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Freedom of the Press 2017 - Iraq

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Press Freedom Status: Not Free

Total Score: 71/100 (0 = Most Free, 100 = Least Free)

Legal Environment: 23/30

Political Environment: 32/40

Economic Environment: 16/30

Quick Facts

Population: 38,100,000

Freedom in the World Status: Not Free

Internet Penetration Rate: 17.2%

Key Developments in 2016:

- Iraq remained one of the world's deadliest countries for the press, with at least six journalists and one media worker killed in connection with their work during the year, according to the Committee to Protect Journalists (CPJ).
- The Communications and Media Commission (CMC) withdrew the television broadcast licenses of Al-Baghdadiya in March and Qatar's Al-Jazeera in April for what critics said were political reasons.
- The Islamic State (IS) militant group maintained a strict censorship regime in the areas still under its control, though a government offensive to recapture the city of Mosul commenced in October.

Executive Summary

Legal protections for press freedom in Iraq are undermined in practice by decades-old restrictions in the penal code and the unstable security situation. Ongoing violence and impunity for past crimes encourage self-censorship and impair journalists' ability to operate, particularly in areas affected by the conflict with IS. Even in comparatively safe regions, media freedom is curtailed through political pressure and interference from the government and state regulators, as well as editorial control by owners with partisan or sectarian affiliations.

Legal Environment: 23 / 30

Iraq's constitution protects freedoms of speech and expression, but vague and redundant laws govern the media. The 1968 Publications Law prescribes up to seven years in prison for insulting the government, and the 1969 penal code criminalizes defamation and insult. In 2010, the Supreme Judicial Council created a special court to prosecute journalists despite a ban on the creation of special courts in Article 95 of the constitution. A 2011 Journalist Protection Law is widely regarded as ineffective due to its ambiguous language, restrictions on who is recognized as a journalist, and failure to repeal harmful elements of existing laws.

The government has initiated a number of legal cases against journalists in recent years. In March 2016, Montadhar Naser, editor of the independent news site Al-Aalem al-Jadeed, was brought before the Federal Publishing and Media Court to face defamation charges over a report alleging corruption in Iraq's telecommunications regulatory body. Naser was asked to divulge the source for the article, and he refused. Consequently, he was fired from his job with the state-owned Iraqi Media Network, his personal website was blocked, and he was blacklisted by the government. A judge dismissed the defamation charges in August.

In areas under the control of the Kurdistan Regional Government (KRG) in northern Iraq, the 2008 Kurdistan Press Law protects journalists' right to obtain "information of importance to citizens and with relevance to the public interest." Under the law, officials are required to investigate incidents in which journalists are injured or killed as a result of their work, although few journalists' deaths have been investigated. The press law abolishes imprisonment as a penalty for defamation, but journalists can face high fines. Moreover, public officials have often brought libel and insult cases against journalists using the Iraqi penal code, undermining the protections provided in the Kurdistan Press Law.

Iraq lacks national legislation guaranteeing access to government information, and journalists struggle to obtain official documents in practice. The KRG passed legislation guaranteeing access to information in 2013, but critics note that the law contains vague language and vast exceptions, and is rarely used by journalists because of poor or biased implementation.

The government-controlled CMC is the primary body responsible for regulating broadcast media. After the government declared a state of emergency amid the IS offensive in 2014, the CMC issued "mandatory" guidelines for media "during the war on terror" – a series of vague stipulations that placed arbitrary restrictions on coverage. One provision required the media to "hold on to the patriotic sense" and to "be careful when broadcasting material that . . . may express insulting sentiments" or does "not accord with the moral and patriotic order required for the war on terror." Another forbade the broadcasting or publishing of material critical of the security forces and instead obliged journalists to focus on their accomplishments. Media in Iraqi Kurdistan received similar guidelines.

The CMC is highly politicized and often retaliates against critical media outlets. In March 2016, it withdrew the television broadcast license for Al-Baghdadiya and ordered police to shutter its 16 offices around the country. No reason was given for the move, but Al-Baghdadiya, which broadcasts via satellite from Egypt, is a pro-Sunni outlet that is critical of the Shiite-dominated Iraqi government, and had supported the anticorruption protest

movement that swept Iraq the previous year. Moreover, the closure occurred two days before additional demonstrations in Baghdad were set to take place, again focused on official corruption and failure to deliver public services. In April, the CMC suspended the broadcast license of Qatar-based television network Al-Jazeera for one year, accusing it of violating the 2014 guidelines governing reporting on the war against IS, and of inciting violence and sectarianism.

Although a number of journalists' organizations and media freedom advocacy groups operate in Iraq, their ability to secure concessions and reforms from the government is limited. Media workers and other observers have noted the lack of effective self-regulatory mechanisms and ethical standards in the sector.

Political Environment: 32 / 40

The Iraqi news media are diverse and collectively present a range of views, but most outlets are owned by or affiliated with political parties and ethnic factions, often leading to sharply partisan coverage. Outlets also face various forms of pressure from the authorities, and reporters are regularly denied access to sensitive events and officials. Fear of reprisals – from fatal violence to criminal defamation suits – makes self-censorship among journalists common.

In October 2016, the government's Iraqi Media Network entered into an arrangement with a group of private media outlets to produce and air a joint nightly news program and coordinate their communications strategies with the aim of fostering public support for the military campaign against IS. Participating outlets are provided with technical and material support by the state. The deal prevents channels in the coalition from disseminating news that runs counter to the official narrative, and excludes channels that have been critical of the government.

The conflict with IS has restricted journalists' ability to access the affected areas and led to large-scale shutdowns of media and internet services. Shortly after the militant group gained control of Mosul in June 2014, the prime minister's office ordered the Ministry of Communications to shut down internet service in IS-occupied provinces, ostensibly to prevent the group from using social media to plan attacks and release propaganda. Access to websites such as Facebook, YouTube, Twitter and the internet in general is periodically blocked throughout Iraq. In May 2016, the Ministry of Communications shut down all broadband and mobile internet connections for three hours each day over a period of several days to prevent students from cheating on Iraq's national exams.

Journalists regularly face harassment, intimidation, and violence from a variety of actors in the course of their reporting. According to CPIJ, at least six journalists and one media technician were killed as a result of their work during 2016, while the motives for another four killings remained unconfirmed.

Most of the year's fatalities came in the context of fighting between progovernment forces and IS in different parts of the country. The victims worked for a variety of news outlets. In July, cameraman Ali Mahmud of Al-Ghadeer TV was killed near Mosul when IS fighters attacked the government convoy he was accompanying. In August, cameraman Mustafa Saeed of Kurdistan TV, a channel linked to the KRG's ruling Kurdistan Democratic Party (KDP), was also killed while covering the Mosul offensive, and media technician Ali Ghani of Al-Ahad TV, affiliated with the Shiite militia Asaib Ahl al-Haq, was killed in a mortar attack in Anbar Province. In October, Ali Raysan of Al-Sumaria TV and Ahmed Haceroğlu of Türkmeneli TV were killed while reporting on fighting with IS near Mosul and in Kirkuk, respectively. At least seven other journalists were seriously wounded while covering combat around Mosul.

Separately in January, unknown assailants shot and killed Al-Sharqiya TV correspondent Saif Talal and his cameraman, Hassan al-Anbaki, while they were traveling by car in Diyala Province. Al-Sharqiya later accused local militias of responsibility for the killings. Diyala was taken back from IS by government and allied forces in 2015, but it has subsequently suffered from continued violence and a raft of abuses by Shiite militias aligned with the government.

Even journalists based outside of combat zones have been targeted for their work, as retaliatory violence is prevalent across Iraq. In December, for example, Afrah Shawqi al-Qaisi, a journalist known for her criticism of impunity within the security forces, was abducted from her home in Baghdad by a group of men claiming to be security personnel. She remained missing at year's end. Women journalists in general face the additional challenge of gender-based violence or harassment that impedes their professional activities. Also in December, Mohammed Thabet Shahaza, manager of Radio Baba Gurgur in Kirkuk, was shot and killed as he left his workplace, though the motive was unclear.

Journalists in Iraqi Kurdistan, particularly those working for independent or opposition outlets, sometimes encounter violence and other interference. In August 2016, reporter Wedad Hussein Ali of Roj News, an agency linked to the Turkey-based Kurdistan Workers' Party (PKK) militant group, was kidnapped and murdered near Dohuk in the KRG. In October, the Kurdish channels NRT TV and KNN TV, affiliated with the political opposition to the KDP, were banned by the KRG government from reporting on the front lines of the battle for Mosul, along with several other outlets. In December, Shukri Zaynadin, a cameraman for KNN, was found dead in a rural area in Dohuk Province. Police claimed he was killed by a wild animal, but local media and Zaynadin's family alleged that he was murdered in connection with his work. He had received numerous death threats before his disappearance.

Economic Environment: 16 / 30

Hundreds of privately owned television, radio, and print media outlets have opened since the overthrow of Saddam Hussein's regime in 2003, offering content in languages including Arabic, Kurdish, Syriac, and Turkmen. However, political parties and ethnic factions fund most media outlets. The government controls the Iraqi Media Network, a holding company that owns the television station Al-Iraqiya, Republic of Iraq Radio, and the newspaper *Al-Sabah*. Satellite dishes are legal and common. Numerous satellite networks transmit into Iraq, including Al-Sharqiya, an Iraqi-owned station that broadcasts from Dubai; Qatar's Al-Jazeera; and the Saudi-owned Al-Arabiya. IS retained control of a number of seized media outlets in 2016, and has established its own communications infrastructure in the territories under its control. The group operates its own television station, Dabiq, and an online magazine of the same name.

Until the crisis created by the IS offensive in the summer of 2014, the internet had largely operated without government restriction, and usage had steadily increased since 2003. A growing number of Iraqis turn to online outlets and social media to spread information and consume news, partly due to distrust of corrupt or partisan journalism in the mainstream media. However, poor infrastructure and sporadic access to electricity continue to make Iraq's penetration rate for fixed-line internet access one of the lowest in the region, leading the majority of Iraqi users to rely on wireless technology. The overall internet penetration rate stood at 21 percent in 2016.

Commercial advertising revenues alone are too small to sustain Iraq's private media, and the government shapes the editorial content of some outlets by manipulating public advertising or pressuring private advertisers. Journalists have also reportedly slanted the news in return for bribes from officials, political figures, or businessmen. In KRG areas, independent media suffer from lack of advertising and are unable to compete with outlets that are subsidized by the major Kurdish parties. Many Iraqi outlets struggle financially, forcing journalists to go without pay for extended periods.

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