



**Convention on the Rights
of Persons with Disabilities**

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Committee on the Rights of Persons with Disabilities

**Initial report submitted by Iraq under article 35 of
the Convention, due in 2010* ****

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* The present document is being issued without formal editing.
** The annexes are on file with the Secretariat and are available for consultation.



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I. Introduction

1. The Republic of Iraq expresses its support for the international mechanisms protecting human rights and affirms its strong belief in the indivisibility and interdependence of human rights and in the ability of national mechanisms to complement international mechanisms in the protection of those rights by providing an appropriate environment for their exercise in a manner conducive to the promotion of respect for human dignity. Iraq is making progress in the adoption of human rights norms and their incorporation into government policy as required by the principles of its national Constitution. In this context, we wish to point out that the Republic of Iraq is a party to eight of the core human rights instruments. It is resolutely striving to set up and support independent, governmental and non-governmental human rights institutions in the country and, in this connection, it should be noted that our country is engaged in a comprehensive and ongoing review of its international obligations to promote human rights and ensure that they are reflected in our Government's national policy. Also to be noted are the challenges arising from the wave of violence that engulfed the country in an attempt by terrorist groups to create further obstacles to the country's progress.

Process of preparing the report

2. The present report was prepared in accordance with the guidelines on the form and content of reports to be submitted by States parties under article 35, paragraph 1, of the Convention.

3. A sectoral committee was formed, chaired by the Ministry of Human Rights and comprising representatives of the General Secretariat of the Council of Ministers and the Ministries of Justice, Health, Planning, Labour and Social Affairs, the Interior, Education, and Youth and Sports, in addition to a representative of the Kurdistan Region of Iraq. A broad consultation process with various other government institutions was conducted, as were open consultations with several non-governmental organizations (NGOs).

Reservations to the Convention

4. The Republic of Iraq has no reservations to any articles of the Convention.

Core document

State:	Republic of Iraq
Capital:	Baghdad
Area:	435,052 km ²
Population:	Approximately 33 million
Currency:	Iraqi dinar (ID)

Geography

5. The Republic of Iraq lies in South-West Asia and is in the eastern part of the Arab world. It is bordered in the north by Turkey, in the east by the Islamic Republic of Iran, in the west by the Syrian Arab Republic, the Hashemite Kingdom of Jordan and the Kingdom of Saudi Arabia, and in the south by the State of Kuwait. The area of the Kurdistan Region is estimated to be 38,650 km².

Key economic indicators (in ID million)

6. The national income amounted to ID 15,013,422.3 in 1998 and rose to ID 85,431,538.8 in 2006, ID 100,271,093.3 in 2007 and ID 199,060,339.6 in 2011. During the period 1998–2007, the growth rate was 23.6 per cent. The exchange rate against the United States dollar is ID 1,200 per dollar.

Religions and ethnic groups

7. The Republic of Iraq is a multi-religious, multi-confessional and multi-ethnic country. The majority of the Iraqi people are followers of the Islamic faith, in addition to whom there are Christians, Yazidis and Sabaeans. Iraq is a founder member of the United Nations and the League of Arab States and a member of the Islamic Labour Organization and the Movement of Non-Aligned Countries.

Political facts

8. As stated in article 1 of the Iraqi Constitution of 2005, the system of government in the Republic of Iraq is republican, representative (parliamentary) and democratic and the country is a single, federal and fully sovereign State.

9. The Iraqi State was established as a monarchy in 1921 and subsequently became a republic on 14 July 1958.

10. The fall of the dictatorship in the spring of 2003 ushered in an era of dramatic events with the appointment of United States Ambassador Paul Bremer, on 19 May 2003, as Administrator of the Coalition Provisional Authority, the first statutory body formed after the overthrow of the previous regime to run the country, which it governed on the basis of Security Council resolution 1483 (2003).

11. The first sovereign Interim Government was formed on 30 June 2004 and assumed authority for governing the country under the terms of Security Council resolution 1546 (2004), its chief function being to administer the country's affairs. An Interim National Council with limited oversight powers was established with 100 members, including some of those from the Governing Council left with no position, and it elected a congress composed of 1,000 well-known Iraqis of varying political persuasions and representing a mixture of the country's confessional groups.

12. On 30 January 2005, elections were held for the 275-member National Assembly, which was primarily tasked with drafting a permanent constitution for the country and making preparations for the general parliamentary elections to be held on 15 December 2005. The vote on the draft permanent constitution for the country took place in accordance with the Law of Administration for the State of Iraq for the Transitional Period, on 15 October 2005, and led to a comprehensive review of the legislative structure with the aim of adapting it to the new political, economic and social order.

13. The Republic of Iraq experienced a major political transformation after the collapse of the former dictatorial regime, which heralded for the country a new democratic era and a new Constitution on which a referendum had been held. The Constitution was published in the Iraqi *Official Gazette No. 4102* of 28 December 2005 and determined the political, economic and social features of the new Iraqi State. Key among the fundamental principles in the Constitution are those set out in article 1 thereof, which provides that: "The Republic of Iraq is a single, independent and fully sovereign federal State with a democratic parliamentary system. This Constitution shall be the guarantor of the unity of Iraq."

15. General elections were held for the Council of Representatives, pursuant to the permanent Constitution, and a new democratically elected Government of national unity was formed in mid-2006.

16. Elections for the Council of Representatives were held in 2010 and elections for provincial assemblies were held in 2013, as were elections in the Kurdistan Region.

17. Below is a table showing details of the elections held in 2010 for the Council of Representatives and in 2013 for provincial assemblies and in the Kurdistan Region.

<i>Description</i>	<i>Elections for the Iraqi Council of Representatives in 2010</i>	<i>Elections for provincial assemblies in 2013</i>	<i>Elections in the Kurdistan Region in 2013</i>
Proportion of participants in the elections	62.39 per cent	44.63 per cent	72.78 per cent
Number of registered voters	19 240 093	16 286 568	2 666 145
Number of persons who voted	12 002 962	7 269 352	1 939 247
Number of authorized political entities	305	265	39
Number of political entities participating in the elections	86	139	31
Number of coalitions	12	50	2
Number of candidates	6 234	8 057	1 129
Number of male candidates	4 428	5 863	763
Number of female candidates	1 806	2 194	366
Number of seats	325 (310 governorate seats, 8 minority seats and 7 compensatory seats)	447	111
Number of local observers	114 615	100 180	5 867
Number of international observers	1 447	348	580

18. Elections were held in 2014 for 328 seats in the Council of Representatives.

19. Iraq has acceded to the following core United Nations human rights treaties:

<i>Treaty</i>	<i>Date of accession</i>
International Convention on the Elimination of All Forms of Racial Discrimination	14 January 1970
International Covenant on Economic, Social and Cultural Rights	25 January 1971
International Covenant on Civil and Political Rights	25 January 1971
Convention on the Elimination of All Forms of Discrimination against Women	13 August 1986
Convention on the Rights of the Child	15 June 1994
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	24 June 2008
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	24 June 2008

<i>Treaty</i>	<i>Date of accession</i>
International Convention for the Protection of All Persons from Enforced Disappearance	23 November 2010
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	7 July 2011
Convention on the Rights of Persons with Disabilities	30 March 2013

20. Iraq acceded to: the International Convention for the Suppression of Terrorist Bombings in 2012; the International Convention against the Taking of Hostages in 2012; The Hague Convention on the Civil Aspects of International Child Abduction in 2013; the Convention on the Promotion and Protection of the Diversity of Cultural Expressions in 2012; the Protocol against the Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components and Ammunition in 2013; the Arab Charter on Human Rights in 2012; and the Convention of the Organization of Islamic Cooperation on Combating International Terrorism in 2012.

Institutional structures for the protection and promotion of human rights in Iraq

21. The Ministry of Human Rights, the National Human Rights Centre and the Ministry's provincial offices.

22. The High Commission for Human Rights.

23. The Supreme Judicial Council, which has set up a human rights court, the Publishing and Media Court, the Family Court, four courts dealing with domestic violence, the Judicial Institute in the Kurdistan Region, the Sports Disputes Tribunal and, within the headquarters of the Department of Public Prosecutions, a division accountable to the Chief Prosecutor that is tasked with receiving complaints from the High Commission for Human Rights.

24. Human rights committees in the Council of Representatives and local governments.

25. The Citizens' Affairs Department of the General Secretariat of the Council of Ministers, which has an office in every government institution for receiving citizens' complaints.

26. Transitional justice institutions (the Martyrs' Foundation, the Political Prisoners' Foundation and the Accountability and Justice Commission).

27. The Independent Human Rights Commission, the Higher Council for Women, and the Higher Committee on Violence against Women in the Kurdistan Region.

28. The Media and Communications Commission.

29. Human rights departments, directorates, sections and divisions, together with gender units, in all government departments.

30. The Directorate for Family Protection and the Directorate for Social Welfare at the Ministry of the Interior.

Legal status of the Convention in Iraqi domestic law

31. The ratification process for international treaties is covered in article 61, paragraph IV, of the Constitution, according to which such treaties are to be passed into law by a two-thirds majority of the Council of Representatives. Article 73, paragraph II, of the Constitution provides for the ratification of "international treaties and conventions after approval by the Council of Representatives. They shall be considered ratified 15 days after the date of their receipt." Paragraph III of the same article also provides that the President of the Republic is to "ratify and promulgate laws enacted by the Council of Representatives. Such laws shall be considered ratified 15 days after the date of their receipt." The Convention consequently became a part of the domestic law of Iraq upon its publication in the *Official Gazette*.

II. Key theme I: General provisions of the Convention: Articles 1 to 4

32. Reflecting the commitment of the Republic of Iraq to non-discrimination, the Iraqi Constitution provides that all citizens have equal rights and duties, irrespective of sex. The Constitution also guarantees to all persons with disabilities the right to freedom from all forms of discrimination, providing them with opportunities to develop their capabilities and engage in the development of society. Chief among the fundamental principles enunciated in the Constitution is that of equality:

- Article 14: Iraqis are equal before the law, without distinction as to sex, race, ethnicity, origin, colour, religion, confession, belief, opinion, or economic or social status.
- Article 15: Equal opportunities shall be guaranteed to all Iraqis and the State shall ensure that the necessary measures are taken to that end.
- Article 20: Iraqi citizens, both men and women, shall have the right to participate in public affairs and to enjoy political rights, including the right to vote, be elected and run for office.
- Article 22, paragraph I: Work is a right for all Iraqis so as to guarantee them a decent living.
- Article 30, paragraph II: The State shall guarantee social and health security to Iraqis in the event of older age, sickness, incapacity for work, homelessness, orphanage and unemployment. It shall work to protect them from ignorance, fear and destitution and to provide them with access to housing and special rehabilitation and care programmes, as regulated by law.
- Article 32: The State shall care for persons with disabilities and for those with special needs and shall guarantee their rehabilitation for the purpose of integrating them into society, as regulated by law.
- Article 34, paragraph IV: Private and public education shall be guaranteed, as regulated by law.
- Article 46: Every individual shall have the right to communicate with the public authorities.
- Article 49: All citizens shall have the right to education and the State shall strive to achieve compulsory and free public education, in accordance with current regulations and laws.
- Article 135: The right to seek legal redress is guaranteed to all persons. The measures and conditions for the exercise of this right shall be prescribed by law.
- Article 146: Amendment of the provisions relating to public rights and freedoms may be sought only for the purpose of granting further rights and guarantees to citizens.

33. Article 1 of the Care of Persons with Disabilities and Special Needs Act No. 38 of 2013 states that, for the purposes of the Act, the following terms have the meanings set opposite them:

I. Disability: Any restriction or lack of ability, resulting from an impairment or dysfunction, to perform an activity or interact with surroundings within the range considered normal for a human being.

II. Person with a disability: Anyone who has partially or fully lost the ability to participate in life situations in the same way as others as the result of a physical, mental or sensory impairment that limits functional performance.

III. Care: The comprehensive services provided to persons with disabilities and special needs with the aim of guaranteeing their rights.

IV. Rehabilitation: A coordinated process that makes use of medical, social, psychological, educational and vocational services to help persons with disabilities

to attain the highest possible level of functional efficiency so as to enable them to cope with the demands of their natural and social environment, develop their self-reliance and assist them in becoming, as far as possible, productive members of society.

V. Integration: Measures, programmes, plans and policies aimed at fully involving persons with disabilities and special needs in various life situations without discrimination of any kind.

VI. Discrimination: Any distinction, exclusion or restriction made on the basis of disability or special needs that has the effect of impairing or nullifying the recognition, enjoyment or exercise, on a basis of equality, of any of the rights prescribed by legislation.

III. Key theme II: Realization of rights and freedoms

Article 5 Equality and non-discrimination

34. The Convention on the Rights of Persons with Disabilities enshrines in article 5 the principle of equality and non-discrimination as proclaimed in the Universal Declaration of Human Rights (arts. 2 and 25), the International Covenant on Civil and Political Rights (art. 24), the International Covenant on Economic, Social and Cultural Rights (art. 10) and the Convention on the Rights of the Child (art. 2), all of which have been ratified by the Republic of Iraq.

35. The substance and provisions of Iraqi legislation for the advancement of persons with disabilities are consistent with the principles set forth in those instruments, as is exemplified in the Care of Persons with Disabilities and Special Needs Act No. 38 of 2013, which is reproduced in annex 1 hereto.

36. Under the terms of the above-mentioned Act, any provisions or actions leading to reduced opportunities for, or negative impacts on, persons with disabilities are considered discriminatory.

37. In the same context, the legislature has recognized the principle of personal empowerment by approving special incentive measures designed to ensure de facto equality of opportunity and treatment for persons with disabilities.

38. In keeping with the goals enunciated in article 5 of the Convention concerning equality and non-discrimination, Iraqi legislation for the advancement of persons with disabilities has adopted the principle of personal empowerment. A quota system has accordingly been introduced to ensure that 5 per cent of jobs, including in private enterprises, are set aside for persons with disabilities, who are also assured of access to loans on a basis of equality and without discrimination.

39. The national legislation relating to the courts guarantees equality before the law and legal protection to all citizens through fair trial rights. Persons with disabilities may seek legal redress in accordance with the law, as stated in the Constitution and the Code of Civil Procedure.

40. Article 1 of the Compulsory Education Act No. 118 of 1976 provides that: "1. Primary education shall be free of charge and compulsory for all children who attain primary school age at the start of the school year or by 31 December of that year." Article 9 (as amended in 1987) provides that: "The Ministry of Education shall endeavour to increase the number of special classes in mainstream primary schools for children with learning difficulties, the visually-impaired, the hearing-impaired, and others not categorized as having a disability under the Social Welfare Act No. 126 of 1980, as amended, in order to ensure their education, care and guidance and the development of their capabilities to the required standard."

41. Pursuant to Ministry of Education Regulation No. 13 of 1972, a special section named the Special Education Section was established to cater for persons with disabilities as part of the Directorate-General for Public Education.

Article 8

Awareness-raising

42. In line with the objectives articulated in international human rights instruments, the Republic of Iraq fosters human rights awareness, education and training on the widest possible scale. It has also developed appropriate programmes for modifying all primary and secondary curricula, including textbooks, with no exceptions, and for making human rights education accessible to all.

43. In 2004, a specialized administrative unit was created to follow up the process of incorporating human rights principles and concepts into school curricula. The unit's main tasks include rewriting those curricula in order to align them with the provisions of international conventions and treaties in all matters pertaining to religion, ethnicity, gender equality and persons with disabilities and to highlight cross-cutting human rights issues.

44. The Ministry of Human Rights has organized a series of workshops and training programmes for civil servants and civil society organizations to increase knowledge of the Convention and of mechanisms for raising awareness of the rights of persons with disabilities.

45. In 2014, the Ministry of Labour and Social Affairs ran five courses on the Convention and six workshops on ways of dealing with persons with disabilities.

46. The Ministry of the Interior has organized introductory talks on the functions of the Directorate-General for Traffic and the Directorate-General for Civil Defence in order to increase awareness and knowledge concerning the role of police officers in connection with persons with disabilities. It has also supplied institutes for persons with disabilities with posters explaining those functions.

47. The lack of information concerning the prevalence and geographical distribution of disability and the age, characteristics and living conditions of persons with disabilities poses a major challenge to the efforts to raise awareness and deliver communication, service and capacity-building programmes.

Article 9

Accessibility

48. Article 40 of the Iraqi Constitution provides that: "Freedom of postal, telegraphic, telephonic, electronic and other forms of communication and correspondence shall be guaranteed. They may not be monitored, intercepted or disclosed except where required for legal or security reasons and by a judicial decision."

49. Pursuant to Circular No. 38832 issued by the General Secretariat of the Council of Ministers on 1 November 2011, the requirements of persons with disabilities must be taken into account in building design and project implementation. Such requirements include wheelchair access, conveniently located information desks, dedicated lifts, and the presence of an information officer designated to assist those with disabilities. Pursuant to Circular No. 7306 issued by the General Secretariat on 23 February 2012, information offices in government departments are required to identify areas reserved for persons with disabilities by displaying stickers showing the International Symbol of Access on the seats in those areas, which may not be occupied by other visitors. They are likewise required to provide mobility aids and easy access for visitors with disabilities; stationery materials and photocopying facilities for use during their visit; means of either communicating from the information office with the department sections they are visiting or of sending for officers to help them attend to their business; and additional adjustments to facilitate the process for such visitors. In accordance with Council of Ministers Decision No. 10 of 2012, persons with disabilities are exempted from the payment of import duty on vehicles customized to

their specific needs. The General Secretariat of the Council of Ministers has furthermore issued directives to ensure the safety and comfort of older persons and persons with disabilities in all State institutions through, inter alia, provision of the following:

- Ramps for visitors with disabilities at the entrances to all institutions;
- Corridor handrails;
- Information points after every juncture (where two or more corridors meet) to guide persons with disabilities;
- Directional signs through an integrated wayfinding system;
- Natural ventilation and, where feasible, skylights and gardens to create a fitting environment and offer natural views giving comfort to older persons, persons with disabilities and indeed all citizens;
- Wheelchairs at information desks and receptions areas to facilitate the transport of older persons who are unable to walk;
- Special toilet facilities adapted to the needs of persons with disabilities;
- Parking facilities for persons with disabilities, with ease of access to the building entrance in mind.

Article 10

Right to life

50. The right to life is a fundamental right enshrined in the international instruments ratified by the State, as well as in the country's laws. All individuals enjoy this right on a basis of equality and without discrimination.

51. Article 15 of the Iraqi Constitution provides that: "Every individual has the right to life, security and freedom. It is prohibited to deny or restrict these rights except in accordance with the law and on the basis of a decision handed down by a competent judicial authority."

52. Article 2, paragraph III, of the Care of Persons with Disabilities and Special Needs Act No. 38 of 2013 provides that: "Persons with disabilities and special needs shall be assured of a life of dignity." Article 19 provides that: "Persons with disabilities whose level of incapacity prevents the fulfilment of normal life demands and who require a constant attendant to take care of their needs, as determined by a competent medical committee in accordance with the Ministry of Health Directive issued on 16 November 1998 concerning disability assessment, shall have the right to a full-time helper at Government expense." Such full-time helpers are entitled to the rights set out below.

53. Full-time helpers who are public servants in receipt of a salary from the State are granted leave with full pay, together with the same fixed allowances and other privileges as their fellow public servants. The full-time appointment is renewable on an annual basis.

54. Full-time helpers who are not public servants receive a monthly salary equal to the minimum for public servants.

55. Full-time helpers who return to their former employment or who go on to study at home or abroad lose their entitlement to the privileges afforded to them under the Act, as determined by a competent medical committee in accordance with the Ministry of Health Directive issued on 16 November 1998 concerning disability assessment.

56. Section I (General purposes), article 1, of the Public Health Act No. 89 of 1981 affirms that physical, mental and social health is a right guaranteed by society to all citizens and that the State must establish the prerequisites for the enjoyment of that right so that citizens can play their part in building and developing the society. Preventive health care and treatment are equally available to all citizens as part of primary health care, and rehabilitation centres for persons with special needs are present throughout Iraq.

57. There are 21 rehabilitation centres across the governorates and the Kurdistan Region, in addition to 19 centres for prosthetics and plastic supports, 2 hospitals for spinal cord injuries, and 3 rehabilitation hospitals under construction. Between 1 January and 31 December 2013, there were 394,962 users of health centres and 21,841 users of prosthetic centres. The number of medical aids and appliances supplied to users amounted to 29,631 in 2012, 32,103 in 2013 and 33,232 in 2014. The number of prostheses supplied amounted to 3,643 lower limbs, 295 upper limbs and 23,583 supports in 2010; 1,882 lower limbs, 175 upper limbs and 13,007 supports in 2012; and 2,229 upper limbs, 205 lower limbs and 25,326 supports in 2014.

Article 11

Situations of risk and humanitarian emergencies

58. In conformity with article 11 of the Convention, the Republic of Iraq gives priority, on a humanitarian basis, to providing all necessary assistance to persons with disabilities in situations of risk, including armed conflict, humanitarian emergencies and natural disasters.

59. Civilians are guaranteed the right to safety, health and protection from risk and threat, including disasters and crises, under the Civil Defence Act No. 22 of 2014.

60. Pursuant to Council of Ministers Decision No. 414 of 2014, furthermore, a total of ID 3 billion has been set aside to cover the cost of treating injuries sustained by displaced persons.

61. In Iraq, all primary health care is free of charge and caters for the specific requirements of persons with disabilities.

62. In 2014, the Ministry of Health supplied 33,242 wheelchairs and 10,296 crutches to persons with disabilities, including those displaced to other areas of the country as a result of the current security situation in Iraq.

63. Act No. 20 of 2009, concerning compensation for persons affected by military operations, military errors and terrorist activities, was promulgated with the aim of compensating all natural persons so affected on the basis of the seriousness of the damage suffered and sets out the rules for making such claims. Article 2 of the Act states that the compensation provided for covers damages for martyrdom, loss arising from the operations and activities mentioned the Act, and full or partial incapacity certified by a competent medical committee.

64. Act No. 59 of 2009 was promulgated with the aim of compensating all persons who lost body parts, acquired a chronic disease or suffered mutilation as a result of practices carried out for political reasons by the former regime during the period from 17 July 1968 to 10 March 2003.

65. Article 69, paragraph II, of the Military Service and Retirement Act No. 3 of 2010, as amended by Act No. 41 of 2013, provides that: "The provisions of the present Act shall apply to personnel injured in service as the result of an incident in which they had no involvement, to fully or partially incapacitated personnel retired from service, pursuant to Legislative Order No. 30 of 2005 promulgated by the Council of Ministers on 24 September of that year, and to the families of deceased service personnel. The medical reports compiled by former medical committees concerning such personnel shall be utilized for the purpose of the present paragraph."

66. Pursuant to the First Amendment Act No 22 of 2013, a second paragraph was added to article 65 of the Internal Security Forces Service and Retirement Act No. 18 of 2011. The paragraph states that: "Under the present Act, a directorate shall be established to ensure the welfare of the families of martyrs, the injured, those with disabilities, and their dependants, all of whom shall be issued with a personal identity card showing their details and all other essential information required for the provision of this social service, which shall have its own budget."

67. In Iraq, all primary health care is free of charge and caters for the specific requirements of persons with disabilities.

Article 12

Equal recognition before the law

68. Chapter II of the Iraqi Constitution, which deals with rights and freedoms, enshrines the principle that all Iraqis are equal in rights and duties before the law, without discrimination among them. This includes persons with disabilities, who have all those same rights and duties, without distinction.

69. Legal capacity is governed by the Iraqi Civil Code (Act No. 40) of 1951, which provides that it is divided into two types: capacity of obligation and capacity of execution. By virtue of the capacity of obligation, an individual acquires rights, such as the right to inherit and make a will, in which respect all persons are equal. The Act also governs matters relating to decision-making support for persons with disabilities, with article 104 stating that: “In the case of individuals who are deaf-mute, blind-deaf or blind-mute and consequently unable to express their wishes, the court may appoint a guardian and direct the actions of such guardian.” In this event, guardianship is confined to providing decision-making assistance to the person with the disability.

Article 13

Access to justice

70. The Iraqi Constitution guarantees to all persons the right to seek legal redress. The courts are thus accessible to all and protected from interference in their affairs. Article 19 of the Constitution establishes fair trial safeguards by way of the following:

- I. The judiciary is independent and subject to no authority other than the law;
- II. The principle of *nullum crimen, nulla poena sine lege*, meaning that there can be no punishment except for an act constituting a criminal offence at the time of its commission and that no penalty heavier than that applicable at the time of commission of the offence may be imposed;
- III. The right to legal redress is protected and guaranteed for all;
- IV. The right to a defence is sacrosanct and guaranteed at all stages of investigation and trial;
- V. Accused persons are innocent until proven guilty in a fair legal trial and may not be tried again for an offence of which they have been acquitted, unless new evidence emerges;
- VI. All individuals have the right to due process in judicial and administrative proceedings;
- VII. Trials are public unless the court decides to hold them *in camera*;
- VIII. Punishment is personal;
- IX. Laws are not retroactive unless otherwise stipulated, with the exception of laws relating to taxation and duties;
- X. Criminal law has no retroactive effect except in favour of the accused;
- XI. The court appoints counsel at State expense to defend persons accused of a serious offence or a misdemeanour who are without counsel;
- XII. (a) Unlawful detention is prohibited;
(b) Imprisonment and detention are prohibited in places other than those designated under the prison laws governing health and social care and controlled by the State authorities;
- XIII. The preliminary investigation file is submitted to the competent judge within a period of not more than 24 hours from the time of the accused person’s arrest, which may be extended once only for the same period.

The Criminal Code and the Code of Criminal Procedure are both consistent with the principle of access to justice.

71. Article 15, paragraph II, of the Care of Persons with Disabilities and Special Needs Act No. 38 of 2013 provides that the Supreme Judicial Council and the Ministry of Justice are responsible for:

(a) Taking action, where the nature and circumstances of the case so require, to ensure access to adequate sanitary conditions for persons with disabilities and special needs in places of detention and imprisonment;

(b) Providing assistive technologies, including sign language translation, for persons with disabilities and special needs, and any other technologies that help such persons to defend their rights or equalize their status with the other party in the proceedings.

72. Article 86 of the Evidence Act No. 107 of 1979 provides that courts may admit the testimony of mute, blind or deaf persons, who may also give testimony about their own actions.

73. Article 107 of the Iraqi Civil Code (Act No. 40) of 1951 furthermore provides that persons with a mental dysfunction are treated as minors capable of discernment, while article 108 thereof provides that persons with a permanent mental disorder are treated as minors incapable of discernment. As to persons with a temporary mental disorder, their actions in the event of their recovery are treated as having been undertaken while they were in full control of their faculties.

Article 14

Liberty and security of person

74. Article 15 of the Iraqi Constitution provides that: “Every individual has the right to life, security and liberty, which may not be denied or restricted except in accordance with the law and on the basis of a decision given by a competent judicial authority.”

75. Article 38 of the Iraqi Constitution provides that: “The State shall guarantee, in a manner that violates neither public order nor morality: I. Freedom of expression by all means; II. Freedom of the press, printing, advertising, information and publication; III. Freedom of assembly and peaceful protest, as regulated by law.”

76. Article 40 provides that: “Freedom of postal, telegraphic, telephonic, electronic and other forms of communication and correspondence shall be guaranteed. They may not be monitored, intercepted or disclosed except where required for legal or security reasons and by a judicial decision.”

77. Article 37, paragraph I (c), of the Constitution further provides that: “All forms of psychological and physical torture and inhuman treatment are prohibited. Any confession made under duress, threat or torture shall be disregarded and the victim may seek compensation for material and moral damage sustained, in accordance with the law.”

78. Article 92 of the Code of Criminal Procedure (Act No. 23) of 1971 provides that: “No person may be arrested or detained except by order of a judge or a court or as permitted by law.”

79. Article 421 of the Criminal Code (Act No. 111) of 1969, as amended, provides that: “Anyone who arrests, detains or deprives a person of liberty by any means without an order from a competent authority in circumstances other than those permitted by the laws and regulations shall be punished with imprisonment.”

80. The Ministry of the Interior has a dedicated hotline number (130) for receiving reports concerning offences that affect public security.

81. As a public security measure, the Baghdad Operations Command set up an anti-kidnapping unit in order to monitor and deal with kidnapping gangs. Following the establishment of the unit, which has a dedicated hotline number (181), the Ministry of the

Interior and the Baghdad Operations Command reported a substantial fall in the number of kidnappings in Baghdad.

82. The Ministry of the Interior operates a round-the-clock desk in the complex housing the institutes for persons with disabilities run by the Ministry of Labour, where surveillance cameras have also been installed for security purposes.

Article 15

Freedom from torture or cruel, inhuman or degrading treatment or punishment

83. Article 37, paragraph I, of the Iraqi Constitution provides that:

“(a) Liberty and dignity of the person shall be protected.

“(b) No one may be detained or investigated except pursuant to a judicial decision;

“(c) All forms of psychological and physical torture and inhuman treatment are prohibited. Any confession made under duress, threat or torture shall be disregarded and the victim may seek compensation for material and moral damage sustained, in accordance with the law.”

84. Iraq acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment pursuant to Act No. 30 of 2008.

85. Article 333 of the Criminal Code (Act No. 111 of 1969), as amended, also provides that: “Any public official or agent who tortures or orders the torture of accused persons, witnesses or experts in order to compel them to confess to the commission of an offence, to make a statement or provide information about such offence, or to withhold information or give a particular opinion in respect thereof, shall be liable to a penalty of imprisonment. The use of force or threats shall be deemed tantamount to torture.”

86. Section 3, paragraph 2, of (dissolved) Coalition Provisional Authority Order No. 7 of 2003 states that: “Torture and cruel, degrading or inhuman treatment or punishment are prohibited.” Moreover, in accordance with article 218 of the Code of Criminal Procedure, as amended by (dissolved) Coalition Provisional Authority Memorandum No. 3 of 2003, confessions extracted under torture or coercion have no legal value and cannot constitute a substantiating ground for a judgement.

87. Article 10 of the State and Public Sector Employees Disciplinary Act No. 14 of 1991 made provision for the formation of a committee of inquiry to prepare a written investigation report on employees referred to it. If the committee has reason to believe that any such employees, acting in their official capacity, committed an act constituting an offence, including offences of assault and torture, by virtue of their official authority, it must order their referral to the competent court. Likewise, any minister, head of department or delegated representative of a minister must refer employees under suspicion or investigation to the competent court if they believe that such employees committed an act constituting an offence by virtue of their official capacity or authority.

88. Under the terms of Iraqi Supreme Criminal Court Act No. 10 of 2005, torture is designated as a crime against humanity (arts. 11, 12, 13 and 14).

89. Complaints of torture may be channelled through the following monitoring bodies: the Ministry of Human Rights; the High Commission for Human Rights; the human rights directorates and sections at the Ministries of Justice, the Interior, Defence, and Labour and Social Affairs; the Department of Public Prosecutions via the permanent offices it has established in detention facilities; parliamentary committees; the Commission on Integrity; the Independent Human Rights Commission; and civil society organizations. Ad hoc fact-finding committees are also formed to look into allegations of torture, unlawful detention or ill-treatment in pretrial detention centres. The details provided in the allegations are promptly verified and recommendations are made to the authorities to expand the scope of

the investigation and take the requisite measures if breaches of the law are found to have been committed.

Article 16

Freedom from exploitation, violence and abuse

90. Article 3, paragraph I, of the Care of Persons with Disabilities and Special Needs Act No. 38 of 2013 provides as follows: “Plans and programmes shall be established for guaranteeing the rights of persons with disabilities and special needs as provided by law and in the international conventions and instruments to which the Republic of Iraq is a party.”

91. Article 15, paragraph IV (f), of the Care of Persons with Disabilities and Special Needs Act stipulates that families are to receive guidance on how to look after and care for such persons without undermining their dignity and humanity. Paragraph IV (h) states that all institutions and centres involved in the rehabilitation and care of persons with disabilities and special needs are supervised and licensed by the Ministry of Labour and Social Affairs, as provided for in the Act.

92. Pursuant to the Human Trafficking Act No. 28 of 2012, a central committee to combat human trafficking was established by Diwani Order No. 75 of 2012. Chaired by the Minister of the Interior and with a membership comprising relevant ministries and stakeholders, the committee has made a number of recommendations, including the creation of a human trafficking section in the Ministry of the Interior that reports to the Office of the Minister. The section employs a number of social workers who work either in the section itself or in the shelter run by the Ministry of Labour and Social Affairs. It also has a 24-hour telephone complaints line that can be reached by calling 533. Incoming complaints are logged in a special register.

93. The divisions now established in all provincial police directorates work with the subcommittee to obtain detailed information on all cases of human trafficking in the governorates.

94. All education regulations, directives and measures prohibit the corporal punishment of students. At the start of each school year, the Ministry of Education sends a circular to all provincial Directorates-General for Education stating that the practices used in providing follow-up, monitoring, advice, guidance and good educational mentoring must in no way involve any form of cruelty, violence or corporal punishment, which are deemed to constitute abuse and have damaging consequences. This confirms that the use of corporal punishment on students is strictly forbidden, as are all actions that are offensive, demeaning or undermine a person’s character. All school administrations are instructed to operate accordingly and to take robust action against anyone who is non-compliant.

95. In the school year 2011/12, the Child-Friendly Schools Project run in conjunction with the United Nations Children’s Fund (UNICEF) commenced operation with the aim of providing a school environment (attractive, caring, healthy and safe) where there is respect for diversity, difference and non-discrimination and where students can express their opinions, participate effectively in the education process and be assured of a quality education, as provided for in the Convention on the Rights of the Child. In the school year 2013/14, the number of schools covered by the project rose to 927 across all governorates, excluding the Kurdistan Region of Iraq, where the Project is also being implemented.

96. Every governorate now has a special police directorate for protecting families and children from domestic violence. There are two such directorates in Baghdad, one in Karkh and the other in Rusafah. The directorates report directly to the governorate’s Director-General of Police and are concerned with protecting family members and children from domestic violence and problems occurring with the family and from domestic-type violence practised outside the family setting by first-or second-degree descendants or ascendants. They conduct preliminary investigations under the auspices of a competent judge and take action to protect families, children and older persons, resolve domestic problems, refer complex problems to the competent courts and provide shelter for abused women and

children in homes runs by the Ministry of Labour and Social Affairs. Their strategic aim is to have a largely female state at all levels, answerable to a division director. This remains at the discretion of the Under-Secretary for Police Affairs and the Director-General of Police to whom they report in the governorate.

97. A community police force has been established under the Ministry of the Interior to act as an intermediary between the security establishment (police station) and the institutions and pillars of society. Its function is one of communication and interaction in order to achieve the fullest genuine community engagement with the police in shouldering the responsibility for security in line with the concept of community safety. Community policing is a strategic tool representing a new style of policing based on a fresh philosophy whereby local community needs and problems are jointly addressed by citizens, residents and the police, with the community playing an active role in containing, fighting and preventing crime.

Article 17

Protecting the integrity of the person

98. The right to integrity of the person is enshrined in national legislation under article 19, paragraph XII, of the Constitution, which provides that: “(a) Unlawful detention is prohibited; (b) Imprisonment and detention are prohibited in places other than those designated under the prison laws governing health and social care and controlled by the State authorities.”

99. In chapter II of the Iraqi Criminal Code, concerning offences against personal liberty and inviolability of the person, articles 421 to 424 affirm the importance of protecting the integrity of the person and impose heavy penalties for the commission of any act of ill-treatment or abuse.

100. The Iraqi Criminal Code (Act No. 111) of 1969 prescribes two punishments for abortion, either of which may be handed down, depending on the nature of the offence. Under article 417 of the Code, abortion is punishable as a misdemeanour by imprisonment of up to one year and a fine, or by either penalty. Under article 418, anyone who intentionally performs an abortion without the woman’s consent commits a serious criminal offence and is liable to a penalty of imprisonment of up to 10 years.

101. The following regulatory and punitive provisions are set out in chapter IV of the Public Health Act No. 89 of 1981:

- Surgical procedures may be performed only with the consent of the patient, if conscious, or that of an accompanying relative if the patient is unconscious or a minor, except where a delay in the procedure would place the patient’s life at risk, in which case the procedure may be performed without the necessary consent in order to save the patient’s life;
- Primary mental health care activities form an integral part of primary health care services and are provided by the mental health units found in primary health care centres, where persons with special needs take priority over other citizens;
- Doctors are legally responsible for medical errors affecting the safety of patients, including persons with disabilities, in accordance with the disciplinary provisions set out in chapter V of the Medical Association Act No. 81 of 1984, article 23 of which provides that: “All members who are in breach of their professional duties, perform a prohibited act, bring the profession into disrepute through their conduct, or fail to implement the decisions of the Association as provided for in the present Act, shall be liable to the penalties prescribed therein, without prejudice to any action that may be taken against them under other laws.”

Article 18

Liberty of movement and nationality

102. Article 44 of the Iraqi Constitution guarantees to citizens the right to liberty of movement and to freedom to choose their place of residence, as well as the right not to be obliged to reside in a particular place. The right to a nationality is also guaranteed under article 18, which provides that:

- I. Iraqi nationality is the right of every Iraqi and the basis for citizenship.
- II. Anyone born of an Iraqi father or an Iraqi mother is considered to be an Iraqi, as shall be regulated by law.

103. The Nationality Act No. 26 of 2006 is based on article 18 of the Iraqi Constitution and accords the right to Iraqi nationality to any person born of an Iraqi father or an Iraqi mother.

104. Chapter IV (Regulatory and punitive provisions), section II (Statistics), article 92, of the Public Health Act No. 89 of 1981 provides that: “The competent body at the Ministry of Health shall register the births of Iraqis and non-Iraqis.”

105. All births are registered at the birth registries located in all primary health care sectors country-wide and a note is made of any disability so that it can be followed up by those centres and by rehabilitation centres for persons with disabilities. The child’s family is told about the type of disability and of the need for follow-up. Parents are also given advice about congenital and hereditary disorders in order to inform their decisions.

106. The Ministry of the Interior sends staff from the Directorate-General for Nationality to the complex housing the institutes for persons with disabilities run by the Ministry of Labour and Social Affairs in order to issue certificates of nationality to those persons. The Ministry has also facilitated the process of acquiring a passport for persons with disabilities, their families and teachers working at such institutes. The Directorate for Human Rights of the Ministry of the Interior has recommended that identity checks should be facilitated by issuing deaf and mute persons with identity tags or discs similar to those used in time of war or conflict.

107. The Directorate also facilitates the issuance of passports and certificates of nationality to persons with disabilities.

Article 19

Living independently and being included in the community

108. The right to live independently and to the inviolability of the home is provided for in article 17 of the Iraqi Constitution:

- “I. Every individual has the right to enjoy privacy in a manner compatible with the rights of others and public morals;
- “II. The inviolability of homes shall be safeguarded; they may not be entered, searched or intruded upon except by a judicial order and in accordance with the law.”

109. Albeit that this right is enshrined in legislation, persons with disabilities live in family settings and receive assistance from family members. Few of them live independently, which has been a factor in the limited amount of planning undertaken for them do so.

110. Pursuant to Circular No. 44130 issued by the General Secretariat of the Council of Ministers on 20 December 2011, programmes and activities are organized for adapting the social and natural environment to the needs of persons with disabilities.

Article 20

Personal mobility

111. Measures taken to increase mobility for persons with disabilities in a safe environment have included:

- Providing rehabilitation aids and medical examinations for persons with disabilities who are outpatients at any of the rehabilitation centres and hospitals mentioned in the above article 10, paragraph 30;
- Coordinating with the relevant ministries and with international organizations in providing the needs of all persons with disabilities.

112. The Ministry of the Interior enables government vehicles used by the Ministry of Labour and Social Affairs for carrying persons with disabilities to move more easily through traffic by permitting them to use the lanes reserved for military vehicles.

113. In referring to the functions of the Ministry of Transport, the Care of Persons with Disabilities and Special Needs Act states that the Ministry is responsible for:

- (a) Providing free, safe and secure access to public transport for persons with disabilities and those accompanying them;
- (b) Enforcing a requirement for tourism companies to provide at least one mode of easy transport designed specifically for persons with disabilities and special needs;
- (c) Ensuring that persons with disabilities and special needs receive a twice-yearly reduction of 50 per cent on air fares.

Article 21

Freedom of expression and opinion, and access to information

114. Article 38 of the Iraqi Constitution provides that: “The State shall guarantee, in a manner that violates neither public order nor morality: I. Freedom of expression by all means; II. Freedom of the press, printing, advertising, information and publication; III. Freedom of assembly and peaceful protest, as regulated by law.” Article 40 of the Constitution also provides that: “Freedom of postal, telegraphic, telephonic, electronic and other forms of communication and correspondence shall be guaranteed. They may not be monitored, intercepted or disclosed except where required for legal or security reasons and by a judicial decision.” Article 42 further provides that: “Every individual has freedom of thought, conscience and belief.” The Iraqi Constitution thus permits freedom of expression and opinion and access to information by all means, provided that there is no violation of public order or public morality.

115. A bill on the right to freedom of opinion and expression is currently before the Council of Representatives.

116. A court has been set up by the Supreme Judicial Council to hear cases involving the media and publications.

117. Eighty-one offices, channels and radio stations are officially licensed to operate in Iraq as regulated by the Media and Communications Authority.

118. There are no restrictions on the use of satellite receivers and mobile telephones or on Internet access, radio stations, or newspapers and magazines, including those imported from abroad. Freedom of expression is now an essential feature of the country’s political culture following a long period of isolation from the rest of the world.

Article 22

Respect for privacy

119. The Iraqi Constitution provides for the protection of privacy and the inviolability of the home in article 17, which states that:

“I. Every individual has the right to enjoy privacy in a manner compatible with the rights of others and public morality;

“II. The inviolability of homes shall be safeguarded; they may not be entered, searched or intruded upon except by a judicial order and in accordance with the law.”

120. Chapter II, sections I and II, of the Criminal Code (Act No. 111) of 1969 also includes provisions relating to personal liberty and privacy and the inviolability of the home. Under articles 433 to 436 of the Code, any person who defames or insults others is liable to imprisonment or a fine.

121. Article 24 of the Public Health Act No. 89 of 1981, which deals with psychological, mental and neurological disorders, states that the Ministry of Health must undertake the following:

- Establish institutions providing preventive care and treatment in numbers sufficient to ensure the delivery of psychological, psychiatric and neurological services to citizens;
- Deliver preventive mental health services to citizens throughout all stages of development from birth to older age;
- Provide essential health care and appropriate treatment to those with:
 - (a) Learning difficulties;
 - (b) Dementia;
 - (c) Epilepsy.

Such care is provided in cooperation with the relevant ministries insofar as the problems experienced by these groups are not confined to health alone.

122. Persons with disabilities receive follow-up care and their rights as patients include medical privacy, which is safeguarded and respected, as is that of persons with special needs. The same is true for adult patients and those undergoing premarital counselling who disclose private matters. All patients are assured of their rights, irrespective of whether or not they have a disability, in line with the most recent update to the Public Health Act.

123. National legislation relating to the protection of privacy makes no distinction between persons with disabilities and others, as all individuals have the same inherent rights.

124. Despite the protection afforded to the right to a private life, persons with disabilities are vulnerable to violation of this right insofar as they may be concealed and prevented from enjoying their rights and participating in public life for a variety of reasons, including:

- Low level of awareness among families concerning the right to privacy;
- The view that the right to protection of privacy belongs to the family and not to the individual, which leads families to conceal cases of disability on the pretext of protecting the family’s privacy, as the fact that a family includes a person with a severe disability affects the family’s social status and the attitudes towards it and its members.

Article 23

Respect for home and the family

125. Article 29, paragraph I, of the Iraqi Constitution provides that: “(a) The family is the foundation of society and the State shall preserve the family and its religious, moral and national values; (b) The State shall guarantee the protection of mothers, children and older persons and shall care for children and young people and provide them with the appropriate conditions in which to develop their talents and abilities.” Paragraph IV of the article provides that: “All forms of violence and abuse in the family, school and society shall be prohibited.”

126. In chapter II (Preventive health care) of the Public Health Act No. 89 of 1981, article 6 provides that: “The aim of health care for mothers, children and families is to fulfil the duty of society and the State towards mothers and towards children from the time they are formed as embryos.”

127. In accordance with article 7 of the Act, the Ministry of Health strives to achieve the aims of health care for mothers, children and families by means of the following:

1. Working for country-wide access to centres delivering health care to mothers, children and families;
2. Offering medical screening for intending spouses to ensure that they are fit and healthy, and issuing them with health certificates;
3. Ensuring that brides-to-be are physically and mentally prepared for taking on their future role and responsibilities as mothers;
4. Monitoring the health of pregnant women and their foetuses through continuing regular check-ups, and improving the women’s nutrition;
5. Advising families to space pregnancies at reasonable intervals in order to benefit the health of the mother, child and family;
6. Periodically examining children to check their growth and health, and advising mothers about what to feed their children while they are growing;
7. Requiring citizens to have periodic vaccinations as directed by the health authorities.

128. Couples undergoing premarital counselling, persons with disabilities and, in special situations, their families are provided with information about their condition and about transmission in cases where the condition is congenital or hereditary. The activities introduced as part of family medicine in primary care centres also focus on family health, the aim being for families to take the essential lead concerning the health of any of their members with special needs.

Article 24

Education

129. The Iraqi Constitution guarantees the right to education in article 34, which provides that: “I. Education is fundamental to the advancement of society and is a right guaranteed by the State. Primary education is compulsory and the State shall guarantee to combat illiteracy; II. All Iraqis have the right to free education at all levels; III. The State shall encourage scientific research for peaceful purposes in the interest of humanity and shall foster excellence, creativity, innovation and all manifestations of genius; IV. Private and public education shall be guaranteed, as regulated by law.”

130. The education system in the Federal Republic of Iraq is based on faith in God Almighty and the supreme value of humanity. In accordance with the Iraqi Constitution, the State guarantees the unity and independence of Iraq, as well as respect for human rights and fundamental freedoms, including the right of citizens to free education at all academic levels. It is committed to the eradication of illiteracy, the achievement of equal opportunities and the promotion of all branches of education in an integrated, planned and coordinated manner for purposes of development in such a way as to raise a healthy and well-educated new generation, as affirmed in the educational philosophy and objectives adopted in 2008 and in the national strategy for higher education in Iraq for the years 2011–2022.

131. Legislative and other measures have been taken to guarantee access to schools and learning materials and to put in place workable arrangements to assist persons with disabilities and provide support for their full integration. Key among those measures was the promulgation of the Compulsory Education Act No. 118 of 1976, article 1 of which provides that: “1. Primary education shall be free of charge and compulsory for all children who attain primary school age at the start of the school year or by 31 December of that

year.” Article 9 (as amended in 1987) provides that: “The Ministry of Education shall endeavour to increase the number of special classes in mainstream primary schools for those with learning difficulties, the visually-impaired, the hearing-impaired, and others not categorized as disabled under the Social Welfare Act No. 126 of 1980, as amended, in order to ensure their education, care and guidance and the development of their capabilities to the required standard.”

132. Pursuant to Ministry of Education Regulation No. 13 of 1972, a special section named the Special Education Section was established to cater for persons with disabilities as part of the Directorate-General for Public Education.

133. Article 34 of the new permanent Constitution proclaimed in 2005 provides as follows:

“I. Education is fundamental to the advancement of society and is a right guaranteed by the State. Primary education is compulsory and the State shall guarantee to combat illiteracy;

“II. All Iraqis have the right to free education at all levels;

“III. The State shall encourage scientific research for peaceful purposes in the interest of humanity and shall foster excellence, creativity, innovation and all manifestations of genius;

“IV. Private and public education shall be guaranteed, as regulated by law.”

134. The following divisions have been created in the Special Education Section:

(a) The Division for Special Needs (established at the request of the General Secretariat of the Council of Ministers and pursuant to Communiqué No. 25913 of 9 May 2011), the functions of which include: managing the affairs of children with disabilities as part of the project for the integration of such children into mainstream school classes (inclusive education) and the plan to increase the number of integrated and inclusive schools; following up implementation of the supplementary vocational training project for students with disabilities; and monitoring the process for examining and diagnosing students with disabilities, in conjunction with the Ministry of Health;

(b) The Division for Information (established pursuant to Communiqué No. 1038 of 18 March 2004), the functions of which include: monitoring progress in the development of a database on the annual plan for the expansion of special education classes in the first four years (special first to fourth grades); following up implementation of the annual plan for expansion of the first and second grades in the light of the directives for the first diagnostic year; and developing a database on the plan to expand the project for inclusive education in mainstream schools, the project for supplementary classes (special fifth and sixth grades), and parallel education;

(c) The Division for Diagnostic Psychological Testing and Assessment (established pursuant to Communiqué No. 1038 of 18 March 2004), the functions of which include: preparing a test kit for early diagnosis; sending completed test kits to all provincial Directorates-General for Education so that the competent staff can use them in their work; and organizing courses to demonstrate to such staff how the test kit works;

(d) The Division for Gifted and Talented Children (established pursuant to Communiqué No. 5357 of 22 December 2013), the functions of which include: implementing a project for identifying gifted children and ways in which they can be catered for at an early age by the provincial Directorates-General for Education; circulating to those Directorates-General initial rules for identifying potentially gifted children through testing; and carrying out centrally approved psychological testing and assessment of children for diagnostic purposes.

135. As to the numbers and percentages of students with disabilities enrolled for education, the tables below show the number of schools offering special education classes by year.

Schools with special education classes for the school year 2009/10

	<i>Boys</i>	<i>Girls</i>	<i>Mixed</i>	<i>Total</i>
Schools	338	343	218	889
Number of students	5 056	4 647	-	9 704
Number of divisions	353	365	364	1 073
Number of educational bodies	215	1 097	-	1 312

Schools with special education classes for the school year 2010/11

	<i>Boys</i>	<i>Girls</i>	<i>Mixed</i>	<i>Total</i>
Schools	374	380	254	1 008
Number of students	5 399	5 160	-	10 559
Number of divisions	423	399	401	1 223
Number of educational bodies	251	1 168	-	1 419

Schools with special education classes for the school year 2013/14

	<i>Boys</i>	<i>Girls</i>	<i>Mixed</i>	<i>Total</i>
Schools	275	462	412	1 249
Number of students	7 617	7 591	-	10 208
Number of divisions	467	510	490	1 223
Number of educational bodies	322	1 391	-	1 713

136. A specialized administrative unit has been set up under the Directorate-General for Curricula at the Ministry of Education to write curricula for persons with disabilities and special needs.

137. In referring to the functions of the Ministry of Education, the Care of Persons with Disabilities and Special Needs Act No. 38 of 2013 states that the Ministry is responsible for:

(a) Ensuring primary and secondary education of all types for persons with disabilities and special needs on the basis of their capacities and the availability of programmes for special education, integrated and inclusive education, and parallel education;

(b) Supervising educational institutions that cater for persons with disabilities and special needs;

(c) Developing education curricula for persons with disabilities and special needs;

(d) Identifying and supplying free of charge essential equipment for assisting the education and schooling of persons with disabilities and special needs;

(e) Supplying qualified teaching and technical personnel to work with students, starting at early childhood level, and paying them the necessary professional allowances.

138. In referring to the functions of the Ministry of Higher Education and Scientific Research, the Care of Persons with Disabilities and Special Needs Act states that the Ministry is responsible for:

(a) Providing education opportunities for persons with disabilities and special needs in accordance with their capacities and potential;

(b) Training specially qualified teaching and technical personnel to work with all categories of persons with disabilities and special needs;

(c) Reserving one place in each post-graduate specialization for persons with disabilities and special needs.

139. In the Kurdistan Region of Iraq, the Ministry of the Interior is implementing a plan for integrating those with special education needs into schools and eliminating disparity among groups, especially in basic education. The plan is focused on ensuring equal opportunities and improving the quality of the provision for all school students in order to achieve tangible results, notably with respect to essential life skills. The plan is also designed to enhance the contribution of formal education where the need arises and where education fails to meet the needs of all groups of learners, particularly given the principled commitments made to enrol children with special needs in schools and provide them with educational and administrative support alongside the bodies and institutions involved in providing a basic education. In 2007, the Ministry's Directorate for Special Education was established under the Directorate-General for Basic Education to take charge of matters relating to persons with special needs. It has acted to achieve the desired objectives of the plan by:

- Guaranteeing the right of persons with special needs to equal opportunity of access to educational and learning facilities within the framework of the curricula used in those facilities;
- Making the educational diagnosis required to determine the nature and extent of disability;
- Providing educational curricula and materials and appropriate facilities;
- Providing education of all types and at all levels for persons with disabilities in accordance with their needs;
- Training individuals with educational qualifications to teach persons with disabilities, each in accordance with his or her disability.

140. In 2007, in order to achieve the goals of the education policy provided for in the Ministry of Education Act No. 4 of 1994, the Ministry of Education began implementing programmes for the integration and inclusion of children with special needs in schools. Pursuant to Act No. 22 of 2011, concerning the rights of persons with disabilities and special needs in the Kurdistan Region of Iraq, an education plan has been developed with the aim of providing special education services for all such persons by way of an integration project and accomplishing the goals of education for all.

141. Also to be noted are the areas of focus in the national education plan for the integration of persons with special needs in the Kurdistan Region of Iraq and the table, set out in annex 2 to the present report, showing the figures produced by the Region's Ministry of Education for the year 2014/15.

142. The Ministry of Labour and Social Affairs in the Kurdistan Region of Iraq provides education and rehabilitation for persons with disabilities at four special institutes run by the Directorates-General for Social Welfare and Development in the governorates of the Region (Erbil, Dohuk and Sulaymaniyah) and at the Koye District Institute for the Deaf and Mute. There are 13 special institutes in the Kurdistan Region, including an institute for the blind, an institute for the deaf and mute, a physical rehabilitation and training institute, and an institute for persons with learning difficulties, which together catered for 930 students in the school year 2014/15. The table below provides a breakdown of the numbers.

<i>Dohuk</i>		<i>Sulaymaniyah</i>		<i>Erbil</i>		<i>Name of institute</i>
<i>Females</i>	<i>Males</i>	<i>Females</i>	<i>Males</i>	<i>Females</i>	<i>Males</i>	
28	34	56	55	104	125	Hiwa Institute for the Deaf and Mute
20	24	18	27	35	92	Awat Institute for Persons with Learning Difficulties
10	22	5	20	49	67	Ronaki Institute for the Blind
				7	16	Koye District Institute for the Deaf and Mute
11	12	15	37	16	22	Hana Rehabilitation Institute for Persons with Disabilities
161		233		533	927	Overall total

Article 25 Health

143. The right to health is enshrined in the Iraqi Constitution, with article 31, paragraph I, thereof providing that: “Every Iraqi has the right to health care. The State shall maintain public health and guarantee means of preventive health care and treatment by establishing different kinds of hospitals and health institutions.”

144. Pursuant to the Public Health Act, the State provides medical services, preventive health care, treatment and check-ups at hospitals and health centres for all citizens, without discrimination.

145. The Public Health Act No. 89 of 1981 sets out overall objectives, as in articles 1 to 3 thereof, which provide that full physical, mental and social fitness is a right guaranteed to all citizens and that the State must ensure the prerequisites for their enjoyment of that right so that they are able to participate in building and developing society.

146. It falls to the Ministry of Health to organize work in the health sector and produce a precise plan for ensuring that the material and human resources are available to see the work through and thus guarantee the delivery of integrated health services.

147. Other objectives are to make optimum use of health personnel; retain the number required to implement the health plan in each institution; provide training and refresher training for such personnel; guarantee their stability in the workplace; and make good use of the latest scientific and technological achievements.

148. Work is undertaken with other stakeholders to ensure that citizens are in good physical, mental and social health and free of disease and disability, with the focus on health care and prevention as the basis for maintaining health, through:

- Setting up, managing and developing health institutions and centres and helping to improve health levels;
- Combating and controlling communicable diseases;
- Promoting family health and providing care for mothers, children and older persons;
- Improving nutrition for all;
- Educating the public on health and raising health and environmental awareness through all means;
- Promoting mental health and providing the environment and services to guarantee it;
- Providing medicines, serums, vaccines, other essential medical supplies and glaucoma screening;
- Ensuring that the services of centres offering medical rehabilitation, physiotherapy and prostheses are available country-wide.

These measures form part of the approach to disability prevention adopted by the Ministry of Health.

149. In referring to the functions of the Ministry of Health, the Care of Persons with Disabilities and Special Needs Act states that the Ministry is responsible for:

- (a) Providing preventive care and treatment services, including genetic counselling, laboratory testing and analysis for early detection of disease, and essential immunizations;
- (b) Developing and implementing preventive care and health education programmes, including laboratory and field surveys for early detection of disability;
- (c) Providing all levels of medical and psychological rehabilitation services and treatment;
- (d) Providing primary health care for women with disabilities or women who need special prenatal, obstetric and postnatal care;

- (e) Providing free health insurance for persons with disabilities and special needs;
- (f) Recording and following up cases of children born with a susceptibility to disability;
- (g) Coordinating with stakeholders to provide persons with disabilities with the essentials of life and satisfy their social needs in order to promote their effective and natural integration into society;
- (h) Developing community-based rehabilitation for persons with disabilities by tailoring individual and joint projects to their health status and offering technical advice to the entities involved in providing and equipping accommodation for such persons;
- (i) Working to secure the cost of treatment, including surgical procedures, in Iraq and abroad, and any other requirements;
- (j) Delegating a competent medical committee to gauge levels of incapacity, in accordance with the Ministry of Health Directive issued on 16 November 1998 concerning disability assessment, in the light of which it is determined which categories of persons with disabilities and special needs are covered by the provisions of the Act.

Article 26

Habilitation and rehabilitation

150. The domestic legislation on health clearly pay attention to habilitation and rehabilitation for persons with disabilities. Article 32 of the Constitution provides that: “The State shall care for persons with disabilities and for those with special needs and shall guarantee their rehabilitation for the purpose of integrating them into society, as regulated by law.”

151. The Care of Persons with Disabilities and Special Needs Act No. 38 of 2013 sets out definitions for the following terms:

Habilitation: A coordinated process that makes use of medical, social, psychological, educational and vocational services to help persons with disabilities to attain the highest possible level of functional efficiency, with a view to enabling them to cope with the demands of their natural and social environment, developing their self-reliance and assist them in becoming, as far as possible, productive members of society.

Disability: Any restriction or lack of ability, resulting from an impairment or dysfunction, to perform an activity or interact with surroundings within the range considered normal for a human being.

Persons with special needs: Persons with an inability to perform their role and functions in relation to their peers of the same age and in the same social, economic and medical environment in such areas as education, sport, vocational training and family relationships. Persons of short stature are considered to have special needs.

152. The Ministry of Health operates in line with a community-based rehabilitation strategy and the community-based rehabilitation matrix developed by the World Health Organization (WHO), which consists of five key components (health, education, livelihood, social and empowerment).

153. In consistency with the aims of community-based rehabilitation, article 7 of the Social Welfare Act No. 126 of 1980 provides that: “The State shall strive to reduce the prevalence of disability in the community, care for those with physical and mental disabilities through assessment, rehabilitation and mobilization for work in accordance with their capacities in preparation for their integration into society, and take care of the material, health, social and psychological needs of those who are fully unable to work.”

154. The Care of Persons with Disabilities and Special Needs Act No. 38 of 2013 provides in section II, article 2, that the Act is intended to ensure the following:

1. Care for persons with disabilities and special needs and elimination of discrimination on the basis of disability or special need;
2. A favourable environment for the social integration of persons with disabilities and special needs;
3. A decent life for persons with disabilities and special needs;
4. Respect for and acceptance of disability as a part of human diversity and human nature;
5. Creation of job opportunities for persons with disabilities and special needs in government departments and the public, mixed and private sectors.

155. The Ministry of Labour and Social Affairs works to rehabilitate persons with disabilities, integrate them into society and improve their standard of living by including them in the community-based rehabilitation programme, which lends up to ID 3 million to persons with disabilities and covers the three Governorates of Nineveh, Babil and Karbala. Persons with disabilities are also to be included in the loan fund programme through the Community-based Rehabilitation Division. The Ministry further promotes the social integration of persons with disabilities by organizing courses for them at vocational rehabilitation institutes, finding employment for them in workshops and producer associations, and seeking job opportunities for them in other sectors in order to strengthen the labour market.

156. The Pensions and Social Security Act No. 39 of 1971 addresses the situation of persons with disabilities in accordance with the law. The Department of Pensions and Social Security provides rehabilitation services for disadvantaged workers who are incapacitated, in addition to prosthetic limbs, assistive devices and all other such necessities. Under article 5, disadvantaged workers who suffer a work injury and whose incapacity rating is 35 per cent or more are eligible to receive a partial pension.

157. In the Kurdistan Region of Iraq, Act No. 22 of 2011, concerning the rights and privileges of persons with disabilities and special needs, ensures that the necessary measures are taken to: promote the psychological integration of those persons into the community; provide them with access to care, protection, training and rehabilitation; eliminate the physical and social barriers depriving them of their rights and freedoms; and give them additional rights and privileges, both material and moral, in keeping with the core principles of international humanitarian law and the international conventions and treaties adopted by the United Nations General Assembly.

158. This Act covers insurance, social security and services required by persons with disabilities and special needs in the Region in all aspects of their lives, addressing such matters as identity cards, rehabilitation, rehabilitation centres and residential accommodation. The aims of the Act are set out below.

159. The first aim is to guarantee the rights of all persons with disabilities and special needs, as well as their enjoyment of all fundamental rights and freedoms on an equal basis with others.

160. The second is to guarantee their dignity and autonomy, including the freedom to make their own choices, and their independence.

161. The third is to develop the capacities of children with disabilities and special needs.

162. The fourth is to take all measures to promote the integration of all persons with disabilities and special needs into public life.

163. Under this Act, the Council for the Care and Rehabilitation of Persons with Disabilities and Special Needs was established. The Council is chaired by the Minister of Labour and has a membership comprising the Director-General for Social Welfare and Development in the Governorates and officials at director-general level and above representing the Ministries of Higher Education and Scientific Research, Education, Health, Culture, and Youth, in addition to a representative of associations for persons with disabilities and special needs.

164. The Council's functions are to: discuss and develop strategies; establish integrated policy models; determine procedures and make recommendations for the care and rehabilitation of persons with disabilities and special needs; and approve special programmes for raising social awareness of the rights of such persons.

165. In 2010, autism centres were opened in the Erbil, Sulaymaniyah and Dohuk Governorates in the Kurdistan Region of Iraq. These centres are tasked with, inter alia, securing and guaranteeing the rights of children with autism and taking all necessary action to ensure their education, training, rehabilitation and integration into everyday life. The following table shows the number of registered persons with autism and in receipt of allowances in the Kurdistan Region.

<i>Erbil</i>		<i>Sulaymaniyah</i>		<i>Dohuk</i>		<i>Total</i>
<i>Males</i>	<i>Females</i>	<i>Males</i>	<i>Females</i>	<i>Males</i>	<i>Females</i>	
186	42	64	20	88	24	424

166. Directive No. 1 of 2014 consists of 21 articles dealing with the rehabilitation, training and education provided in autism centres for children in the Kurdistan Region of Iraq. Working in conjunction with the Ministry of Health and the Ministry of Education, each of these centres aims to provide first-rate facilities for the children, assistance for their families, all health services, rehabilitation and training to enhance the children's lives, and educational materials, all of which promote the success of the educational process and the children's rehabilitation in terms of both practice and theory. There are 17 children registered in the autism centres in Erbil, 30 in Sulaymaniyah and 12 in Dohuk.

Article 27

Work and employment

167. The Iraqi Constitution of 2005 provides in article 22 that work is a right for all Iraqis so as to guarantee them a decent living.

168. The Care of Persons with Disabilities and Special Needs Act No. 38 of 2013 provides that employers are liable to a fine of ID 500,000 for any breach of article 2, paragraph II, thereof, pursuant to which employers employing between 30 and 60 workers in the mixed sector are obliged to employ one worker with a disability or special needs from among those with the minimum required qualifications. If they employ more than 60 workers, persons with disabilities or special needs must account for a minimum of 3 per cent of the total.

169. Pursuant to Council of Ministers Decision No. 205 of 2013, government departments are required to employ persons with disabilities and special needs, with 3 per cent of posts in all ministries, non-ministerial agencies and governorates reserved for persons with special needs.

170. Iraq is a party to various conventions of the International Labour Organization (ILO), including those relating to employment, labour, wages, human resources development, safeguards for working women, protection for indigenous communities, holidays, and rest (Convention Nos. 1, 8, 11, 14, 16, 17, 19, 22, 23, 26, 27, 28, 29, 30, 42, 77, 78, 80, 81, 88, 89, 92, 93, 94, 95, 98, 100, 105, 106, 107, 108, 111 of 1957 (concerning discrimination in employment and occupation), 115, 116, 118, 119, 120, 122 of 1964 (concerning employment policy), 131, 132, 135, 136, 137, 138, 139, 140, 142, 144, 145, 146, 147, 148, 149, 150, 152, 153, 167, 172 and 182).

171. Iraq is also a party to the following ILO Conventions:

- Convention No. 131 of 1970, concerning minimum wage fixing
- Convention No. 100 of 1951, concerning equal remuneration
- Convention No. 14 of 1921, concerning weekly rest (industry)
- Convention No. 106 of 1957, concerning weekly rest (commerce and offices)

- Convention No. 132 of 1970, concerning holidays with pay
- Convention No. 81 of 1947, concerning labour inspection

172. The employment policy in Iraq is aimed at capitalizing on work to further the process of building the national economy in order to create prosperity and improve living conditions. Job seekers may find appropriate work in government departments and the private, mixed and cooperative sectors by applying directly or by registering with the Department of Employment and Vocational Training at the Ministry of Labour and Social Affairs, which identifies potential job opportunities for them on the basis of whether they meet the specific criteria set by the employers. The employment offices run by the Department of Labour and Social Security (the department in charge of employment in Iraq) are an essential tool for keeping track of employment and labour market trends by way of those registered with them who find work as a result, whether directly or indirectly, or those whose employment is notified to them by employers. The Department is in charge of collecting and analysing data on employment and labour market trends, which it publishes in quarterly and annual reports. Surveys of projects, the labour force and wages are periodically conducted, published and circulated to the relevant authorities, in particular the Ministry of Planning, as are studies on workers' assemblies.

173. It should be pointed out that exceptions, distinctions, restrictions and legal differences on the basis of ethnicity, colour, sex, religion, political opinion, nationality or social status are non-existent in administrative practices and working relations.

174. Ministries instruct their procurement committees to coordinate with the Producers' Cooperative Sewing Association concerning the possibility of purchasing its products in order to support the community of persons with disabilities.

Article 28

Adequate standard of living and social protection

175. The Iraqi Constitution enshrines the right of citizens to work, education, equal opportunity, protection and care at all stages.

176. The Care of Persons with Disabilities and Special Needs Act No. 38 of 2012 provides that persons with disabilities are entitled to the following:

- I. Exemption from taxation on 10 per cent of their income;
- II. Soft loans, in accordance with the law;
- III. A monthly cash benefit proportional to the disability rating determined by a medical committee, in accordance with the Social Protection Net Act.

177. Under article 18 of the Rights of Persons with Disabilities Act No. 18, individual and collective means of transport for persons with disabilities and special needs are exempt from tax and duty, whether imported by those persons directly or by the Commission for Persons with Disabilities. The exemption is renewed after five years before another vehicle is purchased. The tax and duty are payable if the ownership of a vehicle is transferred to a person without a disability or special need before the period has expired. Article 19 of the Act states that persons with a disability are entitled to a full-time helper at Government expense where their degree of incapacity is such as to prevent them from fulfilling the demands of normal life and where a competent medical committee determines in accordance with the Ministry of Health Directive issued on 16 November 1998, concerning disability assessment, that they require a constant attendant to take care of their needs. Full-time helpers have the following rights:

- For those who are public servants in receipt of a salary from the State, leave with full pay, together with the same fixed allowances and other privileges as their fellow public servants, and annual renewal of the appointment;
- For those who are not public servants, a monthly salary equal to the minimum for public servants;

- Privileges afforded to full-time helpers are stopped if they return to their former employment or go on to study at home or abroad.

178. With respect to public housing programmes, the cost of a residential unit is reduced by 75 per cent for all those with any kind of disability who are registered with a care centre in Baghdad or any of the governorates.

179. Persons with disabilities are diagnosed at disability diagnostic centres run by the Department for Special Needs Welfare of the Ministry of Labour and Social Affairs, which cover all specialties (mental health, eyes, nose, throat, medical rehabilitation). Other medical committees at the Ministry make diagnoses to determine whether a person qualifies for a social protection allowance, in accordance with the law.

180. The Social Protection Act No. 11 of 2014 covers all types of disabilities, as well as persons with special needs and those in receipt of a social protection allowance for improving their living standard. The table below shows the statistics on persons with disabilities as at 2014.

<i>Governorate</i>	<i>Total</i>
Baghdad	48 400
Wasit	7 732
Diyala	5 530
Anbar	15 336
Basrah	22 090
Maysan	8 827
Dhi Qar	6 969
Babil	9 782
Karbala	6 270
Diwaniyah	4 976
Kirkuk	7 296
Nineveh	33 311
Muthanna	5 231
Najaf	10 294
Salah al-Din	8 174
Balad and Dujail	4 993
Total	205 211

181. In the Kurdistan Region of Iraq, a monthly allowance of ID 150,000 is provided for every person with a disability or a special need. According to the latest figures, a total of 107,655 individuals in the Region receive the allowance. Disability ratings are determined by a competent medical committee, as stipulated in Act No. 22 of 2011, concerning the rights of persons with disabilities and special needs in the Kurdistan Region of Iraq, and Ministry of Labour Directive No. 2 of 2012. Beneficiaries of the assistance include individuals with physical disabilities, blindness, paralysis, cerebral palsy, dwarfism, autism, deafness, mutism, thalassemia, haemophilia, learning difficulties, schizophrenia, personality disorder or severe diabetes. Disability is rated on the basis of health directives.

182. In accordance with article 7 of the law governing exclusion from the provisions of the Civil Service Act No. 24 of 1969 and from the rules on leave, a public servant with a disability or special need who is pregnant may take special leave, where recommended by a medical committee on the basis of her condition, in which case she still receives full pay and the leave is not calculated as part of her other leave.

183. Pursuant to article 8, which deals with full-time disability care, all carers are entitled to full-time compensation if caring for persons with disabilities and special needs whose inability to attend to their own daily needs and look after themselves is permanent and whose incapacity has been rated at 100 per cent by a special medical committee. Full-time carers in receipt of a salary from the Government are granted leave with full pay, together with all fixed allowances, bonuses, promotions and entitlements. If they are caring for two

persons, they receive in addition a salary equal to the minimum for public servants in the Region. All leave for full-time carers is renewed every year. Full-time carers not in receipt of a salary from the Government who are caring for one person receive a salary equal to the minimum for public servants in the Region. If caring for two persons, they receive a salary equalling 150 per cent of the minimum for public servants in the Region. Financial directives have been issued on the subject in accordance with Directive No. 12 of 25 March 2013 and Directive No. 12 of 1 July 2014, the aim being to increase the number of social services provided to persons with disabilities and special needs.

Article 29

Participation in political and public life

184. National legislation guarantees the right of all citizens to political participation, as affirmed in the provisions below.

185. The Iraqi Constitution states in in chapter II, article 20, that: “Iraqi citizens, both men and women, shall have the right to participate in public affairs and to enjoy political rights, including the right to vote, be elected and run for office.”

186. Article 4 of the current Electoral Act provides that:

I. Voting is the right of all Iraqis who fulfil the conditions stipulated in the present Act for the exercise of that right, without distinction as to sex, race, ethnicity, origin, confession, belief, opinion, or economic or social status.

II. All voters shall exercise their right to cast a free, direct, secret and individual vote in elections. Voting may not be by proxy.

Article 30

Participation in cultural life, recreation, leisure and sport

187. The Iraqi Constitution provides in article 35 that: “The State shall promote cultural activities and institutions in a manner appropriate to the civilizational and cultural history of Iraq and shall endeavour to pursue authentic Iraqi cultural trends.”

188. Article 36 of the Constitution provides that: “Every individual shall have the right to practise sport and the State shall encourage, sponsor and provide the necessities for sports activities.”

189. In referring to the functions of the Ministry of Youth and Sports, the Care of Persons with Disabilities and Special Needs Act states that the Ministry is responsible for:

(a) Establishing and supporting sports centres and clubs with the aim of providing opportunities for persons with disabilities and special needs to engage in sports activities so as to meet their needs and develop their capacities;

(b) Promoting the participation of athletes with disabilities and special needs in national and international sports events and conferences;

(c) Incorporating sports and recreational programmes and activities into the programmes run by institutions, centres and schools working in the field of disability, providing specialized personnel, and supplying appropriate equipment.

190. Iraq participates in local, national, regional and international competitions and championships, achieving great sporting successes. The triumphs of the Iraqi National Paralympic Committee for the years 2011, 2012 and 2013 are set out in annex 3.

191. The cultural centres operated in all governorates by the Ministry of Culture’s Department of Cultural Relations are the main channels through which public participation in cultural life is encouraged. The Department also provides financial and other support to civil society organizations and engages in their various activities.

192. Exhibition venues are easily accessible, affordable transport is provided on exhibition days, and admission to art exhibitions is frequently free for children.

193. Most departments at the Ministry of Culture use modern technology for documenting, archiving and gathering information and for protecting the heritage of local, national and international popular culture. Several departments have their own Internet sites, which are regularly updated and offer a variety of content specific to the department's area of competence.

194. Through the Children's Culture Publishing House and the distribution of magazines, books and other publications, the Ministry plays an instrumental part in encouraging children in schools and kindergartens to take an interest in artistic and cultural activities (theatre and music). It also organizes courses in art, culture and computing for the many school students taking part in those activities, as well as trips to tourist and archaeological sites.

195. The Ministry of Culture works constantly to overcome or reduce obstacles to the participation of older persons and persons with disabilities in cultural life, including by regularly extending open invitations for them to attend various events.

196. Academic and vocational education overseen by the Ministry of Culture is limited to the following institutions:

- The Academy of Music, which awards a post-intermediate diploma in music;
- The Music and Ballet School, which offers courses at the primary, intermediate and preparatory levels;
- The Crafts Academy of the Arts and Popular Heritage, which is run by the Department of Visual Arts;
- Courses and workshops organized by the departments, each within its field of competence, to provide training in fashion design, Arabic calligraphy, sculpture, metalwork and wood engraving.

197. There are various ways of accessing information about scientific and technical achievements and advances through modern communications and affordable courses organized and paid for by cultural departments.

198. Most departments have the following:

- Libraries;
- Newspapers;
- Internet;
- These are available free of charge to all.

199. The Ministry of Labour and Social Affairs organizes recreational and sports programmes and activities, including sports festivals and excursions to religious and tourist sites.

200. As to the Kurdistan Region of Iraq, the Kurdish Paralympic Committee was established in 2008 and is headquartered in Erbil. The Committee membership is composed of the General Authority, the Executive Office, representative offices located in the Erbil, Sulaymaniyah and Dohuk Governorates, and the following sports federations:

- The Table Tennis Federation, which has had major successes, achieved by both sexes, in Kurdistan and Iraq;
- The Wheelchair Basketball Federation, which has achieved successes in Kurdistan and Iraq and has three teams in the governorates of the Region;
- The Goalball Federation, which has achieved successes at home and abroad and also has three teams in the governorates of the Region;
- The Athletics Federation, which has three teams for each event in the governorates of the Region, has achieved successes in Kurdistan and Iraq, and has a world champion;
- The Deaf Football Federation, which has three teams in the governorates of the Region, has likewise achieved successes in Kurdistan, and takes part in the Iraq

championships, added to which there are deaf women table tennis players with major successes to their name;

- The Sitting Volleyball Federation.

201. The Committee is planning in future to establish federations for swimming, weightlifting, fencing, archery and badminton federations.

IV. Key theme III: Rights of boys, girls and women with disabilities

Article 6 Women with disabilities

202. The Iraqi Constitution of 2005 contains references affirming that the Government's approach is based on principles of equality and participation. The preamble to the Constitution states: "We, the people of Iraq, have resolved with the determination of our men and women to respect the rule of law and to establish justice and equality for all Iraqis." Full economic, political, social and cultural rights are furthermore enshrined in numerous articles of the Constitution, as in those set out below:

Article 14, which provides as follows: "Iraqis are equal before the law, without distinction as to sex, race, ethnicity, origin, colour, religion, confession, belief, opinion, or economic or social status.

Article 18, paragraph I, provides that a woman has the right to pass on her nationality to her children. Council of Ministers Decision No. 434 of December 2009 approved a bill to remove the reservation of the Republic of Iraq to article 9 of the Convention on the Elimination of All Forms of Discrimination against Women. The bill was proposed by the Ministry of Human Rights and tabled before parliament for approval in view of the fact that the reservation no longer had any legal effect in the light of article 18, paragraph II, of the current Constitution and the Iraqi Nationality Act No. 36 of 2006, which give women equal rights with men to pass on their nationality to their children.

Article 20 provides that Iraqi citizens, both men and women, have the right to participate in public affairs and enjoy political rights.

Article 22, paragraph I, affirms that work is a right for all Iraqis.

Articles 31, 32 and 33 deal with the health-related rights of Iraqis, including the right to preventive care and treatment in a safe environment.

Article 34 affirms that the State guarantees the right to education for all Iraqis.

203. Article 41 provides as follows: "Iraqis are free in their commitment to their personal status in keeping with their religion, confession, beliefs or choices, as regulated by law." This article sparked a major debate in that it leaned towards a repeal of the current Personal Status Code (Act No. 188) of 1959, which would have social consequences. A number of NGOs, with support from certain political quarters and members of Council of Representatives, were therefore driven to mount campaigns calling for its annulment. As a result of this national drive, the article was ultimately deemed controversial and is to be substantively reviewed during the current electoral cycle. It should be said that this article is in the spirit of Decision No. 137 of 29 December 2003, which repealed the Personal Status Code (Act No. 188) of 1959 and which was then itself repealed following concerted protests from political forces in the country and Iraqi women's NGOs.

204. The Labour Code (Act No. 71) of 1987, as amended, devotes an entire chapter to the rights of working women and their protection. The Ministry of Labour and Social Affairs has drafted a new law on women employed in the private sector, who are thus set to be granted a number of additional privileges.

205. The Iraqi Government has adopted various measures and policies at different levels for advancing the status of women, the most important of which are described below.

206. The Ministry of Health has:

(a) Established a section for monitoring violations of women's human rights in Iraq, which produces an annual report on the status of women's rights, in addition to which the Ministry is a member of relevant committees and has reached out to stakeholders in an effort to involve them in the work of amending certain laws and proposing new policies;

(b) Established the National Centre for Human Rights, which has endeavoured to:

- Provide general human rights awareness and training, to which end it has organized workshops in Baghdad and all governorates for numerous groups, including a great many women, to increase the visibility of the Convention on the Rights of Persons with Disabilities and the Convention on the Elimination of All Forms of Discrimination against Women, and workshops for various groups in virtually all governorates to raise awareness of domestic violence, violence against women, and human trafficking;
- Increase awareness of the Convention on the Rights of Persons with Disabilities and the Convention on the Elimination of All Forms of Discrimination against Women by including them as a subject in all of its core courses;
- The Ministry's provincial offices have also run various training courses for institutions in the main provincial towns, districts and subdistricts on the subject of women's rights, the Convention on the Rights of Persons with Disabilities and the Convention on the Elimination of All Forms of Discrimination against Women.

207. Action taken by the Ministry of State for Women's Affairs has included:

(a) Running a national campaign to fight violence against women, which entailed organizing legal seminars initially for ministries of State and then rolling them out to the governorates; working with relevant ministries and NGOs on drafting a domestic violence bill; and launching a campaign against domestic violence with the involvement of most ministries of State;

(b) Designing, implementing and following up on a gender awareness programme with input from female officers from ministries of State, government institutions and NGOs; developing in cooperation with relevant United Nations organizations financial policies incorporating the gender perspective and taking into account the link between gender and sustainable development; and supervising surveys relating to women in order to determine the status of women in the workplace and in decision-making;

(c) Disseminating information on the Convention on the Elimination of All Forms of Discrimination against Women; running extensive legal literacy campaigns targeted at Iraqi women; and organizing training and education workshops in all governorates to inform public servants, both male and female, about the rights afforded to women under the Constitution in conformity with international human rights standards.

208. The Department of Women's Welfare was formed at the Ministry of Labour and Social Affairs on 22 July 2008 and commenced operations on 15 January 2009. The Department is concerned with matters relating to widows, divorcees, unmarried women and women whose husbands are missing. The social protection net provides allowances for women who have no male provider, women with disabilities and non-working women. It also focuses on education and training aimed at building women's capacities and achieving women's empowerment. It furthermore seeks to create employment opportunities for women by matching them to jobs on the basis of their academic and professional capacities and to ensure that a proportion of government jobs, housing units and small loans are reserved for women.

209. A sectoral committee of relevant ministries was established pursuant to Diwani Order No. 80 of 2009, issued by the General Secretariat of the Council of Ministers. Chaired by the Ministry of State for Women's Affairs, it comprises representatives of the Ministry of the Interior, the Ministry of Human Rights, the Ministry of Labour and Social

Affairs, and the Ministry of State for Civil Society Affairs. Its job is to review the legislation in order to root out any discrimination against women, ensure realization of the rights guaranteed to women under the Personal Status Code, establish family reconciliation offices, create special women's sections in police stations, and train women police officers in women's rights. The committee has made recommendations centred on protecting women from domestic violence and guaranteeing women's human rights, key among them the recommendation to create the Directorate for Family Protection in order to protect families from violence and offer maximum protection for anyone having experienced abuse. The Directorate initially piloted its activities in Baghdad Governorate and subsequently extended them to all other governorates on the strength of their success. It now has two main offices, the first of which was opened in Karkh on 28 February 2010 and the second in Rusafah on 20 July 2010. The sectoral committee also works with the United Nations Development Programme (UNDP) to develop strategies for the advancement of women. The Ministry of Human Rights has furthermore proposed that the above ministries should be involved in drafting a domestic violence bill. It has also produced a study on discrimination against women in the Criminal Code (Act No. 111) of 1969 and recommended a review of the Personal Status Code (Act No. 188) of 1959.

Article 7

Children with disabilities

210. The welfare of children forms the linchpin for the development of human resources and is addressed by the Ministry of Labour and Social Affairs through the Child Welfare Commission, which is headed by the Minister of Labour and Social Affairs and includes in its membership representatives of relevant ministries (Labour and Social Affairs, Health, Culture, Planning, Ministry of State for Women's Affairs, Foreign Affairs, the Interior, Environment, and Human Rights). The head of the Commission may nominate two experts as members and invite representatives of the Iraqi Red Crescent Society and the Family Planning Association to express their views during the Commission's meetings. The Commission reports directly to the Prime Minister, who oversees its work and approves the minutes of its meetings. The Commission is currently preparing a national strategy for children and works with:

- Orphaned children
- Children deprived of a family environment
- Children with disabilities

211. The child protection bill was transmitted to the State Consultative Council by the Ministry of Labour and Social Affairs in 2013 and is still under consideration. The aim of the bill is to ensure that children's rights in Iraq are effectively protected through:

- Action guided by divine teachings and the principles enunciated in international treaties and conventions;
- Steps to harmonize child protection legislation takes account of the situation on the ground;
- Efforts to ensure that the State, families, civil society organizations and individuals comply with their obligations under child protection legislation;
- The establishment of preventive and remedial measures to protect children from disease, delinquency and ignorance.

212. The bill comprises 100 articles divided among 9 chapters dealing with: general rights of children; children's right to health care; residential care for children in nurseries and State-run homes (alternative care); children's right to education at all stages of development, including the preschool stage; children's right to participate in cultural life through efforts to meet their need for access to literature, the arts, knowledge and information, which are bound up with the values of society and the advancement of modern science; children's right to protection from economic exploitation; care and rehabilitation for children with special needs; action by the State to protect children from engagement in

any activity likely to have an adverse impact on their education or physical and mental health; and the protection of children from violence, delinquency and armed conflict. Chapter IX contains provisions concerning the treatment of young offenders and juveniles at risk of offending.

213. The issue of birth defects has been taken up in view of its significance for children with disabilities. A survey covering 18 key regions where there have been security problems found a prevalence of approximately 23 birth defects per 1,000 live births, which comes close to the global proportion of between 20 and 40 birth defects per 1,000 live births. An epidemiological surveillance plan covering disability from birth has been developed using the database on child disability and is being implemented by health professionals in communities and health institutions. Disabilities at birth are also detected early thanks to the awareness training provided to midwives as part of the midwifery strategy, which additionally stresses the importance of awareness-raising among families in general and mothers in particular and of monitoring children with special needs. These matters are similarly underlined within the partnership mechanism involving the remaining parties and in the Child Welfare Commission, in which the Ministry of Health is represented by the Department of Public Health.

214. A bill on children's rights has also been drafted by ministries in the Kurdistan Region of Iraq (Ministry of Labour and Social Affairs, Ministry of Education, Ministry of Culture and Ministry of Health), the Office of the United Nations High Commissioner for Human Rights (OHCHR) and Kurdistan Save the Children, with assistance from UNICEF. The bill covers all aspects of children's lives, including education, health and social status, and has been transmitted to the Council of Ministers.

215. Academic and vocational curricula have been developed for children with disabilities (academic and vocational education), together with a national strategy for integrated and inclusive education covering 30 per cent of the schools in each governorate. Efforts are also being made to cater for children with cochlear implants in special education classes in primary schools.

216. The number of students with disabilities amounted to 9,703 in the school year 2009/10 and 13,005 in the school year 2012/13. There were 899 schools with special education classes in the school year 2009/10 and 1,312 in the school year 2012/13. In the Kurdistan Region of Iraq, there were 544 schools with special education classes in the school year 2012/13.

217. Specific directives have been issued to ensure that schools cater for children with a disability affecting their lower or upper limbs by providing safe access to and from the school premises for such children, as well as medical support.

218. The Department for Special Needs Welfare also provides services for those with special needs in accordance with the Social Welfare Act No. 126 of 1980 and through the specialist sections described below.

A. The State-run Homes Section

219. State-run homes are residential care institutions for children, minors and juveniles who come from broken homes or have lost one or both parents. They offer a safe environment for residents that compensates for their loss of family affection and keeps any potential feeling of inferiority at bay. These homes take in those aged between 1 day and 18 years who are in the above situations owing to death, disability, detention, imprisonment or loss or lack of legal capacity, in addition to children of unknown parentage. The homes provide residents with free food and clothing, pocket money and all their other health, educational and recreational requirements, working in conjunction with governmental and non-governmental entities, such as the Ministries of Education, Health, Youth, and Culture, competent civil society organizations and others, to give the highest standard of service. They also enrol their residents for all kinds and levels of education in accordance with their age groups, the aim being to promote their physical, spiritual, social and intellectual development in a normal manner and in conditions of freedom and dignity and to ensure the

holistic development of their personalities by making them feel loved and understood and by providing a caring environment in which they feel physically and emotionally safe. The State operates 23 such homes in all.

220. Services and programmes offered to residents of State-run homes:

- State-run homes provide their residents with all the facilities needed to develop their aptitudes and capacities by organizing training, cultural, arts, sports, leisure, health and educational programmes, as well as various games appropriate to their age groups. They also organize excursions and tours and, in collaboration with the above-mentioned entities, offer a variety of vocational and technical training programmes in various trades for residents in the 16–17 age group before they finally leave the home, particularly if they are not enrolled for further education. The programmes for first-grade students up to 8 years of age are tailored to their stage of intellectual and physical development and the components of the general activity programme for subsequent grades are similarly age-specific;
- The general activity programme for boys and girls in the 12–18 age group is based on the social welfare policy of the homes, the actual purpose of which goes far beyond providing accommodation and meeting the material and educational needs of their young residents. The State-run homes are in fact a substitute for the family and for the small residential community or neighbourhood with its own social relationships and largely independent activities, as well as its own relationships with the wider community at large. In order to be successful as that substitute from the standpoint of social education and reflect humanitarian concepts and positive relationships as closely as possible in their work, it is essential for the homes to run programmes covering, to the extent possible, all aspects of life in a truly democratic manner that allows residents a certain amount of freedom to develop a positive personality and rid themselves of the feeling that they are going through a temporary phase. Residents should be made to feel that the time spent in the home is both rewarding and enjoyable. The general activity programme in each home is supervised by the following committees:

The Social Committee, which is responsible for:

- Maintaining harmonious relations within the home and with external bodies;
- Arranging excursions and visits to historical sites, recreational areas and museums and familiarizing residents with the country's provincial areas;
- Organizing evenings, celebrations and festivals to mark national and religious occasions and holidays;
- Making a record of the home's activities, celebrations and excursions through photographs and films taken by its photographers.

The Cultural Committee, which is responsible for:

- Overseeing internal announcements, the internal radio station and wall posters, disseminating daily newspapers, and broadcasting articles from those newspapers;
- Organizing literary (poetry and prose) competitions and encouraging and developing the literary talents and aptitudes of residents;
- Holding cultural symposiums at which experts give talks on literature, culture and religion.

The Arts Committee, which is responsible for:

- Providing the essentials needed for residents to pursue their interests in the visual arts and music.

The Sports Committee, which is responsible for:

- Assembling and training teams in different sports.

221. Each of the above committees is chaired by a social worker and has a membership comprising three residents, in addition to one of the home's staff, who serves as a special member.

222. The General Activity Committee, which is chaired by the home's director and has a membership comprising the chairpersons of the four above-mentioned committees, is responsible for:

- Coordinating and scheduling the activities of the Committees;
- Providing the resources and essentials needed for the Committees to fulfil their functions;
- Awarding prizes to academically outstanding students;
- Supervising the home's science group (a group excelling in any of the applied sciences, such as electrical or mechanical engineering), providing the materials required by the group, and organizing displays of its work.

B. The Physical Disability Centre

223. The work carried out by the Physical Disability Centre, which oversees 34 administrative units in Baghdad and the governorates, is divided among four specific areas of focus:

- Twenty-two institutes for the deaf and dumb, of which 7 are in Baghdad and 15 in the provinces (one in each governorate, with the exception of the Kurdistan Region);
- Nine institutes for the blind, of which five are in Baghdad and the other four in Nineveh, Basrah, Najaf and Diwaniyah;
- Two institutes for persons with physical or motor disabilities, both of which are in Baghdad;
- Five vocational rehabilitation institutes, of which two are in Baghdad and the other three in Nineveh, Basrah and Kirkuk.

In accordance with Directive Nos. 4 to 6 of 1992, issued pursuant to the Social Welfare Act No. 126 of 1980, these are socio-educational institutions and differ from institutes for those with mental disabilities in that they follow the Ministry of Education's primary and intermediate curricula. Institutes for the blind follow only the primary curriculum, which is also being piloted in institutes for the deaf and mute so that their students are able to obtain a primary education certificate. This system is currently being evaluated by a joint ministerial committee established by the Ministry of Labour and the Ministry of Education. The basic aim of institutes for persons with physical disabilities is to give those persons an education and facilitate their social integration through the exercise of their natural right to education and employment opportunities in order to improve their standard of living, bring them into the labour force and utilize their capacities in a manner that benefits society. Art, recreational and sports programmes are also available to them.

C. The Mental Disability Centre

224. The Mental Disability Centre caters for children from 6 to 15 years of age with all categories of mental disability (mild, moderate and severe), as well as for those with Down's syndrome or autism. The Centre supervises 17 State-run institutes, of which 6 are in Baghdad and 11 in the provinces, and children are referred by the Disability Diagnostic Centre to the institute nearest to their place of residence. The main function of these institutes is to provide educational, health, sociological and transport services and organize artistic and sports activities.

D. The Workshops and Cooperatives Section

225. Workshops, cooperatives and producer associations for persons with disabilities integrate those persons into society by utilizing their production capacities in forms of employment suited to their intellectual and physical aptitudes. The Section supervises four protected workshops employing persons with severe disabilities and a partial capacity for work and seven producers' cooperatives employing persons with disabilities of both sexes who are able to work. It provides these persons with the following services:

- Transport from where they live to the workshop or cooperative and vice versa;
- Employment suited to their intellectual and physical aptitudes so that they can become self-reliant and obtain remuneration sufficient to meet their needs and assist their families;
- Recreational and sports activities;
- Health care, including free medical examinations and treatment;
- Involving them in displaying their products at local and international exhibitions;
- Assistance in overcoming problems encountered in their work and family environment.

226. The table below shows the number of units and the number of those benefiting from the services of the Workshops and Cooperatives Section in Baghdad and the governorates.

	<i>Name of workshop or cooperative and governorate</i>	<i>Males</i>	<i>Females</i>	<i>Total</i>
1	Protected sewing workshop/Baghdad (mixed/mental and physical)	38	6	44
2	Protected workshop/Baghdad (deaf, mute, and mild mental disability)	24	2	26
3	Carpentry workshop/Baghdad (deaf, mute, and physical disability)	7	None	7
4	Sewing Association for the Deaf and Mute/Baghdad (deaf and mute)	8	17	25
5	Carpentry Association for the Deaf and Mute/Baghdad (deaf and mute)	13	None	13
6	Association for Persons with Physical Disabilities/Baghdad (physical disability)	5	8	13
7	Protected workshop/Baghdad (deaf, mute, and mild mental disability)	27	4	31
8	Cooperative Producers' Society/Anbar (deaf and mute)	5	2	7
9	Cooperative Producers' Society/Nineveh (deaf and mute)	20	30	50
10	Cooperative Producers' Society/Basrah (deaf and mute)	0	64	64
11	Cooperative Producers' Society for Persons with Disabilities/Najaf (deaf and mute)	3	16	19
	Total	150	149	299

E. The Total Disability Section

227. This Section provides the following services, on a basis of equality, to all persons with severe disabilities and to older persons suffering from family breakdown and homelessness:

- Accommodation and all forms of health, social and rehabilitation services for all persons over 4 years of age who have severe disabilities and lack family care. There

are two places of accommodation, one in Baghdad and the other in Karbala, to which such persons are admitted in accordance with Directive No. 2 of 1991, which coincided with the International Year of Disabled Persons;

- In accordance with Regulation No. 4 of 1985, concerning the care of older persons, full accommodation is provided for older persons, together with food, clothing, health and psychosocial services. Men over the age of 60 and women over the age of 55 are admitted to these care homes (one in Baghdad and six in the provinces).

V. Key theme IV: Specific obligations

Article 31

Statistics and data collection

228. Institutions and individuals are required to provide information about their status to the authorities in charge of conducting population censuses and statistical surveys.

229. The Central Statistics Bureau regularly collects and compiles demographic, economic and social data, including data on the situation of persons with disabilities.

230. We wish to point out that the Central Statistics Bureau did not carry out a national disability survey in 2014 because of the country's security situation.

231. According to the results of the poverty and maternal mortality mapping survey conducted in 2013, the percentages of disability by type are as follows:

- 3.4 per cent of the population have a visual impairment
- 1.4 per cent of the population have a hearing impairment
- 2.4 per cent of the population have a motor disorder
- 0.7 per cent of the population have a learning or cognitive disorder
- 0.6 per cent of the population have communication difficulties

Article 32

International cooperation

232. The Republic of Iraq does its utmost to cooperate with relevant international and regional institutions and entities through participation in conferences, symposiums, workshops, initiatives and information exchange.

233. The Government works in coordination with WHO, UNICEF, UNDP and the United Nations Population Fund. A USAID-supported primary health care project is also under way to improve the planning of primary health care activities for persons with special needs in terms of the following:

- Providing medical support for the development of a database on persons with special needs using epidemiological survey forms;
- Enhancing staff and institutional capacities for the early detection of disability through prenatal, obstetric and postnatal screening to ensure that any cases of disability are dealt with early on and that complications affecting life quality are prevented;
- Participating in global forums, including seminars and conferences, in order to learn about the experiences of other countries in the prevention and early detection of disability and in dealing with disability;
- Engaging in the development of special programmes for the prevention of violence in general and of domestic violence in particular in order to reduce the incidence of such violence, which often leads to disability, with an emphasis on the principles of health promotion and awareness-raising;

- Developing preparedness for emergencies, crises and disasters in order to reduce the incidence of disability and deal promptly with any instances that occur.

Article 33

National implementation and monitoring

234. The Iraqi Government has worked diligently to implement article 33 of the Convention through appropriate measures. It has, for instance, designated various bodies and ministries to promote and monitor implementation of the Convention. These include the Ministry of Human Rights (Department for Performance Monitoring and Human Rights Protection), the disability and special needs divisions established in all ministries and in other bodies not subordinate to a ministry that are attached to the Minister's Office as part of the Citizens' Affairs Section, ministry directorates and sections dealing with human rights, and all government bodies not accountable to a minister that are engaged in monitoring the Convention and the extent to which persons with disabilities enjoy the rights guaranteed under the Iraqi Constitution of 2005 and the rights provided for in the Convention. During 2012, 2013 and the period to June 2014, the Ministry of Human Rights (Department for Performance Monitoring and Human Rights Protection, Social Affairs Section) conducted a total of 69 visits for the purpose of monitoring the implementation of the economic, social and cultural rights of persons with disabilities.

235. Concerning the establishment of an independent mechanism to promote, protect and monitor implementation of the Convention, the Iraqi Government has established a number of national institutions for the protection and promotion of human rights, such as the High Commission for Human Rights and the Kurdistan Human Rights Commission. It will also be establishing a commission for the care of persons with disabilities and special needs, pursuant to Act. No. 38 of 2013, and a social protection commission pursuant to Act No. 11 of 2014, which will provide social care for persons with disabilities as part of its remit.

236. Since the change of political regime in Iraq in 2003, some 4,000 NGOs have been established and registered with the NGO Department of the General Secretariat of the Council of Ministers. These human rights NGOs have set up organizations, networks and cooperatives that not only provide specialized care for persons with disabilities but also monitor implementation of the Convention.

Conclusion

237. The Republic of Iraq reaffirms its commitment to the promotion and protection of human rights and its desire to cooperate with OHCHR in the exchange of expertise and in capacity-building with a view to improving the human rights situation in Iraq. The Government of the Republic of Iraq is making progress in implementing the plan for increasing human rights safeguards and looks forward to cooperation from all stakeholders in order to achieve the desired goals.
