



International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances

Concluding observations on the additional information submitted by Iraq under article 29 (4) of the Convention**

1. The Committee on Enforced Disappearances considered the additional information submitted by Iraq under article 29 (4) of the Convention¹ at its 562nd meeting, held on 11 March 2026.² At its 572nd meeting, held on 18 March 2026, the Committee adopted the present concluding observations.

A. Introduction

2. The Committee expresses its appreciation for the additional information submitted by Iraq as requested by the Committee in its 2020 concluding observations.³ It is also grateful for the observations received from Iraq on 2 August 2023⁴ in connection with the Committee's report on its visit to the State Party under article 33 of the Convention that took place from 12 to 25 November 2022.⁵ The Committee also expresses its appreciation for the constructive dialogue held with the delegation of the State Party and for the information presented during the dialogue in response to the questions posed in the list of priority themes⁶ transmitted to the State Party regarding the measures taken to fulfil the State Party's obligations under the Convention in the following areas: (a) harmonization of legislation with the Convention, and institutional framework; (b) search, investigation, prosecution and prevention of enforced disappearances; (c) rights of victims of enforced disappearance; and (d) State Party's cooperation with the Committee.

B. Positive aspects

3. The Committee acknowledges the measures taken by the State Party in areas relevant to the Convention since the Committee's visit to the State Party, including the adoption, in 2024, of a national policy to strengthen compliance with international humanitarian and human rights law, including accountability for military and security personnel for violations of international humanitarian law and international human rights law.

* Reissued for technical reasons on 10 August 2026.

** Adopted by the Committee at its thirtieth session (9–19 March 2026).

¹ [CED/C/IRQ/OAI/2](#).

² See CED/C/SR.562.

³ [CED/C/IRQ/OAI/1](#), para. 32. See also [CED/C/22/4](#), p. 11.

⁴ [CED/C/IRQ/OVR/1](#).

⁵ [CED/C/IRQ/VR/1 \(Findings\)](#) and [CED/C/IRQ/VR/1 \(Recommendations\)](#).

⁶ [CED/C/IRQ/Q/OAI/2](#).



C. Effect given to the Committee's recommendations and new developments in the State Party

4. Having considered the information provided by the State Party in the context of the constructive dialogue, the Committee considers that significant challenges remain, impeding the full implementation of the Convention, and must be urgently addressed by all competent authorities throughout the national territory, including the Kurdistan Region. In this regard, the Committee notes with regret that enforced disappearances persist in the State Party and that impunity and revictimization prevail. The Committee also notes an increase in intimidation and reprisals. Furthermore, the Committee regrets that the implementation of the previous recommendations made to the State Party, including those contained in the visit report, remains very limited; as a result, most of the legislation in force, its implementation and the conduct of the competent authorities in exercising their functions are not in compliance with the Convention. The Committee thus reiterates the recommendations it previously transmitted to the State Party, updates some of them and invites the authorities to implement all of the recommendations without undue delay. The Committee recalls that all recommendations have been made in a constructive spirit, with a view to ensuring that the State Party's legislation on preventing and punishing acts of enforced disappearance and on ensuring the rights of victims, the implementation of such legislation, and the conduct of the competent authorities are in full compliance with the Convention.

1. Harmonization of domestic legislation with the Convention, and institutional framework

National human rights institution

5. The Committee is concerned that the administrative and financial matters of the High Commission for Human Rights are overseen by the Minister of Justice and by the fact that the Commission has been without commissioners since 2021, reasons that have contributed to its downgrade to B status in 2024. While taking note of the statement by the delegation that the involvement of the Ministry of Justice in the Commission is limited to administrative matters, the Committee is concerned about the impact of the new structure⁷ on the ability of the Commission to perform its mandate in full accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including with regard to access to places of deprivation of liberty and to registers of persons deprived of liberty. The Committee is further concerned about allegations that the committee of experts that was formed in 2023 includes representatives from parties implicated in human rights violations and regrets the lack of information provided by the delegation in this regard (arts. 2, 12, 17 and 24).

6. **The Committee reiterates previous recommendations in this area⁸ and urges the State Party to strengthen the High Commission for Human Rights by ensuring that it is fully in line with the Paris Principles and that it implements the recommendations of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions.⁹ In that regard, the State Party should:**

(a) **Urgently appoint the members of the Board of Commissioners to allow the Commission to carry out its mandate in full, including with respect to receiving complaints of enforced disappearance and to unhindered access to places of deprivation of liberty, the persons held and working there and existing registers, in line with the Paris Principles;**

(b) **Guarantee the institutional, functional and financial independence of the High Commission for Human Rights, including by ensuring that government officials**

⁷ The structure does not ensure that the High Commission for Human Rights is separate from the executive branch, which hampers the independence of the Commission.

⁸ CED/C/IRQ/VR/1 (Recommendations), paras. 21, 34 and 76.

⁹ See the report and recommendations of the session of the Subcommittee on Accreditation (1–3 and 14–18 October 2024).

or persons allegedly implicated in human rights violations are not members of the Commission and do not participate in its activities;

(c) **Ensure that the members of the High Commission for Human Rights are able to carry out their professional duties independently and are protected from any intimidation, harassment, improper interference or reprisals.**¹⁰

Offence of enforced disappearance

7. The Committee takes note of the national legal framework, mentioned by the delegation, applied for crimes of enforced disappearance, including the Criminal Code, the Criminal Procedure Code and the counter-terrorism law. However, the Committee remains concerned that enforced disappearance is not criminalized as an autonomous offence in conformity with the Convention. The current domestic legal framework still relies on dispersed criminal provisions and executive measures, with overlapping mandates and procedures, creating normative gaps and conceptual confusion between “missing persons”, “disappearance” and “enforced disappearance” and, therefore, limiting effective action. While noting the various attempts since 2017 to introduce a draft law to define and criminalize enforced disappearance as an autonomous crime, the Committee is concerned that the draft law still does not clearly distinguish between enforced disappearance and other offences, such as abduction and unlawful detention, and that it is still pending before the Council of Representatives. The Committee is further concerned: (a) that the Act on the Supreme Iraqi Criminal Tribunal (Act No. 10 of 2005) limits the qualification of enforced disappearance as a crime against humanity to acts of enforced disappearance committed between 1968 and 2003 and that the draft law does not address this issue; and (b) that the death penalty is still applicable to crimes invoked to address cases of enforced disappearance under the Criminal Code and is also included in the draft law, which raises concerns regarding the proportionality of penalties and may hinder reporting and cooperation by victims and witnesses (arts. 2–5 and 7).

8. **The Committee reiterates its recommendations in that area¹¹ and urges the State Party to:**

(a) **Revise and simplify its legal framework related to disappearances by avoiding the adoption of ad hoc pieces of legislation to address specific cases and by creating instead a single legal framework to address all cases of disappearance that ensures a clear and systematic distinction between the notions of “missing”, “disappearance” and “enforced disappearance” and clarifies mandates and procedures;**

(b) **Expedite the adoption of the draft law on enforced disappearances, establishing enforced disappearance as an autonomous offence that includes the elements of authorization, support or acquiescence of the State, in conformity with articles 2 and 4 of the Convention, and as a crime against humanity, in accordance with article 5 of the Convention;**

(c) **Ensure that the crime of enforced disappearance is punishable with appropriate penalties that take into due account the extremely serious nature of the crime, while avoiding the imposition of the death penalty;**

(d) **Ensure meaningful consultation with the High Commission for Human Rights and civil society organizations in ongoing policy and law reforms.**

Criminal responsibility of superiors and due obedience

9. The Committee takes note of current domestic legislation regarding the criminal responsibility of superiors and due obedience. Nonetheless, the Committee remains concerned that the State Party’s current legislation and the draft law on enforced disappearances do not provide for the criminal responsibility of superiors in accordance with article 6 (1) (b) of the Convention, and that, under article 40 of the Criminal Code, a public

¹⁰ See also [CAT/C/IRQ/CO/2](#), paras. 40 and 41.

¹¹ [CED/C/IRQ/CO/1](#), para. 14; [CED/C/IRQ/OAI/1](#), para. 7; [CED/C/IRQ/VR/1 \(Findings\)](#), paras. 54 and 59–61; and [CED/C/IRQ/VR/1 \(Recommendations\)](#), paras. 30, 35 and 97.

official or agent of the State who commits an act of enforced disappearance following an order from a superior could invoke the order to justify an enforced disappearance (due obedience). The Committee recalls that the prohibition enshrined in article 6 (2) of the Convention encompasses the orders given by any superior, civilian or military, that has de jure or de facto authority over a subordinate (art. 6).

10. The Committee reiterates its previous recommendations in this area¹² and urges the State Party to revise its legal framework and the draft law on enforced disappearances in order to explicitly prohibit the invoking of superior orders or instructions to justify an offence of enforced disappearance, and to provide for criminal responsibility of superiors, in accordance with article 6 (1) and (2) of the Convention.

Statute of limitations

11. The Committee is concerned that the State Party continues to apply the principle of non-retroactivity and a statute of limitations for the crime of enforced disappearance, which limits the possibility to initiate criminal proceedings and prosecute perpetrators for this crime even when the enforced disappearance has not ended. The Committee recalls that enforced disappearance constitutes a continuous offence that persists as long as the fate or whereabouts of the disappeared person have not been clarified (art. 8).

12. Recalling its previous recommendations in this area,¹³ the Committee urges the State Party to:

(a) **Ensure that the principle of non-retroactivity is not an obstacle to initiating criminal proceedings and prosecuting perpetrators for the crime of enforced disappearance;**

(b) **Expressly establish in its criminal legislation that, given the continuous nature of the crime of enforced disappearance, if a statute of limitations is applied, it should be of long duration and should commence from the moment when the fate and whereabouts of the disappeared person are clarified.**

2. Search, investigation, prosecution and prevention of enforced disappearances

Register of “missing persons”

13. The Committee takes note that the National Committee for Missing Persons has been reestablished under the leadership of the Ministry of Justice and welcomes the steps taken to create and coordinate a national register of “missing persons”. The Committee is nonetheless concerned:

(a) At the lack of reliable, clear and accurate statistical data on the number of persons who have disappeared since 1968, including those subjected to enforced disappearance;

(b) That, while awaiting the completion of the register on “missing persons”, the State Party continues to rely on existing institutional registers that are isolated and lacking interconnection, including between federal and Kurdistan Regional authorities;

(c) That the information contained in the register of “missing persons” does not allow for a differentiation between cases of enforced disappearance, as defined in article 2 of the Convention, disappearances, as defined in article 3, and other crimes or situations of disappearance that do not fall under those articles of the Convention (arts. 1–3, 12 and 24).

14. The Committee reiterates its previous recommendations in this area¹⁴ and urges the State Party to expedite its efforts to finalize the establishment of a consolidated nationwide database to register all cases of disappearance in order to generate reliable statistics and to allow for the development and implementation of appropriate and

¹² CED/C/IRQ/CO/1, para. 16; and CED/C/IRQ/OAI/1, para. 11.

¹³ CED/C/IRQ/VR/1 (Findings), para. 62.

¹⁴ CED/C/IRQ/CO/1, para. 12; CED/C/IRQ/OAI/1, para. 5; and CED/C/IRQ/VR/1 (Findings), paras. 49–54, 73, 77 and 86–89.

efficient strategies to prevent and eradicate enforced disappearances. This database is to contain at least the following information:

- (a) The category of the disappearance, ensuring separate entries that clearly distinguish between the concepts of “missing”, “disappearance” and “enforced disappearance”. The scope of each of the categories should be identified to allow clarification of the corresponding responsibilities of the State Party and other actors;
- (b) The total number and identity of all disappeared persons since 1968,¹⁵ regardless of the time, place and circumstances in which the disappearance occurred;
- (c) The sex, gender identity, sexual orientation, age, nationality and, if relevant, ethnic group or religious affiliation of the disappeared person;
- (d) The status of the search procedure and the investigation, including detailed information, where applicable, on exhumation and identification procedures and autopsy results;
- (e) The place, date and circumstances of the disappearance, including all elements relevant to determining whether the case is an enforced disappearance as defined under article 2 of the Convention, a disappearance, as defined in article 3, or another crime or situation of disappearance that does not fall under those articles of the Convention.

Reporting, investigation and prosecution of enforced disappearances

15. The Committee takes note of the mandate of the National Committee for Missing Persons to search for, and investigate reports of, “missing persons” and coordinate all institutions involved in clarifying their fate. The Committee also takes note of the affirmation by the delegation that there are no registered cases of enforced disappearance in Iraq. The Committee is nonetheless concerned:

- (a) At the numerous reports of ongoing allegations of enforced disappearance occurring in the context of security operations, detentions and protests, including enforced disappearance of persons deprived of liberty and of activists and protesters who participated in the October 2019 demonstrations, but also at the more recent allegations raised in cases related to disappearances that occurred in 2024 and 2025 and that were registered by the Committee under its urgent action procedure;
- (b) That impunity for the crime of enforced disappearance prevails, exacerbated by the existence of amnesty laws and by the closure of cases when the perpetrator is unknown, in accordance with article 130 of the Criminal Procedure Code;
- (c) About the lack of information on the investigation and punishment of and reparation for enforced disappearances committed after 2003, including those investigated by fact-finding committees established in 2016 and 2018;
- (d) About the administrative burden and revictimization that victims face when reporting the disappearance of a loved one, as they must contact a minimum of seven institutions and fill out information in multiple formats before the State Party can start the search and investigation process, and that these requirements often discourage the reporting of cases and the consequent triggering of an investigation;
- (e) That the National Committee includes members of the Popular Mobilization Forces, allegedly implicated in enforced disappearances, which undermines its independence and impartiality;
- (f) About “security screening” practices carried out in relation to disappeared persons before relatives are allowed to submit a complaint or request a search, which are aimed at determining whether the disappeared person is suspected of terrorism, in which case the relatives are denied access to complaints mechanisms, investigations and reparation (arts. 1–3, 7, 12 and 24).

¹⁵ CED/C/IRQ/VR/1 (Findings), paras. 10–34.

16. The Committee reiterates its recommendations in this area¹⁶ and urges the State Party to:

(a) Take concrete action to ensure that all allegations of enforced disappearance, including those concerning persons suspected of terrorism and regardless of the time, location and circumstances of the disappearance, are investigated thoroughly, effectively and impartially, even in the absence of a formal complaint, including through the establishment of a specialized judicial body or prosecutorial unit to handle cases of enforced disappearance;

(b) Ensure that alleged perpetrators of enforced disappearances, including military and civilian superiors and State officials involved through their authorization, support or acquiescence, are prosecuted and, if found guilty, punished with appropriate penalties, while avoiding the death penalty;

(c) Set up a unified mechanism for reporting cases of disappearances with a common format that meets the respective needs of all authorities involved in the search and investigation process;

(d) Guarantee the independence, impartiality, effectiveness and relevant qualifications of the members of the National Committee for Missing Persons, including by ensuring that its membership excludes any person or member of an organization suspected of involvement in enforced disappearances;

(e) Ensure that persons suspected of having participated in alleged enforced disappearance do not participate in any phase of the search, investigation processes or related activities;

(f) Review and amend national legislation in order to put an end to practices that hinder access to justice and promote impunity, such as article 130 of the Criminal Procedure Code, amnesty laws and the legislation that conditions victims' access to their rights on the outcome of unreliable security screenings;

(g) Ensure that all victims of enforced disappearances receive full reparation, including rehabilitation, that takes into account their particular requirements, including by ensuring that a gender perspective is applied systematically.

Crimes committed by Da'esh

17. The Committee acknowledges the efforts made by the State Party to address the crimes perpetrated by Da'esh between 2014 and 2017, and welcomes the establishment of the National Centre for International Judicial Cooperation following the closure of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant (UNITAD). It is nonetheless concerned at the limited number of cases that have been investigated and punished and regrets the lack of information on sentences handed down. The Committee recalls that, under article 3 of the Convention, the State Party has an obligation to investigate acts defined in article 2 of the Convention when they are committed by non-State actors and to bring those responsible to justice. The Committee takes note of the delegation's affirmation that all data and archives in relation to mass graves and Da'esh crimes were safely transferred from UNITAD to the National Centre for International Judicial Cooperation. However, it regrets not having received information about the measures taken to ensure the preservation and safe transfer of the forensic, testimonial and evidentiary materials collected by UNITAD. The Committee also regrets the lack of information on the cooperation and legal assistance provided for States to which Da'esh transferred persons whose fate and whereabouts are currently unknown, including Iran (Islamic Republic of), the Syrian Arab Republic and Türkiye, in order to facilitate the search for and location of those persons (arts. 3, 12, 15 and 24).

¹⁶ CED/C/IRQ/CO/1, paras. 20 and 21; CED/C/IRQ/OAI/1, para. 15; CED/C/IRQ/VR/1 (Findings), para. 77; and CED/C/IRQ/VR/1 (Recommendations), paras. 22 and 30.

18. **The Committee reiterates its recommendations in this area¹⁷ and urges the State Party to ensure:**

(a) **That all acts defined in article 2 of the Convention committed without the authorization, support or acquiescence of State officials by Da'esh or any other group are documented and investigated promptly, thoroughly and impartially, and that those responsible are brought to justice and punished if found guilty;**

(b) **That any legislation adopted to address enforced disappearances includes clear provisions guaranteeing the prompt, independent and impartial investigation of cases referred to in article 3 of the Convention, ensuring that all perpetrators are brought to justice;**

(c) **That effective cooperation and mutual legal assistance are established with neighbouring countries, including States to which Da'esh transferred individuals whose fate and whereabouts are currently unknown, with the aim of facilitating the sharing of information and evidence to support the search for disappeared persons, the identification, investigation and prosecution of the alleged perpetrators, and the provision of support to victims;**

(d) **That forensic, testimonial and evidentiary materials transferred from UNITAD are duly protected and preserved in compliance with the chain of custody, ensuring that victims can access relevant information.**

Secret detention and fundamental legal safeguards

19. The Committee takes note of the assertion by the delegation that there are no secret detention facilities in Iraq, as they are prohibited in domestic law. However, the Committee is concerned at reiterated allegations regarding the existence and use of secret places of deprivation of liberty,¹⁸ and regrets that the State Party has not provided any information on the steps taken to verify and investigate such allegations. The Committee is further concerned about allegations of denial of key legal safeguards for persons deprived of their liberty, including in the form of arrests without a warrant, lack of immediate access to legal counsel and denial of their rights to communicate with their family or any other person of their choice and to judicial oversight (art. 17).

20. **The Committee reiterates its recommendations in this area¹⁹ and urges the State Party to ensure that no person is held in secret detention. To this end, the State Party should:**

(a) **Carry out an urgent, independent and impartial investigation into all allegations of secret detention.²⁰ In this connection, the State Party should set up an impartial and independent commission to conduct a fact-finding mission, with the participation of national and international independent experts, in charge of verifying whether secret places of detention exist in the areas where they have been signalled, using all relevant technical means, such as satellite pictures and drones;**

(b) **Ensure that the above-mentioned commission carries out its mission in consultation and coordination with all relevant stakeholders, in particular civil society organizations and victims, in order to ensure that existing allegations are duly taken into account. The mission should be followed by the release of a public report to shed light on the existence or non-existence of the alleged places of secret detention. Whenever such places are located or secret detentions are identified, the State Party**

¹⁷ CED/C/IRQ/CO/1, para. 23; CED/C/IRQ/OAI/1, para. 9; and CED/C/IRQ/VR/1 (Recommendations), para. 52.

¹⁸ Two types of allegations have been submitted to the Committee. In some cases, reference is made to situations amounting to secret detention in official and known places of detention. In others, people refer to secret places of deprivation of liberty that "nobody can have access to". For example, see CED/C/IRQ/VR/1 (Recommendations), para. 80.

¹⁹ CED/C/IRQ/CO/1, paras. 29 and 30; CED/C/IRQ/OAI/1, paras. 17 and 19; and CED/C/IRQ/VR/1 (Recommendations), paras. 75, 79, 82 and 83.

²⁰ CED/C/IRQ/OAI/1, paras. 16 and 17.

should establish a comprehensive list of all persons held and make it available to their relatives and to the authorities in charge of the searches and investigations;

(c) **Guarantee that all persons deprived of their liberty in secret places are released if the deprivation of liberty is not lawful, that the relatives of the said persons, or the persons of their choice, are immediately informed about their location, and that those responsible for such secret detention are brought to justice and punished in accordance with the gravity of their acts;**

(d) **Ensure that only officials authorized by law to arrest and detain persons may deprive persons of their liberty, in strict compliance with the law;**

(e) **Guarantee that all persons deprived of liberty, including suspects of terrorism, are afforded in law and in practice, from the outset of the deprivation of liberty, all the fundamental legal safeguards provided for under article 17 of the Convention, including access to a lawyer and communication without delay with their relatives or any other person of their choice and, in the case of foreign nationals, with their consular authorities.**

Registers of persons deprived of liberty

21. The Committee takes note of the information provided by the delegation that the State Party is working towards creating an online electronic system for data on persons deprived of liberty. However, the Committee remains concerned at the absence of a centralized nationwide register of all persons deprived of liberty, including those in private institutions²¹ such as hospitals, psychiatric residences, day centres, and care institutions for children and adolescents and for persons with disabilities. In the absence of such a nationwide register, multiple non-interconnected registers of persons deprived of liberty still exist across ministries and institutions and in the Kurdistan Region, which requires relatives of disappeared persons to approach various authorities to access their respective register. The Committee also reiterates its concern about reported deficiencies in the record-keeping reflected in these registers, and about the fact that neither current domestic legislation nor the draft law on enforced disappearances guarantee that any person with a legitimate interest can have access to the information listed in article 18 (1) of the Convention. This situation greatly complicates any search for and localization of persons deprived of liberty, putting them at risk of enforced disappearance and causing distress and suffering to their relatives (arts. 17, 18, 20 and 22).

22. **The Committee reiterates its recommendations in this area²² and urges the State Party to:**

(a) **Expedite the creation of a nationwide register that centralizes the existing registers of all persons deprived of liberty, including those in private institutions, in a single register that includes, as a minimum, the information required under article 17 (3) of the Convention, ensuring that the federal and Kurdistan Region registers are linked;**

(b) **Establish an independent task force in charge of systematically cross-checking the registers of all places of deprivation of liberty, regardless of the institution to which they belong, with the names of all detainees and with the registers of disappeared persons, ensuring that all persons in places of deprivation of liberty are registered and that their relatives are duly informed of their whereabouts;**

(c) **Ensure that all cases of deprivation of liberty are duly recorded, and that the information recorded is systematically updated and periodically checked;**

(d) **Ensure that the types of conduct described in article 22 (b) and (c) of the Convention are investigated and adequately punished;**

²¹ See Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, general comment No. 1 (2024) on the definition and scope of places of deprivation of liberty.

²² [CED/C/IRQ/OAI/1](#), para. 21; and [CED/C/IRQ/VR/1 \(Recommendations\)](#), paras. 67–70 and 74.

(e) **Guarantee that any person with a legitimate interest has prompt access to the information listed in article 18 (1) of the Convention.**

Search for disappeared persons

23. The Committee takes note that the missing persons section under the Ministry of Justice has a search mechanism to investigate the reports of enforced disappearance. However, it is concerned:

(a) At the great number of persons that remain disappeared in the State Party, including those who have been subjected to enforced disappearance;

(b) At the absence of a centralized, independent and efficient search mechanism that has adequate resources to address all cases of enforced disappearances in the State Party;

(c) At the fragmented and overlapping institutional mandates and the lack of inter-institutional coordination in the search and investigation processes across all institutions dealing with disappeared persons, which causes duplication, delays and victim fatigue and undermines searches, investigations and data collection;

(d) That the search is initiated only after long and burdensome procedures are completed by relatives, causing excessive delays before the competent authorities initiate the search process;

(e) That the search is often limited to administrative cross-checks of lists and databases across multiple different authorities with limited use of scientifically based evidence and in situ visits, which has resulted in very limited progress in the search for disappeared persons;

(f) At the lack of effective participation of victims and their representatives in search, investigation, exhumation, identification and judicial processes, which is further reduced due to fear of reprisals (arts. 12 and 24).

24. **The Committee reiterates its recommendations in this area²³ and urges the State Party to redouble its efforts to:**

(a) **Ensure that all disappeared persons whose fate is not yet known, including those suspected of terrorism, are searched for and located and that, in the event of their death, their remains are identified, treated with respect and returned to their respective families in a dignified manner;**

(b) **Establish a centralized, independent and efficient search mechanism that has adequate resources to address all cases of enforced disappearances in Iraq;**

(c) **Ensure that the competent authorities initiate the search process as soon as they become aware, by any means, or have indications, that a person has been subjected to enforced disappearance, on their own initiative, even when no formal complaint has been made or where doubts arise about the occurrence of the alleged disappearance;**

(d) **Establish a comprehensive search and investigation strategy and public protocols aligned with the Guiding Principles for the Search for Disappeared Persons, ensuring that the search and investigation process is not limited to an administrative cross-check of databases and registers. To this end, the State Party should create context analysis units and appoint specialized prosecutors and investigating judges;**

(e) **Clarify the mandates and identify the responsibilities of all authorities involved in the search, investigation, prosecution and identification of remains of disappeared persons and establish a mechanism to effectively coordinate their activities;**

(f) **Guarantee that the victims and their representatives are regularly informed of the progress and results of the search and investigation and can participate in all phases of search, investigation, exhumation, identification and judicial processes,**

²³ CED/C/IRQ/OAI/1, paras. 15 and 23; CED/C/IRQ/VR/1 (Findings), paras. 76 and 78–81; and CED/C/IRQ/VR/1 (Recommendations), paras. 11–20.

regardless of their ethnic, religious or national background or the time, location and circumstances of the disappearance, including by developing specific mechanisms and procedures to guarantee their effective participation and by avoiding revictimization and retraumatization.

Mass graves and return of remains

25. The Committee welcomes the efforts made by the State Party to identify the remains recovered from mass graves and other locations, thanks the delegation for the information provided that 65 mass graves of victims of terrorism, containing the remains of 903 persons, and 3 mass graves of victims of the Baath regime, containing the remains of 835 persons, have been exhumed since the Committee's visit in 2022, and notes that an additional 36 mass graves have been discovered but not yet opened. In this regard, the Committee notes with concern the delegation's affirmation that the State Party has not allocated any budget to the identification of the remains recovered from mass graves. The Committee is also concerned that:

- (a) The Protection of Mass Graves Act (as amended by Act No. 13 of 2015) does not cover crimes allegedly committed by State agents;
- (b) Limited progress has been made in the identification and excavation of hundreds of mass graves since the Committee's visit to Iraq in 2022, as well as in the identification and return of the human remains recovered, including those in the recently discovered mass graves;
- (c) The cross-checking of data for identification and the interoperability of forensic databases remain insufficient, and the State Party still does not have national registers of unidentified persons and of mass and clandestine graves;
- (d) The use of scientifically based evidence by prosecutors, investigators and judges remains limited owing to a lack of resources and specialized capacity, which jeopardizes the search, investigation and identification processes;
- (e) According to reports received by the Committee, there have been unauthorized openings of mass graves, which affect the chain of custody and evidence integrity (arts. 12, 19 and 24).

26. **The Committee reiterates its recommendations in this area²⁴ and urges the State Party to:**

- (a) **Amend the Protection of Mass Graves Act to ensure that it also covers acts committed by State agents;**
- (b) **Ensure that all entities involved in the identification of remains, including the directorate responsible for protecting mass graves, have the necessary financial, technical and human resources to carry out their functions in accordance with international standards and best practices to ensure adequate storage and identification of remains;**
- (c) **Expedite the excavation of mass graves and the identification and return of remains, including through the establishment of a national centre for human identification and the creation of a national forensic databank and interoperable registers of unidentified persons and mass and or clandestine graves, and by conducting a nationwide collection of DNA reference samples from families, enabling cross-border genetic data exchange and ensuring data protection safeguards;**
- (d) **Ensure coordination among the competent search, investigative and forensic bodies, including in cases linked to excavated graves or investigative files, so that all relevant information is efficiently shared between these entities and with victims;**

²⁴ CED/C/IRQ/CO/1, para. 34; CED/C/IRQ/OAI/1, para. 23; and CED/C/IRQ/VR/1 (Recommendations), paras. 44–55.

(e) **Prevent unauthorized openings of mass graves, protect evidence and ensure the integrity of the chain of custody (traceability, control, safety, minimal intervention and transparency).**

Training on the Convention

27. The Committee welcomes the training and awareness-raising initiatives on human rights undertaken by the State Party with different authorities, including judges, prosecutors, law enforcement personnel, security forces and members of the Iraqi corrections department. However, the Committee notes with concern the lack of provision of specific and regular training on the Convention and enforced disappearances across all relevant institutions (art. 23).

28. **The Committee reiterates its recommendation in this area²⁵ that the State Party strengthen efforts to ensure that all law enforcement and security personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody or treatment of any person deprived of liberty, including judges, prosecutors and other officials responsible for the administration of justice, receive specific and regular training on the Convention and on enforced disappearances, with periodic evaluation of its impact. The Committee also encourages the State Party to incorporate other relevant documents into training curricula on enforced disappearance, such as the Guiding Principles for the Search for Disappeared Persons and the Committee's general comment No. 1 (2023) on enforced disappearance in the context of migration.**

3. Rights of victims of enforced disappearance

Definition of victim

29. The Committee takes note of the explanation provided by the delegation that under the Criminal Code and the Code of Criminal Procedure, a victim is the party against whom the criminal act was perpetrated. It further notes that this definition was expanded under the Act on Compensating Victims of War Operations, Military Mistakes and Terrorist Operations (Act No. 20 of 2009) to include family members. While the definition of victim in current legislation does not comply with the definition contained in article 24 (1) of the Convention, the Committee welcomes the affirmation by the delegation that the definition of victim in the draft law on enforced disappearances is in line with the definition contained in article 24 (1) of the Convention (art. 24).

30. **The Committee reiterates its recommendations in this area²⁶ and urges the State Party to adopt a definition of victim in its domestic legislation that is in accordance with the definition in article 24 (1) of the Convention, ensuring that it includes all persons who have suffered harm as the direct result of an enforced disappearance.**

Right to obtain reparation and prompt, fair and adequate compensation

31. The Committee notes, as it previously did in the report following its visit to Iraq, the different laws in the State Party that address reparations. However, it is concerned that few actions have been taken by the State Party to implement the recommendations transmitted in that regard, and notes that victims' right to reparations still depends on the profile of the victims and of the alleged perpetrators, leading to the exclusion from the compensation schemes of some categories of disappeared persons, such as children of parents affiliated to the Baath regime, family members of those who served in the Baath regime in any capacity and anyone deemed to be affiliated with a terrorist group, as well as survivors of disappearance and those whose deaths have not been established. The Committee also remains concerned at the obstacles faced by victims in accessing compensation, which include having to obtain documents from several State authorities. In addition, the Committee regrets not having received sufficient information on the reparations granted to victims of

²⁵ CED/C/IRQ/VR/1 (Recommendations), para. 124.

²⁶ CED/C/IRQ/CO/1, para. 32; and CED/C/IRQ/OAI/1, para. 25.

enforced disappearances, on the psychological support provided to victims, on the specific provisions included in the current version of the draft law on enforced disappearances to ensure victims' effective access to truth, justice, reparation and guarantees of non-repetition, and on the efforts made to remember the victims of enforced disappearance (art. 24).

32. **The Committee reiterates its recommendations in this area,²⁷ and further recommends that the State Party should:**

(a) **Establish, in domestic law, a comprehensive reparation and compensation system, in accordance with article 24 (4) and (5) of the Convention, for which the State is responsible and which is applicable even if no criminal proceedings have been initiated, and provide the responsible authorities with the financial and human resources necessary to implement the system;**

(b) **Ensure that the reparation and compensation system is designed and implemented in consultation with victims and civil society organizations and based on a differentiated approach, taking into account the personal circumstances of victims, such as their sex, gender identity, age, ethnic origin and social status and any disability;**

(c) **Ensure that any individual who has suffered harm as a direct result of enforced disappearance has access to reparation and compensation, regardless of when the enforced disappearance was perpetrated and regardless of the profile of the victims and the alleged perpetrators;**

(d) **Remove the barriers that restrict access to compensation for relatives of disappeared persons, including by simplifying the submission of claims for reparation and by removing the requirement for a death certificate;**

(e) **Ensure that psychological care and social support are systematically incorporated into all reparation schemes and relevant legislation, and provide the responsible authorities with the financial and specialized human resources necessary to properly carry out their duties;**

(f) **Multiply memorialization efforts, such as the construction of memorials, the periodic holding of commemorative activities and the inclusion of the issues of disappearance and enforced disappearance in mainstream education programmes.**

Declaration of absence

33. The Committee notes with concern that, despite the recommendations it previously transmitted to the State Party,²⁸ current domestic legislation still requires that disappeared persons be declared dead in order to regularize their legal situation and that of their relatives. The Committee is concerned that this requirement places families in a situation of legal uncertainty, affecting areas such as inheritance, property rights, social benefits and family status. The Committee highlights once more that, as a matter of principle, a disappeared person cannot be presumed dead until his or her fate has been clarified (art. 24).

34. **The Committee reiterates its recommendation²⁹ that the State Party ensure that the legal situation of disappeared persons and that of their relatives in areas such as social welfare, financial matters, family law and property rights are addressed appropriately without the need to declare the disappeared person dead. In this regard, the Committee recommends that the State Party provide for, by law, the issuance of declarations of absence by reason of enforced disappearance.**

²⁷ CED/C/IRQ/CO/1, para. 32; CED/C/IRQ/OAI/1, para. 25; and CED/C/IRQ/VR/1 (Recommendations), paras. 112–119.

²⁸ CED/C/IRQ/CO/1, para. 36; CED/C/IRQ/OAI/1, para. 27; and CED/C/IRQ/VR/1 (Recommendations), para. 118.

²⁹ CED/C/IRQ/CO/1, para. 36; CED/C/IRQ/OAI/1, para. 27; and CED/C/IRQ/VR/1 (Recommendations), para. 118.

Intimidation and reprisals

35. The Committee is highly concerned at the increase in reports of threats, attacks, acts of intimidation and reprisals against victims of enforced disappearance, human rights defenders, lawyers, members of civil society organizations, public officials and other individuals actively participating in search and investigation processes or who have filed a complaint with the national authorities or submitted a request for urgent action to the Committee, in particular women relatives of disappeared persons, who often face stigmatization, discrimination and socioeconomic hardship. The Committee regrets not having received information on investigations conducted in that regard and their results, on the number of requests for protection that have been received, on the types of protection measures provided and on the provision for a comprehensive protection programme in domestic legislation, in particular in Act No. 58 of 2017, and in the draft law on enforced disappearances. The Committee also expresses its concern about:

- (a) The reported criminal prosecution of human rights defenders and other actors for alleged “defamation” or “violation of public decency”;
- (b) The practice of writing “wife of a missing person” on residency cards or related identification documents, exposing women to stigmatization, discriminatory treatment and harassment;
- (c) The restrictions on remembrance activities, such as the vigil organized by victims’ families to commemorate the International Day of the Victims of Enforced Disappearances on 30 August 2025 (arts. 12, 24 and 30).

36. **The Committee reiterates its recommendations in this area³⁰ and urges the State Party to:**

- (a) **Redouble its efforts to prevent and punish all threats, harassment, acts of intimidation and reprisals, including practices exposing women to such acts and restrictions on remembrance activities, against all persons referred to in articles 12 (1) and 30 (1) of the Convention, including by ensuring that the draft law on enforced disappearances includes a provision for that purpose;**
- (b) **Establish and implement a protection programme, accompanied by a concrete and realistic action plan, adequate human and financial resources and mechanisms of international cooperation and mutual assistance;**
- (c) **Revise and amend domestic legislation with the aim of decriminalizing civil society activities.**

4. State Party’s cooperation with the Committee

Urgent action

37. The Committee recalls that, under article 30, requests for urgent action may be submitted to the Committee as a matter of urgency by the relatives of a disappeared person or their legal representatives, their counsel or any person authorized by them, or any other person having a legitimate interest, without the need to exhaust domestic remedies, on the condition that the case has been reported to any of the competent bodies of the State Party concerned, where such a possibility exists. The Committee notes that Iraq is currently the State Party with the second highest number of urgent action registered by the Committee (670 as at 18 March 2026). In this regard, the Committee is concerned that the State Party’s replies do not include any information about the concrete measures taken to search for the disappeared persons, clarify their fate or whereabouts and investigate their disappearance, despite clear guidance provided by the Committee in that regard in its recommendations.³¹ The Committee is further concerned that statistical and analytical data on urgent actions are not made public or shared with parliament and the High Commission for Human Rights (arts. 12, 24 and 30).

³⁰ CED/C/IRQ/OAI/1, para. 13; and CED/C/IRQ/VR/1 (Recommendations), paras. 33,34 and 96–100.

³¹ CED/C/29/2, paras. 85–89; and CED/C/30/2.

38. The Committee reiterates its recommendations in this area³² and urges the State Party to ensure that all requests for urgent action are immediately processed and transmitted to the authorities in charge of the case; that immediate action is taken to search for disappeared persons, investigate their disappearance and allow the participation of, and access to information by, their relatives; and that the competent authorities provide concrete, detailed and thorough information to the Committee, throughout the procedure, about the actions taken to implement each of the recommendations transmitted in the context of the urgent action procedure.

Follow-up mechanisms

39. The Committee regrets not having received information about the existence of a national mechanism for implementation, reporting and follow-up in Iraq to ensure follow-up to the recommendations issued by the treaty bodies. In this regard, the Committee is concerned at the lack of implementation of the recommendations issued by the Committee since 2015, including those contained in its visit report, and at the absence of a national strategy for such implementation.

40. The Committee reiterates its recommendation in this area³³ and invites the State Party to establish an efficient national mechanism for implementation, reporting and follow-up or to strengthen any such mechanism if one has been established, ensuring that it has the mandate and adequate human, technical and financial resources to coordinate and engage with, and prepare reports to, international and regional human rights mechanisms and to effectively coordinate and track national follow-up to, and the implementation of, recommendations and decisions emanating from these mechanisms, including those issued by the Committee. The Committee emphasizes that such mechanism should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the autonomous authorities of the Kurdistan Region, the High Commission for Human Rights and members of civil society.

D. Fulfilment of the rights and obligations under the Convention, dissemination and follow-up

41. The Committee wishes to recall the obligations undertaken by States when becoming Parties to the Convention and, in this connection, urges the State Party to ensure that all the measures that it adopts, irrespective of their nature or the authority from which they emanate, are in full accordance with the Convention and other relevant international instruments.

42. The Committee also wishes to emphasize the particularly cruel effect of enforced disappearance on women and children. Women who are subjected to enforced disappearance are particularly vulnerable to sexual and other forms of gender-based violence. Women who are relatives of a disappeared person, and thus considered victims pursuant to article 24 (1) of the Convention, are particularly likely to suffer serious social and economic disadvantages and to be subjected to violence, persecution and reprisals as a result of their efforts to locate their loved ones. Children who are victims of enforced disappearance, either because they themselves were subjected to disappearance or because they suffer the consequences of the disappearance of their relatives, are especially vulnerable to numerous human rights violations, including identity substitution. In this context, the Committee places special emphasis on the need for the State Party to ensure that gender issues and the specific needs of women and children are systematically taken into account in implementing the recommendations contained in the present concluding observations and all the rights and obligations set out in the Convention.

³² CED/C/IRQ/CO/1, para. 8; and CED/C/IRQ/OAI/1, para. 29.

³³ CED/C/IRQ/VR/1 (Recommendations), para. 130.

43. The State Party is encouraged to widely disseminate the Convention and the present concluding observations in order to raise awareness among governmental authorities, civil society actors and the general public. The Committee also encourages the State Party to promote and facilitate the participation of civil society in the process for implementing the recommendations contained in the present concluding observations.

44. Under article 29 (4) of the Convention, the Committee requests the State Party to submit, by no later than 18 March 2029, specific and updated information on the implementation of the recommendations contained in the present concluding observations and any other new information on the fulfilment of the obligations contained in the Convention. The Committee encourages the State Party to adopt a national policy on the prevention of enforced disappearance and to promote and facilitate the participation of civil society, in particular organizations of victims, when preparing this information.
