



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

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**Consideration of reports submitted by parties
to the Convention under article 35**

List of issues in relation to the initial report of Iraq

Addendum

Replies of Iraq to the list of issues*

[Date received: 8 May 2019]

* The present document is being issued without formal editing.



Introduction

1. During the period following the submission of our initial report to your Committee, parliamentary elections were held in Iraq on 12 May 2018. Votes had been cast two days prior to the elections by the Iraqi security forces, by voters in special circumstances such as prison inmates, and by the diaspora Iraqi community living abroad. The number of persons entitled to vote in Iraq totalled 24,352,253, of whom 9,952,264 participated in the general polls, 709,396 in the special polls and 179,329 in the foreign polls. The number of participants in the elections thus totalled 10,840,989, which is equivalent to a participation rate of 44.52 per cent.

2. The elections led to the formation of the Iraqi Government headed by Mr. Adil Abdul-Mahdi. One of the priorities set in the Government's programme for 2018–2022 was respect, protection and promotion of human rights principles. A comprehensive plan for the implementation of the Government's programme was developed in line with the Constitution of the Republic of Iraq. It was based on a number of documents, including a paper on the Government's programme submitted by the United Nations Assistance Mission for Iraq (UNAMI), the Iraqi National Development Plan (2018–2022), the Iraq 2030 Development Vision, the national Poverty Reduction Strategy, and the Community Initiative in Support of the Government Programme. The Government's plan comprises a number of core themes. The theme of sustainable development and services aims at achieving 27 priorities that will guarantee a better standard of living for citizens, the establishment of a sound educational environment in line with international standards, the adoption of a health insurance scheme, support for income-generating projects for the unemployed, clearance of landmines, explosive remnants of war and unexploded ordnance, expansion of the intake capacity of care centres for persons with disabilities and special needs, and empowerment of women and promotion of their involvement in achieving the Sustainable Development Goals.

Response to the issues raised by your esteemed Committee:

With regard to paragraph 1 of the list of issues, we wish to state the following:

3. Iraq seeks to ensure that protection of human rights is a cornerstone of its democratic system. With a view to enhancing such protection, Iraq is a State party to a number of international human rights treaties, as noted in paragraph 19 of the report submitted to your Committee.

4. Iraq continues to study the possibility of acceding to international instruments, including United Nations and regional human rights treaties, by analysing mechanisms for their implementation at the national level and selecting the appropriate time for taking such decisions. It should be noted that Iraq has authorized the Independent Human Rights Commission to receive individual complaints. This is a procedure that creates the conditions for studying the possibility of acceding to the Optional Protocol.

With regard to paragraph 2 of the list of issues, we wish to state the following:

5. In addition to what was stated in paragraphs 32 to 41 of the initial report, article 32 of the Iraqi Constitution established a legal system for affirmative action on behalf of persons with disabilities, which may be read jointly with article 14 of the Constitution, which establishes the general prohibition of discrimination and contains a non-exhaustive list of examples of grounds of discrimination. We therefore see no need to amend article 14 of the Constitution. Furthermore, Labour Code No. 37 of 2015 prohibits discrimination as follows:

Article 26: "Indirect discrimination: Any exclusion, distinction or preference based on sex, age, health condition, economic or social condition, or membership of a trade union and trade union activity, which has the effect of nullifying or impairing equality of opportunity or equality of treatment in a person's employment and occupation." Article 4 of the Code stipulates that: "Work is the right of every citizen

capable of performing it, and the State shall endeavour to provide work on the basis of equality of opportunity, without any form of discrimination.” Article 8 prohibits violations of the principle of equality of opportunity and equal treatment on any ground, in particular direct or indirect discrimination between workers in matters relating to vocational training, recruitment, or the terms and conditions of employment.

6. The bill concerning the amendment of Act No. 38 of 2013 stipulates that discrimination is any distinction, exclusion, alteration or denial made on grounds of disability or that has the effect of impairing or nullifying the recognition, enjoyment or exercise, on a basis of equality, of any of the fundamental human rights and freedoms enshrined in the Constitution and other legislation in the areas of political, economic, social, cultural and civil rights. It also refers to the requirement to guarantee the rights of persons with disabilities and to eliminate discrimination on grounds of disability or special needs.

7. Article 1 (V) of Act No. 22 of 2011 concerning the rights and privileges of persons with disabilities and special needs in the Kurdistan Region of Iraq contains the following definition: “Persons with special needs: Any person who is afflicted with a total, partial or non-congenital limitation of his or her sensual, physical, psychological or mental capacity that impairs the performance of one or more members of his or her body, thereby preventing the person from meeting the requirements of a normal life.” Paragraph 6 of the Act stipulates: “Disabled: Persons with special needs who are continuously afflicted by a congenital or non-congenital permanent, total or partial physical disability.”

8. Paragraph 7 of the Act concerning the card for persons with disabilities and special needs states that it is a special identity card for persons with disabilities and special needs issued by the Ministry of Labour and Social Affairs, and that it entitles the holder to enjoy the rights and privileges granted by laws, regulations and directives.

9. Paragraph 8 of the Rehabilitation Act refers to the provision of medical, educational, social, vocational and psychological services, and measures to facilitate access thereto in order to enable persons with disabilities and special needs to live independently and to assist them in integrating into society.

10. Paragraph 9 of the Act concerning rehabilitation centres stipulates that the centres shall rehabilitate persons with disabilities and special needs, and provide support for rehabilitation programmes and their integration into society.

11. Paragraph 10 of the same Act defines shelters as centres that accommodate persons with disabilities who are forsaken by their relatives and require care and attention. The shelters also play a role in rehabilitation.

With regard to question 3 of the list of issues, we wish to state the following:

12. In addition to what was stated in paragraph 31 of the initial report to your Committee, it should be noted that any instrument that has been ratified by the Republic of Iraq is legally binding on all authorities and becomes part of Iraqi domestic legislation. It is therefore taken into account in implementing the legislation in force in order to eliminate any discrepancies. The promulgation of the Care of Persons with Disabilities and Special Needs Act No. 38 of 2013 effectively incorporated the principles enshrined in the Convention into domestic legislation. It should be noted that, while the Iraqi judicial system is guided by international treaties, its judgments are not based solely upon them, since they do not contain comprehensive legal provisions that can serve as the foundation for a judicial ruling. It is necessary to promulgate detailed Iraqi legislation containing the rights and provisions enshrined in the treaty.

With regard to question 4 of the list of issues, we wish state the following:

13. The Commission for the Care of Persons with Disabilities and Special Needs takes steps to meet the obligations contained in Act No. 38 of 2013 in accordance with article 3 of Instructions No. 2 of 2016.

14. The Commission for the Care of Persons with Disabilities and Special Needs cooperates with many non-governmental organizations (NGOs) in implementing the objectives of Act No. 38 of 2013. The Ministry of Labour and Social Affairs continuously seeks the support of such NGOs as active partners in formulating policies to promote the rights of the persons concerned, in accordance with a human rights-based approach.

15. The Commission for the Care of Persons with Disabilities and Special Needs coordinates with ministries and bodies that are not affiliated with a ministry in promoting a culture of rights of persons with disabilities. The Commission takes action to implement the provisions of articles 15,16, 17, 18 and 19 of Act No. 38 of 2013, in cooperation with the Ministry of Health, the Ministry of Labour and Social Affairs, the Ministry of Education, the Ministry of Higher Education and Scientific Research, the Ministry of Youth and Sports, the Supreme Judicial Council, the Ministry of Justice, the Ministry of Transport, the Ministry of Construction and Housing, and the Ministry of Planning, with a view to providing the best possible services to persons with disabilities.

16. In the Kurdistan Region, the Ministry of Labour and Social Affairs takes action, in line with Act No. 22 of 2011 concerning the rights and privileges of persons with disabilities and special needs, to guarantee the rights of this population group. The Council for the Care and Rehabilitation of Persons with Disabilities and Special Needs was established with that end in view. It is supervised by the Ministry of Labour and Social Affairs and comprises representatives of the Ministry of Health, the Ministry of Education, the Ministry of the Interior, the Ministry of Justice and the Independent Human Rights Commission, as well as representatives of associations and organizations of persons with disabilities.

With regard to question 5 of the list of issues, we wish to state the following:

17. A Committee was established in the Ministry of Labour and Social Affairs with a view to studying, in coordination with competent institutions and NGOs, the possibility of amending certain articles of Act No. 38 of 2013. An amendment bill was prepared in cooperation with the Access to Justice for All Programme and with the participation of a number of organizations, the Human Rights Commission, and members of the Board of Directors of the Commission for the Care of Persons with Disabilities and Special Needs. The final version of the bill proposed amendments to several provisions of the Act to align them with the Convention on the Rights of Persons with Disabilities and submitted them for review to the State Council.

18. The bill concerning the amendment of Act No. 38 of 2013 proposes amending the title to read “Act concerning the Rights of Persons with Disabilities” rather than “Care of Persons with Disabilities and Special Needs Act” and proposes replacing the term “care” with “rights”.

With regard to question 6 of the list of issues, we wish to state the following:

19. NGOs operate in accordance with the Non-Governmental Organizations Act No. 12 of 2010. Article 2 of the Act stipulates that the purpose of the Act is: firstly, to enhance the role of civil society organizations, to support and develop them, and to maintain their independence; secondly, to promote citizens’ freedom to establish and become members of non-governmental organizations; and thirdly, to establish a central mechanism to regulate the procedure for registering Iraqi and foreign organizations. Article 4 contains instructions aimed at facilitating enforcement of the Act. It requires the Non-Governmental Organizations Department of the General Secretariat of the Council of Ministers to issue an organization’s registration certificate within 30 days of the date of receipt of the application for registration together with the requisite information and documents.

20. A total of 86 organizations supporting the rights of persons with disabilities and special needs in the governorates of Iraq are registered with the Non-Governmental Organizations Department. The Department has developed a plan based on the vision of the General Secretariat of the Council of Ministers designed to build a genuine partnership with civil society organizations and NGOs. It seeks to establish a well-defined governmental programme aimed at regulating the partnership-based relationship between the State and

civil society organizations, promoting the principle of social and moral responsibility for all, and creating a political and legislative climate conducive to an effective partnership in planning, implementation, monitoring and follow-up procedures.

21. A number of civil society organizations have been established in the Kurdistan Region to defend the rights of persons with disabilities. A total of 34 organizations are currently operating in the Region.

22. As noted in paragraph 3 of the initial report, an interactive dialogue was held with relevant civil society organizations in order to consult them and take their opinions into account. Their observations were included in the report, in accordance with the guidelines on the form and content of reports. A total of 24 organizations on the rights of persons with disabilities participated in the dialogue.

With regard to question 7 of the list of issues, we wish to state the following:

23. The Iraqi Civil Code No. 40 of 1951 highlights in its provisions many issues pertaining to full legal capacity, reduced capacity and loss of capacity as well as ways and means of seeking a legal decision. We wish to draw attention below to certain details:

24. Article 46 stipulates that: “1. Persons who have attained the age of majority, possess their intellectual faculties and have not been declared legally incompetent shall have full capacity to exercise their civil rights. 2. Persons who have lost their capacity or have reduced capacity shall be subject to guardianship, wardship and curatorship, in accordance with the conditions laid down by law.”

25. Article 106 stipulates that the age of majority shall be 18 years.

26. Article 107 stipulates that persons with a mental dysfunction shall be treated as minors capable of discernment.

27. Article 108 stipulates that persons with a permanent mental disorder shall be treated as minors incapable of discernment.

28. Article 109 stipulates that: “1. Mentally deficient persons placed under guardianship shall be treated as minors capable of discernment. Guardianship shall be entrusted, however, solely to the court or guardian. Their father or grandfather shall not be entitled to serve as guardian. Acts that occurred prior to the placement under guardianship shall be classified as acts that are not due to legal incompetence unless they constituted deceit by collusion on the part of a person standing to benefit in anticipation of the placement under guardianship. 2. The bequests of mentally deficient persons shall be applicable to one third of their wealth. 3. If mentally deficient persons recover their rational integrity, the court shall terminate the placement under guardianship.”

29. Article 110 stipulates that simple-minded persons shall be judged in the same manner as mentally deficient persons. Article 111 specifies the laws and regulatory procedures that are applicable to the placement of persons under guardianship, and the management, investment and disposal of their funds as well as other matters relating to the guardianship, wardship and curatorship,

30. Article 3 of the Welfare of Minors Act No. 78 of 1980 stipulates that: “I. This Act is applicable to: (a) A minor who has not attained the age of majority, which is 18 years, and a minor who has attained the age of 15 years and is married with permission of the court and is deemed to have full legal capacity; (b) A foetus; (c) A person placed under guardianship who has reduced legal capacity or has lost his or her legal capacity. II. A minor for the purposes of this Act is a young person, a foetus and a person who, according to the court, has reduced legal capacity, has lost his or her legal capacity, or who is absent or missing, unless the context indicates otherwise.”

31. These articles specify legal capacity and lack of legal capacity, thereby defining the objectives of articles 94, 95, 107 and 108 of the Civil Code, which provide for the placement under guardianship of minors and persons with a mental dysfunction by default, and for the placement of mentally deficient and simple-minded persons under guardianship by a court, in accordance with the prescribed legal procedures. Legal capacity is defined in articles 93, 94, 95 and 96 of the Civil Code, and they specify the applicable procedures and

mechanisms and the legally authorized persons. Accordingly, they are consistent, in principle, with the Convention.

32. The Iraqi Civil Code is based on the Islamic sharia, which seeks to protect the interests of such persons and to impede legal conduct that might cause them great harm. This does not affect their legal capacity, which may be exercised through another person before the judiciary or the administration in order to protect the rights of persons with disabilities.

33. The bill concerning the amendment of Act No. 38 of 2013 underscores the need to guarantee the legal capacity and equality before the judiciary of persons with disabilities and special needs, to appoint a lawyer to defend the rights, at all stages of litigation, of persons who are unable to appoint a lawyer for the purpose, and to ensure that the lawyer has the means to defend his client's rights whenever necessary.

With regard to question 8 of the list of issues, we wish to state the following:

34. Persons with disabilities who have been subjected to discrimination can seek legal remedies pursuant to the Constitution and Iraqi law. Persons with disabilities have the right to file an appeal and take legal action in cases of discrimination that constitute a criminal offence, and to resort to the administrative courts in cases of discrimination that constitute an offence reflected in an administrative ruling.

35. The High Commission for Human Rights Act No. 53 of 2008 assigns a broad mandate to the Commission. It receives complaints from individuals, groups and civil society organizations concerning past and recent human rights violations, and undertakes preliminary investigations based on the information received to assess the veracity of the complaints. It then institutes proceedings concerning the human rights violations, referring them to the Public Prosecution Service for legal action. The Commission is subsequently notified of the outcome.

36. The Care of Persons with Disabilities and Special Needs Act No. 38 of 2013 comprehensively enshrines the principle of equality and non-discrimination and the enjoyment of privileges. Article 15 of the Act requires the competent authorities to provide assistive technology for persons with disabilities and special needs, including translation into sign language and any other technology that assists them in defending their rights or in achieving equality with the other party to the proceedings. The bill concerning the amendment of Act No. 38 of 2013 adds that such assistance shall be available to persons with disabilities, regardless of whether their status is that of an accused person, a victim, a witness, a plaintiff or a defendant, and at all stages of the investigation, trial and enforcement. They are also entitled to special humane treatment in line with their circumstances and needs by certified experts, whose names are circulated to the competent authorities after they have been granted a licence based on the regulations specified by the President of the Supreme Judicial Council.

37. Article 11 (I) of Labour Code No. 37 of 2015 stipulates that: "Workers may file a complaint with the Labour Court if they are subjected to any form of forced labour, discrimination or harassment in their employment and occupation."

With regard to question 9 of the list of issues, we wish to state the following:

38. Although the legislation in force is not clearly at odds with international human rights norms, steps were taken to align domestic legislation with international human rights obligations by establishing a committee in the Supreme Judicial Council composed of retired judges with the requisite expertise to review all legislation. The committee adopts a comprehensive human rights perspective, addressing all possible grounds that may lead to discrimination in the area of human rights on behalf of certain groups or that are inconsistent with human rights standards, including failure to take affirmative action in respect of persons with all forms of disability in order to guarantee enjoyment of their rights.

39. The Directorate for Family and Child Protection from Domestic Violence in the Ministry of the Interior receives complaints and notifications from women and victims 24

hours a day. Complaints are registered in the victims' presence at the department, and communications are received from hospitals, schools and other governmental bodies concerning reports they have received of domestic violence. The victims are then interviewed, bearing in mind their gender. Thus, women are interviewed by female officials in a room designated for the purpose. The victims are then sent for a medical examination and treatment, and medical reports confirming abuse are used in the investigations.

40. The second reading of the Bill on Countering Domestic Violence was held on 17 January 2017 and it is hoped that the law will be adopted in due course.

41. In accordance with Council of Ministers Decision No. 164 of 2014, a National Multisectoral Team was established pursuant to Diwani Order No. 138 of 2017 with a view to implementing Iraqi international obligations under Security Council resolution 1325 (2000) and monitoring progress in fulfilling the agreed obligations. The National Plan of Action was based on three main pillars: participation, protection and prevention. A steering committee at the technical and ministerial levels was established to serve as a key component of the high-level National Multisectoral Team representing the legislative, executive and judicial branches and the Government of the Kurdistan Region. At the technical level, it is represented by the Coordination Committee, the Secretariat of the National Multisectoral Team and representatives of governmental bodies of at least director-general rank. In addition, sectoral teams were established for the implementation of the Plan.

42. The Department for the Empowerment of Women in the General Secretariat of the Council of Ministers developed a strategy and appropriate working methods for two high-level committees (on enhancement of the status of Iraqi women and rural women) with a view to furthering the advancement of women. Importance was attached in the plans and strategies to the situation of women with disabilities. The following action has also been taken:

43. Administrative bodies for the empowerment of women have been opened in all State and governorate agencies and institutions. They have been equipped with all the files relating to women (the file of the United Nations resolution 1325 team; the joint statement on sexual violence; and any subsequently produced files), and their plans and activities are reported to the Department for the Empowerment of Iraqi Women. Action is taken to incorporate the gender concept into the annual plans of their institutions, to reduce gender disparities, to reactivate the subcommittees that support the work of the High Commission for the Advancement of Rural Women in the governorates, and to build the capacity of women's sectoral teams by organizing capacity-building workshops in collaboration with relevant partners.

44. Coordination has been arranged with the World Bank for the launching of projects as part of the Emergency Operation (in support of social stability and steadfastness in Iraq), given the importance of addressing the impact of the conflict on the population. The projects have focused on women and on alleviating the psychological and social impact of the conflict, particularly on women and children ("cash for work", social support). Coordination has also been arranged with the Iraqi Agricultural Bank with a view to granting rural women soft loans for the establishment of small-scale projects to enhance their economic empowerment.

45. The Ministry of Planning conducts regular surveys that contain indicators concerning women who have been exposed to violence, such as the Survey of the Economic, Social and Health Conditions of Iraqi Women, the Survey of Women and Children in Iraq and the Multiple Indicator Cluster Survey, as well as in-depth analytical reports on violence against women. All these indicators are integrated into national plans and strategies as well as into gender-specific strategies, such as the National Strategy to Combat Violence against Women in Iraq (2013–2017), the National Strategy for the Advancement of Women in Iraq (2014–2018) and the National Emergency Plan concerning Security Council resolution 1325 (2000) (on women, peace and security).

46. The authorities in the Kurdistan Region have taken the following specific steps: action to ensure the effective implementation of Act No. 8 of 2011, including through the promulgation of the regulations required for its enforcement; establishment of a special

court to counter violence against women in three governorates of the Kurdistan Region; appointment of a reconciliation commission in domestic violence courts; and establishment of a high committee to combat violence against women in Erbil, Sulaymaniyah and Duhok.

With regard to question 10 of the list of issues, we wish to state the following:

47. In 2013 the Council of Ministers approved the National Strategy to Combat Violence against Women, which seeks to promote the rights of Iraqi women of all ages and to protect them from all forms of adverse discrimination and violence and to alleviate its impact. The strategy comprises four key components: prevention; care and protection; policies; and implementation. The sources on which it is based include treaties concerning women's rights, human rights and the Constitution, many articles of which provide for gender equality and equality before the law. It is also based on national documents such as the Five-Year Plan, the Poverty Reduction Strategy, the National Human Rights Action Plan and the Social Survey of Iraqi Women. The strategy is motivated by the determination of the Iraqi Government to recover from the deplorable circumstances resulting from former policies and the unstable security situation, which fostered extremist ideological tendencies that have had an impact on the situation of women in Iraq.

48. The National Strategy to Develop the Situation of Women in the Kurdistan Region (2013–2019): The strategy is motivated by the determination of the Government of the Kurdistan Region to improve the social situation in Kurdistan. The development and adoption of a National Strategy to support women's development in the region is a natural and logical outcome of the provisions of the draft Constitution and the policy of rebuilding the region on democratic and civilian foundations, respect for human rights and freedoms, and rejection of all forms of discrimination in society.

49. Iraq adopted the National Strategy for the Advancement of Women in Iraq by Council of Ministers Decision No. 164 of 2 April 2014. A number of its outcomes were developed and are being reviewed by the Department for the Empowerment of Iraqi Women in the General Secretariat of the Council of Ministers.

50. The Ministry of Migration and Displacement, in coordination with the Ministry of Labour and Social Affairs, the Ministry of Health, the Department for the Empowerment of Iraqi Women and civil society organizations, has taken steps to improve the situation of women heads of household and to ensure that they are covered by the programme of humanitarian security and stability. The Ministry adopted the programme to launch income-generating projects and ensure that women heads of households could benefit from grants allocated to returning and integrated families.

51. A number of plans have been developed to promote the access of women with disabilities to employment and rehabilitation. The Commission for the Care of Persons with Disabilities and Special Needs has begun to provide training for women with disabilities in the workplace in order to afford opportunities that are commensurate with their type and degree of disability, in accordance with article 15 (IV) of Act No. 38 and document No. 2 of 2016 concerning the functions and subdivisions of the Commission, which provide for monitoring of training and employment, in accordance with the law, in the profession chosen for the persons concerned. The Commission is also seeking to ensure that the above-mentioned groups have access to other services required by law, notwithstanding its lack of human resources and support and its recent establishment.

52. The bill concerning the amendment of Act No. 38 of 2013 provides for the development and implementation of health education and preventive programmes, including the undertaking of laboratory and field surveys to ensure the early detection of disabilities, and the provision of medical and psychological rehabilitation services and other therapeutic services, as well as primary health care for women with disabilities or women who need special care during pregnancy, childbirth and thereafter. The bill also stipulates that measures should be taken to provide kindergarten, primary and secondary education, bearing in mind children's health conditions and abilities, as well as special education programmes, fully inclusive education and parallel education. Equal occupational and employment opportunities should be provided, in accordance with the qualifications of persons with disabilities and special needs. State services and the public and mixed sector

are required and the private sector is encouraged to employ persons with disabilities and special needs, in accordance with specific ratios, depending on the type of disability and occupation. Monthly allowances should be provided for persons with disabilities who are unable to work.

53. According to the national disability survey conducted in Iraq in 2016, there were 580,342 women with disabilities and they accounted for 42.8 per cent of the total number of persons with disabilities.

54. Regulation No. 7 of 2017 concerning care centres for victims of human trafficking provided for the establishment of one or more centres in Baghdad linked to the Social Protection Department of the Ministry of Labour and Social Affairs. The Ministry of Labour and Social Affairs may establish care centres for victims of human trafficking in other governorates that do not form part of a region in which the functions envisaged in Act No. 28 of 2012 are implemented. The care centres receive victims belonging to the following groups: male and female children; male and female adults.

55. The Ministry of Migration and Displacement, in coordination with the Ministry of Labour and Social Affairs, the Ministry of Health, the Department for the Empowerment of Iraqi Women and civil society organizations, has taken steps to improve the situation of women heads of household and to ensure that they are covered by the programme of humanitarian security and stability. The Ministry adopted the programme to launch income-generating projects and ensure that women heads of household could benefit from grants allocated to returning and integrated families.

With regard to question 11 of the list of issues, we wish to state the following:

56. The Child Welfare Authority submitted two bills (the Child Welfare Authority bill and the Child Protection bill) to the State Council, which decided in light of its discussions to combine the two bills into a single bill on children's rights. The Child Welfare Authority established a Committee to review the observations made by the State Council. The Committee, in coordination with an international expert and with the support of the United Nations Children's Fund (UNICEF), is currently reviewing the bill with a view to submitting it to the State Council. The bill guarantees all basic rights, including economic, educational, health and cultural rights. It also contains a specific chapter on children with disabilities entitled "Care and rehabilitation of children with special needs".

57. The Ministry of Labour and Social Affairs is currently taking steps, in cooperation with the Ministry of the Interior, to establish a children's emergency line that can be used to report cases of domestic violence.

58. The national policy for the protection of children's rights is being prepared and drafted. The policy document contains eight objectives. The first objective is to protect children, including children with disabilities, by means of a legislative framework that guarantees their rights and meets their needs in a holistic manner and in line with international standards.

With regard to question 12 of the list of issues, we wish to state the following:

59. The Commission for the Care of Persons with Disabilities and Special Needs, in cooperation with civil society organizations, held 36 courses on the rights of persons with disabilities at the Commission's headquarters during 2016, 2017 and 2018. In addition, seminars were organized in a number of ministries. The number of beneficiaries of such seminars totalled 222 in 2018.

60. The Commission has contributed to the awareness-raising process by holding seminars and workshops to raise awareness among persons working with children with special needs of the rights of persons with disabilities and the principle of non-discrimination between them and other children in any area, particularly in the process of integration into education with other children. The Commission has promoted the participation in training workshops of staff and teachers employed in institutions for persons with disabilities, in coordination with a number of international organizations.

61. The Commission, operating through the Government's Department of Information and Communication and in coordination with the media, raises awareness of the rights of persons with disabilities, prints information brochures on persons with disabilities, in coordination with civil society organizations, and draws attention to the Commission, its functions and its structure. Awareness is also generated through the social media and the websites of the Ministry of Labour and Social Affairs and the Commission for the Care of Persons with Disabilities and Special Needs.

With regard to question 13 of the list of issues, we wish to state the following:

62. The Commission continues to implement the circulars issued by the General Secretariat of the Council of Ministers. The increase in the number of beneficiaries of the resulting legal benefits in 2018 is shown in the following table:

<i>No.</i>	<i>Type of benefit</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>
1	Appointments	48	108	278
2	Health insurance		290	740
3	Reduced transport rates		69	250
4	Higher education	83	30	234
5	Full-time employment	1 797	4 409	6 226
6	Importation of vehicles	217	1 561	4 973

63. No complaints were received by the Commission for the Care of Persons with Disabilities and Special Needs concerning the rights of persons with disabilities. The only complaint it received from persons with disabilities concerned the implementation of Decision No. 10 of 2012. It led to the adoption of Council of Ministers Decision No. 341 of 2018 concerning the registration of vehicles for persons with disabilities and special needs, in accordance with Act No. 38 of 2013 and Decision No. 10 of 2012, which was issued to the customs authorities on 5 April 2018 by the Directorate of Traffic, in accordance with the regulations, as shown in annex 4.

64. The Commission takes steps, in coordination with the Ministry of Transport, to implement article 15 (VII) of the Act, which requires the Ministry of Transport to provide free, safe and secure access to public transport for persons with disabilities and special needs and those accompanying them. It also requires tourism companies to provide at least one mode of easy transport designed specifically for persons with disabilities, and to ensure that they receive a twice-yearly reduction of 50 per cent in air fares.

65. The bill concerning the amendment of Act No. 38 of 2013 exempts persons with disabilities and special needs from taxes and duties for the purchase of individual and collective means of transport. The exemption is renewed after five years prior to the purchase of another vehicle. The taxes and duties are payable if the ownership of a vehicle is transferred to another person before the period has expired. The exemption is applicable to all persons with disabilities or special needs, both minors and adults, and regardless of the type of disability. In addition, equipment, tools, devices and machinery for persons with disabilities and special needs are exempted from customs duties if they are imported for personal use, or if they are imported by an association or organization for the purpose of donating them to the Commission.

With regard to question 14 of the list of issues, we wish to state the following:

66. The Commission for the Care of Persons with Disabilities and Special Needs, in cooperation with the Media and Communications Authority, has organized training courses on computer software for persons with disabilities, especially those with certificates, in order to integrate them into society and to implement Act No. 38.

67. Curricula for persons with visual impairments are printed in Braille. Act No. 38 of 2013 has also been printed in Braille to facilitate access for persons with disabilities to its articles.

68. The Commission has an updated Sign Language Division to assist hard-of-hearing persons in legal proceedings.

69. The bill concerning the amendment of Act No. 38 of 2013 stipulates that means of communication and linguistic facilities should be provided to ensure easy access to the media for persons with disabilities and special needs.

With regard to question 15 of the list of issues, we wish to state the following:

70. The Commission for the Care of Persons with Disabilities and Special Needs is currently drafting instructions for the implementation of article 15 (IV) (i) of Act No. 38, in coordination with the Ministry of Construction and Housing, with a view to issuing the directives and regulations that are necessary to meet the requirements of persons with disabilities and special needs in designing buildings and public facilities, and that are binding on all government departments, the public, mixed, cooperative and private sectors, and other entities.

71. The bill concerning the amendment of Act No. 38 of 2013 stipulates that the Ministry of Construction and Housing shall grant building permits only after having ascertained that the requirements of accessibility for persons with disabilities and special needs will be met. Permits issued for the following purposes shall be exempt from statutory fees: adjustment of existing buildings with a view to improving accessibility for persons with disabilities and special needs; placement of tactile and visible guiding signs on drilling sites, slopes and construction sites, and signs to identify bridges and the beginning and end of roads; and removal of all barriers and protuberances that impede the use of public roads by persons with disabilities and special needs.

72. The Ministry of Planning has completed the framework document for the National Reconstruction and Development Plan for Governorates Adversely Affected by Terrorist Operations (2018–2027), which will cost US\$ 10 billion. Details of the document may be found on the website of the Ministry of Planning: <https://mop.gov.iq/page/view/details?id=62>.

With regard to question 16 of the list of issues, we wish to state the following:

73. The Commission for the Care of Persons with Disabilities and Special Needs, working in coordination with the International Committee of the Red Cross (ICRC) and the Iraqi Red Crescent Society, is developing a comprehensive programme on ways and means of rendering early warning and public warning systems accessible to persons with disabilities.

74. The Ministry of the Interior is preparing training courses for persons with disabilities on fire extinguishing procedures and alarm systems.

With regard to question 17 of the list of issues, we wish to state the following:

75. In line with the requirements set forth in the Government's programme for 2014–2018 concerning the management of the internally displaced persons file, and given the importance of organizing and promoting action to manage and implement services and assistance on behalf of displaced persons in Iraq, a working group composed of representatives of all stakeholders was established to prepare, in direct coordination with the Office of the National Security Adviser, the national policy for managing the file of internally displaced persons in Iraq. It is based on a specific vision and objectives, and provides for the enactment of domestic legislation, in line with United Nations principles, and for the participation of the Council of Representatives, the High Commission for Human Rights, the governorates, and local and international NGOs. The policy was endorsed by Council of Ministers Decision No. 414 of 2015.

76. Pursuant to the Directive of the Council of Ministers issued on 30 December 2014, the Council of National Security Agents adopted the following recommendations: 1. The Ministry of Migration and Displacement should update its plan in order to align it with the data and requirements for the return of internally displaced persons to areas liberated from Islamic State in Iraq and the Levant (ISIL) terrorist groups; 2. The Salahuddin Operations

Command, the Salahuddin Police Command and the Samarra Police Command should prepare a document setting out the priorities for the areas in which the plan to return the internally displaced persons can be implemented. It should provide for the enhancement of security and specify the requirements for reconciliation, services, relief, etc.

77. The following are some of the government measures taken to provide the best possible services for displaced persons, including persons with disabilities:

78. The Ministry of Migration and Displacement has established reception centres and shelters for families displaced by acts of violence and battles with ISIL terrorist groups. They are based on international human rights standards and guarantee respect for the dignity of displaced persons. Field teams have been established to oversee the registration of displaced families, to ensure that their legal rights are respected, to provide them with food and non-food aid and financial assistance, and to guarantee the return of displaced families to areas of residence, in coordination with the security authorities and other competent bodies.

79. Safe corridors are opened for internally displaced persons from areas where military operations are conducted or areas with ISIL terrorist groups and they are transported by military units to safe locations. They are subsequently transported to displaced persons' shelters in special vehicles assigned by the Ministry of Migration and Displacement.

80. The Iraqi Government continued to pay the salaries of staff displaced from areas controlled by ISIL terrorist groups by issuing small cards so that they could receive their salaries in the areas to which they had been displaced.

81. Internally displaced persons and returnees to liberated areas have been provided with health-care, preventive and therapeutic services since 2014 pursuant to a special strategy.

82. The Iraqi Government, represented by the Ministry of Migration and Displacement and other competent authorities, guarantees the rights of refugees in Iraq, in accordance with the applicable legislation and directives, in particular Refugee Act No. 51 of 1971 and the provisions of the Ministry's law and directives, in a manner consistent with international human rights norms guaranteeing the rights of refugees. The Ministry of Migration and Displacement has provided all necessary services and assistance to our Syrian brothers and sisters who have entered Iraq since 2012. Furthermore, no form of discrimination exists under Iraqi law or in practice against women returnees, displaced persons and refugees.

83. The Social Protection Department of the Ministry of Labour and Social Affairs has opened passages in the governorates to receive all displaced women and to facilitate the procedures: three alternative sites in the Nineveh administrative district (Duhok, Erbil, Kirkuk); an alternative site in Tal Afar (Karbala); an alternative site in Hamdaniyah (Karbala, Hindiyah); an alternative site in the Anbar administrative district (Fallujah, Erbil); and an alternative site in the Salahuddin administrative district (Balad, Dujail).

84. The Ministry of Health has produced a plan for health services throughout the country, including the Kurdistan Region. It is based on four key objectives: provision of services to guarantee safety and basic human needs; provision of psychosocial support; provision of non-specialized psychological services; provision of specialized psychological services. The plan focuses on ways and means of providing mental health and psychosocial support services in humanitarian emergencies, and promoting recovery and rehabilitation for people with mental disorders and psychosocial problems, regardless of whether such problems existed previously or occurred as the result of an emergency.

85. The State-run Homes Section of the Ministry of Labour and Social Affairs is tasked with guaranteeing humanitarian assistance and protection for internally displaced persons in accordance with the norms of international law. The directorates of labour and social affairs in all governorates have been instructed to provide reception facilities for children (orphans, missing persons and humanitarian cases).

86. Population groups who have been displaced by the internal conflict include persons with disabilities. The Commission for the Care of Persons with Disabilities and Special

Needs ensures that they are treated in accordance with the provisions of Act No. 38 and provided with the necessary services and privileges.

87. Numerous measures have been taken, as set out below, to stabilize the security situation on behalf of displaced persons and returnees.

88. Action has been taken to remove landmines, to destroy explosives and to remove war debris from towns and cities in order to secure the liberated areas in preparation for the return of displaced persons; to reopen police stations in liberated areas; to secure liberated areas and guarantee security for citizens through the deployment of forces in surrounding areas and areas of access; and to cooperate with citizens in detecting infiltrators and terrorist cells and providing intelligence.

89. The Ministry of Health organizes numerous field visits to camps by working groups throughout the week, including on holidays and feast days, in order to ensure the sustainability of the health-care services provided to displaced persons. They work alongside local teams in the governorates where displaced persons are located and oversee the delivery of medications and medical supplies to internally displaced persons in camps and other locations.

90. The Ministry of Health promotes procedures for joint action with the Ministry of Health in the Kurdistan Region and provides it with logistical support based on the number of displaced persons and their governorates.

91. The Ministry of Health provides maternal and childcare services, arranges for nutritional assessments and early detection of chronic diseases, supplies the requisite medicines for such diseases, and registers and oversees treatment for cases of cancer.

92. The Ministry of Health supports displaced persons' camps and places of residence by making available ambulances for first-aid purposes at the central level. Ambulances are also provided by health-care departments in the governorates, the World Health Organization (WHO) and international organizations. In addition, the camps are provided with mobile clinics in partnership with WHO and other support agencies.

93. Social assistance was provided to the 1,529 Yazidi women who were subjected to violence by the ISIL terrorist groups and they were exempted from controls with the approval of the Minister of Labour and Social Affairs. In addition, assistance was provided to 88 women belonging to the network of survivors of assaults by the ISIL terrorist groups.

94. The Ministry of Labour and Social Affairs adapted the human trafficking shelter in Baghdad to take in children who had been subjected to abuse and who escaped from the crimes perpetrated by the ISIL terrorist groups. The shelter accommodates all children who stand in need of services and assistance without discrimination.

95. The Ministry of Migration and Displacement has organized psychological support programmes for women involving seminars and awareness-raising and educational sessions. It has also provided buses to transport returnees, especially women and children, to areas of return and set up shelters for displaced persons. The Ministry has provided humanitarian support for the construction of tents and caravans and for meeting emergency food and non-food requirements.

96. The Ministry of Planning has implemented a programme to provide occupational training and psychological support for displaced women and to reintegrate them into their communities. The activities are conducted in coordination with the Ministry of Labour and Social Affairs. It should be noted that the Ministry of Planning has integrated these activities into the executive plan of action for human development in the liberated areas, which forms part of the human and social development component of the national document on reconstruction.

97. Following the liberation of the city of Mosul and the expulsion of the ISIL terrorist groups, the Welfare Department for Persons with Special Needs reorganized the State-run orphan care centres in Nineveh. It adapted the centres, in coordination with UNICEF, to accommodate children from the ISIL terrorist groups and to provide care and protection for victims of ISIL crimes. It increased the available staff and reorganized them so that they could effectively assume their responsibility to implement the social welfare programme

and the family integration programme, and meet all the welfare requirements of child victims of the acts and ideology of ISIL terrorist groups. The children were thus offered shelter in the centres under extremely difficult conditions, together with Iraqi orphans, and were treated without discrimination.

98. The shelters in Nineveh adopted the social and psychological programmes and the family integration programme. They included, in line with judicial orders, ISIL children in Nineveh whose Iraqi parental origin is unknown.

99. The Ministry of Migration and Displacement, through its offices and branches in the governorates, takes all necessary measures on behalf of displaced persons, including persons with disabilities, by creating appropriate conditions such as accommodation, registration, and provision of medical, food and financial support. It facilitates the return process by, for instance, distributing wheelchairs to persons with disabilities, arranging for support and rehabilitation, providing legal advice and facilitating administrative and other procedures, in coordination with relevant ministries, international organizations and civil society organizations.

100. The Ministry of the Interior has taken vigorous action to protect displaced persons. Special units of the Directorate for Family and Child Protection have been tasked with visiting displaced persons' camps in Nineveh and Salahuddin and camps in Najaf, Diyala and Kirkuk. Services were provided to women from 2014 to 2017. The units visited the displaced persons' camps to combat violence against women and children and prevent impunity for the perpetrators, to inform the displaced persons of the Directorate's hotline to report cases of violence, to provide food and in-kind support, such as refrigerants, heating devices, bedding, pillows and blankets, and to present and distribute financial contributions made by international organizations. In addition, the Directorate for Family and Child Protection has provided psychological support to families in the camps and helped to resolve family problems.

101. The Ministry of the Interior has played an active and prominent role in procedures aimed at tracing abducted and missing persons and determining their fate. Coordinated action was taken with governmental and non-governmental bodies to monitor human trafficking cases in the camps. Awareness-raising activities were conducted in some of the camps (Virgin Mary Camp, Kastanzaniyah Peace Camp) with the participation of the Masir organization. It has also undertaken oversight activities with the subcommittees to combat human trafficking in the liberated governorates, and monitored the situation and number of displaced persons. Twenty-two women victims of human trafficking sex crimes were recorded under the Human Trafficking Act No. 28 of 2012.

102. The Ministry of the Interior trained officials from the Directorate for Family and Child Protection and the Community Police Directorate in methods of investigation and collecting evidence. It also cooperated with the Directorate for Family and Child Protection and the Community Police Directorate in setting up mobile units within and outside displaced persons' camps. In addition, the Ministry took action, in coordination with other ministries, to oversee the legal and administrative procedures undertaken in response to the above-mentioned complaints. Special teams and mobile units established in the Civil Status and Passports Directorate conducted field visits to displaced persons' camps in order to issue civil status identity documents, certificates of Iraqi citizenship and passports.

103. The Iraqi Government developed a clear-cut and simple strategy to restore stability in liberated areas and guarantee their recovery from the crisis. The strategy included the development of a joint plan to be implemented by all ministries of State engaged in the restoration of basic infrastructure and in close cooperation with the United Nations Development Programme (UNDP). The Government is working with the Stabilization Support Group in the liberated areas of Iraq, in accordance with the available data concerning the liberated areas and estimates of the funds required to restore normal living conditions, open governmental institutions, provide services and guarantee security.

104. The Council of Ministers approved the bill concerning refugees by Decision No. 304 of 2017 and referred it to the State Council for review. It was then returned to the General Secretariat of the Council of Ministers for the purpose of direct referral to the Council of Representatives, in accordance with articles 61 (I) and 80 (II) of the Constitution. The

Decision was adopted with a view to establishing rules and provisions governing asylum in the Republic of Iraq that are applicable to all cases of humanitarian, political and other forms of asylum on grounds of race, religion, nationality or social affiliation, and cases in which a refugee is subjected to threats and persecution, in accordance with the provisions of the Constitution, international treaties and the laws in force.

With regard to question 18 of the list of issues, we wish to state the following:

105. The amended Iraqi Civil Code No. 40 of 1951 guarantees the right to equality before the law and in decision-making. Some of its articles contain provisions that protect the material privileges of persons with disabilities and special needs.

106. Article 104 stipulates 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 specify the actions of the said guardian.” The Code refers in this article to certain cases of disability in which the person concerned is unable to perform certain activities. In such cases, the court appoints a guardian, in accordance with certain conditions, and requires the guardian to perform acts on behalf of the person with a disability. We wish to refer in this connection to general comment No. 1, according to which legal capacity and mental capacity are distinct concepts. Legal capacity is the ability to hold rights and duties (legal standing) and to exercise those rights and duties (legal agency). It is the key to accessing meaningful participation in society. Mental capacity refers to the decision-making skills of a person, which vary from one person to another and may be different for a given person depending on many factors, including environmental and social factors. Under article 12 of the Convention, perceived or real defects in mental capacity must not be used as justification for denying legal capacity. This was the position adopted by the Iraqi legislature, in accordance with the provisions of the Islamic sharia. The fact that all persons, regardless of their health condition, are recognized as persons before the law and possess full legal capacity (in terms of rights and duties) is not open to question. However, the law establishes a restriction to protect a person’s rights in certain circumstances. Such restrictions are based on a judge’s ruling that there is an impairment that limits the person’s ability to exercise his or her rights and duties. This cannot lead to a denial or impairment of the person’s legal capacity.

With regard to question 19 of the list of issues, we wish to state the following:

107. Psychological consultation services are provided by 34 psychiatric clinics. Psychological services are also provided by 2 hospitals with 20 psychological consulting rooms.

108. The Supreme Judicial Council, the Bar Association and other Iraqi legal institutions, including relevant ministries, regularly organize and participate in training courses and workshops to raise awareness of the rights of persons with disabilities and appropriate interaction with them. They are based on programmes prepared in coordination and cooperation with international organizations. The relevant norms and other human rights standards also form part of their curricula and training programmes.

With regard to question 20 of the list of issues, we wish to state the following:

109. The Iraqi Department of Corrections, operating through its divisions and sections, provides for oversight and action to meet the needs of inmates with disabilities. Oversight activities are conducted by sociologists employed by the social research and public health divisions of the Department, who are tasked, among other things, with attending to the needs of such inmates. An administrative order was issued by the Division of Human Resources, which oversees the welfare of persons with disabilities and special needs in prisons, in coordination with the Ministry of Labour and Social Affairs and the Baghdad Physical Rehabilitation Centre, with a view to organizing prosthetic device measurements for inmates in a number of prison wings, in coordination with the ICRC. A total of 81 persons with disabilities are currently detained.

110. Chapter V of the Prisoners and Detainees Reform Act No. 14 of 2018 deals with health care for prisoners, detainees and arrestees. Article 11 (I) stipulates that: “The

Ministry of Health shall cooperate with the Iraqi Reform Department and the Youth Reform Department with a view to providing medical services for inmates, establishing a hospital or health centre, designating a ward for inmates in public hospitals and appointing an appropriate number of doctors and medical professionals.” Article 12 (I) requires the Iraqi Reform Department to provide health care in correctional divisions and to arrange for treatment, beds and visits by medical committees.

111. The Prisoners and Detainees Reform Act No. 14 of 2018 guarantees many rights for inmates, including the right to health, safety and health care (Chapter V of the Act), the right to education for prisoners and detainees (Chapter VI of the Act), the right to work and employment for prisoners and detainees (Chapter VII of the Act), the right of prisoners, detainees and arrestees to receive visits (Chapter VIII of the Act) and the right to home leave (Chapter IX of the Act). The Act also guarantees other rights for prisoners, detainees and arrestees, such as the right to read newspapers and magazines, the right of inmates to exercise if they so wish, the right to receive messages by regular mail or through the prison email service, and the right of inmates or detainees to make telephone calls to their families, upon request, at least once a week or whenever necessary. Inmates are also entitled to file complaints with the competent director-general in the reform departments, with the prison inspector or with anyone authorized to conduct inspections.

With regard to question 21 of the list of issues, we wish to state the following:

112. Iraqi legislation prescribes a number of legal procedures against persons involved in human rights violations, including torture or inhuman or degrading treatment, as well as violations of fundamental freedoms. Articles 333 and 421 of the Iraqi Criminal Code provide for the prosecution of persons who practise diverse forms of torture either personally or through incitement. In addition, the Iraqi Constitution guarantees the safeguards for accused persons stipulated in the Iraqi Code of Criminal Procedure No. 23 of 1971 (arts. 92, 123, 124, 125, 126, 127, 128 and 156).

113. In line with the directives issued by the Prime Minister on 28 June 2015 concerning the recommendations on the drafting of a law against torture contained in the report on prison conditions in Iraq by the Ministry of Human Rights (abolished), and in light of the directives of the General Secretariat of the Council of Ministers on measures to implement the recommendations of the Committee against Torture issued in 2015 following the dialogue on the initial report of Iraq on compliance with the Convention against Torture, the Ministry of Justice drafted a law against torture, which contains a definition of torture and inhuman or degrading treatment that is consistent with relevant international treaties.

114. No cases have been heard before the courts regarding torture of persons with disabilities and no complaint has been filed concerning such cases.

115. Article 37 (I) (c) of the Iraqi Constitution stipulates 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.” This is confirmed by article 218 of the Code of Criminal Procedure, which stipulates that confessions extracted under torture shall be disregarded. Any party responsible for the offence of extracting a confession under torture or coercion is liable to prosecution under article 1 of the Code of Criminal Procedure in force.

116. The Iraqi legislature dealt with the crime of torture in article 333 of the Criminal Code, which stipulates 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 an 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.” The fact that the Iraqi legislature considers that psychological torture is tantamount to physical torture is explicitly stated in article 421 of the Criminal Code, paragraph (b) of which refers to the offence of arrest or detention of persons under aggravated circumstances: “If the act is accompanied by a death threat or physical or psychological torture.”

With regard to question 22 of the list of issues, we wish to state the following:

117. The Iraqi Criminal Code provides for deterrent measures to prevent exploitation, violence and abuse against all persons without discrimination, including persons with disabilities and special needs. The bill concerning the amendment of Act No. 38 of 2013 provides for the amendment of certain penal provisions contained in the current Act and the addition of penal provisions that would provide social protection for persons with disabilities and special needs.

118. Diwani Order No. 93 of 2018 provided for the establishment of the Central Committee to Combat Human Trafficking, the ministries and other bodies to be represented on the Committee, and the procedures for nominating representatives of the ministries. Furthermore a subcommittee, called the subcommittee to combat human trafficking, has been established in each region or each governorate that does not form part of a region. Each subcommittee, which is headed by the governor and includes a representative of the Ministry of the Interior and representatives of organizations of persons with disabilities, is tasked with achieving the objectives of the Human Trafficking Act and submitting recommendations to the Central Committee.

119. Act No. 11 of 2016 concerning human organ transplants and the prevention of trafficking includes provisions prescribing penalties that may be as severe as life imprisonment and a fine of at least 20 million Iraqi dinars (ID) and at most ID 40 million.

120. Courts of investigation with special investigating judges have been established to consider cases of human trafficking in Baghdad and the governorates.

121. Regulation No. 7 of 2017 concerning care homes for victims of human trafficking run by the Ministry of Labour and Social Affairs was issued to provide shelters, services and assistance for victims, including legal advice, psychiatric treatment and translation services. The first amendment to the Regulation concerning care homes for victims of human trafficking was promulgated in 2019.

122. Act No. 58 of 2017 concerning witness protection was promulgated.

123. All authorities involved in the fight against human trafficking were instructed to implement counter-trafficking procedures in accordance with the following legislation and regulations in force: Anti-Prostitution Act No. 8 of 1988, which prescribes a seven-year term of imprisonment for procurers; Decision No. 234 of 30 October 2001 of the dissolved Revolutionary Command Council, which prescribes the death penalty for procurers; the offence of begging as defined in articles 390 and 392 of the Criminal Code, pursuant to which begging is treated as an offence of human trafficking when it assumes the form of organized crime; Human Trafficking Act No. 28 of 2012, article 5 (II) of which stipulates that: "Anyone who commits the crime of human trafficking shall be liable to a maximum prison term of 15 years and a maximum fine of ID 10 million."

124. The second reading of the Bill on Countering Domestic Violence was held on 17 January 2017 and it is hoped, as already stated, that the law will be adopted in due course. Article 1 (III) of the Bill stipulates that: "Any act of physical, sexual, psychological, intellectual or economic abuse that one member of a family commits or threatens to commit against another member shall constitute a felony, a misdemeanour or an infraction depending on the applicable legal provisions." The Bill establishes an appropriate mechanism for the protection of victims and provides for the establishment of shelters. The Bill also establishes a special mechanism for reporting offences of domestic violence and permits legal proceedings to be instituted outside local jurisdictions. The Bill refers in connection with penalties to the Criminal Code and other relevant legislation.

125. Social Welfare Act No. 126 of 1980 was amended by Act No. 28 of 2013, article 29 (I) of which refers to domestic violence: "Care homes are mandated to provide care for children, minors, juveniles and adults who encounter family problems, who have lost one or both parents, or who are victims of domestic violence. They shall offer a healthy environment aimed at compensating for the loss of family care and affection and prevent any potential feeling of inferiority."

With regard to question 23 of the list of issues, we wish to state the following:

126. The judiciary takes effective action to address issues of impunity and reparations for victims, and to reform the judicial system in order to guarantee impartiality and independence and ensure that all persons, including those who are most in need of care, have access to justice. It also takes the necessary steps to conduct confidential and comprehensive investigations into human rights violations and all forms of abuse. The Public Prosecution Service undertakes monitoring functions in the judiciary to ensure compliance with human rights standards without derogating from the functions of other competent authorities.

127. The judicial system is independent and autonomous, and the Iraqi laws currently in force strictly guarantee the access of all persons to justice without any impediments. The judiciary's investigations into all offences involving human rights violations and abuse are deemed to be unique and the sound decisions of the Iraqi judiciary in this regard are highly respected.

128. The High Commission for Human Rights undertakes the monitoring activities provided for in article 16 (3) of the Convention, in accordance with the powers entrusted to it under the relevant legislation. The Commission for the Care of Persons with Disabilities also monitors compliance with the law and the Convention. Special units of the Ministry of Health collaborate with the High Commission and the Commission for the Care of Persons with Disabilities in the performance of these functions. Moreover, similar action can be taken by human rights committees, branches, divisions and departments in all institutions.

With regard to question 24 of the list of issues, we wish to state the following:

129. Act No. 38 of 2013 provides for the empowerment of persons with disabilities and their integration into society. Article 15 requires the competent ministries to meet their obligations in terms of rehabilitation, training, education, health insurance, housing rights, the right to higher education and other rights.

130. The Commission, acting in coordination with the Investment Authority, provides appropriate housing units for persons with disabilities. Contacts and communications are maintained with the General Secretariat of the Council of Ministers and the Ministry of Municipalities and Public Works for the same purpose.

131. Article 19 of Act No. 38 of 2013 grants a salary equivalent to the minimum salary for civil servants to full-time assistants who look after persons with disabilities and those who require an attendant to meet their needs. In addition, there are nurseries and shelters for children with disabilities that provide appropriate alternative care for children who have no families.

With regard to question 25 of the list of issues, we wish to state the following:

132. Article 19 of the Act entitles persons with disabilities who are unable to perform daily life functions to benefit from a full-time assistant for a renewable one-year period. Assistants who are civil servants retain the same salary as their peers and assistants who are not civil servants receive a monthly salary equal to the minimum for civil servants. Full-time assistants are selected by the person with disability unless he or she suffers from a mental impairment, in which case they are chosen by the person's guardian.

With regard to question 26 of the list of issues, we wish to state the following:

There is no response.

With regard to question 27 of the list of issues, we wish to state the following:

133. Annual special education classes in mainstream schools providing such classes were expanded from the first to the fourth grade of primary education.

134. The Ministry of Education has implemented the integration into inclusive education project in order to guarantee the right to appropriate education for persons with special needs, including persons with upper and lower limb disabilities, who enjoy sound and

normal intelligence, in cooperation with parents and school administrations. The project promotes the establishment of resource rooms in mainstream schools which are equipped with the necessary furniture, teaching aids and games. The resource rooms are managed by specially qualified special education teachers. The project has hosted more than 13,000 persons with disabilities in more than 1,500 schools in all governorates, and has made available 1,700 special education teachers and 50 specialized supervisors.

135. The National Commission for Special Education was established to identify impediments to special education in the governorates and find appropriate solutions in order to raise the level of education of persons with special needs and to adopt educational projects on their behalf.

136. Steps have been taken, in coordination with the Ministry of Health, to provide students with hearing and visual impairments with support and medical aid and appliances.

137. Special education classes have been established in mainstream schools. Pupils are enrolled after being diagnosed (for the first diagnostic year) by a teacher who visits schools and diagnoses slow learners during the first year in order to enrol them in special education classes. The Directorates-General for Education in the governorates oversee the distribution of schools with special education classes, in accordance with their geographical location and the number of persons with special needs, in order to prevent them from dropping out of school.

138. Specialized staff are recruited for special education, and training is provided for teachers who wish to participate in special education programmes. They attend development courses and are familiarized with modern teaching methods for students with special needs.

139. Special attention is given to gifted children with special needs. They are provided with educational and moral support through exhibitions, festivals and seminars organized by the Directorates-General for Education in the governorates.

140. The number of students at all grades who benefited from special education schools in 2016/17 totalled 6,968 males and 6,374 females.

141. The following table shows the number of beneficiaries of events organized by educational institutes run by the Special Needs Department, which also involved the use of sign language and Braille for the purpose of education and training:

<i>Year</i>	<i>Workshops and assemblies</i>	<i>Physical disability</i>	<i>Mental disability</i>
2013	327	2 236	894
2014	247	2 112	823
2015	246	2 032	818
2016	222	2 217	849
2017	217	2 245	804
2018 (until 31 May 2018)	208	2 179	788

142. Studies in the Kurdistan Region for persons with disabilities and special needs are based on curriculum No. 5 of 1991 for institutes for persons with disabilities, as amended in 2002. Many institutes have been established on behalf of blind persons, persons with physical disabilities and persons with autism. Studies in all institutes are based on the existing education system and guarantee study requirements such as computers and books printed in Braille. Courses have been launched for deaf and mute persons. More than 900 students with disabilities currently benefit from such studies. Students can also continue their studies in the Ministry of Education's vocational colleges, in accordance with the memorandum of understanding concluded between the Ministry of Education and the Ministry of Labour and Social Affairs in the Kurdistan Region.

143. The Ministry of Education in the Region has added a special education system to the general system. A joint committee, comprising the areas of education, labour and social

affairs, health and culture, prepares the system and submits it to the Council of Ministers for approval of its inclusion in the general education programme.

With regard to question 28 of the list of issues, we wish to state the following:

144. The Ministry of Health provides its services to persons with disabilities through 18 rehabilitation centres, which are required to ensure that persons with disabilities have access to medical rehabilitation services, in accordance with their geographic location, by providing medical treatment and monitoring the situation of persons with health-based and functional disabilities, recording the data in their files, equipping them with medical aids and appliances, such as wheelchairs, crutches and other devices, monitoring and facilitating administrative procedures, and organizing field visits to the residences of persons with disabilities. There are also 15 artificial limb centres and workshops that provide persons with disabilities with prostheses and various kinds of plastic and metal supports. There are rehabilitation hospitals for spinal cord injuries (Ibn al-Qaf Hospital in Baghdad and Tigris Hospital in Tikrit).

145. Community-based care units have been established to examine, diagnose and treat all age groups in primary health-care centres, regardless of their geographic location, in order to facilitate individual examinations on behalf of persons with disabilities.

146. Health care, reproductive health-care services and maternal and child health-care services are provided to all target groups, including persons with disabilities.

147. The Commission takes coordinated action with the Ministry of Health to implement the provisions of article 15 (I), which provides for the following services: “Provision of primary health care to women with disabilities or who need special care during pregnancy and childbirth; provision of free health insurance to persons with disabilities and special needs; registration of the birth and monitoring of the situation of children who are more vulnerable to disability; coordination with the competent authorities in order to meet the basic needs and social requirements of persons with disabilities and facilitate their integration into society.”

148. Iraq launched its National Reproductive, Maternal and Child Health Strategy (2013–2017), which is based on the following vision: “Establishment of a health system founded on primary health care, which guarantees, as far as possible, the delivery of health services that comply with international standards in order to meet the needs of individuals and society as a whole, through effective leadership, the development and maintenance of high-quality health services at all levels, and complementarity between public and private sector services.”

149. In line with its vision and plan for 2019, the Central Bureau of Statistics will conduct a comprehensive survey of the social and health conditions of women in Iraq, with the support of the United Nations Population Fund (UNFPA), which will provide reliable indicators and a database concerning the status of women in Iraq as well as indicators of sustainable development.

With regard to question 29 of the list of issues, we wish to state the following:

150. The Council of Ministers issued a statement confirming the coverage of the heirs of deceased workers pursuant to Council of Ministers Decisions No. 222 of 2008 and 390 of 2015. Decision No. 222 amended the benefits payable to retired employees, and Decision No. 390 of 2015 provided for a monthly allowance for pensioners pending the promulgation of the amended Pensions and Social Security Act. The Council’s decision was based on article 60 (c) of Pensions and Social Security Act No. 39 of 1971, which stipulates that: “In the event that the heir is not eligible for the pension of the deceased, and in the event that the deceased is a partially disabled pensioner, the heir shall be entitled to compensation equivalent to the pension for partial disability for a period of four years.” This affirmation by the Council of Ministers reflects the State’s concern to guarantee the requisite care and a decent life for its citizens, especially persons with disabilities and special needs.

151. The Commission for the Care of Persons with Disabilities, acting in coordination with the Labour and Vocational Training Department of the Ministry of Labour and Social Affairs, promotes training for persons with disabilities in order to integrate them into the labour market and involve them fully in all aspects of life, taking into account their type and degree of disability and the occupations that are most appropriate for them.

152. According to the 2017 Sustainable Development Report issued by the Ministry of Planning, the unemployment rate for persons with disabilities aged 15 years and over stood at 10.7 per cent in 2017.

With regard to question 30 of the list of issues, we wish to state the following:

153. The Ministry of Health and the Environment has established a number of medical committees to examine persons with disabilities and determine the type and degree of disability, in cooperation and coordination with the Commission for the Care of Persons with Disabilities and Special Needs. There is also a Disability Diagnosis Centre that examines all persons with disabilities and refers them to the competent authorities, depending on the type of disability, such as institutes for persons with physical disabilities or institutes specializing in visual or auditory disabilities. Article 19 of Act No. 38 of 2013 stipulates that the degree of disability shall be assessed in accordance with the Ministry of Health Directive No. 2 of 1998.

With regard to question 31 of the list of issues, we wish to state the following:

154. The first Poverty Reduction Strategy (2010–2014) led to a reduction in the poverty rate from 22 per cent in 2007 to 19 per cent in early 2012 and 15 per cent in the first half of 2014. The poverty rate rose again to 22.5 per cent in the second half of 2014 owing to the decline in oil revenues and the war on the terrorist ISIL organization. It also rose in the Kurdistan Region from 3.5 per cent to 12.5 per cent owing to the wave of displacement. During the period from 2012 to 2015, a total of 48 out of 87 activities envisaged by the Strategy were implemented, involving 199 projects. The funds allocated for activities under the first Strategy amounted to about ID 1.6 trillion (about US\$ 1.4 billion) during the period 2012–2016.

155. A High Committee chaired by the Prime Minister and composed of the relevant ministers of the Federal Government and the Government of the Kurdistan Region was established to manage poverty reduction policies. A Permanent Technical Committee for poverty reduction policies was also established in the Ministry of Planning to monitor and assess the implementation of the Strategy.

156. In light of the outcome of the first Strategy and the emergence of new challenges, the Government decided to adopt the second Poverty Reduction Strategy (2018–2022), the aim of which is to reduce poverty by 25 per cent. The second Strategy encompasses 32 activities designed to eliminate poverty through the following six outcomes: a higher income and sustainable earnings for the poor; improvements in health care; improvements in education for the poor; adequate housing and an environment that is responsive to challenges; effective social protection for the poor; and emergency response activities. The Strategy focuses on income, education, health care, housing, social protection, and action in response to emergencies stemming from forced displacement from the areas controlled by ISIL.

157. The second Strategy is consistent with the aspirations of the Government of Iraq to achieve the Sustainable Development Goals through the Iraq Vision 2030, which facilitates the identification of key elements of the Strategy, which are in turn fundamental components of the Vision, namely: creation of sustainable income generation opportunities; empowerment and building of human capital; and establishment of an effective social safety net.

158. The national disability survey conducted in Iraq in 2016 showed that 48.9 per cent of households derived their income from wages and salaries, and that 36.1 per cent of households derived their income from entrepreneurship and free professions. The proportion of persons with disabilities whose main breadwinner was a family member totalled 67.9 per cent, and the proportion who were self-supporting totalled 15.1 per cent.

159. The Iraqi Government, acting through the Ministry of Planning, attaches great importance to the interests of persons with disabilities in its development plans and sectoral strategies, the most recent of which is the National Development Plan (2018–2022). The human and social development section of the Plan contains a paragraph on persons with disabilities that focuses on activities and programmes in the implementation plan aimed at promoting the care, empowerment and integration of persons with disabilities in all areas.

160. According to the annual plan for 2019 of the Central Bureau of Statistics, the Bureau will conduct a Household Socio-Economic Survey in Iraq in 2019. The survey will produce data that can be used to measure and analyse poverty and to assess the implementation of the national Poverty Reduction Strategy (2018–2022).

With regard to question 32 of the list of issues, we wish to state the following:

161. Iraqi legislation does not discriminate against persons with disabilities, who can be nominated and elected on a par with others.

162. Act No. 36 of 2015 promulgated the Political Parties Act, which specified the grounds for its enactment as follows: “This law was enacted in response to the requirements of the new political life and the transition to democracy, to regulate the legal framework governing the actions of political parties or organizations on the basis of democratic national grounds that guarantee political pluralism, and to achieve broader participation in public affairs.”

163. During the election period, government transport vehicles are used to facilitate access to polling stations for persons with disabilities who are entitled to vote. In addition, electoral publicity has been used to promote the participation of persons with disabilities in developing a specific view of candidates. The Electoral Commission has also developed a special procedure to facilitate the participation of persons with disabilities in the electoral process, to render polling stations accessible and to facilitate voting.

With regard to question 33 of the list of issues, we wish to state the following:

164. We wish to draw your attention in this connection to what was stated in paragraph 4 above.

With regard to question 34 of the list of issues, we wish to state the following:

165. The Ministry of Planning devoted special attention to matters relating to persons with disabilities in the National Development Plan (2018–2022). The human and social development section of the Plan contains a paragraph on persons with disabilities that focuses on activities and programmes in the implementation plan aimed at promoting the care, empowerment and integration of persons with disabilities in all areas. The objectives of the Plan include: laying the foundations for good governance; achieving economic reform and increasing the rate of economic growth; promoting the recovery of communities affected by the displacement crisis; reducing unemployment rates; guaranteeing human security for the most vulnerable and poor groups; and promoting sustainable human development indicators.

With regard to question 35 of the list of issues, we wish to state the following:

166. The Commission for the Care of Persons with Disabilities and Special Needs performs the functions referred to in article 33 (1) of the Convention, in coordination with a number of administrative divisions of the Iraqi Government that are tasked with supporting the rights of persons with disabilities, including the Ministry of Health, the Ministry of Education, the Ministry of Defence, etc. The provisions of the Convention and Iraqi legislation are implemented by means of coordination between these institutions.

167. Act No. 53 of 2008 provided for the establishment of the High Commission for Human Rights, which is an independent body with legal personality, and which also enjoys financial and administrative independence. The Commission is mandated to protect and promote respect for human rights, to protect the rights and freedoms enshrined in the Constitution and in the international instruments and treaties ratified by Iraq, to promote

and develop a human rights culture, and to undertake the additional activities described in the reply to question 9 of the list of issues. The Commission also works in cooperation and coordination with civil society organizations that are active in the area of human rights. The High Commission for Human Rights appointed a Commissioner for the Rights of Persons with Disabilities to perform the functions set forth in article 33 (2) of the Convention.

168. The bill concerning the amendment of the Care of Persons with Disabilities and Special Needs Act requires the High Commission for Human Rights, in coordination with organizations acting on behalf of persons with disabilities, to establish an independent monitoring and oversight mechanism to ensure the enforcement of national legislation concerning the rights of persons with disabilities and to submit the necessary recommendations thereon to the Commission and other competent bodies.

169. Civil society constitutes an independent supervisory body and a mechanism to disseminate a culture based on the rights of persons with disabilities and to oversee their rights. Civil society engages in direct and dynamic coordination in the areas that fall under article 33 (2) of the Convention. The Ministry of Labour and Social Affairs organizes regular discussions and exchanges of views on relevant matters.

170. Civil society participates in the Commission for the Care of Persons with Disabilities through its representatives. It therefore plays an important role in shaping governmental and national policies in this area.
