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Overview:

Iraq holds regular, competitive elections, and the country's various partisan, religious, and ethnic groups enjoy some representation in the political system. However, democratic governance is impeded in practice by corruption and security threats. In the Kurdistan region, democratic institutions lack the strength to contain the influence of long-standing power brokers. Civil liberties are generally respected in Iraqi law, but the state has limited capacity to prevent and punish violations.

Key Developments:

KEY DEVELOPMENTS IN 2018:

- Reconstruction of areas liberated from the Islamic State (IS) militant group's control continued throughout the year. However, nearly two million Iraqis remained internally displaced at the end of 2018, and the threat of terrorism persisted.
- National elections in May were generally viewed as credible and led to a peaceful transfer of power. Allegations of fraud and irregularities in the new electronic voting system prompted a recount that did not significantly change the results. Political gridlock caused long delays in the formation of the new government, which was headed by Prime Minister Adel Abdul Mahdi.



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- In July, protests erupted in Basra over corruption and poor infrastructure, among other issues. Security forces responded by firing tear gas and live ammunition at protesters, killing over a dozen people, and scores more were arrested.
- In September, Kurdish regional prime minister Nechirvan Barzani's Kurdistan Democratic Party (KDP) won the most seats in Iraqi Kurdistan's parliamentary elections, despite the KDP's perceived vulnerabilities following its mishandling of a controversial 2017 independence referendum, which led to conflict with Baghdad and substantial territorial losses for the regional government. The September elections were tarnished by widespread allegations of fraud.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 17 / 40 (+1)

A. ELECTORAL PROCESS: 8 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 2 / 4

After national elections, the Council of Representatives (CoR) chooses the largely ceremonial president, who in turn appoints a prime minister nominated by the largest bloc in the parliament. The prime minister, who holds most executive power and forms the government, serves up to two four-year terms. The national elections held in May 2018 were generally viewed as credible by international observers, despite low turnout and allegations of fraud, which was particularly prevalent in the Kurdish provinces and neighboring Kirkuk. In October, after a five-month delay, the new CoR chose Kurdish politician Barham Salih as president, and

Adel Abdul Mahdi, a Shiite independent, was appointed as prime minister. Cabinet posts were still being filled at year's end amid ongoing interparty negotiations.

The Kurdistan Regional Government (KRG), composed of Iraq's northernmost provinces, is ostensibly led by a president with extensive executive powers. The draft Kurdish constitution requires presidential elections every four years and limits presidents to two terms. However, after eight years as president, Masoud Barzani of the KDP had his term extended by two years in a 2013 political agreement with another party, the Patriotic Union of Kurdistan (PUK). In 2015, Barzani unilaterally prolonged his term by another two years, which was met with condemnation by opposition leaders. Barzani remained in office until November 2017, finally resigning after he organized an unauthorized September referendum on Kurdish independence that prompted the Iraqi central government to reassert control over the region's international borders and all territory occupied by Kurdish forces since the IS offensive in 2014. After Barzani stepped down, the presidency remained vacant, and executive power was held by Prime Minister Nechirvan Barzani, his nephew. After the Kurdish parliamentary elections in September 2018, the KDP nominated Nechirvan Barzani to become president and Masrour Barzani—Masoud Barzani's son—to serve as prime minister. Talks on government formation were ongoing at year's end.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

The 329-member CoR is elected every four years from multimember open lists in each province. The May 2018 elections were generally viewed as credible by international observers, despite some allegations of fraud. Reported irregularities in the new electronic voting system prompted the CoR to pass a law mandating a recount. During the recount, a storage facility containing many ballots caught fire, further undermining public trust in the process. The completed recount did not significantly

alter the results. The Sairoon alliance, led by Shiite cleric Moqtada al-Sadr, won the most seats with 54, followed by the Conquest coalition led by Hadi al-Amiri with 48, outgoing prime minister Haider al-Abadi's Victory alliance with 42, and the State of Law coalition headed by former prime minister Nouri al-Maliki with 25. The top four alliances were all led by Shiite parties, though they made varying efforts to reach across sectarian lines. Among the several Kurdish parties, the KDP won 25 seats and the PUK won 19. The remaining seats were divided among Sunni-led coalitions, smaller parties, and independents.

Provincial council elections originally scheduled for 2017 have been repeatedly delayed. As of late 2018, they were expected to be held in 2019. Kirkuk, the subject of a dispute between the KRG and the central government, has not held provincial council elections since 2005.

In the Kurdistan region, the 111-seat Kurdistan Parliament is elected through closed party-list proportional representation in a single district, with members serving four-year terms. The September 2018 elections, originally due in 2017, resulted in the governing KDP increasing its plurality to 45 seats. The PUK received 21 seats, Gorran took 12, and several smaller parties and minority representatives accounted for the remainder. The elections were plagued by fraud allegations and other irregularities, and Gorran and other smaller parties rejected the results.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The Independent High Electoral Commission (IHEC) is responsible for managing elections in Iraq. The IHEC generally enjoys the confidence of the international community and, according to some polls, the Iraqi public. It faced criticism in 2018 from opposition leaders and outgoing prime minister Haider al-Abadi over its

handling of electronic voting challenges and the subsequent recount, but international organizations praised the body for its professionalism and impartiality. A national census has not been conducted since 1987, which has resulted in skewed parliamentary seat allocations.

The Kurdistan Independent High Electoral and Referendum Commission (IHERC) administers elections in the Kurdistan region. In addition to the 2018 legislative balloting, the IHERC conducted the 2017 independence referendum, in which 93 percent of voters favored independence, though the exercise—which was not monitored by international observers—was allegedly marred by intimidation and fraud.

B. POLITICAL PLURALISM AND PARTICIPATION: 8 / 16 (+1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

The constitution guarantees the freedom to form and join political parties, with the exception of the pre-2003 dictatorship's Baath Party, which is banned. A 2016 law strengthened the ban, criminalizing Baathist protests and the promotion of Baathist ideas. The measure applies to any group that supports racism, terrorism, sectarianism, sectarian cleansing, and other ideas contrary to democracy or the peaceful transfer of power. Individual Iraqis' freedom to run for office is also limited by a vague "good conduct" requirement in the electoral law.

In practice, Iraqis can generally form parties and operate without government interference. Party membership and multiparty alliances shift frequently. The IHEC registered 205 parties for the 2018 elections, reflecting both a relatively open political environment and deep fragmentation.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4 (+1)

Elections are competitive, but most parties are dominated by one sectarian or ethnic group, meaning large and established parties representing the Shiite majority tend to govern and minority groups can only gain power as part of a cross-sectarian party or bloc. A number of new parties that are more secular and national in orientation participated in the 2018 elections, but Shiite parties continued to play the leading role. The strong performance of the newly formed Conquest coalition, which finished second, raised some concerns due to its inclusion of members associated with the Popular Mobilization Forces (PMF)—state-sponsored militia groups that fought against IS and have been accused of war crimes and Iranian ties. The former ruling party, Dawa, was split between the State of Law and Victory coalitions led by former prime ministers al-Maliki and al-Abadi, respectively, which created an opening for other lists like Sairoon and Conquest to gain seats and influence government formation. The transfer of power to the new prime minister proceeded far more smoothly than in 2014, when al-Maliki stepped down only after intense domestic and international pressure.

In the Kurdistan region, the traditional dominance of the KDP and the PUK was for a time challenged by the rise of the reformist group Gorran, but the repeated postponement of presidential and legislative elections before 2018 allowed entrenched interests to remain in power. Although the damaging crisis that followed the 2017 independence referendum appeared to threaten the KDP's electoral prospects, it ultimately retained its leading position in the 2018 legislative elections, while the PUK replaced Gorran as the second-largest party in the Kurdish parliament.

Score Change: The score improved from 2 to 3 because the outgoing national government facilitated competitive elections, which led to changes in the political balance in the parliament and a peaceful transfer of power to a new prime minister.

 B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 1 / 4

The ability of IS to suppress normal political activity has waned significantly since 2017, when government forces successfully drove the group out of the territory it formerly controlled.

However, Iraq's political system remains distorted by interference from foreign powers, most notably Iran, which physically and politically threatens Iraqi policymakers who challenge its interests. The PMF have strong links to Iran, and dozens of figures associated with these militias ran in the 2018 elections and won seats in the CoR.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Despite legal and constitutional measures designed to protect the political rights of various religious and ethnic groups, the dominant role of ethno-sectarian parties and the allocation of key offices according to informal religious or ethnic criteria reduce the likelihood that politicians will act in the interests of the whole population.

Sunni Arabs, the largest ethno-sectarian minority, are represented in the parliament but often argue that the Shiite majority excludes them from positions of real influence. While the presidency and premiership are reserved in practice for a Kurd and a Shiite, the position of parliament speaker goes to a Sunni; Muhammad al-Halbusi was named speaker in September 2018.

A system of reserved seats ensures a minimum representation in the CoR for some of Iraq's smaller religious and ethnic minorities. There are five seats reserved for Christians and one each for Fayli

Kurds (added in 2018), Yazidis, Sabeen Mandaean, and Shabaks.

The Kurdish parliament reserves five seats for Turkmen, five for Christians, and one for Armenians. The political rights of minorities have been severely impeded by widespread displacement from formerly IS-occupied areas. Although polling stations were set up at encampments for the country's nearly two million internally displaced people (IDPs), in May 2018 the parliament voted to annul the votes of IDPs due to fraud claims.

The CoR and the Kurdish parliament reserve 25 percent and 30 percent of their seats for women, respectively, though such formal representation has had little obvious effect on state policies toward women, who are typically excluded from political debates and leadership positions. LGBT (lesbian, gay, bisexual, and transgender) people are unable to enjoy equal political rights in practice due to harsh societal discrimination, and the main political parties do not advocate for the interests of LGBT people in their platforms.

C. FUNCTIONING OF GOVERNMENT: 2 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4

Several factors, including irregular Kurdish occupation of some areas and extensive Iranian influence, have hindered the ability of elected officials to independently set and implement laws and policies. The United States and its allies also exert some policy influence through their support for Iraqi security forces and other state institutions. Iraq's fragmented politics can lead to gridlock and dysfunction, as demonstrated by the protracted negotiations on government formation following the May 2018 elections.

In the KRG, Masoud Barzani effectively suspended the parliament in 2015 after the speaker and many members opposed his extended presidential mandate. Although the parliament

reconvened ahead of the independence referendum in 2017, some parties boycotted the session, and the executive governed without a legislature for most of the year. Separately, Kurdish lawmakers boycotted the CoR for several weeks in late 2017 amid the referendum crisis. The Kurdish legislature that was elected in September 2018 has met, but tension was still high between the KDP and PUK, and a government had not yet formed as of December. The office of president has remained vacant since Masoud Barzani stepped down in November 2017. Some parties have called for the post to be permanently abolished.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Corruption remains a major problem in Iraq. Political parties, which siphon funds from the ministries they control and take kickbacks for government contracts, resist anticorruption efforts, while whistle-blowers and investigators are subject to intimidation and violence. The judicial system, itself hampered by politicization and corruption, takes action on only a fraction of the cases investigated by the Integrity Commission, one of three governmental anticorruption bodies. In response to widespread anticorruption protests in July 2018, the government referred several senior officials suspected of fraud to the Integrity Commission, and claimed that over 5,000 cases of corruption were being investigated. As of December, it was unclear whether any investigations had been referred for prosecution. The KRG suffers from similar corruption problems.

C3. Does the government operate with openness and transparency? 1 / 4

A few policies that promote openness have been adopted, including rules requiring public officials to disclose their assets, but the government does not generally operate with transparency. The CoR debates the budget, and interest groups are often able to access draft legislation. However, security conditions make elected

representatives, who usually live and work in a restricted part of the capital, relatively inaccessible to the public. The public procurement system is nontransparent and corrupt, with no legal recourse available for unsuccessful bidders. The oil and gas industry also lacks transparency, and the government has failed to make adequate progress in meeting its commitments to the Extractive Industries Transparency Initiative. The government has not yet passed a comprehensive law on access to information.

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION

Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group? –1 / 0

IS's loss of territorial control in 2017 largely halted its campaign to alter religious demography, though many Shiite Muslims and religious minorities who were displaced by the group remain unable to return to their homes, for both security and economic reasons. Iraqi government forces' return in late 2017 to territories held by Kurdish militias since 2014 resulted in another round of demographic changes in those areas, with some Kurdish residents leaving and displaced Arabs returning. There have also been reports of Sunni Arabs being displaced from areas liberated from IS by Shiite militias. As of December 2018, approximately four million Iraqis displaced by the IS offensive in 2014 had since returned to their home regions, while another 1.9 million people remained internally displaced.

CIVIL LIBERTIES: 15 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 5 / 16

D1. Are there free and independent media? 1 / 4

 The constitution allows limits on free expression to preserve “public order” and “morality.” Iraq’s media scene appears lively and diverse, but there are few politically independent news sources. Journalists who do not self-censor can face legal repercussions or violent retaliation.

No journalists were killed in connection with their work in 2018, compared with eight in 2017. However, multiple cases of harassment and intimidation of journalists were documented during the year. In July, at least four journalists covering protests in Basra were assaulted by security forces. Journalists reporting on corruption also faced harassment and arrest.

In the Kurdistan region, seven reporters were attacked by Kurdish security forces, and at least two were detained, while covering protests against austerity measures in March.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

The constitution guarantees freedom of belief, but in practice many Iraqis have been subjected to violence and displacement due to their religious identity, and places of worship have often been targets for terrorist attacks. Blasphemy laws remain on the books, although enforcement is rare. A religious conversion law passed in 2015 discriminates against non-Muslims by automatically designating the children of a parent who has converted to Islam as Muslim, even if the other parent is a non-Muslim. Restaurants serving alcohol and liquor stores have faced harassment and attack, further eroding religious freedom.

Most political leaders expressed support for religious pluralism after IS’s defeat, and Sunnis living in liberated areas were largely able to practice their religion freely in 2018.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

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🔦 Educators have long faced the threat of violence or other repercussions for teaching subjects or discussing topics that powerful state or nonstate actors find objectionable. The country's official curriculum is often augmented in the classroom by religious or sectarian viewpoints.

Political activism by university students can result in harassment or intimidation.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

Social media posts on controversial topics sometimes result in retribution. Political speech in the Kurdistan region can also prompt arbitrary detentions or other reprisals from government or partisan forces.

The Iraqi government is known to restrict internet access in response to political turmoil. In July 2018, the government reacted to protests in Basra by shutting down the internet in a number of regions for several days, followed by a targeted restriction of access to social media platforms including WhatsApp, Twitter, and Facebook. The move was intended to curb the protests and stanch online criticism of the government.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 5 / 12 (–1)

E1. Is there freedom of assembly? 1 / 4 (–1)

The constitution guarantees freedom of assembly, but protesters are frequently at risk of violence or arrest. Security forces used curfews, tear gas, and live ammunition to suppress a series of protests against corruption and poor infrastructure in Basra that began in July 2018 and continued as of December. Scores of people were arrested or injured, and at least 15 were killed. Numerous

protesters were also beaten and detained during economic protests in Kurdistan in March.

Score Change: The score declined from 2 to 1 due to the violent suppression of protests, particularly those focused on living conditions in the southern city of Basra.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

Nongovernmental organizations (NGOs) enjoy societal support and a relatively hospitable regulatory environment, though they must register with the government and obtain approval from the commission responsible for suppressing Baathism to operate. In the Kurdistan region, NGOs must renew their registration annually.

Several NGO leaders were abused or assassinated in 2018, raising concerns about renewed threats to civil society. In September 2018, Suad al-Ali, the leader of Al-Wid al-Alaiami for Human Rights, was murdered in her car in Basra. Al-Ali had been involved in the protests in Basra and was an outspoken advocate for women's rights. As of December, the crime, along with the other attacks on prominent activists, remained unsolved.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Labor laws allow for collective bargaining (even by nonunionized workers), protect the rights of subcontractors and migrant workers, and permit workers to strike, among other features. However, public-sector workers are not allowed to unionize, there is no legal prohibition against antiunion discrimination, and workers do not have access to legal remedies if fired for union activity. Some state officials and private employers discourage union activity with threats, demotions, and other deterrents.

F. RULE OF LAW: 1 / 16 (+1)

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F1. Is there an independent judiciary? 0 / 4

The judiciary is influenced by corruption, political pressure, tribal forces, and religious interests. The lines between the executive, legislative, and judicial branches are frequently blurred, and executive interference in the judiciary is widespread. Due to distrust of or lack of access to the courts, many Iraqis have turned to tribal bodies to settle disputes, even those involving major crimes.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Criminal proceedings in Iraq are deeply flawed. Arbitrary arrests, including arrests without a warrant, are common. Terrorism cases in particular have been prone to fundamental violations of due process, with human rights groups describing systematic denial of access to counsel and short, summary trials with little evidence that the defendants committed specific crimes other than association with IS. In 2018, some trials of suspected IS members that resulted in death sentences lasted as little as 20 minutes. Hundreds of foreign wives and children of suspected IS fighters have also been arbitrarily detained and labeled terrorists, part of what some analysts describe as a campaign of retribution against IS fighters and their families.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4 (+1)

The end of large-scale combat with IS significantly improved the security environment. Though the organization remained active as a clandestine terrorist group in 2018, it no longer controlled Iraqi territory or civilian populations, and its ability to operate was diminished.

The use of torture to obtain confessions is widespread, including in death penalty cases. In 2018, the government continued to

expedite executions of those convicted of terrorism. Detainees are often held in harsh, overcrowded conditions, and forced disappearances, particularly of suspected IS fighters, have been reported.

Score Change: The score improved from 0 to 1 due to the cessation of heavy fighting between progovernment forces and the IS militant group, which was driven from its last strongholds in the country at the end of 2017.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

Women face widespread societal bias and discriminatory treatment under laws on a number of topics. Sexual harassment in the workplace is prohibited, but it is reportedly rare for victims to pursue formal complaints.

Members of a given ethnic or religious group tend to suffer discrimination or persecution in areas where they represent a minority, leading many to seek safety in other neighborhoods or provinces. Same-sex sexual relations are not explicitly prohibited, but LGBT people risk violence if they are open about their identity. People of African descent suffer from high rates of extreme poverty and discrimination.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 4 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4

Almost two million Iraqis remained internally displaced at the end of 2018. Freedom of movement improved somewhat as areas formerly controlled by IS were brought back under government control. However, large-scale destruction of housing and

infrastructure, the presence of sectarian or partisan militias, and the ongoing threat of violence made it difficult for many displaced people to return home.

The movement of women is limited by legal restrictions. Women require the consent of a male guardian to obtain a passport and the Civil Status Identification Document, which is needed to access employment, education, and a number of social services.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or non-state actors? 1 / 4

Iraqis are legally free to own property and establish businesses, but observance of property rights has been limited by corruption and conflict, most recently the conflict with IS. Business owners face demands for bribes, threats, and violent attempts to seize their enterprises. Contracts are difficult to enforce. Women are legally disadvantaged with respect to inheritance rights and may face pressure to yield their rights to male relatives.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Forced and early marriages are common, especially in the context of displacement and poverty. Nearly one in four Iraqi women aged 20 to 24 were married by age 18, and marriage between 15 and 18 is legal with parental approval. Laws on marriage and divorce favor men over women. Domestic violence is criminalized but widespread and rarely prosecuted. Rapists can avoid prosecution if they marry their victims; spousal rape is not prohibited. The law also allows reduced sentences for those convicted of so-called honor killings, which are seldom punished in practice.

Both men and women face pressure to conform to conservative standards on personal appearance. A number of high-profile

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women associated with the beauty and fashion industries were murdered in 2018, including Tara Fares, a social media star who was shot dead in Baghdad in September. The assailants remained unknown at year's end, but the government blamed extremist groups for the murders.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

After the military defeat of IS, many Yazidi women who had been forced into sex slavery remained missing. Exploitation of children, including through forced begging and the recruitment of child soldiers by some militias, is a chronic problem. Foreign migrant workers frequently work long hours for low pay, and they are vulnerable to forced labor. Human trafficking is also a problem, and IDPs are particularly vulnerable. Thus far, the government's efforts to enforce trafficking laws have been inadequate.

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