

Republic of Iraq  
Prime minister Office



# National Protection of Civilians Policy In Iraq

2024

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- 2) PAX

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## **Foreword**

War and conflicts spare no one – not women, children, the elderly, or even civilian infrastructure or cultural and archeological wealth. Armed conflicts in the past decades did not have clearly marked ‘battle zones’, but were increasingly fought in urban contexts, with civilians and civilian infrastructure very much at the forefront, either being used as shields by the belligerents or facing harm and destruction as a result of crises or armed conflicts. Even schools, hospitals, and places of worship are not spared. Iraq has experienced this very closely for well over two decades now.

As a result of the changing nature of modern conflicts, increasing terrorism operations – which Iraq faced between 2006 and 2017, as well as remnants of these thereafter, it is critical that in line with the country’s democratic principles, Iraq drafts its own Protection of Civilians policy, inspired by its cultural heritage and being a signatory to the Four Geneva Conventions of 1949. This policy initiated by the government is anchored in Iraq’s unique traditions and experiences. It adheres to international best practices in line

with the provisions of International Humanitarian Law and human rights principles. We also made this commitment very clear during our address at the 78th session of the United Nations General Assembly on 22 September 2023 and by adopting the Security Sector Reform Strategy until 2023 on 27 March 2024.

However, the protection of civilians from terrorist or military acts or violations against them should not only be limited to times of armed conflict but must also be in times of peace. Military and security institutions must commit to protecting civilians, civilian infrastructure, and public and private property during times of peace and armed conflict, as reflected in Iraq's national PoC policy. Thus, Iraq, which enacted the first Law known to humanity, is capable of drafting a first-of-its-kind national policy in the region, covering peacetime and armed conflicts and encompassing all its security forces and institutions and other state institutions. This is evident in how seriously we take this commitment, and in doing so, we also wish to inspire other countries, especially in the region, to follow our example.

The process of writing the policy started with the formation of the government. It was led by a group of experts and specialists in International Humanitarian Law, in coordination with military and security institutions, with the

assistance of Some organizations and international experts, and after reviewing the few international experiences in this field. Therefore, this policy is the essence of the experiences of international experts and policy-makers. I thank everyone who contributed to drafting this policy, especially the committee and the experts involved in drafting the first national PoC policy in Iraq.

May Allah grant us success in launching and implementing this policy, to ensure that every Iraqi civilian feels adequately and legally protected.

**Engineer**  
**Mohammed Shia' Al Sudani**  
**Prime Minister of the Republic of Iraq**





## **Introduction**

This policy implements the governmental program announced and committed to by the Iraqi government as an enactment of the ministerial plan presented by the Prime Minister, and voted on by the House of Representatives. The program emphasized strengthening the foundations for rebuilding military and security institutions following the latest management systems and continuous monitoring of military and security institutions in the extent of their commitment to human rights principles, protection of civilians from any violations or transgressions, holding negligent persons accountable, raising the professional competence of the armed forces and developing their capabilities through training programs, and providing the latest mechanisms and technologies to enhance the role of all state institutions in the optimal application of human rights standards. It emphasizes the government's commitment to constitutional principles based on guaranteeing rights and freedoms, the protection of civilians, in accordance to the relevant international conventions and treaties to which the Republic of Iraq has ratified and acceded.

Thus, this Protection of Civilians (PoC) policy has been prepared with the aim of strengthening adherence to human rights principles and standards, ensuring the enforcement and promotion of the provisions and principles of international humanitarian law and international human rights law, and developing the capabilities and capacities of military and security forces in times of peace, armed conflict, natural disasters, or unrest to ensure civilians are protected and their rights guaranteed.

The PoC policy enhances the ability of security and military institutions to determine institutional and individual accountability in dealing with violations. It also seeks to improve transparency in procedures followed during operations and ensures civilians' confidence in security and military institutions. It provides these [security] institutions and entities with an institutional structure and supportive methods to improve the effectiveness of military and security operations.

Preparing and committing to this policy confirms the serious adherence of all state institutions, especially military and security, to high and disciplined standards for reducing and responding to civilian harm. At the same time, it enhances the leadership of the Iraqi forces regarding best practices for protecting the civilian environment that Iraq

can share with other governments and armies facing similar challenges in the field of PoC.

## **Objectives**

Through this policy, the government seeks to achieve the following goals:

1. Emphasize the state's responsibility to respect and ensure international humanitarian law (IHL) and international human rights law in a manner that enhances the protection of civilians in times of peace and armed conflict.
2. Develop mechanisms, plans, and strategies to protect civilians and mitigate harm caused to them in peacetime and in times of armed conflict.
3. Respect humanitarian standards and strengthen IHL and international human rights law compliance and enforcement at the national level.
4. Work to prevent, limit, and protect from violations affecting civilians during times of peace and armed conflict.
5. Strengthen the legal accountability of members of military and security institutions for violations of IHL and international human rights law that affect the lives, property, or rights of citizens.
6. Strive to compensate for civilian harm caused during periods of peace or armed conflict.

7. Promote the principles of IHL and international human rights law standards in military, security, and various state institutions to ensure the protection of civilians and the preservation of civilian lives and private property.
8. Develop the capabilities and capacities of military, security, and other institutions concerned with protecting civilians in times of peace, armed conflict, and natural disasters.

## **The Government Vision**

Through this policy, the Iraqi government envisions the implementation of its commitments in its ministerial platform, strengthening the foundations for rebuilding all institutions, especially the military and security institutions, and raising their efficiency in a way that guarantees living in security and peace, firmly preserving Iraq's sovereignty, unity, and territorial integrity, protecting civilians, and adhering to international agreements and treaties related to IHL and international human rights law.

## **Terminology:**

The terms mentioned in this policy are defined as follows:

**Law enforcement officials:** All officials responsible for implementing the law who exercise the functions of military

and security institutions, in particular, holding the powers of apprehension, arrest, and detention during peace and armed conflict.

**Civilians:** They are persons who do not participate directly in military or security actions, including members of the armed forces who have laid down their arms and persons hors de combat due to illness, injury, or any other reason.

**Protection of Civilians (PoC):** PoC includes protecting persons, property, and services. It represents all the efforts made by the government and state institutions to prevent harm to the civilian population during peace, armed conflict, or natural disasters.

**Rules of engagement:** They are the controls or principles that determine military and security action during periods of peace or armed conflict, related to determining the locations, barriers, and determinants of combat, targets, and justifications for engagement, its intensity, time to stop it, and preventing the use of excessive force.

**Armed conflict:** It is the use of armed force between two or more countries or groups, regardless of the cause or severity of the conflict or armed confrontations that occur between government armed forces and armed groups or

between those groups on the territory of the Republic of Iraq.

**Internal disturbances:** These are acts that could threaten public order, in which the violence has not reached the level of what constitutes an armed conflict and when the involved groups are not sufficiently organized. These situations are characterized by riots or occasional and sporadic violence, including riots that might accompany demonstrations.

**Peaceful demonstration:** It is the gathering of an unlimited number of individuals to express their opinions or demand rights guaranteed by the Constitution and Law.

**Harm mitigation:** It entails limiting damage or minimizing its effects on civilians during peace, armed conflict, or natural disasters.

## **Scope of Implementation**

Regarding place, time, and people, this policy applies to the following:

**Spatial scope:** Territories of the Republic of Iraq.

**Temporal scope:** time of peace, armed conflict, natural disasters, or unrest.

**Personal scope:** civilians, members of the armed and security forces, public and private property.

## **Chapter One:**

### **PoC during peacetime**

The military and security forces charged with enforcing laws in peacetime are committed to applying the highest human rights standards and guarantees per constitutional and legal principles in peacetime, which include law enforcement operations, dealing with disturbances and natural disasters, according to the following:

1. Human beings are the supreme value that must be protected, respected, and treated appropriately.
2. The use of excessive force or indiscriminate attacks against civilians is prohibited
3. The principle of non-discrimination must be applied in PoC
4. While carrying out their duties, military and security forces charged with enforcing the law must respect the sanctity and dignity of humans and their property and maintain human rights guarantees.
5. No member of the military and security forces charged with

enforcing the law may commit any act of torture or other cruel, inhumane, or degrading treatment or punishment.

6. No member of the military and security forces charged with enforcing the law may invoke superior orders or exceptional circumstances, natural disasters or disturbances, danger to national security, internal political stability or any state of emergency to justify torture or other cruel, inhumane, or degrading treatment.
7. Detention of any individual is prohibited except pursuant to a decision issued by a competent judicial authority in accordance with the law.
8. Law enforcement officials may not use force except when absolutely necessary and within the limits required to perform their duties.
9. Law enforcement officials shall maintain the confidentiality of private civilian information unless otherwise required by the performance of duties or the requirements of justice.
10. Law enforcement officials must provide appropriate places of detention that provide legal and human rights guarantees, ensure the protection and safety of detained persons, and provide them with the necessary medical care.
11. The military and security forces are committed to protecting peaceful demonstrations and demonstrators, preventing the



use of excessive force against them, and promoting and applying standards of safe engagement during protests in a manner that preserves civilians' safety.

12. Abuse by military and security forces in dealing with any citizen or civilian is prohibited, and the violator is subject to legal accountability.

## **Chapter Two:**

# **PoC During Armed Conflicts**

This policy establishes practical rules for combatants or military and security institutions to apply during armed conflicts. They are:

1. Military forces must respect the principles of humanity, impartiality, and practical autonomy.
2. Distinction must always be made between civilians and combatants and between civilian and military targets.
3. When directing strikes against military targets, care must be taken that the expected collateral damage is not too high compared to the expected military benefit.
4. All possible precautions must be taken to avoid causing collateral damage or reduce it to a minimum.
5. It is prohibited to take civilians hostage or use them as human shields.
6. Operations must only be limited to military objectives, and attacks must not be directed against civilians or civilian property.

7. The use of internationally banned weapons and the adoption of any illegal combat methods or those that would cause unjustified suffering is prohibited.
8. All possible measures must be taken to gather and evacuate the injured and sick, including fighters, without discrimination and without obstructing medical evacuations provided by health and humanitarian institutions and to provide them with the necessary care.
9. All persons must be treated humanely, their fundamental rights respected, and they must be provided care while refraining from harming those who surrender, are detained, or are under control.
10. Refrain from any form of torture or other cruel, inhumane, or degrading treatment, including sexual violence of any kind against all civilians, or allowing it to occur.
11. Prohibit the practice of arbitrary detention, deprivation of liberty, or arrest of civilians.
12. The civilian population must not be forcibly displaced or transferred unless it is required to preserve their safety or for military necessities. In all cases, the protection of this civilian population must be ensured by military forces in coordination with all humanitarian relief institutions.
13. Protecting cultural property, as well as protection of civilian infrastructure - both public and private - from

- theft, vandalism, destruction, and looting. 14. Civilians, especially women, must be protected from all acts of sexual violence, especially rape, indecent assault, trafficking, kidnapping, using them as human shields, or allowing this to happen.
15. The recruitment of children and using them in hostilities, whether directly or indirectly, or as human shields is prohibited and must not be allowed. Children must receive the necessary aid and care, including legal assistance and essential care, such as legal aid, healthcare, psychological rehabilitation, and community integration, in compliance with international standards.
  16. Respect and protect medical teams and objects, including those bearing the emblem of the Red Cross, Red Crescent, and other distinctive emblems or signs of institutions that carry out medical relief work, and refrain from using them for military purposes.
  17. Protect and respect humanitarian aid workers, ensure freedom of movement for humanitarian relief personnel, allow neutral and non-discriminatory humanitarian relief operations, and facilitate their access to civilians.
  18. Refrain from acts of revenge or retaliation that violate IHL provisions.
  19. Strengthen legal accountability for IHL violations.

20. Prohibit indiscriminate attacks or issuing orders not to keep anyone alive.
21. Principles of non-discrimination (i.e., equality) between the protected categories of civilians under protection must be applied.
22. Access to humanitarian needs essential to the civilian population's survival must be ensured and protected. This may include food, health materials, agricultural crops, and livestock. Pillage, robbery, and sabotage are also prohibited.
23. It is prohibited to resort to starving civilians as a method of combat.
24. Provide the necessary protection for facilities with hazardous materials bearing distinctive symbols or signs.
25. Strengthen the special protection of journalists during armed conflicts, facilitate their tasks as civilians, and prohibit targeting or attacking them.
26. Take the necessary measures to avoid harming the environment and prohibit the use of combat methods or means intended or expected to harm the environment and natural resources, including polluting water sources or burning crops, forests, agricultural lands, or oil fields.

## **Compliance standards**

The National PoC Policy is a standard for national

compliance with implementing IHL and international human rights law. It represents a national declaration for the protection of civilians and expresses the eminent humanitarian principles to which Iraq is committed and which have settled in the people's conscience. They include the following:

1. Launching the National PoC Policy by the Iraqi government and issuing a statement of compliance to apply and enforce IHL provisions of IHL and international human rights law principles.
2. Strengthening the compliance of military and security institutions, requiring them to implement the PoC policy and preventing violations directed against civilians during times of peace and armed conflict.

### **Implementation Mechanism**

1. All ministries, especially military and security ministries and institutions, must implement the National PoC Policy, investigate violations committed by its members, consider complaints or requests related to these matters, and take the necessary legal measures in their regard.
2. The Permanent National Committee for International Humanitarian Law in the Office of the Prime Minister is responsible for preparing an executive plan for the PoC policy

in coordination with all military and security ministries and institutions. The plan must include the working mechanism of each institution and its programs through which it seeks to implement the principles contained in this policy, which express the Iraqi government's pledge and commitment to its citizens to comply with human rights principles and IHL provisions to enhance military and security forces' responsibility to protect civilians. This mechanism should include activities, events, and programs contributing to this policy's implementation.

3. The Ministry of the Interior, in coordination with the State Council, is responsible for accelerating the amendment of the Law on the Duties of Police Officers in Combating Crime No. 176 of 1980 to strengthen the role of the security forces in protecting the lives, dignity, and rights of civilians and enhance accountability for all transgressors, in accordance with this policy's vision.
4. All state institutions are committed to protecting, promoting, and ensuring human rights (for all citizens), providing humane treatment that ensures respect for human dignity, and holding accountable anyone who violates human rights.
5. Ministries and military and security institutions must incorporate the subjects of IHL, prepared by the Permanent

National IHL Committee in the Office of the Prime Minister, and of international human rights law into their educational and training curricula.

6. The Ministry of Higher Education and Scientific Research is obligated to teach the subject of IHL prepared by the Prime Minister's Office, along with international human rights law, to all university students, ensuring the promotion and dissemination of Human Rights culture and principles.
7. The Permanent National IHL Committee is tasked with preparing a PoC guide that includes the principles of IHL, international human rights law, rules of engagement, and the code of conduct for adoption in academic, military, and security institutions.
8. Best practices must be used as lessons to be learned on implementing the PoC Policy, developing the operational approach, and building the capacities of military and security forces to reach best practices for PoC.
9. Human rights divisions in military and security ministries and institutions are responsible for executing, implementing, and monitoring the implementation of PoC Policy to achieve best practices in applying humanitarian standards.
10. The Permanent IHL National Committee is responsible for drafting a law on the Human Rights Code as a national mechanism for PoC.



11. The ministries concerned with implementing this policy must allocate a hotline for all citizens to submit reports about violations and malpractices to which they may be exposed and to take the necessary and urgent legal measures regarding those violations.

**Mohammed Shia' Al Sudani**  
**Prime Minister**  
**April /2024**

## **Sources**

This policy was prepared based on Iraqi laws and international agreements ratified or joined by the Republic of Iraq. They are

1. The Iraqi Government Ministerial Plan (Section (21) Paragraph (3))
2. Constitution of the Republic of Iraq of 2005
3. Military Penal Code No. 19 of 2007
4. The Four Geneva Conventions of 1949
5. 1977 Additional Protocol 1
6. Universal Declaration of Human Rights, 1948
7. International Covenant on Civil and Political Rights (ICCPR), 1966
8. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979
9. Convention on the Rights of the Child (CRC), 1989
10. Convention against Torture (CAT), 1984