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Iraq Report on Human Rights Practices for 1997

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IRAQ *

Political power in Iraq lies exclusively in a repressive one-party apparatus dominated by Saddam Hussein and members of his extended family. The provisional Constitution of 1968 stipulates that the Arab Ba'ath Socialist Party (ABSP) governs Iraq through the Revolutionary Command Council (RCC), which exercises both executive and legislative authority. President Saddam Hussein, who is also Prime Minister, Chairman of the RCC, and Secretary General of the Regional Command of the ABSP, wields decisive power. Saddam Hussein and his regime continued to refer to an October 1995, non-democratic "referendum" on his presidency in which he received 99.96 percent of the vote. This "referendum" included neither secret ballots nor opposing candidates, and many credible reports indicated that voters feared possible reprisal for a negative vote.

Ethnically and linguistically, the Iraqi population includes Arabs, Kurds, Turkomen, Assyrians, Yazidis, and Armenians. Historically, the religious mix is likewise varied: Shi'a and Sunni Muslims (both Arab and Kurdish), Christians (including Chaldeans and Assyrians), and Jews (most of whom have emigrated). Ethnic divisions have resulted in civil uprisings in recent years, especially in the north and the south. The Government has reacted against those who revolt with extreme repression. The judiciary is not independent, and the President can override any court decision.

The Government's security apparatus includes militias attached to the President, the Ba'ath Party, and the Interior Ministry. The security forces play a central role in maintaining the environment of intimidation and fear on which government power rests. Security forces committed widespread, serious, and systematic human rights abuses.

The Government owns all major industries and controls most of the highly centralized economy, which is based largely on oil production. The economy was damaged by the Gulf War, and Iraq has been subjected to United Nations sanctions since its 1990 invasion of Kuwait. As a result, the economy has been stagnant. Sanctions ban all exports, except for oil sales under U.N

The United States does not have diplomatic representation in Iraq. This report draws to a large extent on non-U.S. Government sources.

Security Council Resolution (UNSCR) 986, and allow imports only of food, medicine, and other humanitarian goods for essential civilian needs. The Government's failure to comply with U.N. Security Council resolutions has resulted in the maintenance of the sanctions. In December 1996, after a nearly a year and a half of obstruction and delay, the Government began to implement UNSCR 986. A significant part of the UNSCR 986 "oil for food" program was delayed during 1997 because the Government refused to pump oil for extended periods. The Government interfered with the international community's provision of humanitarian assistance to the Iraqi people routinely by placing a higher priority on importing industrial items than on food and medicine, diverting goods to benefit the regime, and restricting the work of U.N. personnel and relief workers. U.N. and European Union observers attribute the country's poor economic conditions to the Government's actions, not to the sanctions regime.

Human rights abuse remained difficult to document because the Government's efforts to conceal the facts, including its persistent refusal to permit visits by human rights monitors and continued restrictions designed to prevent dissent. Max Van der Stoep, the Special Rapporteur for Iraq of the U.N. Commission on Human Rights, based reports on interviews with recent emigres from Iraq and other sources, and opposition groups with contacts still in Iraq published reports.

There was no improvement in the Government's extremely poor human rights record. Citizens do not have the right to change their government. The Government continued to summarily execute perceived political opponents, and reports of such summary executions increased significantly during the year. More than 2,000 killings were reported. Several dozen of these reported executions followed specific allegations of coup attempts in February and August. However, reports suggest that far more people were executed merely because of their association with an opposition group or in an effort to clear out of the prisons anyone with a sentence of 15 to 20 years or more. The Government continued to kill and torture persons accused of economic crimes, military desertion, and a variety of other charges. Prison conditions are poor. The authorities routinely used arbitrary arrest and detention. The judiciary is not independent, and the President can override any court decision, and the Government continues to deny citizens the right to due process. The Government continues to deny citizens the right to privacy. The Government made use of civilians, including small children, as "human shields." The U.N. Special Rapporteur for Iraq confirmed in his November report that freedom of speech, the press, assembly, and association do not exist, except in some parts of the north under the control of Kurdish factions. The Government severely limits freedom of religion and movement, and discriminates against women, children, religious minorities, and ethnic groups. The Government also restricts worker rights.

Iraqi military operations continued to target Shi'a Arabs living in the southern marshes. The Government maintained a partial internal embargo against Iraq's northern provinces, blocking shipments of food, medicine, and other goods, except those provided by the U.N. "oil-for-food" program.

In northern Iraq, fighting continued between the two main Iraqi Kurdish groups, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK). In addition, attacks on civilians by the Turkish Kurd terrorist organization, the Kurdistan Workers' Party (PKK), resulted in many deaths, particularly among the vulnerable Assyrian minority and villagers who supported the KDP. Turkish forces entered Iraq several times during the year to combat the PKK. These separate conflicts converged in November, when Turkish air and ground elements joined the KDP to force the PUK and the PKK to return to the established intra-Kurdish ceasefire line. The fighting left over a thousand persons dead and forced thousands of civilians from their homes. A ceasefire established on November 24 ended the fighting for the remainder of the year, albeit with a few sporadic clashes.

Section I Respect for the Integrity of the Person, Including Freedom From:

The Government has a long record of executing perceived opponents. The U.N. Special Rapporteur, the international media, and other groups all reported an increased number of extrajudicial killings during the year. The Special Rapporteur has stated that "the country is run through extrajudicial measures." In a 1996 report, Amnesty International (AI) noted that various decrees expanding the use of the death penalty in 1994 and 1995 have not been sufficiently clarified to ensure fair and just applicability, a problem compounded by the lack of an independent judiciary. The list of offenses requiring a mandatory death penalty has grown substantially in recent years, and now includes forgery, smuggling cars, and "sabotaging the national economy." The Special Rapporteur noted that membership in certain political parties is punishable by death, that there is a pervasive fear of death for any act or expression of dissent, and that there are recurrent reports of the use of the death penalty for such offenses as "insulting" the President or the Ba'ath Party. These killings occur with total impunity and without due process.

There were many other credible reports of mass executions; on August 31, approximately 170 persons arrested by the Government during its brief 1996 occupation of Irbil were executed on the one-year anniversary of the Iraqi attack on that city; in September 600 prisoners were killed in Abu Ghuraib; on November 9, approximately 100 persons were executed at an undisclosed site; on November 12, 568 people were executed at Abu Ghuraib; on November 15, approximately 80 Iraqi officers and Iranian prisoners of war (POW's) were executed at the Mosul prison.

As in previous years, there also were numerous credible reports that the regime executed persons allegedly involved in plotting against Saddam or the Ba'ath party, including high-ranking civilian, military, and tribal leaders. In February, eleven members of the Al-Nadha movement were killed by the Special Security forces. Fourteen intelligence and special forces officers were executed in September, allegedly for plotting to assassinate Saddam Hussein. Also in September, 10 members of the Bani-Hujaym tribe were executed after they attacked the Ba'ath party headquarters in Al-Samawah. On November 12, six or seven Wahabis (members of the conservative Sunni Islamic sect centered in Saudi Arabia) were executed at al-Anbar in the Rumadli area. Also on November 12, 11 people who allegedly attacked a Ba'athist political office were executed at Dalkut.

Economic crimes may also be punishable by death. For example, on December 7, two Iranian Kurdish refugees attempting to smuggle fuel from Kirkuk to Sulaymaniyah province were arrested by Iraqi security forces at Chamchamal. While in custody—in the presence of the chief of eastern sector military security—they allegedly were killed by being doused with gasoline and set on fire. On December 8, four Jordanian students who allegedly had smuggled about \$850 worth of spare auto parts from Jordan to Iraq were executed.

On December 13, a group of officers and men of the 4th corps were executed on charges of smuggling weapons into Iraqi Kurdistan.

Reports of deaths due to poor conditions in prisons and detention facilities also increased during the year. According to the U.N. Special Rapporteur, many prisoners in Amarah province were reported as near death because of lack of adequate food and health care. Ten refugees returning from Saudi Arabia in May allegedly were poisoned while in jail in Baghdad. All of them reportedly died after their release in June, after suffering from paralysis and severe bleeding. In November the opposition Iraqi National Congress alleged that the regime had plotted to murder U.N. Special Commission (UNSCOM) executive commissioner Rolf Ekeus by poisoning him with thallium. Sixty Iranian Kurds at the Bazan refugee camp near Suleymaniya reported that they had been poisoned with thallium in their drinking water; however, they attributed the poisoning to Iranian agents.

There are persistent reports that, even as he recovers from wounds suffered in a 1996 assassination attempt, Uday Hussein, Saddam Hussein's eldest son, has remained active in extrajudicial killings. In a July incident, he allegedly killed one of his bodyguards, for reasons that remain unclear.

Indications persist that the Government has offered "bounties" to anyone who kills United Nations or other international relief workers in northern Iraq. The Government has repeatedly charged that foreign relief organizations working in northern Iraq are engaged in espionage, making their employees liable to the death penalty.

As in previous years, the regime continued to deny totally the widespread killings of Kurds in northern Iraq during the "Anfal" Campaign of 1988 (see Sections 1.b. and 1.g.). Both the Special Rapporteur and Human Rights Watch have concluded that the Government's policies against the Kurds raise issues of crimes against humanity and violations of the 1948 Genocide Convention.

Political killings and terrorist actions continued in northern Iraq. Throughout the year, elements of the PKK remained active in northern Iraq, reportedly killing local residents in an effort to control a territorial base. Assyrian groups reported several instances of mob violence by Muslims against Christians in the north, allegedly resulting in several deaths. Intra-Kurdish fighting in October and November resulted in the deaths of over 1200 fighters and an undisclosed number of civilians. On December 8, five members of an Iranian Kurdish group were killed in PUK-held territory.

b. Disappearance

During the year, the Special Rapporteur continued to receive reports of widespread disappearances. The Government continued to ignore the more than 15,000 cases conveyed to it in 1994 and 1995 by the U.N. Working Group on Enforcement on Involuntary Disappearances, as well as requests from the Governments of Kuwait and Saudi Arabia on the whereabouts of those missing from the 1990-1991 occupation of Kuwait and from Iran on the whereabouts of POW's Iraq captured in the 1980-1988 Iran-Iraq war.

The United Nations has documented over 16,000 cases of persons who had disappeared. According to the Special Rapporteur, most of these cases occurred during the Anfal Campaign. He estimates that the total number of Kurds who disappeared during Anfal could reach the tens of thousands. Human Rights Watch estimates that the total at between 70,000 and 150,000, and Amnesty International (AI) at more than 100,000. Many individuals who disappeared in the wake of the 1996 Government attack on Irbil may have been killed late in the year, in the alleged government campaign to "cleanse the prisons" (see Section 1.a.).

In an October report, Amnesty International documented the repeated failure of the Government to respond to requests for information about persons who had disappeared. The report details unresolved cases dating from the early 1980's through the mid-1990's, particularly the disappearances of Aziz al-Sayid Jassem,

Sayyid Muhammad Sadeq Muhammad Ridha al-Qazwini, Mazin Abd al-Munim al-Samirra'i, the six al-Hashimi brothers, the four al-Sheibani brothers, and numerous persons of Iranian descent or Shi'a religious belief. The report concludes that few of these victims became targets of the regime for anything they had allegedly done. Rather, they were arrested as "hostages" in order to force a relative who may have escaped abroad to surrender, because of their family link to a political opponent, or simply for their ethnic origin.

In other cases, individuals arrested or taken prisoner in specific circumstances have disappeared while in government custody. For example, the status of six members of the Assyrian community of Baghdad, arrested in October 1996, is unknown. Hundreds are still missing in the aftermath of the brief Iraqi military occupation of Irbil in August 1996. Many of these persons may have been killed surreptitiously late in 1997, in the reported regime campaign to "cleanse the prisons" (see Section 1.a.). Thirty-three members of the Yazidi community of Mosul, who were arrested in July 1996, are still unaccounted for.

The Special Rapporteur and several human rights groups continued to request that the Government provide information about the arrest in 1991 of the late Grand Ayatollah Abdul Qasim Al-Khoei and 108 of his associates. The Ayatollah died while under house arrest in Al-Najaf. Others arrested with him have not been accounted for, and the Government refuses to respond to queries regarding their status.

The Government failed to return, or account for, a large number of Kuwaiti citizens and citizens of other countries detained during the Iraqi occupation of Kuwait. Government officials, including military leaders known to have been among the last to see the disappeared during the occupation, have refused to respond to the hundreds of outstanding inquiries about the missing. Of 609 cases of missing Kuwaiti citizens under review by the Quadrilateral Commission on Gulf War Missing, only two have been resolved. The Iraqi Government denies having any knowledge of the others and claims that any relevant records were lost in the aftermath of the Gulf War.

Iran reports that 5,000 Iranian POWs from the Iran-Iraq War (1981-88) are unaccounted for by Iraq. On November 26, Iran unilaterally released 500 Iraqi POWs from that war. Possibly in response, on December 4, Iraq released two Iranians who had been arrested in Iraq in 1991.

In May an Iraqi engineer seeking refuge in Western Europe reported that many Iraqi chemical and biological warfare workers had disappeared or died under mysterious circumstances, some after contracting unknown diseases.

In addition to the tens of thousands of reported disappearances, human rights groups reported in 1997 that the Government continued to hold thousands of other Iraqis in incommunicado detention (see Section 1.d.).

C. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture, however, the security services routinely tortured detainees. According to former detainees, torture techniques included branding, electric shocks administered to the genitals and other areas, beating, burning with hot irons, suspension from rotating ceiling fans, dripping acid on the skin, rape, breaking of limbs, denial of food and water, and threats to rape or otherwise harm relatives. The security forces killed many of their torture victims and mutilated their bodies before returning them to the victims' families. There are persistent reports that the families are made to pay for the costs of the execution, before the bodies are returned to them. Iraqi refugees arriving in Europe often reported instances of torture to the receiving governments and—as was the case with a group of refugees arriving in Italy in June—displayed scars and mutilations to substantiate their claims. Amnesty International notes that Iraqi authorities have failed to investigate these reports. There were no reports of amputations or brandings during the year.

The Special Rapporteur, human rights organizations, and opposition groups continued to receive numerous reports of women suffering severe psychological trauma after they were raped while in custody. The security forces allegedly raped women captured during the Anfal Campaign and during the occupation of Ku-

wail. The Government has never acknowledged these reports of rape or conducted any investigation. Although the Government made a variety of pronouncements against rape and other violent crimes during the year, it took no action against those who committed this abuse.

Prison conditions are poor. Certain prisons are notorious for routine mistreatment of prisoners. Abu Ghuraib prison west of Baghdad may hold as many as 15,000 persons, many of whom are reportedly subjected to torture. Al-Rashidiya prison, on the Tigris River north of Taji, reportedly has torture chambers. The Al-Shammariya prison, located in east Baghdad, holds the mentally ill and is reportedly the site of both torture and disappearances. The Radwaniyah detention center is a former prisoner-of-war facility near Baghdad and reportedly the site of torture as well as mass executions. This prison was the principal detention center for persons arrested following the civil uprisings of 1991. Human Rights Watch and others have estimated that Radwaniyah holds more than 5,000 detainees; Iraqi opposition groups say it is located within a "presidential" compound, from which the regime precludes inspections by the U.N. Special Commission charged with eliminating Iraqi weapons of mass destruction. Radwaniyah is where Uday Hussein is alleged to have had the Iraqi national soccer team caged on the soles of their feet after a World Cup qualifying loss to Kazakhstan, a charge being investigated by the International Football Association (FIFA).

There were no details on the condition of prisoners in northern Iraq.

The Government does not permit prison visits by human rights monitors.

d.

Arbitrary Arrest, Detention, or Exile

Although the Constitution and the Legal Code explicitly prohibit arbitrary arrest and detention, the authorities routinely engaged in these practices. The Special Rapporteur stated that arbitrary arrests are still common throughout the country, and many times lead to detention for often long periods of time without access to a lawyer or being brought before a court.

The military and security services, rather than the ordinary police, carried out most cases of arbitrary arrest and detention. During the year, security forces reportedly arrested hundreds of persons perceived as security threats, mainly on the basis of an individual's personal association or family connection with opponents of the Government. On July 15, in Baghdad dozens of Shi'a youths were reported to have been arrested and held incommunicado, and 84 merchants were arrested in an "anti-fraud" sweep in February. Sometimes, those arrested were reportedly killed while in custody (see Section 1.a.).

According to international human rights groups, numerous foreigners arrested arbitrarily in previous years remain in detention.

It has also been reported that there is a widespread practice of holding family members and close associates responsible for the alleged actions of others. The Special Rapporteur notes that "guilt by association" is facilitated by administrative requirements on relatives of deserters or other perceived opponents of the regime. For example, relatives who did not report deserters could lose their ration cards for purchasing government-controlled food supplies or be evicted from their residences. Amnesty International reported in October that relatives often do not inquire about the whereabouts of arrested family members for fear of being arrested themselves.

Mass arrests are also reportedly commonplace; the Special Rapporteur learned of at least 3 such instances in southern Iraq in 1997. Twenty-five families are reported to have been interred in Al-Fajr prison in Nassariyah province; 30 persons (women, children, and old men) from Al-Ghizlah reportedly were arrested and taken to Baghdad; on April 3, a large number of persons reportedly were arrested in the Bani Said area and have yet to be released.

The Government reportedly continued to target Shi'a Muslim clergy and their supporters for arbitrary arrest and other abuses. It also reportedly continued forcibly to move Shi'a populations from the south to the north, and other minority groups such as Assyrians and Turkomen from the north to government-controlled territory.

There was no substantive evidence that the Government was implementing two "amnesty" decrees issued in 1995. Human rights monitors remain concerned that Iraqi authorities may be attempting to bring deserters and government opponents out of hiding in order to penalize them.

Although no statistics are available, observers estimate the number of political detainees in the tens of thousands.

The Government is not known to practice forced exile. However, 1 to 2 million self-exiled Iraqis are fearful of returning to Iraq.

e.

Denial of Fair Public Trial

The judiciary is not independent, and there is no check on the President's power to override any court decision. The Special Rapporteur and international human rights groups all observed during the year that the repressive nature of the political and legal systems precludes any concept of rule of law. Numerous laws lend themselves to continued repression, and the Government uses extrajudicial methods to extract confessions or coerce cooperation with the regime.

There are two parallel judicial systems: the regular courts, which try common criminal offenses; and special security courts, which generally try national security cases, but may also try criminal cases. There is a Court of Appeal and the Court of Cassation, which is the highest court.

Procedures in the regular courts theoretically provide for many protections. However, the regime often assigns to the security courts cases which, on their merits, would appear to fall under the jurisdiction of the regular courts. Trials in the regular courts are public, and defendants are entitled to counsel, at government expense in the case of indigents. Defense lawyers have the right to review the charges and evidence brought against their clients. There is no jury system; panels of three judges try cases. Defendants have the right to appeal to the Court of Appeal and then to the Court of Cassation.

The Government shields certain groups from prosecution for alleged crimes. A 1992 decree grants immunity from prosecution to members of the Ba'ath Party and the security forces who kill anyone while in pursuit of army deserters. Unconfirmed but widespread reports indicate that this decree was applied in 1997 to prevent trials or punishment of government officials. Nevertheless, Saddam Hussein's personal decree clearly suspends any legal proceedings—including those designed to shield his family. For example, in May the President reportedly seized the assets of his half brother Sabawi Ibrahim Al-Hassan. A 1990 decree grants immunity to men who commit "honor crimes," i.e., kill their female family members for a perceived lack of chastity.

Special security courts have jurisdiction in all cases involving espionage and treason, peaceful political dissent, smuggling, currency exchange violations, and drug trafficking. According to the Special Rapporteur and other sources, military officers or civil servants with no legal training head these tribunals, which hear cases in secret. Authorities often hold defendants incommunicado and do not permit contact with lawyers. The courts admit confessions extracted by torture, which often serve as the basis for conviction. There are reports that individuals who have cooperated with U.N. weapons inspectors have been subjected to secret trials.

Many cases appear to end in summary execution, although defendants may appeal to the President for clemency. Saddam Hussein may grant clemency in any case that apparently suits his political goals. There are

no Shari'a, or Islamic law, courts as such. Regular courts are empowered to administer Islamic law in cases involving personal status, such as divorce and inheritance.

Because the Government rarely acknowledges arrests or imprisonments and families are afraid to talk about arrests, it is difficult to estimate the number of political prisoners. Many of the tens of thousands of persons who have disappeared or been killed in recent years were originally held as political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Government frequently disregarded the constitutional right to privacy, particularly in cases allegedly involving national security. The law defines security offenses so broadly that authorities are virtually exempt from the legal requirement to obtain search warrants. The authorities frequently conduct searches without warrants. The regime routinely ignored constitutional provisions safeguarding the confidentiality of mail, telegraphic correspondence, and telephone conversations. The Government periodically jammed news broadcasts, including those of opposition groups, from outside Iraq.

In Kirkuk the regime periodically sealed off whole districts and conducted day-long, house to house searches, evidently as part of its campaign to harass and expel ethnic Kurds and Turkomen from the city (see Section 2.d.).

The security services and the Ba'ath Party maintain pervasive networks of informers to deter dissident activity and instill fear in the public. For example, the Special Rapporteur reported that an operator was arrested and executed in 1993 for having warned a person not to use a wiretapped telephone line. The authorities also hold family members and close associates responsible for the alleged actions of others (see Section 1.d.).

In September Iraqi expatriates in Amman reported a new government effort for surveillance of university students. Worried about antigovernment pamphlets that appeared at Basrah and Qadisiyah Universities in 1996, the regime used the Ministry of Education to move undercover military intelligence and Special Security officers onto campuses around the country.

g. Use of Excessive Force and Violations of Humanitarian Law In Internal Conflicts

As in previous years, the armed forces conducted deliberate artillery attacks against Shi'a civilians in the southern marshes and against minority groups in northern Iraq. In 1992 the Gulf War allies imposed "no-fly zones" over both northern and southern Iraq. The no-fly zones continued to deter aerial attacks on the marsh dwellers in southern Iraq and residents of northern Iraq, but they did not prevent artillery attacks on villages in either area, nor the military's large-scale burning operations in the southern marshes.

For example, in April heavy artillery attacks on the towns of Al-Ghizlan in Nassariyah province and Al-Eliwa, Abu Ashra, Al-Adil, and Al-Salam in Amarah province reportedly resulted in substantial civilian casualties, including women and children. In May the same sort of attack occurred at Al-Tar and Al-Shukh in Nassariyah province. On November 1, a week-long operation in the marshes conducted by the Third Corps was led off by similar heavy artillery assaults. Several civilians were reportedly wounded in another shelling incident in the Al Zoor area of Nassariyah province on November 18 and 19.

During the year, Government also continued its water-diversion and other projects in the south, accelerating the process of large-scale environmental destruction. The Government claimed that the drainage is part of a land reclamation plan to increase the acreage of arable land, spur agricultural production, and reduce salt pollution in the Tigris and Euphrates rivers. However, the evidence of large-scale human and ecological destruction appears to belie this claim, and other credible reports confirmed the ongoing destruction of the

marshes. The Supreme Council of the Islamic Revolution in Iraq (SCIRI) claimed to have obtained government documents describing its long-range plans to drain the marshes completely. The army continued to construct canals, causeways, and earthen berms to divert water from the wetlands. Hundreds of square kilometers have been burned in military operations. Moreover, the regime's diversion of supplies in the south limited the population's access to food, medicine, drinking water, and transportation.

According to the U.N. Special Rapporteur and opposition sources, thousands of persons in Nasseriyah and Basrah provinces were denied rations under UNSCR 986. In these provinces and in Amarah province, access to food is allegedly used to reward regime supporters and silence opponents. Shi'a opposition groups report that, due to the continuing fighting, the condition of the Shi'a in the south has continued to deteriorate even after the institution of the U.N.'s "oil for food" program.

The Government maintained a partial internal embargo against the three provinces in northern Iraq for most of the year. These provinces are populated primarily by Kurds, Assyrians, Turkomen, and other ethnic minorities. The embargo prevented the free movement of food, medicine, and other humanitarian supplies to that area. Beginning in 1993, the embargo also included the cutoff of electric power in specific areas, causing the disruption of water and sanitation systems, and interfering with the delivery of food and fuel. Indications of loosened restrictions for the territory controlled by the Patriotic Union of Kurdistan appeared to be tied to political concessions, such as accepting school textbooks praising Saddam Hussein and the Iraqi regime.

A multinational coalition continued enforcement of a "no-fly zone" to inhibit government aerial activity to repress citizens in northern Iraq. The Government continued to Arabize certain areas, such as the urban centers of Kirkuk and Mosul, through the forced movement of local residents from their homes and villages and their replacement by Arabs from outside the area (see Section 1.d.).

The PKK also committed numerous abuses against civilians in northern Iraq throughout the year. For example, on August 4, five persons were reportedly kidnapped from the village of Gunda Jour by a PKK band. Iraqi Kurds reported that on October 23, a PKK unit killed 14 civilians (10 of them children) and wounded 9 others in attacks on the villages of Korka, Chema, Dizo, and Selki. On December 13, seven Assyrian civilians reportedly were ambushed and killed near the village of Mangesh. Many villagers in Dohuk and Erbil provinces, particularly those from isolated areas, were reported to have abandoned their homes and temporarily relocated to cities and larger towns to escape PKK attacks.

On several occasions in 1997, Turkish armed forces entered northern Iraq in pursuit of PKK terrorists and bases. In November Turkish and KDP forces fought pitched battles against the PUK and the PKK. These operations resulted in some civilian deaths and destruction of residences. The Government of Turkey denied allegations that Turkish forces used air-delivered incendiary bombs and intentionally targeted civilian populations in their operations; independent observers on the scene found no evidence of such actions. Turkish government authorities stressed that the operations sought to avoid civilian casualties and that much of the fighting took place in unpopulated areas.

Land mines in northern Iraq, mostly planted by the Government before 1991, continued to kill and maim civilians. Many of the mines were laid during the Iran-Iraq War, but the army failed to clear them before it abandoned the area. The mines appear to have been haphazardly planted in civilian areas. Land mines are also a problem all along the Iraq-Iran border throughout central and southern Iraq, but there is no information on civilian casualties or the efforts, if any, to clear old minefields in areas under the central Government's control. The Special Rapporteur repeatedly has reminded the Government of its obligation under the Land Mines Protocol to protect civilians from the effects of mines. Various nongovernmental organizations (NGO's) continued efforts to remove mines from the area and increase mine awareness among local residents.

After the 1991 Gulf War, victims and eyewitnesses described war crimes perpetrated by the Iraqi regime—deliberate killing, torture, rape, pillage, hostage-taking, and associated acts—directly related to the Gulf War. Many governments continue to urge the U.N. Security Council to establish an international

Many governments continue to urge the U.N. Security Council to establish an international commission to study evidence of a broader range of war crimes, as well as crimes against humanity and possible genocide. Human Rights Watch (HRW) and other organizations have worked with various governments to bring a genocide case at the International Court of Justice against the Government for its conduct of the Anfal campaign against the Kurds in 1988.

In September the Iranian Air Force attacked two camps of the Iranian terrorist group Mujahedin Al-Khalq (MEK) in Iraq. There were reports of casualties among Iraqi civilians.

Section 2 Respect for Civil Liberties, Including:

a. **Freedom of Speech and Press**

The Constitution provides for freedom of speech and of the press, but also stipulates that "the State ensures the considerations necessary to exercise these liberties, in compliance with the revolutionary, national and progressive trend." In practice, freedom of speech and of the press do not exist, and political dissent is not tolerated in areas under the Government's control. The Special Rapporteur noted that "the people live in a climate of fear in which whatever they or their family members may say or do, particularly in the area of politics, involves the risk of arrest and interrogation by the police or military intelligence."

The Government and the Ba'ath Party own all print and broadcast media and operate them as propaganda outlets. They generally do not report opposing points of view that are expressed either domestically or abroad. According to the Special Rapporteur, journalists are under regular pressure to join the Ba'ath party and must follow the recommendations of the Iraqi Union of Journalists, headed by Uday Hussein. The Special Rapporteur reported that one journalist was sentenced to life imprisonment for telling a joke about Saddam Hussein, while another was arrested on charges of "collaboration with foreign countries," possibly a reference to a negative report on the economic situation.

The Special Rapporteur reported that the Ministry of Culture and Information periodically holds meetings at which general guidelines for the press are provided. Foreign journalists must work from offices located within the ministry building and be accompanied everywhere they go by ministry officers, who reportedly restrict the reporters' movements and make it impossible for them to interact freely with the populace. Since Western news services have not been permitted to establish permanent bureaus in Iraq, they are represented in Baghdad by Iraqi staffers who are based in the Ministry of Information and Culture.

Several statutes and decrees suppress freedom of speech and the press. These include Revolutionary Command Council decree no. 840 of November 1986, which penalizes free expression and stipulates the death penalty for anyone insulting the President or other high government officials;

Section 214 of the Penal Code, which prohibits singing a song likely to cause civil strife; and the Press Act of 1968, which prohibits the writing of articles on 12 specific subjects, including those detrimental to the President, the Revolutionary Command Council, and the Ba'ath Party.

Books can be published only with the authorization of the Ministry of Culture and Information. The Ministry of Education often sends textbooks with pro-regime propaganda to Kurdish regions; the Kurds routinely remove propaganda items from the books. In October the Minister of Education "warned these cliques that we hold them responsible" for altering the books.

The Government regularly jammed foreign news broadcasts (see Section 1.F.). In an effort to interdict further any foreign reports on Iraq, the Government also banned satellite dishes. The penalty for possessing a satellite dish reportedly is an indefinite term of imprisonment in solitary confinement and confiscation of all household effects.

In northern Iraq, several newspapers have appeared over the past five years, as have opposition radio and television broadcasts. The absence of central authority permits some freedom of expression, although most journalists are influenced or controlled by various political organizations.

The Government has no respect for academic freedom, exercising strict control over academic publications. University staff is hired or fired depending on their support for the Government.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, but, except in Kurdish-controlled northern areas, citizens may not assemble legally other than to express support for the regime. The Government regularly orchestrates crowds to demonstrate support for the regime and its policies through financial incentives for those who participate and threats of violence against those who do not.

The Constitution provides for freedom of association, but the Government controls the establishment of political parties, regulates their internal affairs, and monitors their activities. Several parties are specifically outlawed, and membership in them is a capital offense. A 1974 law prescribes the death penalty for anyone "infiltrating" the Ba'ath Party.

In Kurdish-controlled northern Iraq, the situation is mixed. For example, 120,000 people reportedly participated in a protest march in Irbil in October, demanding that the PUJ restore electrical power to the city. On the other hand, both the KDP and the PUJ intimidated, seized the property of, and forcibly expelled members and alleged supporters of the rival organization from the territory they control (see Section 2.d.).

c. Freedom of Religion

The Constitution provides for freedom of religion, but also notes that "Islam is the religion of the State." In practice, the Government severely limits freedom of religion. The Ministry of Endowments and Religious Affairs monitors places of worship, appoints the clergy, and approves the publication of religious literature.

Although Shi'a Muslim Arabs, who compose between 60 and 65 percent of the population, are the largest religious group, Sunni Arabs (composing only about 12 to 15 percent of the population) traditionally have dominated economic and political life. Despite legal protection of sectarian equality, the regime has in recent years repressed the Shi'a clergy and followers of the Shi'a faith. Security forces have desecrated Shi'a mosques and holy sites, particularly in the aftermath of the 1991 civil uprisings.

The following government restrictions on religious rights remained in effect throughout 1997: a ban on the Muslim call to prayer in certain cities; a ban on the broadcast of Shi'a programs on government radio or television; a ban on the publication of Shi'a books, including prayer books; a ban on funeral processions; and the prohibition of certain processions and public meetings commemorating Shi'a holy days. In June serious clashes were reported between Shi'a pilgrims traveling to Karbala for the Arba'in commemoration and security forces and government-backed Sunni civilians. Reports of casualties varied widely, indicating that between 40 to 500 pilgrims were killed. The Government cut off food, water, and electricity to the city of Karbala. Some pilgrims were allegedly kidnaped and their families were forced to pay a ransom to the Government to effect their release.

The Government continues to insist that its own appointee replace the late Grand Ayatollah Abul Qasim Al-Khoei, formerly the highest ranking Iraqi Shi'a clergyman, who died in government custody in 1992 (see Section 1.b.). The Shi'a religious establishment refuses to accept the Government's choice. The Government also continued to harass and threaten members of the late Ayatollah Al-Khoei's family (see Sections 1.a. and 1.b.). In Najaf on November 25, government agents allegedly attacked the house of Mohammed Rida Sistani, the son of Ayatollah Syed Ali Sistani, one of the most senior Shi'a leaders in Iraq. Sistani was wounded, a colleague was killed, and Sistani's home was ransacked, according to a SCIRI report.

As far as is known, the security forces still were encamped in the shrine to Imam Ali at Al-Najaf, one of Shi'a Islam's holiest sites, and the former Shi'a theological school in Al-Najaf.

The Special Rapporteur and others reported that the Government has engaged in various abuses against the country's 350,000 Assyrian Christians. Most Assyrians traditionally live in the northern governorates, and the Government often has suspected them of "collaborating" with Kurds. Military forces destroyed numerous Assyrian churches during the Anfal Campaign and reportedly tortured and executed many Assyrians (see Section 4). According to Human Rights Watch and Assyrian sources, the Government continues to harass and kill Assyrians throughout the country by forced relocations, terror, and artillery shelling.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government controls the movement within the country of citizens and foreigners. Persons who enter sensitive border areas and numerous designated security zones are subject to arrest. Police checkpoints are common on major roads and highways.

In November, at the height of the Government's defiance of U.N. resolutions requiring inspections for weapons of mass destruction, the Government announced that hundreds of patriotic citizens had volunteered to serve as "human shields" in the event of a coalition air strike on Saddam Hussein's palaces and military-industrial sites. However, reports from opposition sources in Iraq claimed that Ba'ath Party functionaries had been issued quotas of "volunteers" to recruit to serve in this capacity. When bribes of increased food rations failed to generate the required number of persons, the Ba'ath Party, in conjunction with the security services, reportedly coerced civilians to serve as "human shields."

The Government requires citizens to obtain specific government authorization and expensive exit visas for foreign travel. Citizens may not make more than two trips abroad annually. Before traveling abroad, citizens are required to post collateral with the Government, which is refundable only upon their return to Iraq. There are restrictions on the amount of currency that may be taken out of the country. Women are not permitted to travel outside Iraq alone; male relatives must escort them. Each student wishing to travel abroad must provide a guarantor who is liable if the student fails to return. Students abroad who refuse to return to Iraq are required to reimburse any of their expenses that were paid by the Government.

The Government prohibits foreign travel by journalists, authors, and all the employees of the Information Ministry. Security authorities interrogate all media employees, journalists, and writers who travel outside Iraq.

Foreign spouses of citizens who have resided in Iraq for 5 years (1 year for spouses of government employees) are required to apply for naturalization as Iraqi citizens. Many foreigners thus become subject to travel restrictions. The penalties for noncompliance include, but are not limited to, loss of the spouse's job, a substantial financial penalty, and repayment for any governmental educational expenses. The Government prevents many citizens who also hold citizenship in another country—especially the children of Iraqi fathers and foreign-born mothers—from visiting the country of their other nationality.

The Government continued to pursue its discriminatory resettlement policies, including demolition of villages and forced relocation of ethnic Kurds, Turkomen, Assyrians, and other minorities. Human rights monitors reported that the Government continued to force Kurdish and Turkomen residents of Kirkuk to move to other areas in the north or to the south. In their place, ethnic Arab families were moved in, evidently in an effort to "Arabize" this oil-rich city. Another motive may have been simple theft; the Special Rapporteur described the alleged expropriation of Turkomen agricultural land near Kirkuk by high-level regime officials and members of Saddam Hussein's family. Typically the displaced persons reported that they were given at most 1 week to leave, and that they often were not allowed to bring their belongings with them. In many cases, Iraqi security officials reportedly seized food coupons issued to displaced persons under the U.N. "oil-

for-food" program. Amnesty International reported that, according to some sources, family members, including children, are sometimes taken hostage by the Government to ensure that families do not resist the order to move.

The U.N. Secretary General estimates that there are more than half a million internally displaced persons in the three northern provinces (Irbil, Dohuk, and Sulaymaniyah). Well over 100,000 were added in 1997, due to expulsion by government forces, expulsion by competing Kurdish groups, and intra-Kurdish fighting. There were constant reports of forced expulsions of Kurds and Turkomen from Kirkuk and Kharaqin; 1,500 persons in April; 1,300 families in May; 440 families in July; 1,000 families in September; and 1,750 families in December. The Kurdish factions added greatly to this problem by expelling each other's political supporters from areas that they control and by their renewed fighting. The KDP estimated that 58,000 KDP supporters were expelled from Sulaymaniyah and other PUK-controlled areas from October 1996 to October 1997; the PUK says that more than 49,000 of its supporters were expelled from Irbil and other KDP-controlled areas from August 1996 through December 1997. The U.N. reports that more than 10,000 persons were forced from their homes when fighting broke out between the Kurdish factions along their cease-fire line in October 1997.

According to the Special Rapporteur, security forces continued to relocate Shi'a inhabitants of the southern marshes to major southern cities. Many have been transferred to detention centers and prisons in central Iraq, primarily in Baghdad, or even to northern cities like Kirkuk as part of the Government's attempt to "Arabize" traditionally non-Arab areas.

The Government does not provide first asylum or respect the rights of refugees. According to the United Nations High Commissioner for Refugees (UNHCR), hundreds of thousands of Iraqi refugees remain abroad. Apart from those suspected of sympathizing with Iran, most fled after the Government's suppression of the civil uprising of 1991; others are Kurds who fled the Anfal Campaign of 1988.

Of the 1.5 million refugees who fled following the 1991 uprisings, the great majority, particularly Kurds, have repatriated themselves to northern Iraq in areas where the allied coalition has prohibited overflights by Iraqi aircraft. Several hundred thousand Kurds remain unsettled in northern Iraq because political circumstances do not permit them to return to their former homes in government-controlled territory. According to the Special Rapporteur, many of these families still live in tent camps under extremely harsh conditions, which result in many deaths, particularly among the elderly and young children.

Approximately 12,000 Turkish Kurds remain in the north who have fled civil strife in southeastern Turkey. The UNHCR is treating these displaced persons as refugees until it reaches an official determination of their status. The Atrush refugee camp was closed in early 1997 and about 1,000 of its residents returned to Turkey. A total of 6,000 refugees from Atrush reportedly have moved to the Ayn Sifni facility, with most of the remainder relocating to KDP-controlled areas of northern Iraq.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government. Although the Government has taken steps to increase the perception of democracy, the political process still was controlled firmly by the State. The 1995 "referendum" on Saddam Hussein's presidency was not free and was dismissed as a sham by most international observers. It included neither voter privacy nor opposing candidates, and many credible reports indicated that voters feared possible reprisal for a negative vote. A total of 500 people reportedly were arrested in Karbala, Baghdad, and Ramadi provinces for casting negative ballots, and a member of the intelligence services reportedly was executed for refusing to vote for the President.

There are strict qualifications for electoral candidates; the candidates for the National Assembly, by law, must be over 25 years old and "believe in God, the principles of the July 17-30 revolution, and socialism." Out of the 250 seats, 160 deputies reportedly belong to the Ba'ath Party, 60 are independent, and Saddam

Hussein appointed 30 deputies to represent the northern provinces. According to the Special Rapporteur, the Ba'ath Party allegedly instructed a number of its members to run as nominally "independent" candidates.

Full political participation at the national level is confined to members of the Arab Ba'ath Socialist Party, estimated at about 8 percent of the population. The political system is dominated by the Party, which governs through the Revolutionary Command Council, headed by President Saddam Hussein. However, the RCC exercises both executive and legislative authority. It overshadows the National Assembly, which is completely subordinate to it and the executive branch.

The President wields decisive power over all instruments of government. Almost all powerful officials are either members of his family or are family allies from his home town of Tikrit.

Opposition political organizations are illegal and severely suppressed. Membership in certain political parties is punishable by death (see Section 2.b.). In 1991 the RCC adopted a law that theoretically authorized the creation of political parties other than the Ba'ath Party; in practice the law is used to prohibit parties that do not support Saddam Hussein and the Government. New parties must be based in Baghdad and are prohibited from having any ethnic or religious character.

The Government does not recognize the various political groupings and parties that have been formed by Shi'a Muslims, as well as Kurdish, Assyrian, Turkomen, and other Iraqi communities. These political groups continued to attract support despite their illegal status.

Women and minorities are underrepresented in government and politics. The law provides for the election of women and minorities to the National Assembly, but they have only token representation.

In northern Iraq, all central government functions have been performed by local administrators, mainly Kurds, since the Government withdrew its military forces and civilian administrative personnel from the area after the 1991 uprising. A regional parliament and local government administrators were elected in 1992. This parliament last met in May 1995. Discussions among Kurdish and other northern Iraqi political groups continue on the reconvening of parliament, but fighting between the PUK and KDP continue to prevent normal parliamentary activity.

Section 4 Governmental Attitude Regarding International and

Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not permit the establishment of independent human rights organizations. It operates an official human rights group that routinely denies allegations of abuses. Citizens have established several human rights groups abroad and in northern areas not under government control. Monitors from foreign and international human rights groups are not allowed in Iraq.

As in previous years, the Government did not allow the U.N. Special Rapporteur to visit Iraq, nor did it respond to his requests for information. The Government continued to defy various calls from U.N. bodies to allow the Special Rapporteur to visit the southern marshes and other regions.

For the fifth consecutive year, the United Nations Human Rights Commission (UNHRC) called on the U.N. Secretary General to send human rights monitors to "help in the independent verification of reports on the human rights situation in Iraq." The U.N. Subcommission on Prevention of Discrimination and Protection of Minorities made a similar request. The Government has continued to ignore these calls for the entry of monitors.

The Special Rapporteur nonetheless was able to gather more evidence, in part due to interviews with current and past government officials, which shed new light on the systemic nature of human rights violations. He dispatched members of his staff to Kuwait, Jordan, and other locations to interview victims of government human rights abuses.

The Govern harassed and intimidated relief workers and U.N. personnel throughout the country, maintained a threat to arrest or kill relief workers in the north, staged protests against U.N. offices in the capital, and may have arranged for the bombing of a U.N. headquarters in Baghdad (see Sections 1.g. and 2.a.).

Section 5 Discrimination Based on Race, Sex, Religion,
Disability, Language, or Social Status

The Constitution and the legal system provides for some rights for women, children, and minorities. However, in practice, the Government systematically violates these rights.

Women

Domestic violence against women occurs but little is known about its extent. Such abuse is customarily addressed within the tightly knit family structure. There is no public discussion of the subject, and the Government issues no statistics. Spousal violence constitutes grounds for divorce and criminal charges, but suits brought on these charges are believed to be rare. Men who kill female family members for "immoral deeds" may receive immunity from prosecution under a 1990 law (see Section 1.d.).

The Special Rapporteur has noted that there is an unusually high percentage of women in the Kurdish areas, purportedly caused by the disappearances of tens of thousands of Kurdish men during the Anfal Campaign. The Special Rapporteur has reported that the widows, daughters, and mothers of the Anfal Campaign victims are economically dependent on their relatives or villages because they may not inherit the property or assets of their missing family members.

Evidence concerning the Anfal Campaign indicates that the Government killed many women and children, including infants, by firing squads and in chemical attacks.

The Government claims that it is committed to equality for women, who make up about 20 percent of the work force. It has enacted laws to protect women from exploitation in the workplace and from sexual harassment; to permit women to join the regular army, Popular Army, and police forces; to require education for girls; and to equalize women's rights in divorce, land ownership, taxation, and suffrage. It is difficult to determine to what extent these protections are afforded in practice. However, reports indicate that the application of these laws has declined as Iraq's political and economic crisis persists. Women are not allowed to travel outside Iraq alone (see Section 2.d.).

Children

No information is available on whether the Government has enacted specific legislation to promote the welfare of children. However, the Special Rapporteur and several human rights groups have collected a substantial body of evidence pointing to the Government's continuing disregard for the rights and welfare of children. This may include government officials taking children from minority groups hostage in order to intimidate their families to leave cities and regions where the regime wishes to create a Sunni Arab majority (see Section 1.d.).

The Government's failure to comply with relevant U.N. Security Council resolutions has led to a continuation of economic sanctions. Exacerbating this situation, the regime's implementation of the "oil-for-food" arrangement under UNSCR 986 ensures that those who accede to the regime's policies benefit, while the need of vulnerable demographic groups are ignored. During the year, more than 3 million tons of food reached Iraq under UNSCR 986, but the quantity and nutritional content of the "food basket" that the Government sells to needy families actually was decreased by government decree. There are widespread reports that food that should have been made available for the general public was in fact stockpiled in warehouses to replenish stocks held by the military. The Government management of the program did not take into account the special requirements of children ages 1 to 5, despite the U.N. Secretary General's specific injunction that the Government modify its implementation procedures to address this vulnerable group. The

Government twice refused to pump oil during 1997 (for a total of 3 months), causing major disruptions in the smooth flow of goods to Iraq. In November there were credible press reports that pharmaceutical supplies that should have been directed to sick Iraqi children instead were exported or reexported for sale in Jordan, and that \$300 million in medicine and medical supplies that the Government said was needed desperately by children had been delayed because of regime members' demands for bribes from suppliers. As a result, health conditions have deteriorated and children have been particularly susceptible, except the children of regime supporters.

In August the Government announced for the fourth year a 3-week training course in weapons use, hand-to-hand fighting, rappelling from helicopters and infantry tactics for children 10 to 15 years of age. Camps for these "Saddam Cubs" operated throughout the country, with 8,000 children participating in Baghdad alone. Senior military officers who supervised the course noted that the children held up under the "physical and psychological strain" of tough training for as long as 14 hours each day.

People with Disabilities

No information is available on the Government's policy towards people with disabilities.

Religious Minorities

Iraq's cultural, religious, and linguistic diversity are not reflected in the country's political and economic structure. Various segments of the Sunni Arab community, which itself constitutes a small minority of the population, have effectively controlled the Government since independence in 1932. Shi'a Arabs, the majority of the population, have long been economically, politically, and socially disadvantaged. Like the Sunni Kurds and other ethnic and religious groups in the north, the Shi'a Arabs of the south have been targeted for particular discrimination and abuse, ostensibly because of their opposition to the Government.

National/Racial/Ethnic Minorities

Kurds, who make up approximately 20 percent of the population, historically have suffered political and economic discrimination, despite the token presence of a small number of Kurds in the national Government (see Sections 1.a, 1.b, and 1.g).

Assyrians are an ethnic group as well as a Christian community (see Section 2.c.). They speak a distinct language—Syriac. Public instruction in Syriac, which was to have been allowed under a 1972 decree, has never been implemented. Numerous reports indicated continued systemic discrimination against Assyrians throughout 1997, especially in terms of forced movements from northern areas and repression of political rights there.

Turkomen and Assyrian volunteers form the backbone of the Peace Monitoring Force (PMF) which patrolled the cease-fire line between the Kurdish factions. On January 23, the semi-official Baghdad newspaper Babel, owned by Uday Hussein, warned that the Turkomen and Assyrian communities could "suffer harm" if PMF activities continued. The PUK reported in November that families and relatives of PMF members living in government-controlled areas have been threatened directly by the regime, causing many PMF members to desert from the force. Other sources reported that PKK terrorists also had threatened members of the PMF and conducted attacks on the offices of Turkomen organizations.

Citizens considered by the Government to be of Iranian origin must carry special identification and are often precluded from desirable employment. Over the years, the Government has deported hundreds of thousands of citizens of Iranian origin.

a.

The Right of Association

Trade unions independent of government control do not exist. The Trade Union Organization Law of 1987 established the Iraqi General Federation of Trade Unions (IGFTU), a government-dominated trade union structure, as the sole legal trade federation. The IGFTU is linked to the Ba'ath Party, which uses it to promote party principles and policies among union members.

Workers in private and mixed enterprises—but not public employees or workers in state enterprises—have the right to join local union committees. The committees are affiliated with individual trade unions, which in turn belong to the IGFTU.

The Labor Law of 1987 restricts the right to strike. No strike has been reported over the past two decades. According to the International Confederation of Free Trade Unions, the severe restrictions on the right to strike include penal sanctions.

The IGFTU is affiliated with the International Confederation of Arab Trade Unions and the formerly Soviet-controlled World Federation of Trade Unions.

b.

The Right to Organize and Bargain Collectively

The right to bargain collectively is not recognized. Salaries for public sector workers (the majority of the employed) are set by the Government. Wages in the much smaller private sector are set by employers or negotiated individually with workers. Government workers frequently are shifted from one job and work location to another to prevent them from forming close associations with other workers. The Labor Code does not protect workers from antiunion discrimination, a failure that has been criticized repeatedly by the International Labor Organization's (ILO) Committee of Experts.

There are no export processing zones.

c.

Prohibition of Forced or Compulsory Labor

Compulsory labor theoretically is prohibited by law. However, the Penal Code mandates prison sentences, including compulsory labor, for civil servants and employees of state enterprises accused of breaches of labor "discipline," including resigning from a job. According to the ILO, foreign workers in Iraq have been prevented from terminating their employment to return to their native countries because of government-imposed penal sanctions on persons who do so. There is no information available on forced and bonded labor by children.

d.

Status of Child Labor Practices and Minimum Age for Employment

The employment of children under age 14 is prohibited except in small-scale family enterprises. Children reportedly increasingly are encouraged to work in order to support their families, in view of the country's harsh economic conditions. The law stipulates that employees between the ages of 14 and 18 work fewer hours per week than adults. Each year the Government enrolls children as young as 10 years of age in a paramilitary training program (see Section 5). There is no information available on forced and bonded labor by children (see Section 6.c.).

Theoretically, most workers in urban areas work a 6-day, 48-hour workweek. Hours for government employees are set by the head of each ministry. Working hours for agricultural workers vary according to individual employer-employee agreements. Occupational safety programs are in effect in state-run enterprises. Inspectors theoretically inspect private establishments, but enforcement varies widely. There is no information on workers' ability to remove themselves from work situation that endanger their health or safety, or on those who complain about such conditions.

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