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WATCH

“No One Represents Us”

Lack of Access to Political Participation for People With Disabilities
in Iraq

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**Lack of Access to Political Participation for
People With Disabilities in Iraq**

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Summary

Iraq is holding parliamentary elections on October 10, 2021. Without change, hundreds of thousands of people with disabilities will face barriers to participation and some of them may not be able to vote.

The exact number of people with disabilities in Iraq remains unknown because the government has not collected reliable statistics. In 2019, the United Nation's Committee on the Rights of Persons with Disabilities said the country, after decades of violence and war, had one of the largest populations of persons with disabilities in the world. Despite this, the government has failed to remove the obstacles people with disabilities face when trying to engage in politics, which limit their ability to vote or hold office.

Iraq's discriminatory legislation and a host of practical barriers primarily stand to blame. The former requires urgent reform to bring Iraq up to international standards. Many of the latter should and can be rectified now, before the October election, so all Iraqis can participate equally in the political process.

Iraq has international legal obligations to take these steps. The parliament voted to accede to the Convention of the Rights of Persons with Disabilities (CRPD) in 2013, though it has not yet signed the convention's Optional Protocol. Article 12 of the convention requires states to "recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life." Article 29 calls on states to respect the political rights of persons with disabilities.

On these points, Iraq's domestic law falls far short. The 1951 civil code gives the power to judicial authorities to deprive persons with certain type of disabilities, including intellectual, psychosocial, visual, and hearing disabilities, of their "legal capacity." This deprivation strips the individual of the right to vote or to stand as a candidate in an election. The civil code also uses offensive and derogatory language to describe persons with visual, intellectual, sensory, and psychosocial disabilities.

Article 29 of the CRPD further requires states to ensure that voting facilities and materials are "appropriate, accessible and easy to understand and use." Despite this, Iraqi

authorities offer little to no accessible information about voting to people with certain visual, hearing, and intellectual disabilities, both prior to and during elections. In written and online material, and at polling places, electoral materials are not presented in audio, Braille, sign language, and easy-to-read formats. Videos on the Independent High Electoral Commission (IHEC, the body that organizes Iraq's elections) website do not have subtitles or sign language for people with hearing disabilities.

For people with physical disabilities, even getting to a polling places can be difficult or impossible due to the ban on operating vehicles on election day that authorities have imposed for security reasons (commonly known in Iraq as a vehicle curfew). The ban has a direct impact on people who use crutches, wheelchairs, or other mobility assistive devices.

IHEC uses school buildings for polling places, unless all of the schools in an area were damaged in fighting. These schools frequently have steps or are otherwise inaccessible to people who use wheelchairs or other mobility assistive devices. In some polling places, ballot boxes are located on the second floor in buildings without elevators, making physical access even more difficult.

At present, the IHEC does not have mobile voting stations or electronic voting, which could significantly improve the ability of people with disabilities to vote. IHEC holds early voting only for military, police, and some other state security forces at their place of work two days before parliamentary elections.

Suha Ameen Khalil, 44, a woman from Anbar province with a physical disability who uses a wheelchair, said she has never participated in any election in her life:

Every election day is the most depressing day for me. Everyone goes to vote and I am stuck at home waiting for the day to end. I want to vote like everyone else and choose people who can represent us because they know of our suffering.

People with disabilities told Human Rights Watch that access barriers force them to rely on assistance to reach the polling places. When that assistance comes from political party members, who have permission to use vehicles, those members sometimes try to influence how people with disabilities vote. People who are unable to reach the ballot box

without assistance or are unable to fill out their ballot alone are forced to rely on a family member or IHEC staff to cast their ballot, raising concerns about privacy and the right to vote independently.

Ahmed Mohsen al-Ghizzi has a physical disability and uses crutches and is director of Voice of Iraqi Disabled Association, a Baghdad-based organization that al-Ghizzi says has 7,000 members, all with disabilities. The association did a survey after the 2018 parliamentary elections to assess participation, and only 200 members out of the roughly 5,000 who replied said they had been able to vote. Those not able to vote cited the inability to reach the polling place because of the curfew, inability to enter the polling place in a wheelchair, or inability to reach the second floor where ballot boxes were located.

Available evidence suggests that people with disabilities also face significant obstacles to running for public office. Human Rights Watch was only able to identify eight people with disabilities who had run for public office since 2005 – six in parliamentary elections and two in governorate elections. The obstacles apparently stem from discriminatory legislation, including provisions that require candidates to be “fully competent” or “fully qualified,” and the unwillingness of political parties to seek out and support people with disabilities as candidates.

“It really makes me sad when I see all the members of parliament and there is no one to represent us,” said Naghim Khadir Elias, 47, a woman from Baghdad with a physical disability who uses a wheelchair.

Until now, the IHEC has defended its policies. “Our institution is an executive one that is only concerned with implementing the electoral law that organizes all details of the electoral process,” the commission told the Ministry of Labour and Social Affairs in December 2020, in response to critical findings from the UN’s Committee on the Rights of Persons with Disabilities. But the IHEC is the body that selects polling sites and has the authority to place them at accessible locations and to offer transportation. It can disseminate accessible information about elections, political party platforms, and participation in political life prior to voting day. It can also provide better support and reasonable accommodation to ensure that people with disabilities can fairly and equally participate in the political process.

For election day on October 10, 2021, the IHEC should make sure that voting procedures, facilities, and election materials are accessible. This includes ensuring that transportation is available to polling place for people with disabilities, selecting accessible polling places, and ensuring that all polling places have at least one ballot box placed lower to the floor to facilitate voting for people with short stature or in a wheelchair, and ensure nonvisual accessibility for people with visual disabilities. The IHEC should ensure that its election information materials, online and in registration and polling places, are accessible and easy to understand for persons with visual, hearing, and intellectual or cognitive disabilities. The IHEC should also ensure that assistance in voting is available for persons with disabilities who might need support. People with disabilities should have the right to choose who they would like to assist them. Consistent with the principle of “Nothing About Us Without Us,” the IHEC should consult and include people with disabilities and their representative organizations in all of these efforts.

Iraq’s newly-elected parliament should review the relevant domestic legislation and make amendments to comply fully with the CRPD. It should amend the civil code on legal capacity so that all people with disabilities have their right to legal capacity respected and access to supported decision-making, if needed, rather than being deprived of the ability to exercise their rights. This includes elections laws in federal Iraq and the Kurdistan Region. The parliament should also amend all laws and regulations so that disability terminology reflects the preferred language of the disability community. People with disabilities and their representative organizations should be included and consulted on all these processes.

Iraq’s international donors have a role to play by supporting the introduction of alternative voting options to promote accessibility for people with disabilities, including mobile voting stations, early voting, and electronic voting, with postal voting not likely an option in Iraq given the weakened postal system. They can integrate a disability-inclusive approach into existing and future donor agreements on programs and policies on political participation.

The Iraqi government and international donors should also increase awareness of the right to political participation of persons with disabilities, including by providing training to people with disabilities, election officials, political parties, public authorities and media providers on how to fulfil the right of people with disabilities to political participation.

People with disabilities and their representative organizations should be included and consulted in the design and implementation of awareness raising efforts.

The United Nations and European Assistance Missions' election monitoring bodies that will monitor the October 10, 2021 parliamentary elections should include people with disabilities as monitors. They can encourage change by documenting and reporting on discriminatory treatment and limitations that people with disabilities face during the elections.

Methodology

This report is based on Human Rights Watch interviews with 14 people with disabilities (11 with physical, two with visual, and one with hearing disabilities), many of whom work as disability rights activists and in civil society organizations, as well as the mother of two people with autism, and two other people who work on disability rights. Human Rights Watch also interviewed one legal expert and two Iraqi government representatives. The interviews took place between January and August 2021.

Human Rights Watch researchers conducted most of the interviews by phone in Arabic or Kurdish. Researchers informed all interviewees about the purpose and voluntary nature of the interviews, the ways in which Human Rights Watch would use the information, and obtained informed consent from all interviewees, who understood they would receive no compensation for their participation.

Researchers also analyzed relevant Iraqi laws in consultation with members of parliament, government officials, and Iraqi lawyers, to ensure correct interpretation.

Researchers did not have the resources to examine the ability of people living in residential institutions to vote. The use of phone interviews limited Human Rights Watch's ability to conduct interviews with people with certain type of disabilities, such as hearing, intellectual, and psychosocial disabilities. Human Rights Watch was not able to establish contact with any organization of persons with disabilities run by people with intellectual, cognitive, or psychosocial disabilities.

Human Rights Watch maintains a dialogue with the Iraqi government and Kurdistan Regional Government (KRG) and is grateful for the cooperation we received to assess the facts presented in this report and any resulting recommendations. In late August 2021, Human Rights Watch met with the Independent High Electoral Commission (IHEC) and the Ministry of Social Affairs and Labor and received answers to all of its queries. This report includes the relevant responses provided in those meetings.

The Number of People With Disabilities

Article 31 of the Convention of the Rights of Persons with Disabilities (CRPD) obligates governments to collect information, including statistical and research data, that aids the government in making informed policy decisions on the implementation of the CRPD's provisions.¹ Governments must make such information accessible to persons with disabilities and others. However, the exact number of people with disabilities in Iraq remains unknown because the government has not collected reliable statistics.

A 2014 USAID study cited Iraqi Ministry of Health statistics estimating that 15 percent of Iraq's population, about 3 million people at the time, had a disability.² A 2016 United Nations report noted statistics produced by the Association of Short Statured People and People with Special Needs in 2014 estimating the number at about 4 million people.

From 2014 to 2017, parts of Iraq were ravaged by intense fighting between the Islamic State (also known as ISIS) and anti-ISIS forces, including Iraqi armed forces and a US-led coalition, that resulted in thousands of civilians being wounded and killed.³ In the context of the largest battle during that time, the fight to re-take Mosul from 2016 to 2017, the World Health Organization (WHO) coordinated a first-of-its-kind trauma response for injured civilians.⁴ It funded non-governmental organizations and private medical organizations to bring trauma care closer to the frontlines. These efforts, funded in large part by the United States and European states, included placing medical teams within approximately 10 minutes of the frontline to provide stabilization care and field hospitals within around one hour to treat the most seriously wounded.⁵

A Johns Hopkins University study found that this medical response may have saved the lives of between 1,500 and 1,800 people, of which 600 to 1,330 were likely civilians.⁶ The study drew on data from Humanity & Inclusion that identified 2,135 "complex" cases of people wounded in the fighting, including orthopedic fractures, burn injuries, and amputations, reported by only four out of the 18 facilities that participated in referral pathways between January and June 2017.⁷ This provides a

small snapshot of the scale of injuries civilians suffered but survived from during the battles against ISIS and suggests that the period of fighting has significantly increased the number of people in Iraq who have a disability.

In 2019, the Committee stated that Iraq has one of the largest populations of persons with disabilities in the world.⁸

REACH, a humanitarian data initiative, conducted a survey of over 9,000 households between July and September 2020 that provides some insight into the number of people with disabilities among current and formerly displaced families.⁹ Due to Covid-19, a mixed survey methodology was used that renders the survey findings statistically representative in some districts and indicative in others, including in all formal camps for the displaced.¹⁰ The indicative findings cannot be generalized out to

¹ United Nations Convention on the Rights of Persons with Disabilities, art 31.

² United States Agency for International Development Report, Iraq Access to Justice Program, “Values of Access to Justice and Persons with Disabilities in Iraq,” March 2014, https://webcache.googleusercontent.com/search?q=cache:umoaaxw5sIJ:https://pdf.usaid.gov/pdf_docs/PAooK2Z6.pdf+&cd=1&hl=en&ct=clnk&gl=jo

³ United Nations Assistance Mission for Iraq and United Nations for Human Rights report, “Report on the Rights of Persons with Disabilities in Iraq,” December 2016, https://reliefweb.int/sites/reliefweb.int/files/resources/UNAMI_OHCHR_Report_on_the_Rights_of_PWD_FINAL_2Jan2017.pdf; Susannah George, Qassim Abdul-Zahra, Maggie Michael, and Lori Hinnant, “Mosul is a Graveyard: Final IS Battle Kills 9,000 Civilians,” AP News, December 21, 2017, <https://apnews.com/article/collapse-of-the-caliphate-islamic-state-group-ap-top-news-middle-east-international-news-93foc1b83550404f99053ed7f0474740> (accessed May 25, 2021); Ceasefire Centre for Civilian Rights and Minority Rights Group International Report, “Mosul After the Battle – Reparations for Civilian Harm and the Future of Ninewa,” January 2020, https://reliefweb.int/sites/reliefweb.int/files/resources/MRG_CFR_Iraq_EN_Jan201.pdf.

⁴ Johns Hopkins Center for Humanitarian Health, “The Mosul Trauma Response – A Case Study,” February 2018, http://hopkinshumanitarianhealth.org/assets/documents/Mosul_Report_FINAL_Feb_14_2018.pdf

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

⁸ United Nations Office of the High Commissioner for Human Rights press release, “Committee on the Rights of Persons with Disabilities Discusses the Impact of Armed Conflict on Persons with Disabilities in Iraq,” September 11, 2019, <https://reliefweb.int/report/iraq/committee-rights-persons-disabilities-discusses-impact-armed-conflict-persons> (accessed May 25, 2021).

⁹ REACH Initiative, IRAQ Multi Cluster Needs Assessment Round VIII, <https://data.humdata.org/dataset/reach-iraq-multi-cluster-needs-assessment-round-viii-2020> (accessed September 9, 2021).

¹⁰ A mixed survey methodology means that both in-person and phone surveys were used and that sampling methods differed. In 24 of 62 districts, face-to-face household surveys were used following a two-stage stratified cluster sampling approach. In the remainder, a non-probability purposive quota sampling approach was used to conduct phone surveys. For more on the methodology and limitations of the survey, including which districts had representative or indicative surveys,

the wider population with any level of precision, so the percentages found in these districts only represent the rates among the surveyed households. Human Rights Watch analyzed the data from the districts where at least 50 households were surveyed. Depending on the district, between 8 and 31 percent of households reported that someone in their household had difficulty with at least one of six activities.¹¹ In addition, between 3 and 17 percent of households have a member who has a lot of difficulty walking or climbing steps or who cannot walk or climb steps at all.¹²

Governorate	Survey Type	Percent of Households Including Someone with a Potential Disability
Anbar	Representative	8%
	Indicative	12%
Baghdad	Indicative	9%
Diyala	Representative	16%
	Indicative	23%
Dohuk	Representative	26%
	Indicative	21%
Erbil	Representative	21%
Kirkuk	Representative	14%
Nineveh	Representative	24%

see <https://data.humdata.org/dataset/reach-iraq-multi-cluster-needs-assessment-round-viii-2020-dataset-including-individual-data> (accessed September 9, 2021).

¹¹ REACH used the recommended Washington Group on Disability Statistics Question Sets. See: https://www.cdc.gov/nchs/data/washington_group/WG_Short_Measure_on_Disability.pdf

¹² According to the Washington Group on Disability Statistics, respondents who answer “a lot of difficulty” or “cannot do it at all” to at least one of the six functioning questions should be considered a person with disability for the purpose of data disaggregation. These are people whose conditions place them at risk of being excluded if faced with physical, informational, attitudinal, or institutional barriers in their surrounding environment. See: https://www.washingtongroup-disability.com/fileadmin/uploads/wg/Documents/An_Introduction_to_the_WG_Questions_Sets__2_June_2020_.pdf. The Washington Group on Disability Statistics Questions have several limitations, including that they miss many people with psychosocial disabilities.

	Indicative	16%
Salah al-Din	Representative	9%
	Indicative	17%
Sulaymaniyah	Indicative	31%

Deprivation of the Right to Vote

People with disabilities in Iraq are being deprived of their right to vote because of discriminatory legislation which restricts the right to vote for some persons with disabilities, and inaccessible voting procedures, facilities, and election materials.

Legal Standards

Article 25 of the International Covenant on Civil and Political Rights provides that: Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.

Article 12 of the Convention of the Rights of Persons with Disabilities (CRPD) requires state parties to “recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.”¹³ Article 29 calls on states to respect the political rights of persons with disabilities. Iraq’s 1951 civil code and related legislation allows for broad deprivation of legal capacity of persons with certain disabilities, including intellectual, psychosocial, visual, and sensory disabilities, in violation of the country’s obligations under the CRPD. Through the process of interdiction, courts can impose guardianship on individuals with disabilities, which denies these individuals the right to make decisions, including the right to vote.

Article 12 of the CRPD guarantees the right to agency and prohibits any presumption that a person cannot make a decision on the basis of a disability. Article 12 calls on the states to ensure that persons with disabilities should be given the support, when needed, to make

¹³ United Nations Convention on the Rights of Persons with Disabilities, art. 12.

decisions, replacing the model of substitute decision making or guardianship with a model of supported decision making.¹⁴ Supported decision making allows people with disabilities to make their own informed decisions by giving them the assistance and help they need to do so instead of having a guardian make a decision for them.

The UN Committee on the Rights of Persons with Disabilities, the expert body that monitors CRPD implementation, confirmed in its General Comment on Article 12 that the rights and obligations of Article 12 are civil and political, and therefore states parties are obliged to take immediate and concrete legislative, judicial, and administrative steps to ensure that all persons have their right to equal recognition before the law respected and upheld. There must also be meaningful participation by persons with disabilities in this process.¹⁵

Article 29 of the CRPD protects the rights of people with disabilities to participate in political and public life, including the right to vote and the right to hold public office.¹⁶ According to the Committee, disability-based discrimination should be prohibited in all laws, “particularly those governing elections,” recommending “urgent adoption of legislative measures to ensure that persons with disabilities, including persons who are currently under guardianship or trusteeship, can exercise their right to vote and to participate in public life, on an equal basis with others.”¹⁷

Article 29 of the CRPD requires states to ensure that voting facilities and materials are “appropriate, accessible and easy to understand and use.” It also requires that state parties adopt appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communication technologies and systems, and to other facilities and services open and provided to the public, both in urban and in rural areas.¹⁸

¹⁴ CRPD, art. 12 (3)

¹⁵ UN Committee on the Rights of Persons with Disabilities, General Comment No.1 – Article 12: Equal Recognition Before the Law (April 2014) UN Doc. No. CRPD/C/GC/1, adopted at the 11th Session, para. 30.

¹⁶ CRPD, art 29

¹⁷ UN Committee on the Rights of Persons with Disabilities, “Consideration of reports submitted by States parties under article 35 of the Convention, Concluding observations of the Committee on the Rights of Persons with Disabilities, Tunisia,” CRPD/C/TUN/CO/1, May 13, 2011, paras. 13, 35.

¹⁸ CRPD, art. 29.

People who are unable to reach the ballot box without assistance or are unable to fill out their ballot alone have to rely largely on their families or in some cases the Independent High Electoral Commission (IHEC) staff to cast their vote, and some persons with disabilities interviewed by Human Rights Watch expressed discomfort at their lack of ability to keep their vote private and independent.¹⁹

Ahmed al-Ghizzi of the Voice of Iraqi Disabled Association said that currently the association has 7,000 registered members, all with disabilities.²⁰ The association did a survey after the 2018 parliamentary elections to assess participation, and only 200 members said they had been able to vote. Those unable to vote cited an inability to reach the polling place because of the curfew, inability to enter the polling place in a wheelchair, and inability to reach the second floor where the ballot boxes were located.

Legislative Barriers

Article 12 of the CRPD requires state parties to “recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.”²¹ Legal capacity is the right to make decisions and exercise rights on one’s own behalf, and the CRPD makes clear that people with disabilities enjoy legal capacity on an equal basis with others in all areas of life and that states have an obligation to provide persons with disabilities with access to support, if needed, in the exercise of their legal capacity.²²

On the contrary, Iraq’s civil code (40/1951) uses harmful and offensive terms when describing people with visual, intellectual, and sensory disabilities:

Article 46: (1) Every person who has attained the age of majority, enjoys his mental faculties, and has not been interdicted shall have full capacity to exercise his civil rights.

¹⁹ Human Rights Watch remote interview with Azihar Dighaish Alwan, a woman with short stature, Diyala, February 24, 2021; Human Rights Watch telephone interview with Angham Adel, a woman with a hearing disability, Najaf, May 10, 2021.

²⁰ Human Rights Watch telephone interview with Ahmed al-Ghizzi, director of Voice of Iraqi Disabled association, Baghdad, May 19, 2021.

²¹ United Nations Convention on the Rights of Persons with Disabilities, art 12.

²² Iraq Civil Code, September 18, 1951, unofficial English translation, <https://www.refworld.org/docid/55002ec24.html>

Article 46: (2) Persons who lack or are of diminished capacity shall be subject to the provisions concerning guardianship and curatorship in accordance with the conditions and rules laid down by the law.

...

Article 104: In the case of a deaf and mute, blind and deaf, or blind and dumb person who by reason of his infirmity is unable to express his intention the court may appoint for him and fix the dispositions of a selected guardian.

Article 107: A mentally retarded person has the same status as a rational minor.²³

Article 108: A completely insane person has the status of an irrational minor.²⁴

In its section on “the elements of a contract,” it states:

Article 93: Every person has the (legal) capacity to conclude a contract unless the law has determined incompetence or restricted it.

Article 94: A minor, insane person, or mentally retarded person are interdicted ipso facto.²⁵

Article 95: The court shall interdict a rash (imprudent) and retarded person.

Article 7 of the personal status law of 1959 confirms that some people could be stripped of their basic rights, stating, “[A person] shall not be entitled to exercise his civil rights if he was incapable of distinguishing because of his little age, dementia or madness.”²⁶

When it comes specifically to political participation, Iraq’s constitution protects the right of Iraqi men and women to “participate in public affairs and to enjoy political rights including the right to vote, elect, and run for office,” and states that all Iraqis are equal in rights and duties before the law without discrimination.²⁷ However, article 5(2) of the elections law (9/2020) requires a voter to be “fully capable.”²⁸ Article 5 of the law of the

²³ The civil code defines this as someone between the age of 7 and 15 in arts. 97 and 98

²⁴ The civil code defines this as someone under the age of 7 in art. 96

²⁵ Iraq Civil Code, September 18, 1951, unofficial English translation, <https://www.refworld.org/docid/55002ec24.html>

²⁶ Iraq Personal Status Law No. 188 of 1959, art. 7, <https://www.refworld.org/pdfid/5c7664947.pdf>

²⁷ Iraq Constitution, 2005, art. 20., https://www.constituteproject.org/constitution/Iraq_2005.pdf?lang=en

²⁸ Iraq Parliament Elections Law No. 9 of 2020, <https://www.moj.gov.iq/upload/pdf/4603.pdf>

elections of provincial, districts and sub-districts councils in Iraq (36/2008) limits the rights of some Iraqis to vote in these elections. It lists requirements for voting, including that voters be “fully competent.”²⁹ The law further limits the ability of some people with disabilities from engaging in political activities through the establishment of associations, with the nongovernmental organizations law (12/2010) requiring that a founding member of an organization should be “fully competent.”³⁰

The election law of provincial councils, districts and areas in the Kurdistan Region (4/2009) is no better. Article 3 (2) requires a voter to be “fully capable,” a term also not defined anywhere in the law.³¹

According to Human Rights Watch’s review of legislation and jurisprudence and to al-Ghizzi of the Voice of Iraqi Disabled Association, Iraqi law does not lay out any definition of capability, competence, or legal capacity. While al-Ghizzi said he has not seen cases in which authorities used these provisions to deny anyone of voting age the right to vote, the provisions theoretically could be enforced. Indeed, Omar Ahmed Mohammed, the vice chairperson of IHEC, said that people with intellectual disabilities do not have the right to vote, and that the head of a polling place should refuse to allow them to vote because “they were not fully competent.”³²

Article 12 of the CRPD forbids a discriminatory denial of legal capacity. It requires that states support people in exercising their legal capacity, including in the political space. A person’s disability cannot be a justification for any exclusion of their political rights, including the right to vote or the right to stand for election. The Committee in its general comment on the interpretation of article 12 of the CRPD has found that states have an obligation to protect and promote the right of persons with disabilities to access the support of their choice in voting by secret ballot and to participate in all elections and referendums without discrimination.³³

²⁹ Iraq Elections Law of the Provincial, Districts, and Subdistricts Councils No. 36 of 2008, unofficial English translation, http://gjpi.org/wp-content/uploads/2009/01/cor_law_36_2008_elections_law_en.pdf

³⁰ Iraq Non-Governmental Organizations Law No. 12 of 2010, https://www.ncciraq.org/images/static_pages_uploads/administration/NGOlaw_En_BGD.doc art. 11

³¹ <http://wiki.dorar-aliraq.net/iraqilaws/law/21257.html>

³² Human Rights Watch interview with Omar Ahmed Mohammed, vice chairperson of IHEC, Baghdad, August 25, 2021.

³³ *Ibid.*

Upon the ratification of the CRPD, Iraq wrote a letter to the Committee regarding Article 12, which stated:

[L]egal capacity, mentioned in paragraph 2 of article 12 of the Convention, entitled “Equal recognition before the law”, means the capacity of rights and not the capacity to act, in accordance with the national laws and legislation of these States.³⁴

This letter is not a formal reservation or interpretive declaration and as such has no legal relevance, according to UN experts.³⁵

Accessibility of Election Material

The IHEC website, which includes voter information, including on biometric registration, polling place locations, and political parties’ information, is inaccessible to people with certain disabilities and particularly visual, intellectual, and sensory disabilities.³⁶ The electoral materials are not presented in accessible formats such as audio, Braille, sign language, and easy-to-read formats. Videos on the website are not fully accessible for people with hearing and visual disabilities.

Even at polling places, people with certain visual and hearing disabilities face limited access to information. Omar Ahmed Mohammed of the IHEC said that the commission does not have any sign interpreters on staff, and therefore none present in polling places. He said it was up to the family of someone with a hearing disability to accompany the individual and translate for them, and more generally it was up to the family to assist people with disabilities in voting.³⁷

³⁴ Hamad Al Bayati, “Letter dated 5 December 2006 from the Permanent Representative of Iraq to the United Nations addressed to the Chairman,” December 2006,

https://uvallsc.s3.amazonaws.com/travaux/s3fs-public/A-AC_265-2006-5.pdf?null

³⁵ Human Rights Watch email exchange with Jorge Araya, Secretary of the Committee on the Rights of Persons with Disabilities, Geneva, August 16, 2021.

³⁶ Human Rights Watch interview with Muwafaq Al-Khafaji, head of the Iraqi Alliance Of Disability, Baghdad, January 22, 2021. Human Rights Watch also reviewed the Independent High Electoral Commission website, <https://ihec.iq/> (accessed August 12, 2021).

³⁷ Human Rights Watch interview with Omar Ahmed Mohammed, vice chairperson of Independent High Electoral Commission, Baghdad, August 25, 2021.

Jasim Ali Hadi, 53, director of al-Ghadeer Organization for the Deaf in Najaf, said that the lack of sign interpreters for people with hearing disabilities during political campaigns and at the polling places significantly reduces the participation of people with hearing disabilities in elections.³⁸ He said that his organization had polled 300 adults with hearing disabilities in his community and less than 10 of them that had participated in the previous elections because of the lack of sign language interpreters to facilitate communication between IHEC staff and people with hearing disabilities.

Angham Adel, 40, a woman with a hearing disability also from Najaf, said:

I only participated in one election in my entire life, the parliamentary election in 2018. The parties do not put out any information in sign language. And at the polling place there was no sign interpreter. I don't even know who I voted for – I went with my family and they gave me a paper with the list and candidate number and told me to vote for a specific number. If voting remains like this, I won't do it for the next election.³⁹

When it comes to visual disabilities, Suha Ameen Khalil, 44, and Yadgar Kareem, 52, director of the Kurdistan Blind Union, said there was a lack of campaign materials printed in Braille, large print, and a lack of affordable screen readers, and no Braille ballots.⁴⁰

In a positive step following Human Rights Watch engagement with IHEC, United Nations Assistance Mission to Iraq (UNAMI) officials, and diplomats in Baghdad in mid- August, a September 9 UNAMI elections report stated that IHEC had started providing sign language translations in its public outreach products, including translations of 20 awareness videos by the end of August that it was planning to post online and on television. The report says UNAMI officials encouraged IHEC to adopt sign language translation for its video materials and supported the recruitment of the sign translator. It said IHEC also produced video material from an outreach activity with people with visual and hearing disabilities in Baghdad.

³⁸ Human Rights Watch telephone interview with Jasim Ali Hadi, director of al-Ghadeer Organization, Najaf, May 10, 2021.

³⁹ Human Rights Watch telephone interview with Angham Adel, a woman with a hearing disability, Najaf, May 10, 2021.

⁴⁰ Human Rights Watch remote interview with Lamia Saba'a Khames, former Ambassador of Persons with Disabilities, Baghdad, January 10, 2021; Human Rights Watch remote interview with Yadgar Kareem, director of the Kurdistan Blind Union, Erbil, January 26, 2021.

Accessing the Polling Place

On parliamentary and local election days, authorities generally put in place a curfew of all vehicles from 7 a.m. through midnight to minimize the risk of security incidents like car bomb attacks.⁴¹

At present, the IHEC does not have mobile voting stations or electronic voting, which could significantly improve the ability of people with disabilities to vote. IHEC holds early voting only for military, police, and some other state security forces at their place of work two days before parliamentary elections.⁴² Early voting would address the challenges posed by the election day vehicle curfew.

In Baghdad, people with disabilities can register their car with the traffic police as the vehicle of a person with disabilities.⁴³ However, according to Omar Ahmed Mohammed of the IHEC and those with disabilities interviewed for this report, there is no system by which people with disabilities can seek permission to drive to the polling place on election day.⁴⁴

The Iraqi government has claimed that it provides transport to polling places for people with disabilities. “During the election period, government transport vehicles are used to facilitate access to polling places for persons with disabilities who are entitled to vote,” it said in its May 2019 response to the UN’s Committee on the Rights of Persons with Disabilities.⁴⁵ However, none of the individuals interviewed for this report were aware of any such transport options and Mohammed of IHEC said that he was unaware of any such transport system.⁴⁶ Five of the interviewees with physical disabilities said that the curfew prevented them from making it to the polling place because they use wheelchairs or crutches and cannot access the polling place without a vehicle.⁴⁷

⁴¹ Human Rights Watch interview with Omar Ahmed Mohammed, vice chairperson of IHEC, Baghdad, August 25, 2021.

⁴² Human Rights Watch interview with Omar Ahmed Mohammed, vice chairperson of IHEC, Baghdad, August 25, 2021.

⁴³ Human Rights Watch telephone interview with Ahmed al-Ghizzi, director of Voice of Iraqi Disabled association, Baghdad, May 19, 2021.

⁴⁴ Human Rights Watch interview with Omar Ahmed Mohammed, vice chairperson of IHEC, Baghdad, August 25, 2021.

⁴⁵ Ibid.

⁴⁶ Human Rights Watch interview with Omar Ahmed Mohammed, vice chairperson of IHEC, Baghdad, August 25, 2021.

⁴⁷ Human Rights Watch interview with Suha Ameen Khalil, a woman with a physical disability, Anbar, January 22, 2021; Human Rights Watch interview with Naghim Khadir Elias, a woman with a physical disability, Baghdad, January 11, 2021; Human Rights Watch interview with Khalaf Ahmed Haswun, a man with a visual disability, Basra, February 24, 2021; Human Rights Watch interview with Adul Rahman Aziz, a man with a physical disability, Duhok, February 7, 2021; Human Rights Watch interview with Haidar Star, a man with a physical disability, Baghdad, August 1, 2021.

Suha Ameen Khalil, 44, a woman in Anbar governorate with a physical disability who uses a wheelchair, said she has never voted in an election because the rough dirt road between her home and the polling place is too difficult and dangerous to navigate. She explained:

The polling place is usually located in a secondary school in our neighborhood that is over one kilometer from my house and the roads are unpaved, so even if someone pushed my wheelchair it would be impossible to get there, and because of the curfew we cannot go by car. Election day is the most depressing day for me. Everyone goes to vote and I am stuck at home waiting for the day to end. I want to vote like everyone else and choose people who can represent us because they know of our suffering.⁴⁸

Khalaf Ahmed Haswun, 44, from Basra, has a visual disability. He said that the polling place is located about three kilometers from his home and because of all the potholes and broken pavement it is too difficult for him to walk there safely.⁴⁹ He said that people working for political parties are allowed to drive during the election-day curfew. “At least two times a party member offered me a ride to the polling place but made me swear when doing so that I would vote for his party,” he said.⁵⁰

Al-Ghizzi of the Voice of Iraqi Disabled Association said association staff contacted the police in their neighborhood of Baghdad prior to the 2018 elections, asking if the curfew could be lifted for a bus that the association would rent to transport people with disabilities to the polling place and back. He said:

We provided them with the details of the bus but they told us that we would need to get written permission for this proposal from [the] IHEC. We went to the IHEC office but staff there told us this was none of their business and that we had to go to the Ministry of Interior. Eventually we just gave up.⁵¹

⁴⁸ Human Rights Watch interview with Suha Ameen Khalil, a woman with a physical disability, Anbar, January 22, 2021.

⁴⁹ Human Rights Watch interview with Khalaf Ahmed Haswun, a man with a visual disability, Basra, February 24, 2021.

⁵⁰ Ibid.

⁵¹ Human Rights Watch telephone interview with Ahmed al-Ghizzi, director of Voice of Iraqi Disabled association, Baghdad, May 19, 2021.

Accessibility of Polling Places

In its May 2019 report to the UN Committee’s list of issues, the Iraqi government stated that the IHEC had “developed a special procedure to facilitate the participation of persons with disabilities in the electoral process, to render polling places accessible and to facilitate voting.”⁵² Talib of the IHEC told Human Rights Watch that it proactively reaches out to citizens via text message, radio, and television to ensure they are registered to vote with a biometric identity card.⁵³ He said the IHEC has mobile teams that go to homes of families who report that they have someone at home with a disability, to register them for upcoming elections. Aziz, the man living in the camp for displaced people, said that upon his family’s request a team from IHEC had come to his tent to update his biometric identity card.

According to Omar Ahmed Mohammed of the IHEC, during registration, the person carrying it out is meant to ask the person they register whether they have a disability, and note that into the registration system. However, the people with disabilities interviewed for the report who had registered for elections said that they were never asked if they had a disability, or had that noted down in their registration information. This included people with visible disabilities.⁵⁴

Talib said that on election day, the IHEC does not have the capacity to send staff with voting machines to people’s homes to assist them to vote.⁵⁵ He said that the IHEC does not provide polling staff with any specific training on how to specifically assist people with disabilities, and that they rely on the police that are stationed outside the polling places to assist those with crutches and wheelchairs to enter the building.

⁵² Committee on the Rights of Persons with Disabilities, List of Issues in Relation to the Initial Report of Iraq, Addendum, Replies of Iraq to the List of Issues, June 6, 2019, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsjWBwex2dh47u9bw5cR5gOFBT5XoupDaBvApq4nKbioMOS8DKJKJZMq7a%2fgW9C%2fYX6LjyEMrWNSb8zcPPEn24f6qNmECQCKiyK4%2f5DMLv%2bCPNfoJpcwIDMPMXyIBBxsHjw%3d%3d>

⁵³ Human Rights Watch remote interview with Hajar Thaer Talib, director of the Office of Vice Chairman of the Board of Commissioners of IHEC Salah al-Din, February 7, 2021.

⁵⁴ Human Rights Watch interview with Omar Ahmed Mohammed, vice chairperson of IHEC, Baghdad, August 25, 2021.

⁵⁵ Ibid.

Schools are the main types of buildings used to house polling places during both local and federal elections.⁵⁶ Mohammed of the IHEC said that the Ministry of Education was responsible for making schools accessible. The IHEC considered a range of criteria when selecting polling sites, he said, including the ability to secure the safety of the school but not accessibility for people with disabilities.⁵⁷ Schools in Iraq, including in the Kurdistan Region, are largely inaccessible to children with disabilities, and children with certain intellectual, psychosocial, visual, and hearing disabilities are placed in segregated programs.⁵⁸

“Usually we use schools as polling places and if the schools do not have wheelchair ramps, there is nothing we can do,” Talib of the IHEC said.⁵⁹ “It’s a problem of the school that it is not accessible to people with disabilities.” Mohammed added, “this is a problem for the Ministry of Education, we are only using the school for one day.”⁶⁰

In areas affected by fighting between ISIS and Iraqi and coalition forces, many buildings were destroyed including schools, which ISIS sometimes used to house and teach its fighters.⁶¹ As a result, anti-ISIS forces sometimes targeted these schools.⁶² In areas where damaged schools have not been rebuilt, the IHEC has located polling places in nearby schools or in some cases in another type of building.⁶³

⁵⁶ Human Rights Watch interview with Omar Ahmed Mohammed, vice chairperson of IHEC, Baghdad, August 25, 2021.

⁵⁷ Human Rights Watch interview with Omar Ahmed Mohammed, vice chairperson of IHEC, Baghdad, August 25, 2021.

⁵⁸ Ministry of Education Ministerial Decree No. 22 of 2011, art. 14, [https://alnoornews.net/archives/195818/%D8%A7%D9%84%D8%AA%D8%B1%D8%A8%D9%8A%D8%A9-%D8%AA%D8%B7%D9%84%D9%82-%D9%88%D8%AB%D9%8A%D9%82%D8%A9-%D8%A7%D8%B7%D8%A7%D8%B1-%D8%B3%D9%8A%D8%A7%D8%B3%D8%A9-%D8%AA%D8%B7%D9%88%D9%8A%D8%B1-%D8%A7%D9%84/](http://parliament.iq/wp-content/uploads/2017/04/%D9%82%D8%A7%D9%86%D9%88%D9%86-%D9%88%D8%B2%D8%A7%D8%B1%D8%A9-%D8%A7%D9%84%D8%AA%D8%B1%D8%A8%D9%8A%D8%A9-%D9%84%D8%B3%D9%86%D8%A9-2011.pdf?__cf_chl_jschl_tk__=pmd_ZcifqFGAY8t7R28JifpEQkZEpOLoICEhlw_.gtzHRTY-1629472813-0-gqNtZGzNAqWjcnBszQNR; [Ministry of] Education launches a policy framework to develop equal and inclusive education,” al-Noor news, December 21, 2018, <a href=) (accessed August 20, 2021)

⁵⁹ Human Rights Watch remote interview with Hajar Thaer Talib, director of the Office of Vice Chairman of the Board of Commissioners of IHEC Salah al-Din, February 7, 2021.

⁶⁰ Human Rights Watch interview with Omar Ahmed Mohammed, vice chairperson of IHEC, Baghdad, August 25, 2021.

⁶¹ Kyle Almond, “How ISIS Changed Iraqi Schools,” CNN, July 2017, <https://edition.cnn.com/interactive/2017/07/world/iraq-schools-cnnphotos/> (accessed May 25, 2021).

⁶² Global Coalition to Protect Education from Attack, “Education Under Attack 2018 – Iraq,” May 11, 2018, <https://www.refworld.org/docid/5be9430d4.html>

⁶³ Human Rights Watch interview with Omar Ahmed Mohammed, vice chairperson of IHEC, Baghdad, August 25, 2021.

Seven of the people with disabilities interviewed said that in past elections they managed to get to the polling places but then struggled or were unable to enter the designated building because the structure was wheelchair-inaccessible or because the ballot boxes were located on the second floor without an elevator.⁶⁴ Lamia Saba'a Khames, who held the honorary title of ambassador of persons with disabilities within civil society in 2019, said that in 2018 the polling place where she voted had concrete blocks around the entrance to the building leaving only a narrow passage that was not passable for people who use wheelchairs.⁶⁵

Al-Ghizzi of the Voice of Iraqi Disabled Association said that for the 2018 elections, even though he lives only 20 meters from the school used as the polling place, he had to walk about two kilometres to reach the entrance because of all the fencing and concrete blocks that security forces put in place for security purposes. Once he arrived at the entrance, he had to wait in a long line and go through a security check, with no priority access for people with disabilities.⁶⁶

Majida Bakir Hassan, 55, a woman from Salah al-Din with a physical disability, is the head of Balid Organization for People with Disabilities. She said that during the 2018 parliamentary elections she remembered noticing that the school where she voted had no wheelchair ramps or signage. Given these barriers, she said, "of course there were very few people with disabilities in the polling place where I voted."⁶⁷ Haidar Star, 42, a man from Baghdad with a physical disability who uses a wheelchair, said, "At polling places they treat us the same way that they treat people without disabilities, they make us wait in the same lines with no priority access."⁶⁸

⁶⁴ Human Rights Watch remote interview with Hajar Ismail Wais, a woman with a physical disability, Sulaymaniyah, March 2, 2021; Human Rights Watch interview with Adul Rahman Aziz, a man with a physical disability, Duhok, February 7, 2021; Human Rights Watch remote interview with Dileer Koy, public relation officer at Jeen Organization, Erbil, January 24, 2021; Human Rights Watch interview with Naghim Khadir Elias, a woman with a physical disability, Baghdad, January 11, 2021; Human Rights Watch remote interview with Lamia Saba'a Khames, former Ambassador of Persons with Disabilities, Baghdad, January 10, 2021.

⁶⁵ Human Rights Watch remote interview with Lamia Saba'a Khames, former Ambassador of Persons with Disabilities, Baghdad, January 10, 2021.

⁶⁶ Human Rights Watch telephone interview with Ahmed al-Ghizzi, director of Voice of Iraqi Disabled association, Baghdad, May 19, 2021.

⁶⁷ Human Rights Watch remote interview with Hasan Wahhab, Human Rights Field Program Coordinator at Al-Amal Association, Baghdad, January 24, 2021.

⁶⁸ Human Rights Watch interview with Haidar Star, a man with a physical disability, Baghdad, August 1, 2021.

While the IHEC can set up security blocks to protect polling places, they should ensure they do not prevent access to the building for people with disabilities.

Kareem of the Kurdistan Blind Union said that even for those people with disabilities who do make it into a polling place, the experience can be unpleasant. “More than once, when I went to vote the IHEC staff there told me ‘why did you come, your vote won’t change anything,’” he said.⁶⁹

Naghim Khadir Elias from Baghdad said she could only interpret the failures of the IHEC to secure accessibility in one way: “the government does not want to take measures to make sure that we are able to vote and get the right people into office to represent us.”⁷⁰ Al-Ghizzi of the Voice of Iraqi Disabled Association said that in 2018 the association staff launched a campaign to make four of the schools being used in the upcoming elections as polling places in Baghdad more accessible:

We tried to get permission from Baghdad Operations Command to make the sites more accessible but they didn’t agree, so we went on our own and built ramps for wheelchairs and put up posters we had made to provide guidance to deaf people, but security forces came and destroyed the ramps before the elections to put up concrete blocks and tore down our posters. Seeing that made me feel that they wanted to neglect us. They didn’t want us to be part of the community. When they removed the posters and destroyed the ramps, I felt it was a message from them that we should stay away.⁷¹

Ability to Cast a Private Vote

Most individuals with disabilities are able to vote independently but some individuals may require assistance with part or all of the process. People with disabilities who required assistance to access polling places described feeling pressured and intimidated to vote for a certain candidate or party by the person who provided assistance.

⁶⁹ Human Rights Watch remote interview with Yadgar Kareem, director of the Kurdistan Blind Union, Erbil, January 26, 2021.

⁷⁰ Human Rights Watch interview with Naghim Khadir Elias, a woman with a physical disability, Baghdad, January 11, 2021.

⁷¹ Human Rights Watch telephone interview with Ahmed al-Ghizzi, director of Voice of Iraqi Disabled association, Baghdad, May 19, 2021.

The IHEC has a set of procedures in place, passed around June 2021 and since updated, that govern voting procedures for the 2021 parliamentary elections, like in previous elections.⁷² In the section on “Assisted Voting,” they state that:

Anyone who needs assistance can ask the head of the polling place to help them, whether they are illiterate, without hands, or unable to mark the pen for any reason. A relative of the voter to the fourth degree (chosen by the voter) may assist them in voting, but no assistance may be provided by that person to more than two voters. The polling place head should explain to the relative the necessity of respecting the voter's choice and the confidentiality of that choice.

The political party monitors, individual candidates, and the observers accredited by IHEC are not allowed to provide [assisted voting support] to their relatives, whatever the degree of kinship, but the polling place head can perform this task, and they are not allowed witness the process of assisting voting.

People with disabilities interviewed for this report said that in the past the IHEC had not provided any assistance in voting and they needed to get help from others, creating opportunities for them to be pressured into voting a certain way. Abdul Rahman Aziz, 31, lives in a camp for displaced people in Dohuk, in the Kurdistan Region of Iraq, and lost his leg in a landmine explosion in Sinjar in 2007 at the age of 18. He said:

I only have voted once in my life, which was in [the] 2010 parliament election, and since then I haven't wanted to vote again because of that experience. It was curfew and so an army officer drove me in a military vehicle to the polling place. At the station, one of the political party

⁷² Procedures for Polling and Counting for General Voting and the Advance of Elections of the Iraqi Parliament 2021. Available at https://www.hrw.org/sites/default/files/media_2021/09/%D9%83%D8%B1%D8%A7%D8%B3%20%D8%A7%D8%AC%D8%B1%D8%A7%D8%A1%D8%A7%D8%AA%20%D9%88%D8%AA%D8%AF%D8%B1%D9%8A%D8%A8%20%20%D9%86%D9%87%D8%A7%D8%A6%D9%8A%20%D8%B7%D8%A8%D8%A7%D8%B9%D8%A9%20-compressed_v2.pdf

monitors at the polling place helped me to get up to the second floor where the ballot boxes were and then he asked me to vote for his party.⁷³

Haswun, who is from Basra and has a visual disability, said that on at least two occasions a political party monitor at the polling center helped him to reach the ballot box and then asked him to vote for his party.⁷⁴

Those interviewed who cannot reach a ballot box or cannot fill out a ballot unassisted raised a specific concern around the privacy of their vote. For example, Azihar Dighaish Alwan, 43, a woman with short stature who works as a disability rights activist, said she struggles to reach the ballot boxes because they are so high. “I don’t want anyone, including my family, to see who I am voting for but I have to ask my sister or brother to put my vote in the box and I lose my privacy,” she said.⁷⁵ This concern was also expressed by people who use wheelchairs.⁷⁶

Article 4(2) of Iraq’s elections law states that “[a]ll voters shall exercise their right to cast a free, direct, secret and individual vote in elections. Voting may not be by proxy.” However, Kareem, the director of the Kurdistan Blind Union, said that ultimately people with disabilities who need assistance or support to access information, the polling places and the ballot box “can never vote freely and independently.”⁷⁷

According to Muwafaq Al-Khafaji, head of the Iraqi Alliance of Disability, who has been monitoring political representation for people with disabilities for years, said that IHEC staff at the polling place sometimes offer to assist someone with a disability to vote, but also interferes then with the person’s right to vote by choosing the candidate they should vote for. Haswun echoed this concern. “I can’t read so I have to ask either one of the IHEC staff, who I have no reason to trust, or someone from my family to help me vote,” he said.⁷⁸

⁷³ Human Rights Watch interview with Adul Rahman Aziz, a man with a physical disability, Duhok, February 7, 2021.

⁷⁴ Human Rights Watch interview with Khalaf Ahmed Haswun, a man with a visual disability, Basra, February 24, 2021.

⁷⁵ Human Rights Watch remote interview with Azihar Dighaish Alwan, a woman with short stature, Diyala, February 24, 2021.

⁷⁶ Human Rights Watch remote interview with Lamia Saba’a Khames, former Ambassador of Persons with Disabilities, Baghdad, January 10, 2021.

⁷⁷ Human Rights Watch remote interview with Yadgar Kareem, director of the Kurdistan Blind Union, Erbil, January 26, 2021.

⁷⁸ Human Rights Watch interview with Khalaf Ahmed Haswun, a man with a visual disability, Basra, February 24, 2021.

Deprivation of the Right to Stand for Elections

In its shadow report to the UN Committee in January 2018 on Iraq's compliance with the Convention on the Rights of Persons with Disabilities (CRPD), the Iraqi Alliance Of Disability stated that only five people with disabilities had ever stood for federal parliamentary elections as far as they knew, and none had been elected, and only one person with a disability had been elected to the Kurdistan Parliament. There is no official information about the number of elected officials who identify as having a disability. Despite extensive research, Human Rights Watch was only able to identify eight people, all men and all with physical disabilities who had run for public office, including six who ran in parliamentary elections and two who ran in provincial elections over the past 15 years. The dearth of persons with disabilities running for elected office suggests that they face significant obstacles that prevent them from doing so. These obstacles stem partly from discriminatory legislation, lack of financial capital, and also from unwillingness of political parties to embrace accessibility and inclusion and support people with disabilities as candidates.

Legislative Barriers

The Committee in its general comment on the interpretation of article 12 of the CRPD calls on states to guarantee the right of persons with disabilities to stand for election, to hold office effectively, and to perform all public functions at all levels of government, with reasonable accommodation and support, where desired.⁷⁹

Iraq's constitution protects the right of Iraqi men and women to "participate in public affairs and to enjoy political rights including the right to vote, elect, and run for office," but also stipulates that a candidate for parliament must be "a fully qualified Iraqi."⁸⁰ The elections law adds that the requirements for any candidate for political office match those for a voter, which are that person be "fully capable," as discussed above.⁸¹

⁷⁹ United Nations Committee on the Rights of Persons with Disabilities, General Comment No. 1, art. 12: Equal Recognition Before the Law, CRPD/C/GC/1, <https://documents-ddsny.un.org/doc/UNDOC/GEN/G14/031/20/PDF/G1403120.pdf?OpenElement>.

⁸⁰ Iraq Constitution, 2005, arts. 20 and 49

⁸¹ Iraq Parliament Elections Law No. 9 of 2020, arts. 5 and 8

The law on the care of persons with disabilities and special needs (38/2013) and the law on the rights and privilege of persons with disabilities and special needs of the Kurdistan Region of Iraq (22/2011) aim to provide care for persons with disabilities, eliminate discrimination, and guarantee jobs in government and the private sector.⁸² The laws, however, are silent on the political rights of people with disabilities.

Additional restrictions come from a political parties law (36/2015) which states that anyone trying to establish or be a member of a political party should enjoy “legal capacity.”⁸³ In October 2018, in advance of its review of Iraq, the Committee sent the government its list of issues, including a question on what efforts were underway to repeal provisions that discriminate against people with disabilities in the political space.⁸⁴ The government responded in May 2019 claiming that the law does not discriminate against people with disabilities, who can be nominated and elected like any other Iraqi. The government also defended the political parties law:

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.”⁸⁵

⁸² Law No. 38 of 2013 on the Care of Persons with Disabilities and Special Needs, <https://law.uokerbala.edu.iq/wp/blog/2015/08/27/care-for-people-with-disability-act-and-the-special-needs-of-no-38-for-the-year-2013/>; Law No. 22 of 2011 on the Rights and Privileges of Persons with Disabilities and Special Needs of the Kurdistan Region of Iraq, <https://www.parliament.krd/media/2819/%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%B1%D9%82%D9%85-22-%D9%84%D8%B3%D9%86%D8%A9-2011%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%AD%D9%82%D9%88%D9%82-%D9%88%D8%A7%D9%85%D8%AA%D9%8A%D8%A7%D8%B2%D8%A7%D8%AA-%D8%A7%D9%84%D9%85%D8%B9%D8%A7%D9%82%D9%8A%D9%86-%D9%88%D8%Bo%D9%88%D9%8A-%D8%A7%D9%84%D8%A7%D8%AD%D8%AA%D9%8A%D8%A7%D8%AC%D8%A7%D8%AA-%D8%A7%D9%84%D8%AE%D8%A7%D8%B5%D8%A9-%D9%81%D9%8A-%D8%A5%D9%82%D9%84%D9%8A%D9%85-%D9%83%D9%88%D8%B1%D8%AF%D8%B3%D8%AA%D8%A7%D9%86-%D8%A7%D9%84%D8%B9%D8%B1%D8%A7%D9%82.pdf>

⁸³ Iraq Political Parties Law No.36 of 2010, arts. 9 and 10, <http://www.ilo.org/dyn/natllex/docs/ELECTRONIC/102986/124758/F1240401810/4383.pdf>

⁸⁴ United Nations Committee on the Rights of Persons with Disabilities, List of Issues in Relation to the Initial Report of Iraq, October 17, 2018, para. 33, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fIRQ%2fQ%2f1&Lang=en

⁸⁵ Committee on the Rights of Persons with Disabilities, List of Issues in Relation to the Initial Report of Iraq, Addendum, Replies of Iraq to the List of Issues, paras. 161 and 162, June 6, 2019, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRICAqhKb7yhsjWBwex2dh47u9gbw5cR5gOFBT>

The nongovernmental organizations law (12/2010) also requires that a founding member of an organization should be “fully competent.”⁸⁶

Educational requirements are another way in which Iraqi law prevents people with disabilities from running for office. The elections law requires that “[a] candidate for [parliament] must have a high school degree or its equivalent.”⁸⁷ Iraq’s education system does not provide people with disabilities with equal access to education, leaving persons with disabilities without an equal opportunity to complete high school.⁸⁸ Of 19 people with disabilities Human Rights Watch interviewed for this report, only 10, all men, had completed high school.

In its October 2019 concluding observations, the Committee on the Rights of Persons with Disabilities highlighted its concerns with Iraqi legislation, including a compulsory education law (118/1976), which forces children with disabilities into segregated classes and leaves children with visual and hearing disabilities unable to study beyond primary school.⁸⁹ The Committee also raised concerns around “[t]he barriers faced by students with disabilities in accessing educational facilities, including the need to travel long distances, poor transportation, a lack of teachers trained in inclusive education, sign language, Braille and easy-to-read formats and a lack of accessible curricula.” Alwan, a disability rights activist, said:

I did not get to finish school – my school was far from my home and my family, living in a conservative society, did not support me as a girl with a disability in getting an education. If I had a bachelor’s degree or diploma, I would want to run for parliament to represent people with disabilities and all Iraqis.⁹⁰

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wIDMPMXyIBBxsHjw%3d%3d

⁸⁶ Iraq Non-Governmental Organizations Law No. 12 of 2010, <http://www.ngoao.gov.iq/ArticleShow.aspx?ID=140> art. 11

⁸⁷ Iraq Parliament Elections Law No. 9 of 2020, art. 8 <https://www.moj.gov.iq/upload/pdf/4603.pdf>

⁸⁸ Human Rights Watch remote interview with Lamia Saba’a Khames, former Ambassador of Persons with Disabilities, Baghdad, January 10, 2021.

⁸⁹ Law No. 118 of 1976 on Compulsory Education, <https://www.refworld.org/docid/5c7562397.html>; Committee on the Rights of Persons with Disabilities, Concluding Observations on the Initial Report of Iraq, October 23, 2019, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fIRQ%2fCO%2f1&Lang=en

⁹⁰ Human Rights Watch remote interview with Azihar Dighaish Alwan, a woman with short stature, Diyala, February 24, 2021.

Everyone with a disability interviewed said they felt that to increase the participation of people with disabilities in politics, authorities should enact legislation mandating a quota for a minimum number of members of parliament and other elected bodies with disabilities. Hajar Ismail Wais, 47, uses a wheelchair and is a member of the Roj Organization of People with Disabilities and a professor at the University of Sulaymaniyah. “We need a quota system in place for long enough to convince people to trust the capabilities of people with a disability to represent them, something that is missing at the moment,” she said.⁹¹ There is currently no quota for people with disabilities in any elected body in Iraq but there is a quota for parliament mandating that 25 percent of seats should be held by women.⁹² In addition, the law requires that nine parliamentary seats be allotted to minority ethnic and religious groups: five to Christians, and each of the other four to Feyli Kurds, Yazidis, Shabak, and Sabeen Mandaeans.⁹³

Political Barriers

Muwafaq Al-Khafaji, head of the Iraqi Alliance of Disability, said that the main reason no one with a disability has been elected to parliament is because the political parties are not seeking out, including, and supporting candidates with disabilities.⁹⁴

Dileer Koy, a public relation officer at Jeen, a disability rights organization in the Kurdistan Region of Iraq that works on political representation, echoed concerns around the lack of party support for candidates with disabilities. “Political parties do not support people with disabilities to stand for elections, and if someone does not have the financial support of a political party, they have no chance of winning,” he/she said. “It seems to me as though the political parties just do not want to invest in them.”⁹⁵

Wais of the Roj Organization of People with Disability said that she was considering running in the 2021 parliamentary elections but faced many challenges:

⁹¹ Human Rights Watch remote interview with Hajar Ismail Wais, a woman with a physical disability, Sulaymaniyah, March 2, 2021.

⁹² Constitution of Iraq, 2005, https://www.constituteproject.org/constitution/Iraq_2005.pdf?lang=en; Law No. 9 of 2020 on Iraq’s Parliamentary Elections, <https://moj.gov.iq/upload/pdf/4603.pdf>;

⁹³ Ibid.

⁹⁴ Human Rights Watch interview with Muwafaq Al-Khafaji, head of the Iraqi Alliance Of Disability, Baghdad, January 22, 2021.

⁹⁵ Human Rights Watch remote interview with Dileer Koy, public relation officer at Jeen Organization, Erbil, January 24, 2021.

I have never seen any person with a disability elected to the federal parliament, so I am hesitant about running because I will likely fail. As a candidate I have to pay 5,000,000 IQD (US\$3,400) to [the] IHEC as well as campaign expenses so I need financial support to run. That means that I need to the support of a political party and in my experience political parties do not invest their resources in a candidate with a disability.

Amjad Yousef Ahmed, 55, who has a physical disability, ran in 2013 as a provincial election candidate on the list of a party known during that election as the Ansaf bloc. He said the hardest part of campaigning was getting investment from political elites. He said that he was able to get the support of the party to run only because he was from a wealthy and influential family in Salah al-Din governorate with a strong support base, but said, “even then, I got less financial support from the party than other candidates. I even had to sell my car to have enough money to campaign.”⁹⁶ Ahmed ultimately did not win election. He said that many people with disabilities in his community supported him during the election and were happy to have a candidate that finally represented them.

Bias and negative stereotypes could be one of the reasons why political parties do not include people with disabilities. “Political parties aren’t charitable organizations,” said Hussein Arab, vice chairperson of the parliamentary labor committee, expressing a common view that people with disabilities are objects of charity rather than people with inherent rights. “They only invest in and support those candidates that wield power and wealth and come with a fan base,” he said. “They won’t support people with disabilities unless there is a quota requiring them to.”⁹⁷

Political parties should embrace accessibility and the inclusion of diverse disability voices when developing their platforms and supporting candidacies. The disability community in Iraq is active, demonstrated by the efforts of organizations such as Voice of Iraqi Disabled Association to ensure accessible polling places in the 2018 parliamentary elections, and political parties should work with organizations of persons with disabilities to ensure greater inclusion of diverse voices.

⁹⁶ Human Rights Watch telephone interview with Amjad Yousef Ahmed, a man with a physical disability, Salah al-Din, February 7, 2021.

⁹⁷ Human Rights Watch interview with Hussein Arab, the vice chairperson of the parliamentary labor committee, Baghdad, August 24, 2021.

Recommendations

To the Independent High Electoral Commission (IHEC)

- Prior to elections, including urgently before the October 10, 2021, parliamentary elections, disseminate accessible information regarding elections, political party platforms, and participation in political life, including in Braille, large print, audio, sign language, and easy-to-read formats;
- Ensure that transportation is available to polling places for people with disabilities or allow people with disabilities to use vehicles of their own choice on election day. In Baghdad, people with disabilities can register their car with the traffic police and this system could be used on election day;
- Hire people with disabilities to work at registration sites and polling places, including as monitors;
- Ensure that polling places are accessible for people with disabilities – both the building and the ballot boxes;
- Ensure that all polling places have one ballot box that is placed lower to the floor to facilitate voting for people with short stature or in a wheelchair;
- Ensure that all polling places with ballot boxes on the second floor and no working elevator have at least one ballot box that can be moved to the ground floor for people with a physical disability;
- Ensure that election-related materials on websites and in registration and polling places are accessible and accommodate the needs of persons with different types of disabilities. This includes printing candidate lists in Braille, large print, easy-to-read formats, and providing sign language interpreters;
- Introduce alternative voting options to ensure accessibility. This should include mobile voting stations, early voting, and electronic voting;
- Make it possible to vote early, by providing early and accessible voting locations;
- Ensure that all polling places have Braille and large print ballots ready for people with visual disabilities, and establish a mechanism for these ballots to be counted by hand if counting machines are unable to read them;
- Establish and publicize a hotline for people with disabilities to report undue interferences with their right to vote. Put up posters at polling sites that present the

- hotline and clarify that assistants should not interfere with the person's right to vote;
- Hold trainings for people with disabilities on how to vote and run for public office.

To the Iraqi Parliament

- Ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities (CRPD);
- Comprehensively review all relevant domestic legislation and make amendments to fully comply with the CRPD and the International Covenant on Civil and Political Rights (ICCPR). This includes reforming the law on legal capacity so people with disabilities have right to legal capacity respected and access to supported decision-making, when needed. Among those laws needing reform are:
 - Civil code articles 46, 93, 94, 95, 104, 107, 108;
 - Personal status law article 7;
 - Elections law articles 5 and 8;
 - Law of the elections of provincial, districts and sub-districts councils article 5;
 - Nongovernmental organizations law article 11;
 - Political parties law articles 9 and 10;
- Pass a law requiring the IHEC to ensure specific accessibility standards at all polling places and include in the law the provision of a budget specifically allocated to helping the IHEC make structural modifications to polling places that are inaccessible where there are no other accessible building options available, ensure that candidate lists are printed in Braille, large print, have adequate sign language translators, provide IHEC staff with training on how to assist people with disabilities, and provide alternative voting options;
- Involve people with disabilities, particularly those affected by deprivation of legal capacity, in the process of developing legal capacity reforms;
- Consider implementing specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities, as defined in article 5 of the CRPD.

To the Ministry of Social Affairs and Labour Commission on the Care of Persons with Disabilities and Special Needs

- Either as a commission, or in partnership with other government bodies, collect accurate statistics on the number of people with disabilities, and the types of disabilities, to inform and implement policies that ensure the rights of persons with disabilities. The commission should consult with members of the disability community on the most appropriate way to collect these statistics;
- Launch public awareness campaigns for the general public to inform them about the rights of persons with disabilities;
- Launch public awareness campaigns and trainings for people with disabilities and their representative organizations to help them understand their rights around elections and more broadly;
- Ensure that training for election officials, security officers, and political party leaders includes information and education about the rights and needs of persons with disabilities;
- Provide training to IHEC staff about the rights of persons with disabilities and how to assist them in voting, including to;
 - Make clear that assistance is available;
 - Do not assume an individual with a disability needs assistance and only provide assistance in case the voter requests it;
 - Respect voter's right to vote privately and independently;
- Do not interfere with a voter's rights by suggesting or commenting on who they should be voting for;
- Involve people with disabilities in training of IHEC staff, election officials, election administrators, police, and political party leaders on the political participation rights of people with disabilities.

To the Ministry of Education

- Ensure that all schools are accessible to people with disabilities and guarantee access to quality inclusive education for students with disabilities on an equal basis with others, including through the provision of reasonable accommodation, in line with government's international obligations.

To Iraqi Political Parties

- Actively seek out people with diverse disabilities who have an interest in holding political office and assist them to run effective political campaigns;
- Make active efforts to include people with diverse disabilities as guests on parties' media outlets and platforms;
- Integrate disability rights into political party platforms, including the recommendations included in this report.

To the Ministry of Interior

- Establish a mechanism that allows people with disabilities and associations representing people with disabilities to get permission for a vehicle to transport them to the polling place on election day.

To Governments Financially Supporting Iraqi Elections

- Support the introduction of alternative voting options to ensure accessibility for people with disabilities, including mobile voting stations, early voting, and electronic voting;
- Integrate a disability-inclusive approach into existing and future donor agreements on programs or policies on political participation;
- Strengthen government's capacities to make sure all polling places are accessible to people with disabilities;
- Fund programming to build the capacity of persons with disabilities and disabled persons' organizations through training and education on political skills such as campaigning, public speaking, and negotiations.

To the United Nations and European Assistance Missions' Election Monitoring Bodies and other Independent Observers

- Ensure staff are trained in recognizing and addressing exclusion and discrimination on the grounds of disability;
- Include people with disabilities as monitors during the October 10, 2021, and subsequent elections;

- Include in the monitoring mandate the documentation and reporting on discriminatory treatment and limitations that people with disabilities face during elections, and provide recommendations on how to address these concerns.

To the United Nations Assistance Mission to Iraq (UNAMI), including the Electoral Assistance Division

- Emphasize the importance of full, equal, and meaningful participation of people with disabilities in political processes in Iraq, including by supporting Iraqi authorities and civil society to promote the participation of people with disabilities in the upcoming elections.
- Engage with the Iraqi government and IHEC on increasing accessibility and ensuring accommodation in the October 10, 2021 elections. This includes assisting people with disabilities to obtain permissions for vehicles on election day that can bring them to polling places;
- Provide financial support and technical advice to initiatives that help make polling places accessible for people with disabilities, including the construction of ramps.

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“No One Represents Us”

Lack of Access to Political Participation for People With Disabilities in Iraq

Iraq is holding parliamentary elections on October 10, 2021. Without change, hundreds of thousands of people with disabilities will face barriers to participation and some of them may not be able to vote.

This report lays out the legal and practical barriers that people with disabilities face to participate in Iraq’s political life, from discriminatory laws to inaccessible polling places. It presents concrete and realistic recommendations to Iraq authorities, international organizations and donor governments on how to lift these restrictions, both before next month’s election and for the longer term.



A voter who uses a wheelchair at a polling place in Erbil, the capital of the Kurdistan Region of Iraq, on May 12, 2018.

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