

**IILHR COMMENTS: STUDENT SALARY/SCHOLARSHIP
DRAFT LAW
AUGUST 2008**

After studying the current draft law on Student Scholarships, IILHR has compiled comments into this paper for your review. In summary, the main areas of concern and comment include the following: the mechanics of how this law will be implemented need to be clarified as well as the monitoring process which is essential for such a program to work. Primarily, this draft law raises a lot of questions that need to be further explored. On a final note, financial analysis and implications should be included in every draft law, review and suggestion of financial implementation into the annual or future budget needs to be addressed in a separate article. Further review and suggestions are set out in this paper. Please do contact IILHR for further discussion, information and clarification

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COMMENT: In order to make this law as complete as possible, the purpose of the law should be stated in the first article.

SUGGESTION: First article should state purpose, add language similar to the following:

- [The objective of the Student Scholarship Law is to facilitate choice in higher education and to increase higher education participation by students from low socio-economic backgrounds. Additionally, taking into account the suffering of all Iraqi people due to the recent overwhelming security and economic circumstances, this law aims to enable the Iraqi student sector to continue their studies and thereby contribute and support the development of the economic, social and scientific levels in Iraq]

Article 1:

- First & Second
 - COMMENT: Is this salary meant to apply to all students? Are there any eligibility requirements or application process? How will this be distributed and monitored? Who will give out the money, how will it be monitored to make sure all who are eligible receive these payments?
 - SUGGESTION: need to insert mechanisms to make this a functional law –what if any are the eligibility requirements? How does a student go about receiving funds and how will the government monitor this? Some suggested language follows:
 - [To be eligible to receive these funds the recipient must (a) be an Iraqi citizen ; and (b) be enrolled with an eligible university or institute; and (c) not receiving other governmental financial aid for education; d) income of family below X dinars (to exclude rich family kids)]
 - [Eligible individuals must complete an application by X date, proving they are eligible to receive these funds, providing necessary documentation to prove they are eligible and signing as to the truthfulness of this eligibility. A new application must be submitted every year.]
 - [Funding will be monitored and distributed by the Ministry of Education *(or whatever council, organization, commission, institution which is decided. Giving the distribution to the college or University and making them have mandatory reporting back to the Ministry of Education could be the easiest way to do this effectively)*. Payment will be made directly to

the student. Payments will be dispersed 50% of the total to the student within 6 weeks of the start of their semester and the remaining 50% six months after the first payment. Payments will either be directly deposited into the student's bank account or a government institution will be identified as to where the student must go to sign for the receipt of their payment. Any payments not collected and cashed will be null and void after 6 months]

- COMMENT: Should there be a certain amount of years attached to how long a student may receive these payments as sometimes it may take longer than normal for a student to graduate or students may continue on for second, third, etc degrees—would these students continue to receive payment. Additionally, different amount of salary should be given to 4 year, morning/full time students; different amount for evening/part time students as they have an income by working; and possible a different amount for students who are pursuing their masters or doctoral degrees]?
- COMMENT: What happens if a student leaves their studies? Will students then be required to pay back funds or just no longer received future funds? Will they only be able to apply for these funds once or if they return to their studies can they apply again?
- SUGGESTION: Need to put a mechanism in place to monitor this, possible language below
 - [As part of the application process, recipient promises to notify the Ministry of Education (or whomever/whichever organization is tasked with monitoring this program) of any changes in their eligibility status within 30 days after the change accure. Appropriate guidelines on return of funds or cancellation of future funds will be put in place by this institution. Failure to report changes in eligibility requirements is considered fraud and appropriate actions will be pursued accordingly]
- COMMENT: should there be a time limit placed on the law as a whole as this is meant to assist students who have been affected by the current security and economic instability?
- SUGGESTION: Limit this law to only be in effect for 18 years from the date of its passage and to be reviewed. Economic & security situation will be revaluated and it should be determined by the ICOR if this assistance is still necessary or if it needs to be amended.
- COMMENT: Why are students at the teaching training institutes given a lesser amount? What is the rationale behind this? Teachers should be valued within society and putting them in a separate category and

awarding them a lesser value sends the message that they are not valued by the Iraqi government.

- SUGGESTION: Delete Article (1) Second. Add teaching training institutes to Article (1) First.

Article 2

- First
 - COMMENT: Why can't recipients also receive financial aid from non-governmental/private sources?
 - SUGGESTION: amend to limit the exclusion to only those receiving additional governmental financial aid.
 - COMMENT: Does receipt of additional governmental financial aid apply to family members as well just to the recipient? And is this meant to apply solely to educational financial assistance or any assistance at all? For example if a recipient is receiving disability assistance from the government, would that disqualify the recipient from receiving these educational funds? Additionally, if another member of the recipient's immediate family is also receiving funds for education, does that disqualify the individual from receiving these funds?
 - SUGGESTION: Clarify language. Limit the not receiving of financial aid requirement specifically to educational financial assistance to this particular individual. Sample language:
 - [..and the applicant should not be receiving additional education financial aid from the government]
- Second: NO COMMENT
- Third:
 - COMMENT: How are recipients grades monitored? Do the students promise to notify the relevant institution of failing grades? Or do the universities and Institutes notify the relevant institution?
 - SUGGESTION: Mechanism must be put in place
 - COMMENT: *Could be a translation issue.* Not clear – does this mean that the recipient must fail for more than 2 successive studying years in order to take away these funds?
 - SUGGESTION: Need to clarify this

Article 3:

- COMMENT: The PM is not able to make decisions by himself of legislative nature so language should to be changed. Additionally, what circumstances would deem it necessary to increase the value of these grants? How is this determined?
- SUGGESTION: Needs to be clarified. Add language similar to the following:
 - [ICOR can increase the value of salary according to inflation of prices]

Article 4: NO COMMENT

Article 5: Add a new article on identifying the budget line for the payments

- Budget for these scholarships should be part of the Education Ministry's budget, or whichever institution it is decided will be coordinating the whole process/procedure.