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Freedom in the World 2011 - Iraq

Capital: Baghdad

Population: 30,047,000

Political Rights Score: 5 *

Civil Liberties Score: 6 *

Status: Not Free

Overview

Iraq held parliamentary elections in March 2010 that both international and domestic monitoring groups described as free and fair. However, rival political groupings were unable to form a governing coalition until December. Insurgents took advantage of the prolonged political limbo to pursue a campaign of violence against national institutions and sectarian targets. Government statistics suggested that violence during the summer reached levels not seen in two years. Meanwhile, the U.S. military formally declared an end to combat operations in Iraq, but some 50,000 U.S. troops remained in the country under a mandate to "advise and assist" their Iraqi counterparts. In the Kurdish region, political elites launched a series of attacks on opposition journalists during the year.

The modern state of Iraq was established after World War I as a League of Nations mandate administered by Britain. The British installed a constitutional monarchy that privileged the Sunni Arab minority at the expense of Kurds and Shiite Arabs. Sunni Arab political dominance continued after independence in 1932 and a military coup that toppled the monarchy in 1958. The Arab nationalist Baath party seized power in 1968, and the new regime's de facto strongman, Saddam Hussein, assumed the presidency in 1979. Over the next two decades, Iraq endured brutal political repression, a destructive war with Iran from 1980 to 1988, military defeat by a U.S.-led coalition following Hussein's 1990 invasion of Kuwait, and years of onerous postwar trade sanctions.

After the establishment of a U.S.-enforced no-fly zone north of the 36th parallel in 1991, most of the three northern provinces of Erbil, Duhok, and Sulimaniyah came under the control of the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK). The two factions fought openly in the mid-1990s, but they eventually reconciled and formed an autonomous Kurdistan Regional Government (KRG).

A U.S.-led coalition invaded Iraq in March 2003 and established a Coalition Provisional

Authority (CPA) to administer the country. It disbanded the Iraqi military and prevented members of the Baath party from serving in government or the new security forces. The resulting security vacuum led to widespread looting, damage to infrastructure, and acute electricity and water shortages.

Exploiting Sunni Arab frustrations with the de-Baathification policy and the impending shift of political power toward the Shiite majority, loose networks of former Baathist officials, Sunni Arab tribe members, and Islamist militants associated with Al-Qaeda began organizing and funding an insurgency that rapidly gained strength in late 2003 and 2004.

Intimidation by insurgents ensured that Sunni Arabs boycotted the 2005 elections for a Transitional National Assembly (TNA) and provincial governments, resulting in a landslide victory for Shiite and Kurdish parties. A new constitution was approved by referendum in October 2005, though more than two-thirds of voters in two largely Sunni Arab provinces rejected it.

Meanwhile, Shiite party militias were able to infiltrate the Interior Ministry's police and counterinsurgency forces, and extrajudicial detentions and killings by both the militias and militia-dominated police units became common during 2005 and 2006. Sunni militias responded in kind, and an intense cycle of sectarian conflict ensued. Ethnically cleansed or segregated neighborhoods soon became a fixture in Baghdad and other multiethnic or religiously diverse provinces.

Sunni Arabs participated in the December 2005 elections for a full-term parliament, increasing their political representation. Nouri al-Maliki of the Shiite Da'wa party was chosen as prime minister. However, further political progress remained elusive; the main Sunni Arab bloc in parliament and a Shiite faction loyal to populist cleric and militia leader Moqtada al-Sadr both began a boycott of the legislature in 2007.

The parliament adopted several symbolic measures in 2008 to bring Sunni Arabs back into the political process. In January, many former Baathists were permitted to return to jobs they lost, and in February the government granted amnesty to thousands of mainly Sunni Arab prisoners. The largest Sunni bloc returned to government in April after a boycott of almost a year, and six Sunni ministers joined al-Maliki's cabinet. Also in 2008, Iraqi security forces cracked down on al-Sadr's militia network.

Under electoral legislation passed in late 2008, voters in the January 2009 provincial elections could choose candidates rather than party lists, the use of religious symbols in campaigning was restricted, a 25 percent quota was set for female council members, and just six seats – down from 15 in an earlier draft – were set aside for Christians and other small minorities out of a total of 440 provincial council seats. The voting was largely peaceful, and turnout in most provinces ranged from 50 percent to 75 percent. On the whole, al-Maliki's Da'wa party emerged as the winner, though it needed to form coalitions to govern in most provinces.

The 2009 provincial elections did not include the autonomous Kurdish region or the contested province of Kirkuk. Separate elections in July 2009 for the Kurdish regional parliament and presidency featured high turnout and a fairly strong showing by a new opposition bloc called Gorran (Change), which took about a quarter of the parliamentary vote. A referendum to determine whether Kirkuk would join the Kurdish region remained delayed through 2010, despite a constitutional provision that had required it before the end of 2007.

Parliamentary elections were held in March 2010, despite having been constitutionally mandated for January. They were governed by a 2009 election law that called for an open-list, proportional-representation voting system, with multimember districts corresponding to the 18 provinces. A total of eight seats were reserved for Christians and other religious minorities. The campaign generally struck a more secular tone than in previous national elections. In January, a parliamentary commission with questionable legitimacy and a largely Shiite membership attempted to disqualify more than 500 of the

6,000 candidates on the grounds that they had been too close to the Baath regime. Ultimately, most of the candidates were reinstated.

Although 38 people were killed on election day, the polling was generally seen as free and fair. The electoral commission took candidates' complaints seriously and conducted a partial recount, but found no evidence of significant fraud. Voters clearly demonstrated their frustration with the government by returning only 62 of the previous parliament's 275 members. Nevertheless, the elections resulted in political deadlock. Former interim prime minister Ayad Allawi's Iraqiya bloc, which won most Sunni votes, led with 91 seats, followed by al-Maliki's State of Law coalition with 89. Despite a constitutional requirement to form a government within 30 days of the election results' announcement, neither of the rival blocs was able to organize a majority, with foreign powers including Iran, Saudi Arabia, and the United States reportedly playing a role in the lengthy negotiations. The new parliament reelected Kurdish leader Jalal Talabani as president in November, and in December al-Maliki finally secured parliamentary approval for a unity government that encompassed all major factions, including Iraqiya and al-Sadr's Shiite movement.

The long postelection interregnum featured an escalation in sectarian and antigovernment violence. Insurgents began targeting national institutions, especially the security services, and sites with sectarian significance, including the Iranian embassy and a Chaldean church in Baghdad, with increasing frequency during the spring. By summer, violence had reached heights not seen in years. Official Iraqi figures suggested that July 2010 was the deadliest month for civilians since May 2008, with 535 killed and over 1,000 injured, though U.S. figures for the same month showed only 222 deaths.

Under a 2008 security agreement between Iraq and the United States, U.S. troops in 2009 completed a withdrawal from Iraqi cities and transferred authority over security and combat operations to Iraqi forces. Iraqi officials also obtained authority over prisoners and the power to prosecute U.S. personnel in some circumstances. U.S. troops officially ended combat operations in Iraq on August 31, 2010. However, 50,000 U.S. military personnel remained in "advise and assist" roles that in some cases did not differ significantly from their previous work. They were set to be withdrawn by the end of 2011. Despite the Iraqi government's increased autonomy, it remained unable to provide basic services. While electricity provision, for example, has increased significantly in recent years, it has not kept pace with growing demand, and most Iraqis lack a reliable source of power. Unemployment hovers above 45 percent nationally, and reaches as high as 80 percent in some rural areas.

Tensions remained along the de facto border separating land controlled by the KRG from the rest of Iraq. The ethnically, religiously, and politically contested city of Mosul continued to suffer from frequent violence in 2010, especially against minorities. Christians in the city faced deadly attacks and displacement in February and March, and UN estimates suggest that half of Iraq's Christian population has left the country since 2003. These refugees are among the five million displaced since the war began. While about half of those who fled to Jordan and Syria had returned by 2010, extremely high rates of internal displacement persisted.

Political Rights and Civil Liberties

Iraq is not an electoral democracy. Although it has conducted meaningful elections, political participation and decision-making in the country remain seriously impaired by sectarian and insurgent violence, widespread corruption, and the influence of foreign powers. Under the constitution, the president and two vice presidents are elected by the parliament and appoint the prime minister, who is nominated by the largest parliamentary bloc. Elections are held every four years. The prime minister forms a cabinet and runs the executive functions of the state. The parliament consists of a 325-seat lower house, the Council of Representatives, and a still-unformed upper house, the Federal Council, which would represent provincial interests. Political parties representing a wide range of viewpoints operate without legal restrictions, but the Baath party is officially banned. The Independent Electoral Commission of Iraq (IECI),

whose nine-member board was selected by a UN advisory committee, has sole responsibility for administering elections.

Home to one-fifth of the country's population, the autonomous Kurdish region constitutes a distinct polity within Iraq, with its own flag, military units, and language. The 111-seat regional legislature remains dominated by the allied PUK and KDP, despite the presence of the new Gorran opposition bloc following 2009 elections. The Kurdish region's political leaders profess their commitment to remaining part of a federal Iraqi state, but Kurdish security forces maintain a de facto border with the rest of Iraq, Iraqi Arabs are often treated as foreigners, and the regional government frequently acts in its own interest over Baghdad's objections.

Iraq is plagued by pervasive corruption at all levels of government. A national Integrity Commission is tasked with fighting corruption, but it conducts its investigations in secret and does not publish its findings until the courts have issued final decisions. It issued 433 warrants in the first two months of 2010 alone, well outpacing the 972 issued in all of 2009. In March, another 356 defendants were charged with stealing a total of \$40 billion. However, the overwhelming majority of offenders enjoy impunity, largely because of an amnesty law allowing ministers to intervene to dismiss charges. As a result, cases are generally brought against low- and mid-ranking officials; the Commission lost its most high profile case against the former trade minister this year. However, the Commission's work has recently gained momentum, as it led to 982 convictions in the first half of 2010, compared with only 257 in 2009. In July 2010, officials at the Central Bank allegedly burned the records of their own inspector general's office – and blamed the destruction on a terrorist attack – to destroy evidence in a sensitive corruption case. Also in July, Kurdish officials were accused of receiving large kickbacks to sell oil to Iran in violation of both international sanctions and the Iraqi constitution. Several U.S. military officials were convicted during 2010 for corruption in Iraq, including taking bribes from defense contractors and embezzlement. Recruits allegedly pay bribes as high as \$5,000 to enter the Iraqi security forces, and reports suggest that ordinary citizens must resort to bribery to accomplish simple bureaucratic tasks like obtaining vehicle license plates. Iraq was ranked 175 out of 178 countries surveyed in Transparency International's 2010 Corruption Perceptions Index.

Freedom of expression is protected by the constitution and generally respected by the authorities. However, it has been seriously impeded by sectarian tensions and fear of violent reprisals. Over a dozen private television stations are in operation, and major Arab satellite stations are easily accessible. More than 150 print publications have been established since 2003 and are allowed to function without significant government interference. Internet access is not currently restricted. Legislation passed in 2006 criminalized the ridicule of public officials, who often file suits when journalists report on corruption allegations. Iraq's media regulatory body, the Communication and Media Commission, cracked down on journalists in the run-up to the 2010 parliamentary elections by denying journalists accreditation and suing media that criticized government officials. Journalists regularly face intimidation and harassment from security forces at checkpoints and as they report from the field.

Violent retribution against journalists has hindered their ability to report widely and objectively. Offices of the Dubai-based satellite television station Al-Arabiya were bombed in July 2010, killing six people and injuring 16. In August, police allegedly fired on the home of the head of the Iraqi Press Agency and then searched his house without a warrant. Also in August, a magazine editor was kidnapped and killed. Two television presenters were killed in as many days in September. The Committee to Protect Journalists (CPJ) estimates that over 140 journalists have been killed since the beginning of the war, while Reporters Without Borders (RSF) puts the number closer to 230. Media outlets must give the government a list of all their employees, putting them in greater danger.

Journalists previously operated more freely in the Kurdish region, but conditions there deteriorated in 2010. A 2008 press law imposes fines for creating instability, spreading fear or intimidation, causing harm to people, or violating religious beliefs. Journalists who offend local officials and top party leaders or expose high-level corruption remain

subject to physical attacks, arbitrary detention, and harassment. Critical or opposition journalists were the targets of several bomb attacks in March, April, and May, and faced nearly constant violence, harassment, and intimidation by Kurdish security forces throughout the year. In August, the KDP brought a billion-dollar lawsuit against a newspaper that reported on Kurdish officials' alleged oil smuggling to Iran.

Freedom of religion is guaranteed by the constitution, and religious institutions are allowed to operate with little formal oversight. However, all religious communities in Iraq have been threatened by sectarian violence. Estimates of the Christian population that has sought safety abroad since 2003 range from 250,000 to 500,000. Religious and ethnic minorities in northern Iraq – including Turkmen, Arabs, Christians, and Shabaks – have reported instances of discrimination and harassment by Kurdish authorities, though a number have fled to the Kurdish-controlled region due to its relative security. Formerly mixed areas are now much more homogeneous, and terrorist attacks continue to be directed toward sectarian targets.

Academic institutions operate in a highly politicized and insecure environment. Hundreds of professors were killed during the peak of sectarian and insurgent violence, and many more stopped working or fled the country, though there have been some reports of scholars returning to their jobs following security improvements in the last several years.

Rights to freedom of assembly and association are recognized by the constitution and generally respected in practice. The constitution guarantees these rights "in a way that does not violate public order and morality." Domestic and international nongovernmental organizations (NGOs) are able to operate without legal restrictions, although safety concerns severely limit their activities in many areas. A law passed in January 2010 allows NGOs to seek funding without government approval, requires the government to provide specific cause for denying an NGO's registration, removes criminal penalties for being a member of an improperly registered NGO, and requires a court order to suspend NGO activities.

The constitution provides for the right to form and join trade unions. Union activity has flourished in nearly all industries since 2003, and strikes have not been uncommon. However, Iraq's 1987 labor law remains in effect, prohibiting unionization in the public sector, and a 2005 decree gave authorities the power to seize all union funds and prevent their disbursal. Labor groups reported that a union at a public electricity plant in Basra was forcibly shut down by the police in July 2010.

Judicial independence is guaranteed in the constitution. The Higher Judicial Council – headed by the chief judge of the Federal Supreme Court and composed of Iraq's 17 chief appellate judges and several judges from the Federal Court of Cassation – has administrative authority over the court system. In practice, however, judges have come under immense political and sectarian pressure and have been largely unable to pursue cases involving organized crime, corruption, and militia activity, even when presented with overwhelming evidence. Iraqi citizens often turn to local militias and religious groups to dispense justice rather than seeking redress with official law enforcement bodies that are seen as corrupt or ineffective.

The criminal procedure code and the constitution prohibit arbitrary arrest and detention, though both practices are common in security-related cases. The constitution also prohibits all forms of torture and inhumane treatment and affords victims the right to compensation, but there are few effective safeguards in place. A previously unknown detention facility under the direct control of the prime minister's office was uncovered by a U.S. newspaper in 2010, and 430 prisoners – mostly Sunnis accused of terrorism – were reportedly being held there without any legal rights. The detainees, who were subsequently transferred to legitimate facilities, made credible allegations of systematic sexual, physical, and psychological abuse. While KRG laws also prohibit inhumane treatment, it is widely acknowledged that Kurdish security forces practice illegal detention and questionable interrogation tactics. Detainees in U.S. custody have also experienced torture and mistreatment, though by 2010 U.S. forces no longer directly

held detainees in Iraq.

The constitution promises women equal rights under the law, though in practice they face various forms of legal and societal discrimination. Women are guaranteed 25 percent of the seats in the legislature, and their participation in public life has increased in recent years. While they still face serious social pressure and restrictions, women have also returned in larger numbers to jobs and universities. Women enjoy somewhat greater legal protections and social freedoms in the Kurdish region, but their political power is limited. Moreover, domestic abuse and so-called honor killings remain serious problems both in the Kurdish region and across the country. The laws applicable outside the Kurdish region offer leniency to the perpetrators of honor killings. In July 2010, Kurdish religious leaders formally declared that female genital mutilation (FGM) was un-Islamic, but they stopped short of calling for a ban. Advocacy groups claim that more than 50 percent of Kurdish teenage girls are victims of FGM. The U.S. State Department placed Iraq on the Tier 2 Watch List in its 2010 Trafficking in Persons Report, noting problems including the trafficking and sexual exploitation of women from impoverished and displaced Iraqi families, and the abuse of foreign men and women who are recruited to work in Iraq.

** Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom.*

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