties, Chapter One [Rights]; Second: Economic, Social and Cultural Liberties
Article 29: First: ... 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.

Page 11, Section Two: Rights and Liberties, Chapter One [Rights]; Second: Economic, Social and Cultural Liberties
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.

Page 13, Section Two: Rights and Liberties, Chapter Two [Liberties],
Article 37: Third: Forced labor, slavery, slave trade, trafficking in women or children, and sex trade shall be prohibited.

Disabled persons

Groups→Disabled persons→Substantive
Page 11, Section Two: Rights and Liberties, Chapter One [Rights]; Second: Economic, Social and Cultural Liberties, Article 30
...
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.

Page 11, Section Two: Rights and Liberties, Chapter one [Rights], Second: Economic, Social and Cultural Liberties, 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.

Elderly/age

Groups→Elderly/age→Rhetorical
Page 2, The preamble,
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.
Groups→Elderly/age→Substantive
Page 11, Section Two: Rights and Liberties, Chapter One [Rights]; Second: Economic, Social and Cultural Liberties
Article 30: ... 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.

Page 16, Section Three, Federal Powers, Chapter one, [The Legislative Power], First: The Council of Representatives;
...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. ...

Migrant workers

No specific mention.

Racial/ethnic/ national group

Groups→Racial/ethnic/national group→Rhetorical
Page 2, Preamble,
...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...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....
Groups→Racial/ethnic/national group→Anti-discrimination
Page 7, Section Two, Rights and Liberties, Chapter One [Rights],
Article 14: 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.
Groups→Racial/ethnic/national group→Substantive
Page 3, Section One: Fundamental Principles, 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.

Page 3-4, Section One: Fundamental Principles, Article 4:
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.

Page 4, Section One: Fundamental Principles, Article 4:
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.

Page 4, Section One: Fundamental Principles, Article 7:
First: Any entity or program that adopts, incites, facilitates, glorifies, promotes, or

Religious groups

Groups→Religious groups→Rhetorical
Page 2, Untitled Preamble,
...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....

Page 2, Untitled Preamble,
...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...
Groups→Religious groups→Anti-discrimination
Page 7, Section Two, Rights and Liberties, Chapter One [Rights],
Article 14: 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.
Groups→Religious groups→Substantive
Page 3, Section One, Fundamental Principles, Article 2:
... 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 Mandean Sabeans.

Page 4, Section One, Fundamental Principles, 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.

Page 5-6, Section One, Fundamental Principles, 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.

Page 6, Section One, Fundamental Principles,
Article 12:
Second: A law shall regulate honors, official holidays, religious and national occasions and the Hijri and Gregorian calendar.

Indigenous people	No specific mention.
Other groups	No specific mention.
Refugees/displaced persons	Groups→Refugees/displaced persons→Rhetorical Page 2, ... and from the displacement of their skilled individuals and from drying out of its cultural and intellectual wells... Groups→Refugees/displaced persons→Substantive Page 9, Section Two: Rights and Liberties Chapter One [Rights]; First: Civil and Political Rights Article 21: ... 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. art. 146. the Property Claims Agency will continue its operation as an independent body in coordination with judicial authorities and executive bodies in accordance with the law, and it is linked to the Council of Reps
Social class	Groups→Social class→Anti-discrimination Page 7, Section Two, Rights and Liberties, Chapter One [Rights], First: Civil and Political Rights, Article 14 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.

Gender

Women, girls and gender

Page 2, Preamble:
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.

...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.

Page 7, Article 14:
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.

Page 7, 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.

Page 9, 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.

Page 11, Section Two: Rights and Liberties
Chapter One [Rights]; Second: Economic, Social and Cultural Liberties
Article 29: ... 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.

Page 11, 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.

Page 13, Article 37 (Third): Forced labor, slavery, slave trade, trafficking in women or children, and sex trade shall be prohibited.

Page 14, Section Two: Rights and Liberties

Men and boys	Gender→Men and boys→Gender neutral wording Page 2, Preamble, 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. Page 9, 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.
LGBTI	No specific mention.
Family	Page 10-11, Article 29: First: A. The family is the foundation of society; the State shall preserve it and its religious, moral, and national values. Page 11, Article 29 (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. Page 39, Section Six, Final and Transitional Provisions, 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.

State definition

Nature of state (general)

Page 2, Preamble,
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.

Page 3, 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.

Page 3, Section One, Fundamental Principles, 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

Page 3, Section One, Fundamental Principles, 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.

Page 4, Section One, Fundamental Principles, 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.

Page 20, Section Three, Federal Powers, Chapter Two [The Executive Power], 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.

Page 32, 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.

Art. 150. Laws made in Kurdistan since 1992 remain in effect, and decisions made by the govt of the Kurdistan region- incl. contracts and court decisions- are effective unless they are voided or amended according to the laws of the Kurdistan region by the concerned body, as long as they are not against the constitution.

State configuration	Page 14, 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. Page 14, Section Three, Federal Powers Chapter one, [The Legislative Power] Article 48: The federal legislative power shall consist of the Council of Representatives and the Federation Council.
Self determination	No specific mention.
Referendum	Page 39, Section Six, Final and Transitional Provisions, Chapter One [Final Provisions] Article 131: Every referendum mentioned in this Constitution is deemed successful with the approval of the majority of the voters unless otherwise stipulated. Page 43, Section Six, Final and Transitional Provisions, Chapter Two, [Transitional Provisions], Article 142: ... 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.
State symbols	Page 6, Section One, Fundamental Principles, 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.
Independence/ secession	No specific mention.
Accession/ unification	No specific mention.
Border delimitation	No specific mention.
Cross-border provision	No specific mention.

Governance

Political institutions (new or reformed)	Governance→Political institutions (new or reformed)→New political institutions (indefinite) Page 15, Section Three, Federal Powers, Chapter one, [The Legislative Power], 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. Page 16, Section Three, Federal Powers, Chapter one, [The Legislative Power], First: The Council of Representatives; Article 51: The Council of Representatives shall establish its bylaws to regulate its work. Article 52: [Summary] In case of an objection, the Council of Representatives may decide on the "authenticity of [its] membership" within 30 days of the objection and the decision may be appealed before the Federal Supreme Court. Article 53: First: Sessions of the Council of Representatives shall be public unless, for reasons of necessity, the Council decides otherwise. Article 54: [Summary] The President shall convene the Council of Representatives within 15 days of the general election results and a Speaker and two deputies shall be elected. 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. Page 17, Section Three, Federal Powers, Chapter one, [The Legislative Power], First: The Council of Representatives; 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

Elections	Page 5, Section One, Fundamental Principles, Article 9: First: 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. Page 36, Section Five, Powers of the Regions, Chapter Two, [Governorates that are not incorporated in a region], Article 122: ... 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.
Electoral commission	Page 30, Section Three, Federal Powers, 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.
Political parties reform	Governance→Political parties reform→Other political parties reform Page 13: 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.
Civil society	Page 13, Section Two: Rights and Liberties Chapter Two [Liberties], Article 39: First: The freedom to form and join associations and political parties shall be guaranteed, and this shall be regulated by law. Page 14, Section Two: Rights and Liberties Chapter Two [Liberties], 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.
Traditional/ religious leaders	Page 2, Preamble, 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, ... , as is the case in the remaining areas of Iraq where the people suffered from the liquidation of their leaders, symbols, and Sheiks ...

Public administration	No specific mention.
Constitution	Governance→Constitution→Constitutional reform/making Summary: Agreement as a whole is a constitution. Page 2, Preamble, 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. Page 6, Section One, Fundamental Principles, 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. Page 38, 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. Page 38, Section Six, Final and Transitional Provisions, Chapter One [Final Provisions] Article 126: ... 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.

Power sharing

Political power sharing

Power sharing→Political power sharing→General
State level
Summary: Very limited political power-sharing.
Power sharing→Political power sharing→Executive coalition
State level
Page 24, Section Three, Federal Powers, Second: The Federation Council; Chapter Two [The Executive Power]
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 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.
Power sharing→Political power sharing→Proportionality in legislature
State level
Page 15, Section Three, Federal Powers, Chapter one, [The Legislative Power],

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.
. . .

Page 21, 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

Territorial power sharing

Power sharing→Territorial power sharing→Federal or similar sub-divided government
Page 33, Section Four, Powers of the Federal Government
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.

Page 34, Section Four, Powers of the Federal Government
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.

Page 35, 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.

Page 35, Section Five, Powers of the Regions, Chapter One, [Regions],
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.

Page 36, Section Five, Powers of the Regions, Chapter One, [Regions],
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.
Power sharing→Territorial power sharing→Local/municipal government
Page 35, 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.

Page 36, Section Five, Powers of the Regions, 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.

Economic power sharing	Power sharing→Economic power sharing→Sharing of resources Page 20, Section Three, Federal Powers, Chapter one, [The Legislative Power], First: The Council of Representatives; 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. Page 30, Section Three, Federal Powers, Chapter Four, [Independent Commissions] 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. Page 33, Section Four, Powers of the Federal Government 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. Page 36, Section Five, Powers of the Regions, Chapter One, [Regions], Article 121: ... 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.
Military power sharing	No specific mention.

Human rights and equality

Human rights/RoL general

Page 2, Preamble,
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.

Page 5, Section One, Fundamental Principles, Article 9: First:
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.

Page 8, Section Two: Rights and Liberties
Chapter One [Rights]; First: Civil and Political Rights
Article 19: ... 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.

Bill of rights/similar

Art. 9(e). Iraqi national intelligence service to operate according to human rights principles; Chapter 2. Rights and Freedoms, Part One: Civil and Political Rights (arts. 14-21); Second: Economic, Social and Cultural Rights (arts. 22-34); Part Two: Freedoms (arts. 35-45). Art. 44. guarantees rights in intl HR agreements and treaties endorsed by Iraq that don't run contrary to the rules and principles of this constitution.
Page 8-9, Section Two: Rights and Liberties, Chapter One [Rights]; First: Civil and Political Rights, Articles 14-21, [Summary] Section contains guarantees of civil and political rights for citizens.

Page 9-12, Page 12, Section Two: Rights and Liberties
Chapter One [Rights]; Second: Economic, Social and Cultural Liberties
[Summary] Provides a list of socio-economic rights for citizens, including education, social welfare, right to work, shelter, etc.

Page 12-14, Section Two: Rights and Liberties
Chapter Two [Liberties],
Articles 37-46, [Summary] Provides for liberties of man, including human rights, right of religion, freedom from torture, right to a fair trial, freedom of movement, residence, travel, non-exile, etc.

Treaty incorporation

Page 5, Section One, Fundamental Principles, Article 9: First:
... 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.

Civil and political rights

Human rights and equality→Civil and political rights→Life
Page 7, Section Two, Rights and Liberties, Chapter One [Rights],
Article 15: 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.
Human rights and equality→Civil and political rights→Torture
Page 12, Section Two: Rights and Liberties
Chapter Two [Liberties],
Article 37: First: ... 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.
Human rights and equality→Civil and political rights→Equality
Page 2, Preamble,
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.

Page 5, Section One, Fundamental Principles, 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.
Human rights and equality→Civil and political rights→Slavery
Page 13, Section Two: Rights and Liberties
Chapter Two [Liberties],
Article 37: Third: Forced labor, slavery, slave trade, trafficking in women or children, and sex trade shall be prohibited.
Human rights and equality→Civil and political rights→Liberty and security of person
Page 7, Section Two, Rights and Liberties, Chapter One [Rights],
Article 15: 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.

Page 12, Section Two: Rights and Liberties
Chapter Two [Liberties],
Article 37: First: A. The liberty and dignity of man shall be protected.
Human rights and equality→Civil and political rights→Humane treatment in detention
Page 12, Section Two: Rights and Liberties
Chapter Two [Liberties],
Article 37: First: ... 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.
Human rights and equality→Civil and political rights→Freedom of movement
Page 10, Section Two: Rights and Liberties
Chapter One [Rights]: Second: Economic, Social and Cultural Liberties

Socio-economic rights

Human rights and equality→Socio-economic rights→Property
Page 7, Section Two, Rights and Liberties, Chapter One [Rights],
Article 17: 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.

Page 9, Section Two: Rights and Liberties
Chapter One [Rights]; Second: Economic, Social and Cultural Liberties
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.
Human rights and equality→Socio-economic rights→Work
Page 9, Section Two: Rights and Liberties
Chapter One [Rights]; 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.
Human rights and equality→Socio-economic rights→Health
Page 11, Section Two: Rights and Liberties
Chapter One [Rights]; Second: Economic, Social and Cultural Liberties
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.
Human rights and equality→Socio-economic rights→Education
Page 12, Section Two: Rights and Liberties
Chapter One [Rights]; Second: Economic, Social and Cultural Liberties
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.
Human rights and equality→Socio-economic rights→Adequate standard of living
Page 11, Section Two: Rights and Liberties
Chapter One [Rights]; Second: Economic, Social and Cultural Liberties
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.
Human rights and equality→Socio-economic rights→Shelter/housing
Page 7, Section Two, Rights and Liberties, Chapter One [Rights],
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.
Human rights and equality→Socio-economic rights→Social security
Page 11, Section Two: Rights and Liberties
Chapter One [Rights]; Second: Economic, Social and Cultural Liberties
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.

Rights related issues

Citizenship

Rights related issues→Citizenship→Citizens, specific rights
Page 9, 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.

Page 11, Section Two: Rights and Liberties
Chapter One [Rights]; Second: Economic, Social and Cultural Liberties
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.

Page 14, Section Three, Federal Powers, Chapter one, [The Legislative Power], First: The Council of Representatives;
Article 49: Second: A candidate to the Council of Representatives must be a fully qualified Iraqi.

Page 21, Section Three, Federal Powers, Chapter Two [The Executive Power], First: The President of the Republic
Article 68: A nominee to the Presidency of the Republic must be: First: An Iraqi by birth, born to Iraqi parents.
Rights related issues→Citizenship→Citizen delimitation
Page 7, Section Two, Rights and Liberties, Chapter One [Rights],
Article 18: First: Iraqi citizenship is a right for every Iraqi and is the basis of his nationality.

Page 7, Section Two, Rights and Liberties, Chapter One [Rights],
Article 18: Fifth: Iraqi citizenship shall not be granted for the purposes of the policy of population settlement that disrupts the demographic composition of Iraq.

Page 7, Section Two, Rights and Liberties, Chapter One [Rights],
Article 18: 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.

Page 7, Section Two, Rights and Liberties, Chapter One [Rights],
Article 18: 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.

Page 32, Section Four, Powers of the Federal Government
Article 110: The federal government shall have exclusive authorities in the following matters:
Fifth: Regulating issues of citizenship, naturalization, residency, and the right to apply for political asylum.

Democracy

Page 2, Preamble,
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.

Page 3, 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.

Page 3, Section One, Fundamental Principles, Article 2:
First: Islam is the official religion of the State and is a foundation source of legislation:
... B. No law may be enacted that contradicts the principles of democracy.

Page 4, Section One, Fundamental Principles, Article 6:
Transfer of authority shall be made peacefully through democratic means as stipulated in this Constitution.

Detention procedures

Page 8, Section Two: Rights and Liberties
Chapter One [Rights]; First: Civil and Political Rights
Article 19: Twelfth:
A. Unlawful detention shall be prohibited. ...

Page 8, Section Two: Rights and Liberties
Chapter One [Rights]; First: Civil and Political Rights
Article 19:
... 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.

Media and communication	Rights related issues→Media and communication→Governance of media Page 32, Section Four, Powers of the Federal Government Article 110: The federal government shall have exclusive authorities in the following matters: Sixth: Regulating the policies of broadcast frequencies and mail. Rights related issues→Media and communication→Media roles Page 13, Section Two: Rights and Liberties Chapter Two [Liberties], Article 38: The State shall guarantee in a way that does not violate public order and morality: ... B. Freedom of press, printing, advertisement, media and publication. Page 30, Section Three, Federal Powers, Chapter Four, [Independent Commissions] 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. Rights related issues→Media and communication→Media logistics Page 13, Section Two: Rights and Liberties Chapter Two [Liberties], 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.
Mobility/access	Page 14, Section Two: Rights and Liberties Chapter Two [Liberties], Article 44: Second: No Iraqi may be exiled, displaced, or deprived from returning to the homeland.

Protection measures	Rights related issues→Protection measures→Protection of civilians Page 13, Section Two: Rights and Liberties Chapter Two [Liberties], Article 37: Second: The State shall guarantee protection of the individual from intellectual, political and religious coercion. Rights related issues→Protection measures→Protection of groups Page 11, Section Two: Rights and Liberties, Chapter One [Rights]; Second: Economic, Social and Cultural Liberties Article 29: First: ... 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. Third: Economic exploitation of children in all of its forms shall be prohibited, and the State shall take the necessary measures for their protection. Rights related issues→Protection measures→Other Page 10, Section Two: Rights and Liberties Chapter One [Rights]; Second: Economic, Social and Cultural Liberties 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. Page 12, Section Two: Rights and Liberties Chapter One [Rights]; Second: Economic, Social and Cultural Liberties 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.
Other	Page 13, Section Two: Rights and Liberties Chapter Two [Liberties], 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.

Rights institutions

NHRI	Rights institutions→NHRI→Mentions of NHRI Page 30, Section Three, Federal Powers, 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.
Regional or international human rights institutions	No specific mention.

Justice sector reform

Criminal justice and emergency law

Justice sector reform→Criminal justice and emergency law→Reform to specific laws

Page 8, Section Two: Rights and Liberties
Chapter One [Rights]; First: Civil and Political Rights
Article 19:
... 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.

Page 9, Section Two: Rights and Liberties
Chapter One [Rights]; First: Civil and Political Rights
Article 21: First: No Iraqi shall be surrendered to foreign entities and authorities.
... 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.

Page 18, Section Three, Federal Powers, Chapter one, [The Legislative Power], First: The Council of Representatives;
Article 61: The Council of Representatives shall be competent in the following:
... Sixth: .... 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.

Page 20, Section Three, Federal Powers, Chapter one, [The Legislative Power], First: The Council of Representatives;
Article 61: The Council of Representatives shall be competent in the following:
... 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.

State of emergency provisions

Page 20, Article 61,
Ninth:
A. To consent to the declaration of war and the state of emergency by a twothirds 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.

Judiciary and courts

Page 8, Section Two: Rights and Liberties
Chapter One [Rights]; First: Civil and Political Rights
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.
... Seventh: The proceedings of a trial are public unless the court decides to make it secret.

Page 16, Section Three, Federal Powers, Chapter one, [The Legislative Power], First: The Council of Representatives;
Article 52: ... 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.

Page 18, Section Three, Federal Powers, Chapter one, [The Legislative Power], First: The Council of Representatives;
Article 61: The Council of Representatives shall be competent in the following:
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.

Page 27, Section Three, Federal Powers, 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.

Page 27, Section Three, Federal Powers, Chapter Three, [The Judicial Power], 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.

Page 27-28, Section Three, Federal Powers, Chapter Three, [The Judicial Power], 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

Prisons and detention	Page 8, Section Two: Rights and Liberties Chapter One [Rights]; First: Civil and Political Rights Article 19: Twelfth: ... 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.
Traditional Laws	Page 13, Section Two: Rights and Liberties Chapter Two [Liberties], 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. Page 13, Section Two: Rights and Liberties Chapter Two [Liberties], Article 45: ... 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. Page 27-28, Section Three, Federal Powers, Chapter Three, [The Judicial Power], Second: Federal Supreme Court Article 92: ... 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.

Socio-economic reconstruction

Development or socio-economic reconstruction	Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development Page 33, Section Four, Powers of the Federal Government Article 114: The following competencies shall be shared between the federal authorities and regional authorities: ... 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.
National economic plan	No specific mention.

Natural resources

Page 32, Section Four, Powers of the Federal Government
Article 111: Oil and gas are owned by all the people of Iraq in all the regions and governorates.

Page 33, Section Four, Powers of the Federal Government
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.

International funds

No specific mention.

Business

Page 10, Section Two: Rights and Liberties
Chapter One [Rights]; Second: Economic, Social and Cultural Liberties
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.

Page 10, Section Two: Rights and Liberties
Chapter One [Rights]; Second: Economic, Social and Cultural Liberties
Article 26: The State shall guarantee the encouragement of investment in the various sectors, and this shall be regulated by law.

Page 32, Section Four, Powers of the Federal Government
Article 110: The federal government shall have exclusive authorities in the following matters:
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.
... Seventh: Drawing up the general and investment budget bill.

Taxation

Socio-economic reconstruction→Taxation→Reform of taxation
Page 10, Section Two: Rights and Liberties
Chapter One [Rights]; Second: Economic, Social and Cultural Liberties
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.

Banks

Socio-economic reconstruction→Banks→Central bank
Page 30, Section Three, Federal Powers, Chapter Four, [Independent Commissions]
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.

Page 32, Section Four, Powers of the Federal Government
Article 110: The federal government shall have exclusive authorities in the following matters:
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.

Land, property and environment

Land reform/rights

Land, property and environment→Land reform/rights→Property return and restitution
Page 40, Section Six, Final and Transitional Provisions, Chapter Two, [Transitional Provisions]
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.
Land, property and environment→Land reform/rights→Other land rights
Page 9, Section Two: Rights and Liberties
Chapter One [Rights]; Second: Economic, Social and Cultural Liberties
Article 23: ... Third: ... B. Ownership of property for the purposes of demographic change is prohibited.

Pastoralist/ nomadism rights

No specific mention.

Cultural heritage

Land, property and environment→Cultural heritage→Tangible
Page 4, A. Recognition and publication of official documents and correspondence in the two languages;
B. Opening schools that teach the two languages [Arabic/Kurdish], in accordance with the educational guidelines;

Page 10, Section Two: Rights and Liberties
Chapter One [Rights]; Second: Economic, Social and Cultural Liberties
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.

Page 12, Section Two: Rights and Liberties
Chapter One [Rights]; Second: Economic, Social and Cultural Liberties
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.

Page 33, Section Four, Powers of the Federal Government
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.
Land, property and environment→Cultural heritage→Intangible
Page 2, Preamble,
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;

Page 2, ... and from the displacement of their skilled individuals and from drying out of its cultural and intellectual wells...

Page 3, Section One, Fundamental Principles, 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;

Page 4, Section One, Fundamental Principles, Article 4:
... Second ... C. Use of both languages in any matter enjoined by the principle of equality such as bank notes, passports, and stamps.

Page 4, Section One, Fundamental Principles, Article 4:
... Third: The federal and official institutions and agencies in the Kurdistan region shall use both languages

Environment	Page 12, Section Two: Rights and Liberties Chapter One [Rights]; Second: Economic, Social and Cultural Liberties 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. Page 33, Section Four, Powers of the Federal Government Article 114: The following competencies shall be shared between the federal authorities and regional authorities: ... 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.
Water or riparian rights or access	Page 32, Section Four, Powers of the Federal Government Article 110: The federal government shall have exclusive authorities in the following matters: 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. Page 34, Section Four, Powers of the Federal Government Article 114: The following competencies shall be shared between the federal authorities and regional authorities: ... 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.

Security sector

Security Guarantees	Page 5, Section One, Fundamental Principles, Article 9: First: 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.
Ceasefire	No specific mention.
Police	Page 36, Section Five, Powers of the Regions, Chapter One, [Regions], Article 121: ... 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.

Armed forces	Page 5, Section One, Fundamental Principles, 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. ... 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. Page 5, Section One, Fundamental Principles, Article 9: Second: Military service shall be regulated by law. Page 18, Section Three, Federal Powers, Chapter one, [The Legislative Power], First: The Council of Representatives; Article 61: The Council of Representatives shall be competent in the following: ... Fifth: Approving the appointment of the following: ... 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. Page 25, Section Three, Federal Powers, Chapter Two [The Executive Power], Second: Council of Ministers 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. Page 29, Section Three, Federal Powers, Chapter Three, [The Judicial Power], Third: General Provisions 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. Page 32, Section Four, Powers of the Federal Government Article 110: The federal government shall have exclusive authorities in the following matters: ... 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.
DDR	No specific mention.

Intelligence services	Page 5, Section One, Fundamental Principles, Article 9: First: 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. Page 18, Section Three, Federal Powers, Chapter one, [The Legislative Power], First: The Council of Representatives; Article 61: The Council of Representatives shall be competent in the following: ... Fifth: Approving the appointment of the following: ... 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. Page 26, Section Three, Federal Powers, Chapter Two [The Executive Power], Second: Council of Ministers 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.
Parastatal/rebel and opposition group forces	Page 5, Section One, Fundamental Principles, Article 9: First: B- The formation of military militias outside the framework of the armed forces is prohibited.
Withdrawal of foreign forces	No specific mention.

Corruption	Page 16, Section Three, Federal Powers, Chapter one, [The Legislative Power], First: The Council of Representatives; Article 53: ... Second: Minutes of the sessions shall be published by means considered appropriate by the Council. Page 30, Section Three, Federal Powers, Chapter Four, [Independent Commissions] 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. Page 38, Section Six, Final and Transitional Provisions, Chapter One [Final Provisions] 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.
Crime/organised crime	No specific mention.

Drugs	No specific mention.

Terrorism

Page 2, The Preamble,
... 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.

Page 2, The Preamble,
... 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.

Page 4, Section One, Fundamental Principles
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.

Page 9, Section Two, Rights and Liberties, Chapter One [Rights]
First: Civil and Political Rights
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.

Page 23, Section Three, Federal Powers, Chapter Two, [The Executive Power]
First: The President of the Republic
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.

Page 39, Section Six, Final and Transitional Provisions, 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.

Transitional justice

Transitional justice general	Page 2, Preamble, 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.
Amnesty/pardon	No specific mention.
Courts	Transitional justice→Courts→National courts Page 40, Section Six, Final and Transitional Provisions, Chapter Two, [Transitional Provisions] 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.
Mechanism	No specific mention.
Prisoner release	No specific mention.

Vetting

Page 40, Section Six, Final and Transitional Provisions, Chapter Two, [Transitional Provisions]
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.

Page 40, Section Six, Final and Transitional Provisions, Chapter Two, [Transitional Provisions]
Article 138: ... Third: Members of the Presidency Council shall be subject to the same conditions as a member of the Council of Representatives and must:
... 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.

Page 42, Section Six, Final and Transitional Provisions, Chapter Two, [Transitional Provisions],
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.
NOTE: Article 58 lays out past provisions for the forcible changing of demographics in Iraq among other key points.

Victims	Page 2, Preamble, 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. Page 39, Section Six, Final and Transitional Provisions, 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.
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	No specific mention.

Implementation	
UN signatory	No specific mention.
Other international signatory	No specific mention.
Referendum for agreement	Page 43, Section Six, Final and Transitional Provisions, Chapter Two, [Transitional Provisions], 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.

International mission/force/ similar	No specific mention.
Enforcement mechanism	Page 43, Article 143 [Summary] The constitution comes into effect after its approval by the people in a universal referendum.