



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of Iraq*

I. Introduction

1. The Committee considered the initial report of Iraq (CRPD/C/IRQ/1) at its 495th and 496th meetings (see CRPD/C/SR.495 and 496), held on 10 and 11 September 2019. It adopted the present concluding observations at its 507th meeting, held on 19 September 2019.
2. The Committee welcomes the initial report of Iraq, which was prepared in accordance with the Committee's reporting guidelines, and thanks the State party for its written replies (CRPD/C/IRQ/Q/1/Add.1) to the list of issues prepared by the Committee (CRPD/C/IRQ/Q/1).
3. The Committee appreciates the constructive dialogue held with the State party's high-level and multisectoral delegation, which provided further clarification to the questions posed orally by the Committee and which included the Minister of Justice of Iraq and delegates from various ministries and entities, including representatives of the authorities responsible for the implementation of the Convention from the federal Government and the Kurdistan Regional Government.

II. Positive aspects

4. The Committee welcomes the measures taken by the State party to implement the Convention, including the following:
 - (a) Volunteering for a review of the implementation of the 2030 Agenda for Sustainable Development, including the Sustainable Development Goals;
 - (b) The adoption of Law No. 38 (2013) on the Care of Persons with Disabilities and Special Needs, which upholds the right to a full-time helper at the Government's expense (art. 19) and the right to comprehensive educational integration (art. 15 (2) (a)) and which establishes a quota for the employment of persons with disabilities in the public and private sectors (art. 16)¹;
 - (c) Measures to encourage entrepreneurship among persons with disabilities, such as vocational training provided by the Commission for the Care of Persons with Disabilities and Special Needs;
 - (d) The inclusion of programmes aimed at protecting and promoting the rights of persons with disabilities in the National Development Plan (2018–2022).

* Adopted by the Committee at its twenty-second session (26 August–20 September 2019).

¹ See also Council of Ministers decision No. 205 (2013) and Act No. 22 (2011) on the rights and privileges of persons with disabilities and special needs in the Kurdistan Region of Iraq.



III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

5. The Committee is concerned that the State party has not yet ratified the Optional Protocol to the Convention.

6. **The Committee recommends that the State party ratify the Optional Protocol to the Convention.**

7. The Committee is concerned that:

(a) The medical model of disability and the charity-based approach to disability remain prevalent in the State party's legislation and policies concerning persons with disabilities, including in article 32 of the Constitution, article 1 of Law No. 38 (2013) and articles 1 (5) and 6 of Act No. 22 (2011);

(b) The method used by the State party to assess disability is based on a medical approach, in line with article 15 (1) (j) of Law No. 38 (2013);

(c) National legislation, including Law No. 38 (2013), has not yet been fully brought into line with the Convention, and derogatory terminology concerning persons with disabilities has not yet been eliminated from all laws and policies, including from paragraph 495 (4) of the Criminal Code (Law No. 111 (1969)).

8. **The Committee recommends that the State party:**

(a) **Review its legislation, including through the ongoing review of Law No. 38 (2013), and bring it into line with the human rights model of disability enshrined in the Convention;**

(b) **Ensure that the method used in disability assessments fully incorporates a human rights model of disability and that organizations of persons with disabilities are involved in the design of disability assessment methods and in generating the information on which disability assessments are based;**

(c) **Undertake a comprehensive legislative and policy review with a view to adopting and enforcing laws and policies that prohibit discrimination on the basis of disability, and review the use of terms deemed discriminatory under the Convention.**

9. The Committee is concerned that:

(a) There are gaps in the implementation of Law No. 38 (2013), as implementing decrees and regulations have not been issued for all provisions of the Law;

(b) Insufficient funds from the national budget have been allocated for the promotion and protection of the rights of persons with disabilities;

(c) Persons with disabilities and their representative organizations are not systematically consulted and actively involved in all decision-making processes affecting them.

10. **The Committee recommends that the State party:**

(a) **Adopt implementation decrees and regulations to ensure that the national legislation protects and promotes the rights of persons with disabilities and sanctions non-compliance;**

(b) **Substantially increase the human, technical and financial resources allocated for the implementation of the Convention;**

(c) **Strengthen measures to ensure that organizations of persons with disabilities, including organizations of persons with intellectual or psychosocial disabilities and organizations of women and girls with disabilities, are effectively consulted and meaningfully involved in the design, implementation and evaluation of laws, policies, action plans, timelines and budgets and provide such organizations with continuous and transparent funding.**

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

11. The Committee is concerned that:

(a) Discrimination against persons with disabilities remains widespread, especially against persons with psychosocial or intellectual disabilities and women with disabilities, and that limited progress has been made in combating multiple and intersecting forms of discrimination on the basis of, among other grounds, age, gender, ethnicity and geographical location, especially rural areas;

(b) National legislation does not recognize the denial of reasonable accommodation as a form of discrimination.

12. **The Committee recalls its general comment No. 6 (2018) on equality and non-discrimination and recommends that the State party:**

(a) **Strengthen mechanisms for persons with disabilities exposed to discrimination to obtain redress, including compensation, and rehabilitation and for perpetrators to be sanctioned, ensure that such mechanisms are accessible to persons with disabilities and raise awareness among persons with disabilities, public officials and service providers on the available legal remedies;**

(b) **Explicitly include denial of reasonable accommodation as a form of discrimination on the basis of disability in Law No. 38 (2013) and take all measures necessary to ensure the provision of individualized supports and the implementation of specific measures to ensure equality.**

Women with disabilities (art. 6)

13. The Committee is concerned about:

(a) The lack of mainstreaming of a gender perspective in disability-specific policies and the lack of mainstreaming of a disability perspective in gender-specific legislation and policies, such as the National Strategy for the Advancement of Women in Iraq (2014–2018), the National Strategy to Combat Violence against Women (2013), the National Action Plan for Implementation of the United Nations Security Council Resolution 1325 (2000) on Women, Peace and Security (2014–2018) and the National Strategy to Develop the Situation of Women in the Kurdistan Region (2013–2019);

(b) The insufficient implementation of measures to combat multiple and intersectional forms of discrimination, particularly against women with disabilities living in rural areas, women with disabilities who are internally displaced, refugees or migrants, and women with disabilities belonging to ethnic, religious or linguistic minorities, including in the Kurdistan Region;

(c) The limited information on policies and strategies to ensure the development, advancement and empowerment of women and girls with disabilities in the political, social and economic spheres.

14. **The Committee recommends that the State party:**

(a) **Take effective measures, with the active involvement of organizations of women and girls with disabilities, to mainstream a disability perspective into all gender-specific policies and legislation, including the draft bill on protection against domestic violence, and to mainstream a gender perspective in all disability-specific policies and legislation;**

(b) **Step up efforts and take effective measures to combat multiple and intersectional forms of discrimination against women and girls with disabilities;**

(c) **Develop and adopt affirmative measures aimed at the empowerment and full inclusion of women and girls with disabilities in all spheres of life, including by ensuring their representation in high-level committees for the enhancement of the status of Iraqi women and rural women of the department for the empowerment of**

women in the General Secretariat of the Council of Ministers and by strengthening the efforts of the Commission for the Care of Persons with Disabilities and Special Needs to provide professional capacity-building to women with disabilities.

Children with disabilities (art. 7)

15. The Committee is concerned about:

(a) The absence of information on whether the draft bill on the rights of the child and the national policy for the protection of children's rights reflect all the rights to which children with disabilities are entitled in line with the Convention;

(b) The fact that a large number of children with disabilities, particularly children with disabilities living in regions of the State party affected by armed conflicts, children with disabilities who are internally displaced, children with psychosocial or intellectual disabilities and children with disabilities living in rural areas, face violations of their rights, such as lack of access to services and loss of educational opportunities;

(c) The lack of information on mechanisms for children with disabilities to express their views regarding all matters affecting them.

16. **The Committee recommends that the State party:**

(a) **Mainstream disability rights in national legislation, strategies and action plans for children;**

(b) **Ensure that children with disabilities enjoy all the rights under the Convention and address stigma and discrimination against and stereotypes that are harmful to children with disabilities, particularly children with disabilities facing multiple and intersectional forms of discrimination;**

(c) **Promote the full participation of children with disabilities, through representative organizations of persons with disabilities, in consultations, decision-making processes and policy development efforts.**

Awareness-raising (art. 8)

17. The Committee is concerned about the lack of a national strategy and about insufficient measures to raise awareness of the rights of persons with disabilities.

18. **The Committee recommends that the State party, in close consultation with and with active involvement of persons with disabilities, through their representative organizations, adopt a national strategy and undertake public awareness-raising campaigns to reinforce a positive image of persons with disabilities as holders of all the human rights recognized in the Convention.**

Accessibility (art. 9)

19. The Committee is concerned that:

(a) Persons with disabilities face challenges in accessing public buildings, facilities, transportation and information and communications services owing to the lack of sign language interpretation, augmentative and alternative communication devices, and Easy Read, Braille, sign language and other accessible means, modes and formats of communication, such as pictograms;

(b) There is limited information on the measures taken by the State party to ensure that reconstruction programmes are developed in line with the concept of universal design, such as the national reconstruction and development framework for 2018–2027, which addresses the recovery and reconstruction of governorates affected by terrorist and military operations (Baghdad, Nineveh, Saladin, Al-Anbar, Kirkuk, Diyala, Babil), as well as the reconstruction and development of governorates indirectly affected by such operations.

20. **The Committee recommends that the State party, in line with general comment No. 2 (2014) on accessibility:**

(a) **Develop a strategy for the provision of live assistance, mobile applications, professional and certified sign language interpreters and other means to facilitate access to public buildings, facilities, transportation and information and communications services, and take measures to implement relevant national legislation and standards, including article 15 (7) and (8) of Law No. 38 (2013) and the accessibility requirements identified by the General Secretariat of the Council of Ministers (CRPD/C/IRQ/1, para. 49), including by establishing complaints procedures and monitoring mechanisms;**

(b) **Ensure, in cooperation with persons with disabilities, that accessibility requirements and the universal design concept are incorporated in all legislation, policies and programmes related to post-conflict reconstruction.**

Situations of risk and humanitarian emergencies (art. 11)

21. The Committee is concerned about:

(a) The disproportionate effect that armed conflict, other acts of violence committed against civilian populations and displacement in the State party have had on persons with disabilities and about the increase in the number of persons with disabilities due to conflict-related injuries and the lack of medical and other basic services, particularly in the Kurdistan Region;

(b) The absence of a reference to the need for individualized supports for persons with disabilities during emergencies in Law No. 44 (2013) on civil defence and in Law No. 38 (2013), as well as in policies and programmes, including the national policy for managing the file on internally displaced persons in Iraq endorsed by the Council of Ministers in its decision No. 414 (2015).

22. **The Committee recommends that the State party:**

(a) **Allocate the human, technical and financial resources necessary to provide services, including habilitation and rehabilitation services, mental health services, sanitation, safe spaces, education and vocational training, to persons with disabilities, particularly women and children with disabilities, who are victims of violence in the context of armed conflict or who are internally displaced, migrants or refugees, including measures to facilitate the safe and voluntary return of persons with disabilities, and to enforce Law No. 57 (2015) on victims of terrorism;**

(b) **In compliance with the Sendai Framework for Disaster Risk Reduction 2015–2030, ensure that national legislation, policies and programmes that address situations of risk and humanitarian emergencies are disability-inclusive, including by making continued efforts to render early warning and public warning systems accessible to persons with disabilities.**

Equal recognition before the law (art. 12)

23. The Committee is concerned about:

(a) The guardianship regime in relation to persons with psychosocial or intellectual disabilities set out in articles 46 (2) and 104 of the Civil Code (Law No. 40 (1951)), and also about the fact that articles 94, 95, 107 and 108 of the Civil Code and article 7 of Law No. 188 (1959) do not recognize the legal capacity of persons with intellectual or psychosocial disabilities;

(b) Reports of instances in which the legal capacity of persons with hearing or visual impairments has not been recognized in financial matters.

24. **The Committee recommends that the State party:**

(a) **Expedite the amendment of Law No. 38 (2013) and other relevant legislation to guarantee the equal recognition of persons with disabilities before the law and develop a system of supported decision-making for all persons with disabilities, in line with the Committee's general comment No. 1 (2014) on equal recognition before the law;**

(b) **Raise awareness among society, including families, on how to respect the legal capacity of persons with disabilities in all areas of life.**

Access to justice (art. 13)

25. The Committee is concerned about:

(a) Persons with intellectual or psychosocial disabilities being denied the right to take part in court proceedings, apart from standing witness, according to article 86 of Law No. 107 (1979);

(b) The inaccessibility of the judicial system because of a limited knowledge about disability issues within the judicial sector and because of existing barriers to the courts and tribunals, including physical barriers and barriers to obtaining information in accessible formats such as Braille, Easy Read and sign language, and also about the limited information available on the measures taken by the State party to implement article 15 (6) (b) of Law No. 38 (2013);

(c) The limited information available on the number of persons with disabilities benefiting from legal aid, particularly in regions not covered by legal clinics (A/HRC/WG.6/20/IRQ/1, para. 25).

26. **The Committee, recalling its general comment No. 2 (2014) on accessibility, recommends that the State party:**

(a) **Guarantee to all persons with disabilities, particularly persons with intellectual or psychosocial disabilities, equal and supported access to all judicial processes, including through the provision of gender- and age-appropriate procedural accommodations;**

(b) **Take measures to ensure that all persons with disabilities, in particular persons with psychosocial or intellectual disabilities and persons with visual or hearing impairments, have access to justice by eliminating all barriers, by guaranteeing them the right to actively participate in all judicial proceedings, by providing information and enabling communication in accessible formats such as Braille, Easy Read and tactile and sign language, by increasing the number of qualified sign language interpreters and by continuing to conduct training for law enforcement personnel on the human rights model of disability;**

(c) **Provide free or affordable legal aid for persons with disabilities in all areas of the State party and ensure the necessary budgetary allocations.**

Liberty and security of the person (art. 14)

27. The Committee is concerned that:

(a) Paragraph 105 of the Criminal Code and articles 7 and 8 of Law No. 1 (2005) on mental health provide a legal basis for confining persons with intellectual or psychosocial disabilities in hospitals without their consent, and about the absence of statistical data on the number of persons with disabilities deprived of their liberty, on the reasons and legal bases for such deprivation of liberty and on the number of persons with disabilities deprived of their liberty in family settings;

(b) There is limited information on the measures taken by the State party to ensure that the rights of persons with disabilities who are deprived of their liberty in detention centres are guaranteed, including the right to reasonable accommodation enshrined in article 15 (6) (a) of Law No. 38 (2013), and whether complaints mechanisms are accessible to them.

28. **The Committee recommends that, in line with its guidelines on the right to liberty and security of persons with disabilities (A/72/55, annex), the State party:**

(a) **Repeal all legislation that allows for the deprivation of liberty on the basis of actual or perceived impairment, further develop recovery-oriented and community-based rehabilitation services for persons with psychosocial or intellectual**

disabilities and establish complaints mechanisms that are accessible to persons with disabilities in cases of violations of their right to liberty and security;

(b) **Take all steps necessary to ensure that the denial of reasonable accommodation is recognized as discrimination on the basis of disability and ensure the provision of individualized supports and procedural accommodations to persons with disabilities suspected of having committed a crime, including during detention.**

Freedom from torture and cruel, inhuman or degrading treatment or punishment (art. 15)

29. The Committee is concerned about:

(a) The lack of steps taken by the State party to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(b) The absence of information on preventive measures taken, on complaints mechanisms accessible to persons with disabilities and measures taken to support persons with disabilities who have become exposed to torture or ill-treatment;

(c) Corporal punishment being regarded as legal under article 41 (1) of the Criminal Code when it involves the corporal punishment of women by their husbands or of children by their parents or teachers, albeit “within certain limits prescribed by law or by custom”;

(d) The physicians’ code of conduct (1985) providing an exception to the prohibition of medical experimentation for the purpose of scientific research.

30. **The Committee recommends that the State party:**

(a) **Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and establish a national preventive mechanism with a mandate to monitor institutions and other places of detention;**

(b) **Establish monitoring mechanisms to prevent torture and cruel, inhuman or degrading treatment in all settings where persons with disabilities are deprived of their liberty, including psychiatric hospitals, prisons, hospices, rehabilitation centres and care homes and also establish a complaints mechanism accessible to persons with disabilities; that it investigate any such cases; that it prosecute and sanction perpetrators of torture or ill-treatment; and that it support victims by providing legal advice, information in accessible formats, counselling and redress, including compensation and rehabilitation;**

(c) **Amend or repeal article 41 (1) of the Criminal Code, enact legislation to prohibit all forms of corporal punishment in all settings and enforce the prohibition of violence and torture enshrined in articles 29 (4) and 37 (1) (c) of the Constitution and articles 333 and 421 of the Criminal Code;**

(d) **Amend the physicians’ code of conduct (1985) and ensure that persons with disabilities give their free and informed consent prior to being involved in any medical or scientific research.**

Freedom from exploitation, violence and abuse (art. 16)

31. The Committee is concerned about:

(a) Reports of violence against persons with disabilities, particularly women and children with disabilities, including gender-based violence, and the absence of information on criminal prosecutions and convictions of the perpetrators of such acts and on redress mechanisms for the victims;

(b) The lack of statistical data on monitoring visits undertaken by the High Commission for Human Rights, the Commission for the Care of Persons with Disabilities and Special Needs and special units of the Ministry of Health in line with article 16 (3) of

the Convention and on the measures taken to address potential protection gaps identified through such monitoring;

(c) The lack of information on mainstreaming the disability perspective in legislation, policies and programmes to prevent all forms of exploitation, violence and abuse.

32. The Committee recommends that the State party:

(a) **Investigate promptly and effectively incidents of violence against persons with disabilities, prosecute suspects, duly sanction perpetrators and provide victims with effective redress, including compensation and rehabilitation;**

(b) **Strengthen the mechanisms for independently monitoring all facilities and programmes for persons with disabilities, in accordance with article 16 (3) of the Convention, particularly with regard to data collection and the documentation of protection gaps and the ways in which they are being addressed;**

(c) **Ensure that any legislative and policy measures taken by the State party to prevent violence, exploitation and abuse, such as the operation of a hotline for cases of domestic violence, are accessible to persons with disabilities.**

Liberty of movement and nationality (art. 18)

33. The Committee is concerned that not all children with disabilities are registered at birth and are thus at risk of being stateless, particularly children born in the State party to foreign nationals, children born to unknown parents and children born in regions that have been affected by armed conflict.

34. The Committee recommends that the State party allocate the human, technical and financial resources necessary to continue its efforts to register all children with disabilities and to prevent their statelessness.

Living independently and being included in the community (art. 19)

35. The Committee is concerned about:

(a) The absence in Law No. 38 (2013) of an explicit recognition of the right to live independently and be included in the community as an individual right;

(b) The lack of community-based social and support services, which prevents persons with disabilities from enjoying their rights under article 19 of the Convention, and the absence of statistical data on the number of persons with disabilities who live in shelters, according to paragraph 10 of the law on rehabilitation;

(c) The use of the medical model of disability to determine the beneficiaries of full-time assistance under article 19 of Law No. 38 (2013), the reportedly lengthy process of such an assessment and the absence of information on a monitoring mechanism to ensure that the service remains controlled by persons with disabilities, in particular in cases involving persons with intellectual or psychosocial disabilities, where the full-time assistant is chosen by a guardian.

36. The Committee, in accordance with its general comment No. 5 (2017) on living independently and being included in the community, recommends that the State party:

(a) **Enact legislation recognizing the right of persons with disabilities to be included in the community and to choose their place of residence and with whom to live, ensuring that all persons with disabilities, including persons with disabilities currently living in camps for internally displaced persons, have equal recognition before the law to exercise their freedom of choice concerning living arrangements;**

(b) **Increase community-based services, including the provision of appropriate housing units, established through the Commission for Persons with Disabilities and Special Needs and ensure systematic, up-to-date and appropriately disaggregated data collection;**

(c) **Establish a mechanism to determine, in an efficient manner, the beneficiaries of full-time assistance in line with the human rights model of disabilities and ensure that any services provided under article 19 of Law No. 38 (2013) remain controlled by the persons with disabilities benefiting from those services.**

Personal mobility (art. 20)

37. The Committee is concerned about the difficulties that persons with disabilities face in accessing affordable and high-quality mobility-related technical aids, appliances, equipment and medical devices.

38. **The Committee recommends that the State party introduce the necessary measures to enable persons with disabilities to access high-quality personal mobility equipment and aids that are affordable or free of charge.**

Freedom of expression and opinion, and access to information (art. 21)

39. The Committee is concerned about:

(a) The lack of official recognition of Iraqi sign language, the insufficient number of vocational training programmes in sign language interpretation and the limited involvement of persons with disabilities in the teaching of sign language and in the certification of sign language interpreters;

(b) The insufficient provision of information and communications technologies and of information in accessible formats such as Easy Read, plain language, captioning, sign language, Braille, audio-description and tactile, augmentative and alternative means of communication;

(c) The inaccessibility of most television programmes and websites.

40. **The Committee recommends that the State party:**

(a) **Officially recognize Iraqi sign language, increase the number of vocational training programmes in sign language interpretation and of persons with disabilities among sign language teachers and establish, in close consultation with and with the active involvement of persons with hearing impairments through their representative organizations, a mechanism to certify the quality of sign language interpretation services;**

(b) **Promote and facilitate the use of Easy Read and other accessible formats, modes and means of communication and facilitate persons with disabilities' access to information and communications technologies, including through the provision of low-cost software and assistive devices to all persons with disabilities, including those living in rural areas;**

(c) **Redouble its efforts to ensure the accessibility of television programmes and government websites, ensure that private entities providing services to the public through the Internet do so in accessible formats and also ensure that websites comply with the standards developed by the Web Accessibility Initiative of the World Wide Web Consortium.**

Respect for home and the family (art. 23)

41. The Committee is concerned about restrictions to the rights of persons with disabilities related to marriage, family and parenthood, such as those set out in article 7 of Law No. 188 (1959).

42. **The Committee recommends that the State party:**

(a) **Amend or repeal legislation that prevents persons with disabilities from exercising their right to marriage and parenthood on an equal basis with others;**

(b) **Adopt measures to support parents with disabilities to raise their children at home and to eliminate social stigma against persons with disabilities regarding marriage and parenthood.**

Education (art. 24)

43. The Committee is concerned about:

(a) The reference to segregated classes in the State party's legislation, such as article 9 of Law No. 118 (1976) on compulsory education, the education of children with disabilities in mostly segregated classes, with children with visual and hearing impairments being unable to study beyond a primary school certificate, and the reportedly high number of children with disabilities who are out of school;

(b) The barriers faced by students with disabilities in accessing education, including the need to travel long distances, poor transportation, a lack of teachers trained in inclusive education, sign language, Braille and Easy Read and a lack of accessible curricula.

44. The Committee, guided by its general comment No. 4 (2016) on inclusive education, recommends that the State party:

(a) **Take prompt measures to ensure that all children with disabilities have access to inclusive, high-quality and free education at all compulsory levels, and enforce the "comprehensive educational integration" of children with disabilities and the quota of places reserved for them in university programmes, according to article 15 (2) (a) and (3) (c) of Law No. 38 (2013);**

(b) **Allocate sufficient human, technical and financial resources for individualized supports that will enable children with disabilities, including children with intellectual or psychosocial disabilities, children with autism and children with visual or hearing impairments, to receive an inclusive and quality education.**

Health (art. 25)

45. The Committee is concerned that:

(a) Persons with disabilities, in particular persons with intellectual or psychosocial disabilities, children with disabilities, persons with disabilities living in rural areas and persons with disabilities who are internally displaced, have insufficient access to health-care services, health facilities and medical equipment;

(b) Persons with disabilities are not provided with accessible information on health care and hence cannot access the health-care system on an equal basis with others;

(c) Women and girls with disabilities face challenges in accessing health-care services, including sexual and reproductive health services, as a result of the considerable distances to health-care centres, the physical, financial and attitudinal barriers and the lack of accessible information on health-care services;

(d) Medical and paramedical staff are insufficiently trained on the rights of persons with disabilities.

46. The Committee recommends that the State party:

(a) **Increase the number and strengthen the capacity of comprehensive community-based health-care services to provide services for persons with disabilities, in particular persons with intellectual or psychosocial disabilities, children with disabilities, persons with disabilities living in rural areas and persons with disabilities who are internally displaced;**

(b) **Ensure that information on health-care services is available to persons with disabilities in accessible formats;**

(c) **Take measures to ensure universal coverage of health-care services, including sexual and reproductive health care services, for all women and girls with disabilities, in line with article 15 (1) of Law No. 38 (2013);**

(d) **Allocate sufficient human, technical and financial resources to implement articles 3 (6) and (8) and 9 (h) (1) of Law No. 38 (2013) and to train medical and paramedical staff on the rights of persons with disabilities, including on**

the right to free and informed consent and the right to access the health-care system on an equal basis with others.

Habilitation and rehabilitation (art. 26)

47. The Committee is concerned about the lack of adequate legislation, strategies and programmes and of human, technical and financial resources in the State party to ensure access to habilitation and rehabilitation services, particularly in the centre and in the south of the country.

48. The Committee recommends that the State party adopt appropriate legislation and provide the human, technical and financial resources necessary to ensure access to habilitation and rehabilitation services, ensuring that such services are developed and provided with the active involvement of persons with disabilities through their representative organizations.

Work and employment (art. 27)

49. The Committee is concerned about:

(a) The fact that the 5 per cent quota of persons with disabilities employed in the public sector and the 3 per cent quota of persons with disabilities employed in private-sector enterprises with more than 60 employees, set out in article 16 of Law No. 38 (2013) and in Council of Ministers decision No. 205 (2013), have not been attained;

(b) The absence of regulations to implement article 15 (4) (b) of Law No. 38 (2013), which states that finding job opportunities for persons with disabilities is one of the objectives of the Law, and the absence of reasonable accommodations for persons with disabilities in the workplace in both the private and public sectors and across all areas of the economy.

50. The Committee recommends that the State party:

(a) **Adopt measures to ensure the effective implementation of article 16 of Law No. 38 (2013) and to raise awareness among public and private companies about the requirement to provide individualized support and prohibit the denial of reasonable accommodations at work;**

(b) **Redouble its efforts to create job opportunities for persons with disabilities, including women with disabilities and persons with psychosocial or intellectual disabilities, in the open labour market, including through entrepreneurship, appropriate vocational training, the facilitation of loans and the provision of specific incentives for employers to hire persons with disabilities.**

Adequate standard of living and social protection (art. 28)

51. The Committee is concerned about:

(a) The insufficient social protection allocation to persons with disabilities and the lack of information on the steps taken to implement the Strategy for the Reduction of Poverty in Iraq 2018–2022 in a disability-inclusive manner;

(b) The information received by the Committee that medical certificates are the basis for access to social protection for persons with disabilities, according to Law No. 11 (2014) on Social Protection and article 15 (4) (e) of Law No. 38 (2013), and that identity cards for persons with disabilities to receive social protection allocations have not yet been issued.

52. The Committee recommends that the State party:

(a) **Intensify its efforts to raise the living standards of persons with disabilities, particularly women with disabilities, including through the implementation of the Strategy for the Reduction of Poverty in Iraq 2018–2022 in a disability-inclusive manner, in line with article 28 of the Convention and with the voluntary commitment made in 2014 by the State party in the context of the universal periodic review (A/HRC/28/14, paras. 127.172–127.175, and A/HRC/28/14/Add.1);**

(b) **Ensure the registration of all persons with disabilities, in all parts of the State party, in order to enable access to social protection programmes in line with the human rights model of disability.**

Participation in political and public life (art. 29)

53. The Committee is concerned about:

(a) The legal restrictions, including those in article 49 (2) in the Constitution of Iraq, article 46 (1) of the Civil Code No. 40 (1951) and other provisions in Law No. 45 (2013) on parliamentary elections, Law No. 36 (2008) on elections to governorate, provincial and district assemblies, Law No. 12 (2010) on non-governmental organizations and Law No. 36 (2015) on political parties, which limit the right of persons with disabilities, particularly persons with intellectual or psychosocial disabilities, to vote and to be elected and that Law No. 38 (2013) does not contain a provision on the right of persons with disabilities to fully participate in political and public life;

(b) The physical, informational and attitudinal barriers deterring persons with disabilities from participating in election processes, including the inaccessibility of polling stations and the absence of electoral materials and information in accessible formats such as Braille, sign language and Easy Read;

(c) The absence of information on the measures taken by the State party to increase the participation of persons with disabilities, including women with disabilities, in political and public life.

54. **The Committee recommends that the State party:**

(a) **Repeal discriminatory provisions that prevent persons with intellectual or psychosocial disabilities from exercising their rights to vote and to stand for election, and amend Law No. 38 (2013) by including in it the right of persons with disabilities to participate in political and public life;**

(b) **Ensure that the special procedure to facilitate the participation of persons with disabilities in the electoral process, to render polling stations accessible and to facilitate voting described in the replies of the State party to the list of issues (CRPD/C/IRQ/Q/1/Add.1, para. 163) allows all persons with disabilities to participate in elections at all levels and to be elected, including through the provision of electoral materials and information in accessible formats such as Braille, sign language and Easy Read;**

(c) **Promote the participation of persons with disabilities, particularly women with disabilities, in political and public life and decision-making.**

Participation in cultural life, recreation, leisure and sport (art. 30)

55. The Committee notes that the State party has yet to ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.

56. **The Committee encourages the State party to expedite review of the draft bill to ratify the Marrakesh Treaty.**

57. The Committee is concerned that persons with disabilities face barriers in participating in cultural life, recreation, leisure and sport on an equal basis with others.

58. **The Committee recommends that the State party itemize a budget to promote and protect the right of persons with disabilities, particularly children with disabilities, to participate in cultural life, recreation, leisure and sport on an equal basis with others, including measures that provide assistance as needed.**

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

59. The Committee is concerned about the absence of systematic, disaggregated data on persons with disabilities across all sectors of the State party, including persons with disabilities who have been subjected to violence and persons with disabilities who are internally displaced, migrants, refugees, stateless and/or belong to minority groups. The Committee is also concerned about the insufficient information on the extent to which disability-related indicators are effectively applied in the implementation of the Sustainable Development Goals.

60. **The Committee recommends that the State party:**

(a) **Take into consideration the short set of questions of the United Nations Children’s Fund/Washington Group on Disability Statistics module on child functioning in preparing the next national census, planned for 2020, and in the national survey on disability;**

(b) **Apply disability-related indicators in monitoring the implementation of the Sustainable Development Goals, especially target 17.18;**

(c) **Increase significantly the availability of high-quality, timely and reliable data disaggregated by socioeconomic status, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant to its national context, and strengthen the capacity and resources of the Central Statistical Organization of the Ministry of Planning (in its implementation of art. 15 (9) of Law No. 38 (2013)) and the Kurdistan Region Ministry of Labour and Social Affairs for the collection, management, analysis and dissemination of statistics and data concerning persons with disabilities.**

International cooperation (art. 32)

61. The Committee is concerned about the absence of information on the measures taken to mainstream disability rights in the national implementation and monitoring of the 2030 Agenda for Sustainable Development. It is also concerned about the lack of information on the consultation and involvement of organizations of persons with disabilities in the development and implementation of international cooperation projects.

62. **The Committee recommends that the State party ensure that policies and programmes for implementing the 2030 Agenda for Sustainable Development, including the Sustainable Development Goals, are disability-inclusive and are undertaken in consultation with and with the active involvement of persons with disabilities through their representative organizations.**

National implementation and monitoring (art. 33)

63. The Committee is concerned that:

(a) There is insufficient information about the representation of persons with disabilities in the Commission on the Care of Persons with Disabilities and Special Needs, which was set up under article 4 of Law No. 38 (2013) and is intended to fulfil the functions of an independent national coordination mechanism in line with article 33 (1) of the Convention;

(b) The High Commission for Human Rights does not fully comply with the principles relating to the status of national institutions for the protection and promotion of human rights (the Paris Principles);

(c) That there is a lack of information on specific mechanisms for the participation of representative organizations of persons with disabilities in the implementation and monitoring of the Convention.

64. **Recalling its general comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative**

organizations, in the implementation and monitoring of the Convention, the Committee recommends that the State party:

(a) Ensure the representation of persons with disabilities, in particular women with disabilities and persons with intellectual or psychosocial disabilities, in the Commission on the Care of Persons with Disabilities and Special Needs and its board of directors;

(b) Take all measures necessary to ensure that the High Commission for Human Rights can effectively and independently discharge its mandate as an independent mechanism tasked with monitoring the implementation of the Convention, in line with its article 33 (2) and in accordance with the Paris Principles and taking into account the guidelines on independent monitoring frameworks and their participation in the work of the Committee (CRPD/C/1/Rev.1, annex);

(c) Facilitate the effective and meaningful participation of representative organizations of persons with disabilities in the entire process of monitoring the implementation of the Convention, in accordance with the provisions of article 33 (2) of the Convention, including by providing adequate funding.

IV. Follow-up

Dissemination of information

65. The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party's attention to the recommendations contained in paragraphs 10, on national legislation and implementation, and 22, on situations of risk and humanitarian emergencies.

66. The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and Parliament, officials in relevant ministries, local authorities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

67. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

68. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.

Next periodic report

69. The Committee requests the State party to submit its combined second to fourth periodic reports by 20 April 2027 and to include in them information on the implementation of the recommendations made in the present concluding observations. The Committee also requests the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report of a State party. The replies of a State party to such a list of issues constitute its report.