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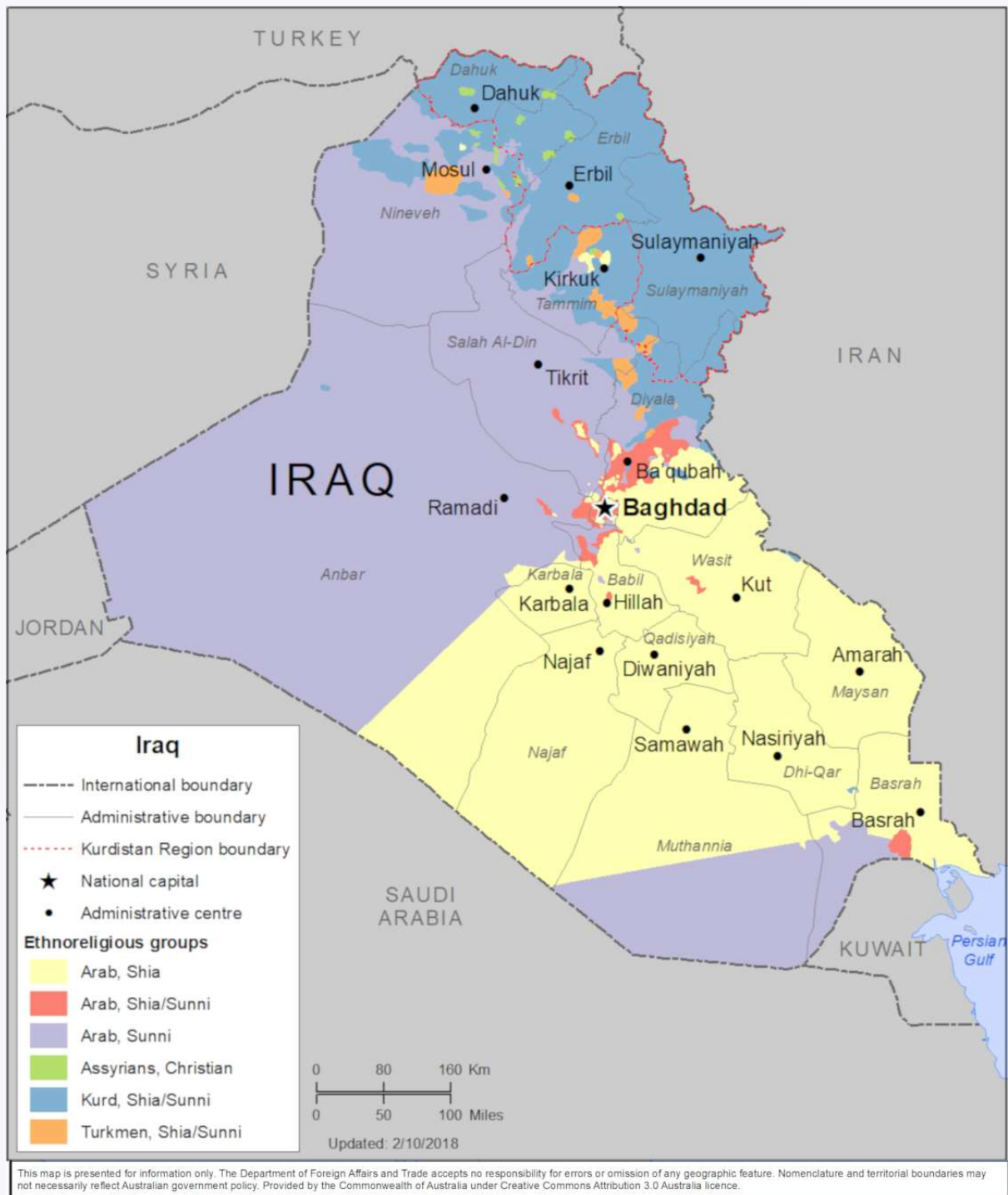
Department of Foreign Affairs and Trade



DFAT COUNTRY INFORMATION REPORT IRAQ

17 August 2020

MAP



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ACRONYMS

CAT	Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
COI	Commission of Integrity
CPED	International Convention for the Protection of All Persons from Enforced Disappearance
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
HRW	Human Rights Watch
IAF	Iraq Armed Forces
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
IDP	Internally displaced person
IHCHR	Iraqi High Commission for Human Rights
IHEC	Independent High Electoral Council
IHRCKR	Independent Human Rights Commission of the Kurdistan Region
IMF	International Monetary Fund
IPS	Iraqi Police Service
ISF	Iraqi Security Forces
KRG	Kurdistan Regional Government
KRI	Kurdistan Region of Iraq
LGBTI	Lesbian, gay, bisexual, transgender and/or intersex
MERA	Ministry of Endowment and Religious Affairs
MoE	Ministry of Education
MoH	Ministry of Health

NGO	Non-government organisation
NSS	National Security Service
OHCHR	UN Office of the High Commissioner for Human Rights
OP-CAT	Optional Protocol to CAT
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
PMF	Popular Mobilisation Forces
PWD	Persons with Disabilities
UNAMI	United Nations Assistance Mission to Iraq
UNCAC	United Nations Convention Against Corruption
UNFPA	United Nations Population Fund
WHO	World Health Organization

GLOSSARY

<i>Diwan</i>	Administrative governing body
<i>Fasliya</i>	a traditional practice whereby family members (including women and children) are traded to settle tribal disputes
<i>Fatwa</i>	A ruling on a point of Islamic law given by a recognised authority
<i>Hajj and umrah</i>	Religious pilgrimages undertaken by Muslims to Saudi Arabia
<i>Hijab</i>	A head covering worn by some Muslim women
<i>Sharia</i>	Islamic law

Terms used in this report

high risk	DFAT is aware of a strong pattern of incidents
moderate risk	DFAT is aware of sufficient incidents to suggest a pattern of behaviour
low risk	DFAT is aware of incidents but has insufficient evidence to conclude they form a pattern

official discrimination

1. legal or regulatory measures applying to a particular group that impede access to state protection or services that are available to other sections of the population (examples might include but are not limited to difficulties in obtaining personal registrations or identity papers, difficulties in having papers recognised, arbitrary arrest and detention)
2. behaviour by state employees towards a particular group that impedes access to state protection or services otherwise available, including by failure to implement legislative or administrative measures

societal discrimination

1. behaviour by members of society (including family members, employers or service providers) that impedes access by a particular group to goods or services normally available to other sections of society (examples could include but are not limited to refusal to rent property, refusal to sell goods or services, or employment discrimination)
2. ostracism or exclusion by members of society (including family, acquaintances, employers, colleagues or service providers)

1. PURPOSE AND SCOPE

1.1 This Country Information Report has been prepared by the Department of Foreign Affairs and Trade (DFAT) for protection status determination purposes only. It provides DFAT's best judgment and assessment at the time of writing and is distinct from Australian government policy with respect to Iraq.

1.2 The report provides a general, rather than an exhaustive, country overview. It has been prepared with regard to the current caseload for decision makers in Australia without reference to individual applications for protection visas. The report does not contain policy guidance for decision makers.

1.3 Ministerial Direction Number 84 of 24 June 2019, issued under s 499 of the *Migration Act* (1958), states that:

Where the Department of Foreign Affairs and Trade has prepared [a] country information assessment expressly for protection status determination purposes, and that assessment is available to the decision maker, the decision maker must take into account that assessment, where relevant, in making their decision. The decision maker is not precluded from considering other relevant information about the country.

1.4 This report is based on DFAT's on-the-ground knowledge and discussions with a range of sources in Iraq. It takes into account relevant information from government and non-government reports, including (but not limited to) those produced by the US Department of State, the World Bank, Transparency International, Amnesty International, Human Rights Watch, Freedom House, Reporters Without Borders, the Committee to Protect Journalists, various United Nations agencies and credible news sources. Where DFAT does not refer to a specific source of a report or allegation, this may be to protect the source.

1.5 This updated Country Information Report replaces the previous DFAT report released on Iraq published on 9 October 2018.

2. BACKGROUND INFORMATION

RECENT HISTORY

2.1 After the Allied victory in the First World War ended centuries of Ottoman Empire rule in the Middle East, a post-war British mandate defined the territorial limits of Iraq without taking into account the interests of the various ethnic and religious groups within its boundaries. Iraq gained independence as a kingdom in 1932. A 1958 military coup overthrew the monarchy and introduced a republic, only to be itself replaced in a 1968 coup by the authoritarian Ba'ath party, a secular but predominantly Sunni party.

2.2 Iraq's economy and standing in the Arab world grew considerably during the 1970s. As intelligence chief, Saddam Hussein became Iraq's *de facto* leader by the mid-1970s and formally assumed the leadership in 1979. Under Saddam, national institutions were devoted to perpetuating a cult of personality around him, and dissent of any kind was brutally repressed. Iraq invaded Iran in 1980, leading to a disastrous decade-long conflict (the Iran-Iraq War), which took the lives of an estimated 500,000 soldiers on both sides. Following a dispute over oil prices, Iraq invaded and occupied Kuwait in August 1990. A US-led international coalition defeated Iraq in a short conflict (the Gulf War). A post-conflict nationwide uprising against Saddam failed to remove him from power, but the UN successfully implemented a no-fly zone in the north, which led to the *de facto* establishment of the Kurdistan Region of Iraq (KRI). The UN also imposed a strict economic sanctions regime on Iraq.

2.3 In the aftermath of the 11 September 2001 terrorist attacks on the United States, President George W Bush included Iraq in his 'Axis of Evil' speech. A 2002 UN Security Council resolution on Iraq's failure to meet a range of international obligations, notably in relation to weapons of mass destruction and missiles, was used by the US and its allies (including Australia) to remove Saddam and the Ba'ath Party from power in March 2003. In 2005, Iraq held its first ever democratic elections and introduced a Constitution containing numerous human rights provisions. However, the power vacuum resulting from Saddam's demise and mismanagement by occupying forces led to a lengthy insurgency against US-led coalition forces. Increasing sectarian tensions between Sunni and Shi'a communities peaked with a February 2006 bombing at one of Shi'a Islam's holiest mosques. A troop surge by US forces in 2007-08 succeeded in temporarily reducing the violence, enabling the US to withdraw the majority of its troops in 2011.

2.4 Ongoing sectarian tensions fuelled the rise of Da'esh (also known as Islamic State), a militant Salafi jihadist group that follows a fundamentalist version of Sunni Islam, and culminated in Da'esh's occupation of large parts of Iraq in 2014. At its height, Da'esh held approximately 40 per cent of Iraq's territory. During its occupation, Da'esh committed numerous atrocities, particularly against minority groups, including mass murder and sexual enslavement. Da'esh defeated Iraqi security forces in multiple battles, and came within 50 kilometres of Baghdad before being halted by Iraq's regular forces, supported by a US-led international coalition, and irregular Popular Mobilisation Forces (PMF). Following three years of conflict, the government declared final victory over Da'esh in December 2017 after recapturing the last areas under Da'esh control along the Syrian border. The conflict with Da'esh significantly damaged the Iraqi economy and Da'esh continues to represent a security threat within the country (see Security Situation).

2.5 In September 2017, the Kurdistan Regional Government (KRG) defied federal authorities and held a non-binding referendum on independence for the Kurdistan Region of Iraq (KRI) as well as disputed territories under KRG control. The referendum passed, leading to federal government demands for an annulment of the results. Federal troops subsequently occupied the city of Kirkuk and other disputed areas, taking control of valuable oil fields. Long-term KRG President Masoud Barzani resigned ahead of regional parliamentary elections, which occurred in September 2018.

2.6 Iraq held its most recent parliamentary elections in May 2018. October 2019 saw the start of a major series of protests that affected Shi'a areas of Iraq and Baghdad, with protesters criticising high levels of institutional corruption, non-delivery of essential public services, and perceived interference by foreign powers, particularly Iran (see [Protesters and Demonstrators](#)). Many internal and external observers have highlighted serious concerns about violent repression of protests by the Security Forces and Iran-aligned militias. Prime Minister Adil Abd Al-Mahdi resigned from office at the peak of protests in November 2019.

2.7 Following a pattern of escalating violence, including an attack on the US Embassy on 31 December 2019, the commander of Iran's Islamic Revolutionary Guard Corps (along with the deputy commander of the [Popular Mobilisation Forces \(PMF\)](#)) was killed in a targeted US drone strike on 3 January 2020 near Baghdad International Airport. On 8 January 2020, Iran responded with a ground-to-ground missile attack on Iraqi military bases hosting US troops. Following two failed attempts to appoint a new prime minister, on 7 May 2020 the third Prime Minister-designate, Mustafa Al-Kadhimi (former Iraqi intelligence chief), was confirmed in a parliamentary vote.

DEMOGRAPHY

2.8 Demographic data for Iraq is unreliable, but most estimates put the country's population at between 38 and 40 million. The country's estimated population growth rate is around 2.8 per cent per annum, placing it in the top 20 fastest growing countries worldwide. Iraq is a young country: almost 60 per cent of Iraqis are reportedly under the age of 25. Approximately 70 per cent of Iraqis live in urban areas, and Iraq has a 3 per cent annual rate of urbanisation. Baghdad is the capital and largest city, with a population of between 6 and 7 million. The cities of Basra and Mosul both have populations exceeding 2 million, while Erbil, Kirkuk, Sulaymaniyah and Hilla each have populations exceeding 1 million. Iraq's population is heavily concentrated in the north, centre and east of the country, with many of the larger urban agglomerations found along extensive parts of the Tigris and Euphrates Rivers. Much of Iraq's western and southern areas is desert, and is sparsely populated or uninhabited.

2.9 Iraq has not held a full national census since 1987 (a census taken in 1997 did not include the Kurdistan region). Conflict, internal displacement and capacity constraints have hindered more recent attempts to collect data. In recent years, the Ministry of Trade has provided population estimates based on the number of food ration cards distributed to citizens, but these figures are widely considered unreliable. The lack of reliable demographic data has fuelled discord between rival populations claiming majorities in various regions of Iraq, most notably in the oil-rich province of Kirkuk. The Ministry of Planning announced in January 2019 that a national census would begin by the end of 2020 with the assistance of the UN Population Fund (UNFPA). According to international observers, opposition to the census process from various interest groups, combined with COVID-19, means its postponement is likely. The political hiatus when Iraq's government was operating in caretaker mode, and the new government's focus on crisis management, have also pushed the timetable out.

2.10 International observers estimate that approximately 97 per cent of the population is Muslim (see also [Religion](#)). Shi'a Muslims, who are predominantly Arab but who also include members of other ethnic groups, constitute 55 to 60 per cent of the overall population, with Sunni Muslims comprising approximately

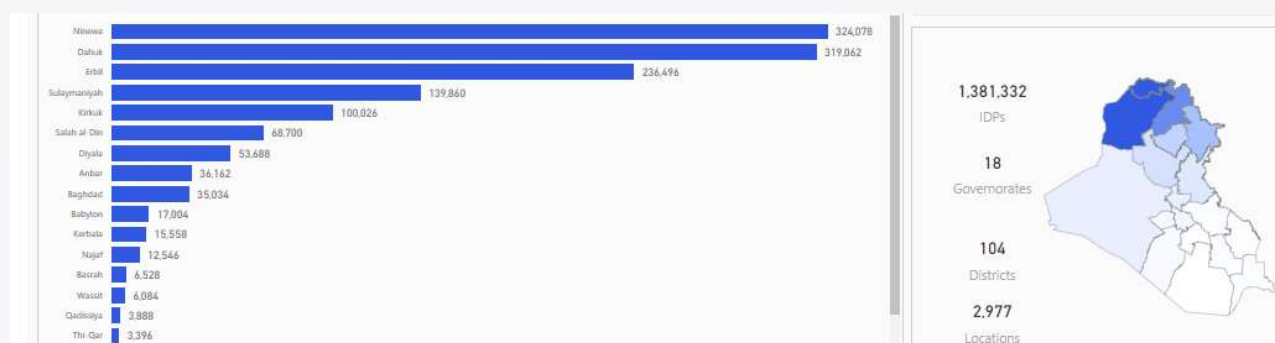
40 per cent. Around 60 per cent of the Sunni population is Arab, and around 37.5 per cent Kurdish, with the remainder Turkmen. In the Iraqi context, ‘Sunni’ is generally used as shorthand for Sunni Arab, with Kurds and Turkmen regarded primarily as ethnic rather than religious groups.

2.11 Shi’a are predominantly located in the south and east of the country and make up the majority population in Baghdad, although there are Shi’a communities in most parts of the country. Sunnis form the majority in the west and centre, while Kurds are the majority in the KRI in the north. The increase in sectarian tensions and a deepening focus on communal identity in the years following the March 2003 US-led invasion has seen a reduction in the number of ‘mixed’ areas in Baghdad. Mixed Sunni-Shi’a communities live in the districts of Rusafa and Karada, with smaller mixed communities also in the districts of Doura, Rasheed, Karkh, Mansour and Kadhimiya. Shi’a communities dominate suburbs such as Sadr City, Abu Dashir and Al Doura, while significant Sunni communities reside in Abu Ghraib, A’adamia, Rusafa, Za’farania, Doura and Rasheed.

2.12 According to the Office of the UN High Commissioner for Refugees (UNHCR), around 6 million Iraqis have been displaced across the country since the beginning of 2014. As of July 2020, Iraq had around 1.4 million internally displaced persons (IDPs), around 70 per cent of whom have been displaced for more than three years. Large numbers of displaced people have taken refuge in the KRI, where one in every four persons is either a refugee or an IDP.

2.13 Due to the efforts of officials to close camps in the second half of 2019 (see Persons with Perceived Affiliations to Da’esh), the overall population of IDPs residing in camps has decreased by 39 per cent across Iraq since January 2019. While there were 121 camps in Iraq with a total population of 455,000 in 2019, as at January 2020 there were 67 camps with a total population of 277,000. UN tracking data demonstrates that most of the IDPs who were forcibly removed from camps have joined the large population of out-of-camp IDPs, who make up the overwhelming majority of IDPs. Surveys by humanitarian agencies have found that only a small proportion intend to return to their area of origin in the next 12 months. Ongoing barriers to return include housing destruction, lack of livelihoods and services, security concerns and social tensions in place of origin. These dimensions are exacerbated by factors including mental health/trauma issues, disability and low socio-economic levels.

Governorates in Iraq Ranked by Number of Internally Displaced Persons (IDPs)



Source: International Organisation for Migration Displacement Tracking Matrix (<http://iraqdtm.iom.int/>)

2.14 Protection risks for displaced populations remain acute, with many IDP or returnee families suffering from confiscation of documents, forced encampment, detention, forced evictions, increased risk of sexual and gender-based violence, and disproportionate restrictions on access to safety and freedom of movement.

Stateless Persons

2.15 UNHCR reported in April 2020 that there were 47,515 stateless persons in Iraq. Stateless persons may be people affected by the conflict with Da'esh (such as the children of Da'esh fathers and Iraqi mothers) or they may be historically undocumented minorities such as the Bidoon, Faili Kurds and Dom (see also [Race/Nationality](#)). It is possible that the true figure for the number of stateless persons in Iraq is considerably higher than the UNHCR estimate. Stateless persons are generally not able to register for identity cards, which prevents them from enrolling in public schools, registering marriages, gaining public-sector employment and gaining access to some government services.

2.16 Human rights observers have expressed concern that some children born of Iraqi mothers and Da'esh fathers are at risk of statelessness due to the lack of a nationwide, consistent plan to document them. The government has enforced a law requiring any non-Muslim women who bore children of Muslim men to register the children as Muslim, regardless of the mother's religion or the circumstances of the child's conception. After the military defeat of Da'esh, the [Yazidi](#) community frequently forced Yazidi women to give up to orphanages babies and children fathered by Da'esh fighters (through rape) under threat of expulsion from the community. As a result, such children are without parents, identification, clear country of birth or settled nationality.

2.17 As of 2006 (the latest year for which data was available), an estimated 54,000 undocumented 'Bidoon' (stateless) individuals were living as nomads in the desert in or near the southern governorates of Basra, Thi Qar and Qadisiyyah. This community descended from individuals who never received Iraqi citizenship upon the state's founding. International observers report that prolonged drought in southern Iraq has forced many Bidoon to migrate to city centres, where most have obtained identification documents and gained access to food rations and other social benefits.

ECONOMIC OVERVIEW

2.18 Article 25 of the Constitution commits the State to guaranteeing reform of the Iraqi economy in accordance with modern economic principles to ensure the full investment of its resources, diversification of its sources of income, and the encouragement and development of the private sector.

2.19 Iraq's economy is mostly state-run, and more than 90 per cent of government revenues and 65 per cent of gross domestic product (GDP) comes from the oil sector. Iraq has the fifth-largest proven crude oil reserves in the world and is the world's third largest oil exporter. The vast majority of economic activity involves government and there is a critical shortage of private sector jobs. Decades of conflict, sanctions and socialist-style economic planning have created a culture of reliance on government for livelihoods. Although classified as an upper middle-income country by the World Bank, social indicators, including on health, education and poverty, remain low. The World Bank's Ease of Doing Business 2020 places Iraq at 172 of 190 economies. Iraq is facing a fiscal crisis following the dual shock of COVID-19 and the collapse in oil prices.

2.20 In 2019, Iraq's GDP grew by an estimated 4.4 per cent due to improved security conditions, higher oil prices and higher than expected agricultural production. However, the World Bank projects that Iraq's economy will contract by 9.7 per cent in 2020 due to the COVID-19 pandemic and sharply lower oil prices. Growth of 1.9 per cent in 2021 and 7.3 per cent in 2022 is expected.

2.21 In the 2019 budget, the government increased allocations for government jobs and social welfare but did not invest adequately in improving the business environment, restoring basic services and reconstruction. In 2019, recurrent spending accounted for over 77 per cent of the total budget. The World

Bank has noted that a significant reorientation in fiscal policy is needed to sustain post-war recovery and longer-term development.

2.22 The non-oil sector of the Iraqi economy suffered immensely from the conflict with Da'esh – trade routes were cut off or severely curtailed, and investor and consumer confidence dwindled considerably. The construction and agricultural sectors, which are major employers, were particularly hard hit. The World Bank reported that Iraq's agriculture sector, helped by above-average rainfall, grew by 39 per cent in 2019 and was the largest contributor to non-oil sector growth – but both the agriculture and electricity sectors require reform to promote private sector investment, improve productivity and drive job creation. The World Bank expects Iraq's non-oil economy to contract by 4.4 per cent in 2020.

2.23 Unemployment is high in Iraq, at 11 per cent, and labour force participation, at 48.7 per cent, is among the lowest in the world. Females make up only 12 per cent of the labour market, and female unemployment is 29.7 per cent. The public sector is the largest employer but public sector expansion in recent years has not created enough jobs for new participants in the labour market. More than a fifth of the economically active youth population does not have a job and is also not engaged in education or training.

Employment

2.24 Article 22 (1) of the Constitution guarantees Iraqis the right to work in a way that guarantees a dignified life for them. However, unemployment and underemployment are both very high in Iraq, particularly for the young, women and those segments of the population unable to access public sector employment (see [Economic Overview](#)). The public sector provides around 40 per cent of employment (and around 60 per cent of jobs for [Women](#) who are employed). Despite Iraq's economic dependence on oil, the low labour intensive oil sector employs only 1 per cent of the total labour force. A large percentage of those employed in the oil industry are also foreign nationals, which generates resentment among locals. Despite being low contributors to the overall economy, the agriculture and industry sectors are significant employers of Iraqis.

Corruption

2.25 Transparency International ranked Iraq joint 162nd out of 180 countries in its Corruption Perceptions Index for 2019, scoring it 20 out of 100 (0 indicating the highest level of corruption). Iraq has signed and ratified the *United Nations Convention against Corruption* (UNCAC). Article 102 of the Constitution guarantees the independence of the Commission of Integrity (COI), subject to monitoring by the Council of Representatives. Key legislation that underpins anti-corruption efforts in Iraq includes amendments to the Penal Code (1969) to include bribery as a crime. The *Anti-Money Laundering/Counter-Terrorism Financing Law* (2015) also criminalises money laundering, concealing and altering goods originating from trafficking, corruption, influence peddling, and misappropriation of public and private property. In addition to the COI, the Council of Ministers Secretariat has an anti-corruption advisor and the National Assembly has an integrity committee. The Council of Ministers' secretary-general leads the Joint Anti-Corruption Council, which also includes agency inspectors-general. The KRG maintains its own COI, which issued its first report in 2017.

2.26 Iraq's national COI is authorised to obtain annual financial disclosures from senior public officials, including ministers, governors and parliamentarians, and to take legal action for nondisclosure. Penalties range from fines to imprisonment. A unified system for enforcing annual financial disclosures does not exist. The national COI has no jurisdiction over the KRI, but Kurdish members of the central government are required to conform to national law. The COI must provide public annual reports on prosecutions, transparency, accountability and ethics of public service. According to the COI's semi-annual report, all

members of parliament (MPs) and half of the 15 governors submitted financial disclosure information in 2019, a considerable improvement from previous years.

2.27 Despite the strong legislative framework and protections, international observers report that corruption in Iraq is endemic, systemic and a major threat to the country's stability. An extensive opinion poll carried out across Iraq in March/April 2019 found corruption was the major concern for ordinary Iraqis: 82 per cent were concerned or very concerned about corruption at the highest levels of government, and 83 per cent perceived corruption to be getting worse. Popular anger at high-level corruption and its debilitating effect on governance, impact on the equitable distribution of wealth and provision of services has been a driving force behind mass demonstrations across Iraq in the last two years. Significant protests took place, including in Basra and southern Iraq from July-September 2018, and in Baghdad and southern Iraq from October 2019 onwards (see [Protesters and Demonstrators](#)).

2.28 Domestic and international observers report that corruption plays out at all levels of Iraqi society and across all sectors. Bribes are often required to obtain basic services, while bribery, money laundering, nepotism and misappropriation of public funds occur at all levels of government. As noted in the [Economic Overview](#), payroll patronage has seen a massive expansion of the public sector since 2004, with newly appointed ministers putting their party followers and faction members on the state payroll. This has contributed to significant corruption in the government's contracting process, with politically aligned directors-general in the public service appointing government contracts to companies with links to senior party members. The companies then often fail to provide services they are paid to deliver, with the same politicians who ensured they won the contracts protecting them from complaints about poor or non-existent service delivery. The parliamentary transparency commission reported in 2018 that corruption is responsible for the disappearance of at least USD320 billion from the state treasury since 2003, mostly because of corrupt or phantom contracts. Corruption is also endemic in other sectors, including the [Judiciary](#), police and state security services (see [State Protection](#)), customs administration and natural resources, particularly the oil industry. Criminal networks, encompassing oil ministry staff and high-ranking political and religious figures, are reportedly involved in the smuggling of oil to the black market, generating huge profits.

2.29 International observers report anti-corruption efforts are hampered by: political influence; unclear governing legislation and sub-optimal regulatory processes; a lack of agreement concerning institutional roles; and a lack of transparency and political will. Although anti-corruption institutions increasingly collaborate with civil society groups, the effect of expanded cooperation is limited. Media and NGOs have attempted to expose corruption independently, but have a limited capacity to do so. Anti-corruption, law enforcement and judicial officials, as well as civil society and media, have faced threats, intimidation and abuse in their efforts to combat corruption. A strong sense of entitlement exists among those with access to public funds: in December 2017, one politician openly told AFP journalists that stolen sums of less than USD60 million 'can be seen as honest; from there upwards, we can speak of corruption.'

2.30 Despite the difficulties faced by anti-corruption bodies, a number of prosecutions have been successful, and arrest warrants issued against former and current senior officials for corruption. In November 2019, a court sentenced the head of the Martyr's Establishment to seven years' imprisonment, while in the same month the Babil Criminal Court issued an arrest warrant for the provincial governor. In October 2019, the then-prime minister said the Anti-Corruption Council would refer the cases of nine former ministers and governors for trial. In its 2019 report, the national COI announced it had been involved in 26,163 notices and court cases in 2019, with 10,143 persons accused of corruption. These included 50 officials who were government ministers or holding equivalent positions. There had been 931 court rulings in which 1,231 defendants had been convicted of corruption, including four ministers or officials at the same level. According to the COI, its actions resulted in the restoration of IQD2.84 trillion (AUD1.4 billion) to the national treasury.

2.31 According to in-country sources, corruption levels in the KRI are lower than elsewhere in Iraq (although still extremely high by regional standards). In August 2018, the KRG formally launched a government reform program to provide more efficient and transparent government services to citizens in the KRI using an online portal. The KRG reported in May 2019 that this system, in addition to other digital reforms, had helped remove complications, identify unnecessary processes, and expose thousands of ‘ghost employees.’ As noted in [KRG Security Agencies](#), the operation of the KRG security sector along partisan lines has reportedly made it difficult for formal KRG institutions and police to hold to account politically connected individuals who act outside the law. It has also resulted in the misappropriation of funds accumulated from the sale of the KRI’s natural resources, which has resulted in poor delivery of services and public infrastructure projects. For example, media reported in March 2020 that the KRI receives an average of six hours of electricity daily from the government, many roads are in poor condition, and water utilities and sewage are beset by severe problems.

Health

2.32 Article 31 (1) of the Constitution guarantees citizens the right to health care. It commits the State to maintaining public health, and providing the means of prevention and treatment by building different types of hospitals and health institutions. Article 31 (2) guarantees individuals and entities the right to build hospitals, clinics or private health care centres under State supervision. The Ministry of Health (MoH) is the primary health care provider. According to the World Health Organization (WHO), there are 229 hospitals nationwide, along with 1,146 primary health centres headed by mid-level workers and 1,185 primary health centres headed by doctors.

2.33 Iraq’s health indicators are generally poor. Estimated life expectancy at birth is 70.7 for males and 74.6 for females. The maternal mortality rate is 79 deaths per 100,000 live births (compared to six per 100,000 for Australia), while the infant mortality rate is 19.5 deaths per 1,000 live births (Australia’s rate is 3.1 per 1,000).

2.34 The health of Iraq’s population has suffered from decades of conflict and economic sanctions, combined with chronic underinvestment. Health services have deteriorated and the sector faces continuous shortages in drugs and other supplies, in part due to corruption. The population’s access to basic health services has become increasingly impaired as many health professionals have left the country for security reasons. A study conducted by the International Committee for the Red Cross and MoH found that approximately 20,000 doctors left Iraq in the past 15 years. Around 70 per cent of Iraqi health personnel surveyed said they were considering leaving the country out of fear of reprisals, kidnapping or violence. There are reports of doctors and health personnel being targeted for revenge attacks by the families and tribes of patients who die, even if the patient was critically ill or near death on arrival at hospital.

2.35 Cases of COVID-19 have risen fast in Iraq after staying relatively low in the early months of the pandemic, though actual infection rates have almost certainly always been higher than the official statistics. Iraq’s health system has struggled to meet basic health needs under the additional burden of the COVID-19 pandemic. In response to the pandemic, the government imposed a number of country-wide curfews at an early stage, although the implementation of these in practice has varied across the country. Travel restrictions have been in place with exceptions for the movement of security and public services, health sector personnel, diplomats, journalists and deliveries of food and other goods. The government also suspended all normal commercial flights for a period, with an exemption for military and chartered flights. Other measures taken included border closures and health screening. Provincial and regional governments implemented similar measures across Iraq, including the KRI. It is likely COVID-19 will have a profound impact on Iraq’s health outcomes, economy and security environment for a number of years. While the

government has established some contact tracing and testing regimes, these processes are unlikely to be comprehensive enough to prevent future outbreaks and spikes in cases.

2.36 Contaminated waterways also pose health risks. For example, a water contamination crisis in Basra in 2018 resulted in the hospitalisation of at least 118,000 people. A Human Rights Watch (HRW) investigation into the crisis found a range of contributing factors, including climate change, mismanagement of water resources, poor maintenance of facilities, upstream damming by Iran and Turkey, and pollution from agriculture, industry, oil spills and untreated human waste. In addition to the health impact, at least 4,000 people were forced to leave their homes due to water shortages.

Mental Health (see also Persons with Disabilities (PWDs))

2.37 Despite enormous need, there are very few mental health services or financial support schemes available to the general public. A January 2017 study found there were only around 80 clinical psychologists working in the entire country. Much of the burden for treating mental health issues falls on international non-government organisations (NGOs) such as *Medicins sans Frontières*. The absence of community-based mental health care means often the only care available is family-based or in psychiatric institutions, which have been linked to inhumane treatment and degrading living conditions. There is significant societal stigma against those suffering from mental health issues, which results in under-reporting of problems and under-utilisation of the services that are available.

Substance Abuse and Treatment

2.38 Illicit substance abuse is an increasing problem in Iraq, particularly in Basra. The most commonly abused substance is reportedly crystal methamphetamine, although opium, painkillers, hashish and alcohol are also frequently abused. Under legislation passed in 2017, judges can order rehabilitation for drug users or sentence them to jail for up to three years. The law gave the health ministry two years to provide rehabilitation centres, and Iraq opened its first specialised mental health and rehabilitation centre in Basra in 2018. The shortage of available places in such centres means that many drug users are jailed.

Education

2.39 Article 34 of the Constitution guarantees the right to free education in all stages. It makes primary education mandatory, and commits the State to combating illiteracy. The Ministry of Education (MoE) and the Ministry of Higher Education and Scientific Research are responsible for overseeing education in all governorates outside the KRI, where the Kurdistan Ministry of Education and Kurdistan Ministry of Higher Education and Scientific Research have responsibility.

2.40 Public education is free at all levels. Education is compulsory until the end of grade 9 in the KRI and until the end of grade 6 in the rest of Iraq. Although there were no private schools prior to 2003, there are now approximately 1,200 operating with licenses from the MoE. Private schools are often of high quality compared to the underfunded public system, but usually charge extremely high fees, putting them out of reach of all but the wealthy elite. As of 2017, there were 35 public universities and 55 private universities in Iraq, and 15 private and 15 public universities in the KRI.

2.41 Decades of conflict and under-investment have severely impaired the Iraqi education system. Violence, damage to infrastructure and mass displacement of children and families have all disrupted the provision of education services. During the conflict with Da'esh, in some of the most affected governorates, including Salah al-Din and Diyala, more than 90 per cent of school-aged children were reportedly unable to access education. As of July 2020, almost half of all school-aged displaced children – several hundred thousand – are not in school. Girls are under-represented in both primary and secondary schools. One in every two schools in Iraq is reportedly damaged and in need of rehabilitation. A number of schools operate

in multiple shifts in an attempt to accommodate as many children as possible, squeezing the learning time available to students. The number and share of qualified teachers has decreased at all educational levels, with the exception of pre-school.

POLITICAL SYSTEM

2.42 Iraq is a federal parliamentary republic. It is administratively divided into 18 governorates, each with an elected council that appoints a governor. The executive branch consists of the Presidency Council comprising a President and Vice President, and a Council of Ministers headed by a Prime Minister. The President is the head of state, representing the sovereignty and unity of the state, while the Prime Minister is the direct executive authority and commander in chief. Under an informal agreement between political parties, known as the '*muhasasa*' system, the presidency is reserved for Kurds, the premiership for Shi'a, and the post of speaker of parliament for Sunni.

2.43 The legislative branch consists of an elected Council of Representatives, comprising 329 seats. Nine seats are reserved for minorities: five for Christian candidates from Baghdad, Ninewah, Kirkuk, Erbil and Dohuk Governorates, respectively; one for a Yazidi; one for a Sabeian-Mandean; one for a Shabak; and, following a parliamentary decision in February 2018, one for Faili Kurds in Wasit Governorate. Following advocacy by Yazidi advocates, the Federal Supreme Court ruled in January 2018 that the Yazidi should have additional parliamentary representation reflective of the size of their community. Despite this, there is currently no consensus within the Parliament on this issue. The Sairoon Alliance, also known as the 'Alliance Towards Reforms' (54 seats) and Fatah Alliance, also known as the 'Conquest Alliance', (48 seats) are the two largest single blocs represented in the legislature.

2.44 The Independent High Electoral Commission (IHEC) has responsibility for conducting elections nationwide. The most recent national elections occurred in May 2018 and were monitored by international and local observers. Although observers declared the elections peaceful, allegations of fraud – including manipulation of electronic ballot tallies, ballot stuffing and voter intimidation – prompted parliament to order a recount of ballots in areas of Anbar, Kirkuk, Baghdad and the KRI. IHEC concluded its recount in August 2018 with no major changes to the initial results, and the Federal Supreme Court certified the results the same month.

2.45 In December 2019, the Council of Representatives passed a new electoral law that had previously been widely perceived as overly partisan. The new law is yet to be approved by the President of Iraq given key annexes remain to be agreed, but it would institute a first-past-the-post system for allocating seats, and allow for electoral technology to be used in conducting polling and for sorting and counting votes. It would require IHEC to announce preliminary votes within 24 hours after the closing of polls. The revised law would also dictate that provinces should be divided into voting constituencies as set out in 'a table to be adopted' by the Council. The quota of seats for women (to implement the 25 per cent minimum dictated by Article 49(4) of the Constitution) in each province was also to be set out in an 'attached table'. Neither of the aforementioned tables was included in the law. Politicians are under pressure to finalise the law following Prime Minister Kadhimi's announcement to hold early elections in June 2021.

2.46 The revised law requires that the nine IHEC commissioners be judges and/or councillors from the State Council. The Supreme Judicial Council chooses the membership, which must include female representation. The Supreme Judicial Council conducted a selection process in December 2019 by lottery, with five separate containers dividing Shi'a, Sunni and Kurdish provinces and male and female representatives.

Kurdistan Region of Iraq (KRI)

2.47 The Kurdistan Region of Iraq (KRI) gained *de facto* autonomy in 1991 after US intervention following the Kuwait conflict and the creation of a 'haven' to protect Kurds from attacks by Saddam Hussein's Ba'athist regime. Article 117 (1) of the Constitution recognises the region of Kurdistan as an autonomous federal region. Article 141 states that legislation enacted in the KRI since 1992 shall remain in force, and that decisions issued by the Kurdistan Regional Government (KRG) shall be considered valid provided they do not contradict the Constitution. The Constitution also permits the KRG to maintain internal security services (see KRG Security Agencies).

2.48 The KRG is headquartered in the city of Erbil and has responsibility for administering the provinces of Erbil, Sulaymaniyah and Dohuk. The President of the KRG represents the KRI at national and international levels, and oversees relations and coordination between the KRI and the federal government. The Kurdistan Parliament has 111 members elected by popular vote every four years. Sixteen parties and lists are in the current parliament elected in November 2018. Of these, eight are parties or lists that represent Turkmen, Christian and Armenian communities. Eleven parliamentary seats are reserved for minorities along ethnic, rather than religious, lines: five for (predominantly Christian) Chaldo-Assyrian candidates, five for Turkmen, and one for Armenian. No seats are reserved for self-described groups whom the KRG considers ethnically Kurdish or Arab, such as the Yazidi, Shabak, Sabeen-Mandean, Kaka'i or Fali Kurds. By law, women must hold at least 30 per cent of seats.

HUMAN RIGHTS FRAMEWORK

2.49 Iraq is a State Party to most of the major international human rights instruments, including: the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); the International Covenant on Civil and Political Rights (ICCPR), the Convention for the Protection of All Persons from Enforced Disappearance (CPED); the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention on the Rights of the Child (CRC), and its two Optional Protocols on the involvement of children in armed conflict (OP-CRC-AC) and on the sale of children, child prostitution and child pornography (OP-CRC-SC); and the Convention on the Rights of Persons with Disabilities (CRPD). Iraq is not a signatory to the Optional Protocol to CAT (OP-CAT), the Second Optional Protocol to ICCPR aiming to abolish the death penalty (ICCPR-OP2), or the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICMW).

2.50 The Constitution contains numerous commitments to human rights, including guaranteeing the freedoms of expression, assembly, worship, association and thought. Numerous laws support these constitutional freedoms.

National Human Rights Institutions

2.51 Article 102 of the Constitution guarantees the independence of the Iraqi High Commission for Human Rights (IHCHR), subject to monitoring by the Council of Representatives. The law governing the IHCHR's operations provides for 12 full-time commissioners and three reserve commissioners with four-year, non-renewable terms. The law assigns the IHCHR broad authority, including the right to receive and investigate human rights complaints, conduct unannounced visits to correctional facilities and review legislation. The Independent Human Rights Commission of the Kurdistan Region (IHRCKR) conducts a similar

function in the KRI. Both organisations issue periodic reports on human rights issues and conduct training for state security bodies.

2.52 The UN Office of the High Commissioner for Human Rights (OHCHR) currently rates the IHCHR as not fully compliant with the Paris Principles governing national human rights institutions. Critics have suggested the IHCHR, although active in recording human rights violations, lacks a coherent strategy to effect real change. Critics have also expressed concern IHCHR is staffed by political appointees, with commissioners reportedly reluctant to cause problems for the political blocs to whom they owe their positions.

2.53 Domestic and international observers claim Iraq's human rights institutions have failed in holding the perpetrators of extreme violence to account – including the Iraqi security forces and militias in the context of the 2019-20 popular protests.

SECURITY SITUATION

2.54 The security situation in Iraq, while varying according to location, is highly unstable and fluid. Security incidents occur often and without warning, including rocket attacks, mortar attacks, attacks with improvised explosive devices (IEDs), grenade attacks, small arms fire, assassinations and kidnapping for ransom. Targets include government security forces, government offices, diplomatic missions, coalition and Iraqi military facilities, checkpoints, police stations, recruiting centres, airports and public transport centres, places of worship and religious gatherings, markets, non-government organisations, schools and universities, and civilian infrastructure.

2.55 Increasing tension between the US and Iran, and their actions within Iraq, has further complicated the security environment. Shi'a militias aligned to Iran in the Popular Mobilisation Forces want to expel US forces from Iraq and, as a result, have launched rocket attacks against the International Zone in Baghdad (formerly known as the Green Zone) and other locations in Iraq, relatively frequently. In a two-day period across the 2019-20 New Year, violent demonstrations by PMF elements caused damage to the external perimeter and guard houses of the US Embassy compound. The US subsequently killed Qasem Soleimani, head of Iran's Islamic Revolutionary Guard Corps (IRGC). Iran responded with ground-to-ground missile strikes on a number of Iraqi military installations that hosted US troops.

2.56 Despite its territorial defeat in December 2017, Da'esh remains a major perpetrator of abuses and atrocities. These abuses are particularly evident in Anbar, Baghdad, Diyala, Kirkuk, Ninewah and Salah al-Din Governorates where Da'esh units have continued to attack electricity and water infrastructure, abduct and kill civilians and attack security forces. The group is consolidating its presence in Diyala, Kirkuk, and Salah al-Din provinces where it takes advantage of ungoverned spaces and the disputed areas between Federal Iraqi and Kurdish security forces. Improvised explosive device attacks in these areas target security forces' vehicles. The US-led coalition temporarily suspended the anti-Da'esh campaign in January 2020 to focus on protecting itself from Iran-backed militias. Da'esh aims to exploit the confrontation between the US and Iran, attempting more complex attacks against security forces and energy assets in central and northern Iraq.

2.57 Large-scale violent protests in major cities have occurred since the beginning of October 2019 (see also [Protesters and Demonstrators](#)). Security forces have used tear gas, water cannons and live ammunition against protesters, resulting in hundreds of deaths. Most rallies and protests in Baghdad are held in Tahrir Square or around government buildings.

2.58 Although the KRI is generally regarded as a more benign security environment, its borders are insecure. Violent crime is common, and kidnappings, murders and robberies occur frequently. In July 2019, an unidentified gunman killed a senior Turkish diplomat and a civilian in a daylight attack at an Erbil restaurant in a case that remains unsolved.

2.59 Human rights observers report security conditions remain fraught in territories claimed by both the central government and KRG. Kirkuk Governorate has been identified as particularly dangerous due to a security vacuum caused by the expulsion of the Peshmerga by government forces in late 2017. Following the return of central government control to Kirkuk in late 2017, a number of ethnic and religious minority communities reported facing discrimination, displacement and occasional violence from PMF groups and government security forces. Media reported numerous incidents of Shi'a PMF groups invading, looting and burning the houses of ethnic and religious minorities across Kirkuk Governorate. The KRG has also claimed the absence of Peshmerga forces has enabled Da'esh cells to regroup in Kirkuk, citing as evidence incidents such as an attack in February 2020 on a village in Kirkuk Governorate. Security conditions in areas formerly under Da'esh control also remain poor.

2.60 Sectarian violence between Sunni and Shi'a has reduced substantially since the mid to late-2000s (see [Recent History](#)), but still occurs occasionally. International observers attribute the reduction in sectarian violence to an increase in self-segregation by communities (see [Demography](#)), and to conscious efforts by political leaders to remove sectarian slogans from public discourse after the military defeat of Da'esh. It was reportedly common during the lead-up to the May 2018 election to hear politicians and commentators emphasising the need to rise above sectarianism and revenge to stabilise the country. Some commentators also suggest the reduction in sectarianism reflects the Shi'a majority's increased confidence and sense of security in the wake of victory over Da'esh.

2.61 Iraq is one of the world's most heavily mined countries. There are reportedly more than 2,000 hazardous mine areas nationwide from various conflicts. While border areas are particularly affected, the areas that previously comprised the Da'esh caliphate have also been heavily mined, including with booby-trap devices. Explosive hazards affect farms, schools, hospitals, water treatment facilities, power plants, bridges and other infrastructure, and have prevented the safe return of displaced people.

Trafficking of Persons

2.62 Article 37 (3) of the Constitution prohibits trafficking in women or children and the slave and sex trades. The *Law Combating Trafficking in Persons* (2012) criminalises some forms of labour and sex trafficking, and prescribes penalties of up to 15 years' imprisonment and a fine of up to IQD15 million to 25 million (AUD21,750 to 36,250) if the offence involves an adult female or child victim. However, inconsistent with the definition of trafficking under international law, the law requires a demonstration of force, fraud or coercion to constitute a child sex trafficking offence.

2.63 International observers report human traffickers exploit domestic and foreign victims in Iraq, and traffickers exploit victims from Iraq abroad. Refugees and IDPs face a heightened risk of forced labour and sex trafficking due to their economic and social vulnerability and lack of security and protections. NGOs have reported trafficking networks in the KRI target refugees and IDPs, and sometimes operate with assistance from local officials, including judges, border agents and elements within the Asayish forces (the KRG's intelligence agency). NGOs have also reported women and girls in IDP camps with links to Da'esh (see [Persons with Perceived Affiliations to Da'esh](#)) are subject to a complex system of sexual exploitation, sex trafficking and abuse by armed actors residing in the camps, security and military officials, and camp officials controlling access to humanitarian assistance and services.

2.64 Iraqi, Iranian and Syrian women and girls, as well as lesbian, gay, bisexual, transgender and/or intersex (LGBTI) individuals (see [Sexual Orientation and Gender Identity](#)), are particularly vulnerable to sex trafficking in the KRI. Media reports indicated the 2018 collapse of Iran's currency and associated economic slowdown spurred an influx of more than 2,000 Iranian women and girls into the KRI, many of whom became victims of sex trafficking.

3. REFUGEE CONVENTION CLAIMS

RACE/NATIONALITY

3.1 Article 14 of the Constitution guarantees Iraqis are equal before the law without discrimination based on (among other things) race, ethnicity, nationality, origin or colour. Article 3 confirms Iraq is a country of multiple nationalities, while Article 125 guarantees the administrative, political, cultural and educational rights of the various nationalities (specifically mentioning Turkmen, Chaldeans, Assyrians and ‘all other constituents’).

3.2 Article 4 (1) of the Constitution states Arabic and Kurdish are the two official languages of Iraq, but enshrines the right of Iraqis to educate their children in their mother tongue (such as Turkmen, Assyrian and Armenian) in government educational institutions, or in any other language in private educational institutions. Article 4 (3) states: federal and official institutions in the KRI shall use both official languages; (4) the Turkmen and Syriac languages are considered official languages in the administrative units in which they constitute density of population (i.e. where they are the majority or a significant minority); and (5) each region or governorate may adopt any other local language as an additional official language if the majority of its population so decides in a general referendum.

3.3 As noted in [Demography](#), various political events since the 2003 US-led invasion have contributed to an increase in self-segregation among Iraq’s various ethno-religious groups. DFAT assesses members of ethnic groups who are in the minority in the geographic area in which they reside face a medium risk of societal discrimination based on their ethnicity/religious affiliation. This discrimination may include the denial of access to employment or housing, but is unlikely in most cases to include targeted violence on the grounds of ethnicity or religious affiliation alone.

Palestinians

3.4 Palestinians arrived in Iraq in three major waves: first in 1948 as refugees from the war surrounding Israel’s creation; then in 1967 when Israel seized the West Bank and Gaza Strip in the Six-Day War; and then in the 1990s after being expelled from Gulf States at odds with Saddam in relation to the Gulf War. Until the US-led invasion in March 2003, approximately 45,000 Palestinians resided in Iraq. Since then, worsening conditions have led to many Palestinians leaving Iraq. Estimates of the current Palestinian population range from 4,000 to 10,000. Some Palestinians live in the general community while others reside in refugee camps. The central government does not recognise the refugee status of Palestinians but the KRG does. Palestinians in Iraq are primarily Sunni.

3.5 Portraying himself as a defender of the Palestinian cause for statehood, Saddam gave Palestinians full rights in Iraq with the exception of citizenship. Palestinians received subsidised housing, access to education and health services, and the right to work in the public sector – rare privileges for foreign refugees, which bred resentment among many Iraqis. Being widely perceived as aligned with Saddam meant Palestinians came under intense suspicion post-2003 from a range of actors. Coalition occupation forces arrested hundreds of Palestinians in the wake of the 2003 invasion, while Shi’a militant groups targeted

Palestinians for organised killings, expulsion and displacement from predominantly Shi'a areas. Iraqi security forces have reportedly continued to carry out raids in search of suspected Sunni Islamist militants among Palestinians. Family members of those detained by security forces have alleged many have been subjected to Torture, while others remain unaccounted for.

3.6 In December 2017, the government passed Law No. 76 of 2017 that classified Palestinians as foreigners, rescinding earlier legislation that had stipulated they should receive the same rights and privileges as Iraqi citizens. The new law ended the permanent residency status of Palestinians in Iraq. Their current legal status is unclear: observers report the Ministry of Foreign Affairs has granted some Palestinians a one-month residency, and others a permit for two to three months. Many Palestinians have reported their economic situation has deteriorated since the passing of the law. Doctors, engineers and teachers of Palestinian origin have lost their ability to join Iraqi trade unions and have thus been prevented from practising their professions, while those seeking to work in the private sector now face considerable bureaucratic obstacles. The loss of the right to free health care and education has also caused Palestinians considerable hardship. Most Palestinians have refugee travel documents only, which can limit their freedom of movement.

3.7 DFAT assesses Palestinians residing outside the KRI face a moderate risk of official discrimination based on the official lack of recognition of their status and the implications this has for their ability to access employment and other services. Palestinians suspected of being Sunni Islamist militants are likely to be targeted by both security forces and Shi'a militant groups, and face a high risk of being subjected to Enforced or Involuntary Disappearances and/or Torture.

Faili Kurds

3.8 Faili Kurds are an ethnic group historically inhabiting both sides of the Zagros mountain range along the Iran-Iraq border, living in both Iran and Iraq. Today, the estimated 1.5 million Faili Kurds in Iraq live mainly in Baghdad, as well as the eastern parts of Diyala, Wasit, Misan and Basra governorates. A sizeable population can also be found in the KRI. Faili Kurds speak a distinct dialect of Kurdish, which is a sub-dialect of Luri. Unlike the majority of Kurds, who are generally Sunni Muslims adhering to the Shaf'i school of Islam, Faili Kurds are Shi'a.

3.9 Faili Kurds' dual Shi'a and Kurdish identity has historically exposed them to stigmatisation and persecution. During Ottoman times, some Faili Kurds acquired Persian nationality as a means of avoiding conscription. In 1924, an Iraqi Nationality Law distinguished between descendants of Ottoman citizens, who were considered 'original' Iraqis and automatically granted Iraqi nationality, and citizens of Persian origin, who had to acquire Iraqi nationality. Faili Kurds were put in the latter category, even though the community had been in Iraq for hundreds of years. The initial distinctions introduced by the 1924 Nationality Law served as the basis for increased repression after the Ba'ath Party came to power in 1963. A new Nationality Law introduced that year built upon the discriminatory provisions of the 1924 law, and led to many Faili Kurds losing their citizenship. After the second Ba'ath coup in 1968, the government began large-scale deportations of Faili Kurds to Iran. Further deportations occurred after the 1979 Iranian Revolution, particularly after a Faili Kurd was blamed for a failed assassination attempt on Deputy Prime Minister Tariq Aziz (which helped spark the Iran-Iraq War). Estimates of the total number of Faili Kurds who were denationalised and deported range from 150,000 to 500,000. During this period, authorities also reportedly offered payments to Iraqi nationals who divorced their Faili Kurd spouses and allowed them to be deported. In addition to the deportations, authorities also detained thousands of military-age young men, and allegedly subjected them to torture and, according to some reports, tested chemical and biological weapons on them. The estimated number of disappeared young men, whose bodies have never been found, ranges from 10,000 to 20,000 (see also Enforced or Involuntary Disappearances).

3.10 State-sanctioned persecution of the Faili Kurds officially came to an end after 2003, and many Faili Kurds have returned from Iran. The preamble to the Constitution recognises the Faili Kurds as victims of oppression and massacres. The National Assembly unanimously passed a resolution in 2011 recognising the crimes perpetrated against the Faili Kurds as genocide, and the Iraqi High Tribunal convicted four Ba'ath Party officials in connection with their roles in the deportations. The *Iraqi Nationality Law* (2006) established the right to regain Iraqi nationality for those previously denationalised on political, religious or ethnic grounds, and many Faili Kurds have been able to have their Iraqi nationality reinstated. However, the process of reinstatement is reportedly slow and bureaucratic, sometimes taking years to complete, and often requires applicants to pay bribes to officials. Moreover, the documentary requirements are onerous, requiring applicants to provide a copy of their registration from the 1957 census, among other documents that many Faili Kurds are unlikely to possess. While the Iraqi government claims that 97 per cent of expelled Faili Kurds have regained citizenship, community activists claim thousands of families remain stateless.

3.11 Without nationality documents, Faili Kurds cannot access public services such as education and health care. They are also unable to obtain other documents such as birth, death and marriage certificates (see [Documentation](#)). Faili Kurds who have managed to obtain nationality documents have reported that the identity cards issued are a different colour than those of other Iraqis, or show them as citizens of 'Iranian origin,' which could open them up to discrimination. Reportedly, Faili Kurd files and records are still being kept in the foreigners' section of the General Nationality Directorate. Some community members have reported facing insults, harassment and humiliation when visiting government offices.

3.12 Another major challenge facing Faili Kurds denationalised during the Ba'ath era is the issue of recovering their confiscated properties. Upon returning to Iraq, many Faili Kurds found other people had occupied their homes. While the Property Claims Commission established after the fall of Saddam Hussein was mandated to resolve Ba'ath-era disputes, the process of compensation has reportedly been inefficient, and incapable of dealing with cases in which property deeds had been confiscated, and there have been few reports of compensation actually being transferred to families. There has also been little progress on implementing the *Law on Compensation for Persons Affected by the Ba'ath Regime* (2010).

3.13 There is currently one Faili Kurd member of parliament, representing Wasit province. Due to their unique minority status, Faili Kurds do not fit in neatly in either the Kurdish or Shi'a blocs, and neither of these dominant groups has taken up their cause. Many Faili Kurds reportedly aligned themselves with Arab tribes for protection during the Ba'ath era and have subsequently lost their identity and status as Faili Kurds. During the 2017-18 Kurdish independence referendum there were reportedly some instances of threats being made against the Faili Kurd community. DFAT is not aware of any cases in which these threats were carried out.

3.14 DFAT assesses Faili Kurds without nationality documents face a moderate risk of official discrimination as the absence of these documents means they are unable to access government services or obtain other important identification documentation. Faili Kurds face a low risk of societal discrimination based on them being considered foreign nationals, although this is unlikely to include being subjected to violence.

Iraqis of African Descent ('Black Iraqis')

3.15 'Black Iraqis' are primarily the descendants of East African migrants and slaves whose presence in Iraq dates back to the ninth century BC. Community leaders estimate their numbers at between 1.5 million and 2 million. The Black Iraqi community is located primarily in southern Iraq, with the largest community residing in Basra. The majority of Black Iraqis identify as Shi'a, although the community also maintains some African traditions and spiritual practices.

3.16 Unlike other minorities, Black Iraqis do not have a parliamentary quota or any official recognition as a minority. There is little impetus to change this reality, since Black Iraqis are Muslim and therefore not seen as being in need of positive measures. The Free Iraq Movement, the first political association to defend the rights of Black Iraqis, was founded in 2007 and has competed in provincial elections in Basra (although to date no candidates have been successful). The movement's founder was assassinated in Basra in 2013 in a case that remains unsolved.

3.17 Black Iraqis continue to face systematic discrimination and marginalisation. They are continually referred to by the slur 'slave' and their communities have disproportionately high illiteracy and unemployment rates. The community has not developed a professional class, and no Black Iraqi holds a high-level position in government. Many Black Iraqis cannot find employment other than as labourers or domestic workers. Although there is a tradition within the community of earning a living as musicians performing at weddings and other festivals, the rise of hard-line Islamist groups since 2003 has reportedly had a negative effect on such activities. Neighbourhoods inhabited by Black Iraqis, particularly in Basra's al-Zubeir district, are reportedly characterised by extreme poverty and neglect. Many Black Iraqis reportedly live in single-room mud-brick houses that sometimes hold 15 persons or more. Many of their neighbourhoods reportedly lack a clean water supply and proper sewage facilities, and are prone to electricity shortages. Some Black Iraqis reportedly lack nationality documents for reasons connected to the history of slavery, and are therefore unable to access public services. Members of the community have also struggled to obtain restitution for lands seized from them during the Iran-Iraq War.

3.18 After a Black Iraqi complained to the IHCHR in late 2019 about the community's negative depiction in a play, the complaint was subsequently referred to a court, the first time this had occurred.

3.19 DFAT assesses Black Iraqis face a moderate risk of official discrimination based on their lack of official recognition as a minority, which prevents them accessing opportunities available to other minority groups. They face a moderate risk of societal discrimination based on their systematic exclusion from economic and educational opportunities, which they are unable to escape due to their high visibility.

Roma (Kawliyah)

3.20 Roma, sometimes referred to as Kawliyah in Iraq, number between 50,000 and 200,000. They live mostly in isolated villages in southern Iraq, primarily in Al-Qadissiya governorate, as well as in the outskirts of Baghdad, Basra and Mosul. The Roma are descendants of migrants from India who arrived in Iraq more than a thousand years ago. Most are Shi'a or Sunni. They are known for working as entertainers, musicians and dancers. After the fall of the Ba'athist regime, newly empowered Islamist militias displaced hundreds of Roma from the Kamalia area of Baghdad, which was viewed by conservative elements as a notorious entertainment district. There were also numerous cases in which Islamist militias attacked Roma villages. Many Roma have reportedly left Iraq to seek greater security in Jordan and the Gulf.

3.21 Living conditions in the Roma villages in central and southern Iraq are extremely poor. There have reportedly been no efforts by the government to rebuild basic infrastructure damaged in attacks by militants. Many Roma live in windowless mud houses and do not have electricity, clean water, health care or adequate food. They are also cut off from government social welfare programs, and many lack nationality documents. According to international observers, Roma are at particular risk of becoming stateless. Roma are also disproportionately unemployed compared to the national average. When they are able to find employment, it is often irregular or temporary. Roma are ostracised from general society, and members of the community report shopkeepers will often refuse to sell goods to Roma customers.

3.22 Under the Saddam Hussein regime, many Roma made a living entertaining Ba'ath Party officials, and some were reputed to have engaged in prostitution. The association of Roma with 'immoral' acts is a source

of stigmatisation for the entire community, even for those who do not engage in such practices. It is reported Roma women have been depicted as objects of sexual pleasure, and are therefore at increased risk of sexual assault (see also [Women](#)). Because sex work is illegal, women perceived to be engaged in such practices are likely to be treated poorly by security officials.

3.23 DFAT assesses Roma face a moderate risk of official discrimination based on their systematic exclusion from government social welfare programs and services available to other Iraqis. They face a moderate risk of societal discrimination due to their stigmatisation from broader society, which may be higher for Roma women considered to be involved in sex work.

Shabak

3.24 The Shabak are an ethnic and linguistic minority located in Mosul, in a small number of villages east of Mosul, and in the Ninewah plains. They number approximately 250,000 in total. Most Shabak consider themselves as a separate ethnic group, neither Arab nor Kurdish. The Shabaki language draws upon Turkish, Persian, Kurdish and Arabic. Around 70 per cent of the Shabak community identifies as Shi'a and the remainder Sunni, although Shabak religious practice blends elements of Islam and local beliefs. Neither the federal nor Kurdish Constitutions mention the Shabak as a distinct ethnic group, although the electoral law reserves one seat in the Council of Representatives for a representative of the Shabak community (see [Political System](#)).

3.25 Like other minorities, the Shabak suffered from the Da'esh advance into Mosul and the Ninewah plains in 2014. According to international reports, Da'esh murdered an estimated 117 Shabak families, with additional reports of kidnappings. While their villages have been recovered from Da'esh control, thousands of Shabak remain internally displaced, spread between the Shi'a majority areas of central and southern Iraq and the KRI. The long-term status of Shabak villages on the Ninewah plains remains undecided: Shabak are reportedly divided between their support for the Iraqi government and the KRG. Many Shabak men have reportedly joined militias, some of which have been incorporated into the Peshmerga (see [KRG Security Agencies](#)) as an all-Shabak brigade, while others have joined the Quwat Sahel Ninewah militia associated with the Shabak Democratic Assembly. Shabak residing in the KRI and disputed territories have reported heavy pressure to support Kurdish political aims.

3.26 DFAT assesses Shabak face a low risk of both official and societal discrimination. Shabak living in areas where violence continues or who have been displaced face a risk of societal violence similar to that faced by other groups living in those areas or situations.

Turkmen

3.27 Turkmen are generally recognised as the third largest ethnic group in Iraq. They reside almost exclusively in the north, in an arc stretching from Tal Afar in the west through Mosul, Erbil, Altun Kopru, Kirkuk, Tuz Khurmatu, Kifri and Khaniqin. Approximately 60 per cent of Turkmen are Sunni, with the remainder being Ithna'ashari (the 'Twelver' sect of Shi'a) or Shi'a. Estimates of the size of the Turkmen population range from 600,000 to 2 million, although according to in-country sources, Turkmen advocates overstate the size of their community for political reasons (as do other groups). The Turkmen speak a Turkic dialect and have preserved their language despite a strong linguistic Arabisation policy undertaken during the Ba'athist era. The Constitution grants Turkmen the right to use their language in educational settings, and as an official language in areas in which they are in a majority (see also [Race/Nationality](#)). The KRI Parliament reserves five seats for Turkmen candidates.

3.28 During the Ba’athist era, the Turkmen were denied cultural, linguistic or political rights. The Ba’athists replaced thousands of Turkmen (and Kurdish) inhabitants of Kirkuk and its environs with Arabs. No Turkmen ever held ministerial office and the community was subject to purges, including the systematic removal of all Turkmen holding senior posts in the Kirkuk oil fields and in the army, and the assassination of many. The Turkmen were particularly affected in Kirkuk and Tuz Khurmatu during the violent repression of the 1991 Kurdish uprising (see [Recent History](#)).

3.29 Relations between Turkmen and other communities in the KRI have generally been uneasy, particularly in Kirkuk. In the years following the US-led invasion, international observers reported hundreds of cases of attacks by Sunni and Kurdish militias and Peshmerga on Turkmen, including car bombs, shootings, abductions and torture. Those targeted included a significant number of Turkmen political representatives, judges, lawyers, police officers and teachers. Authorities proved unable and/or unwilling to protect Turkmen communities from attack, while refusing to allow them to form their own security forces. The Turkmen were also particularly affected by the rise of Da’esh after 2014. After Da’esh took control of the Turkmen-majority district of Tal Afar in Ninewah Governorate in June 2014, an estimated 200,000 people fled the area. Dozens of Turkmen are believed to have died during the Da’esh occupation. Da’esh fighters abducted hundreds of Turkmen women and girls, many of whom are believed to have been raped and killed. The IHCHR reported in August 2018 that 600 Turkmen kidnapped by Da’esh remain missing, including more than 120 children, although Turkmen civil society groups put the number at more than 1,300. Turkmen advocates claim to have evidence that Da’esh trafficked Turkmen women outside Iraq. International observers also reported cases in which Iraqi security forces carried out [Extrajudicial Killings](#) against Sunni Turkmen.

3.30 The Turkmen remain locked in conflict with both Kurds and Arabs over the status of disputed areas to which they have historical claims. After the advance of Da’esh, the KRG pre-emptively seized the city of Kirkuk and put it under its de-facto control. There were reports of Kurdish security forces expelling Turkmen IDPs from in and around Kirkuk and demolishing their temporary shelter arrangements. According to Turkmen advocates, ongoing attacks and kidnappings against the community in Kirkuk were part of a strategy to induce demographic change. Following the return of central government control in Kirkuk in October 2017, Turkmen (and other minorities) reported facing discrimination, displacement and, in some cases, violence from government forces, particularly Iran-aligned PMF groups. Media outlets carried numerous reports of PMF groups invading, looting and burning the houses of Turkmen and other minorities.

3.31 The future status of Tal Afar, a Turkmen-majority district west of Mosul, is also unsettled. Tal Afar was a mixed Sunni-Shi’a Turkmen town and the site of repeated violent clashes after the 2003 invasion. After Da’esh took over the district in June 2014, the majority of the Shi’a Turkmen fled while many of the Sunni residents stayed. Displaced Shi’a Turkmen from Tal Afar and other districts are largely living in the south of Iraq, and, as of June 2020, most have been unable as yet to return to their homes. Turkmen advocates have called for a form of autonomy for the areas in which they constitute a majority, and have also sought access to arms to defend themselves from attack.

3.32 DFAT assesses that Turkmen face a moderate risk of both official and societal discrimination, which may be higher for those living in Kirkuk or Tal Afar. Turkmen living in areas where violence continues or who have been displaced face a risk of societal violence similar to that faced by other groups living in those areas or situations.

RELIGION

3.33 Article 2 (1) of the Constitution states that Islam is the official religion of the State and is a foundation source of religion, and prohibits the enactment of any law that contradicts the established provisions of Islam. The second part of Article 2 guarantees the rights to freedom of religious belief and

practice of all individuals, specifically mentioning Christians, Yazidis and Sabeen-Mandean. A number of constitutional articles further guarantee freedom of religion. Article 14 guarantees that Iraqis are equal before the law without discrimination based on (among other things) religion, sect or belief. Article 41 guarantees that Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs or choices. Article 43 (1) guarantees that the followers of all religions and sects are free in the: a) practice of religious rites, including the Hussein (Shi'a) rituals; b) management of religious endowments, their affairs, and their religious institutions; and Article 43 (2) guarantees that the state shall guarantee freedom of worship and the protection of places of worship.

3.34 The following religious groups are recognised by the personal status law and thereby registered with the government: Muslim, Chaldean, Assyrian, Assyrian Catholic, Syriac Orthodox, Syriac Catholic, Armenian Apostolic, Armenian Catholic, Roman Catholic, National Protestant, Anglican, Evangelical Protestant Assyrian, Seventh-day Adventist, Coptic Orthodox, Yazidi, Sabeen-Mandean and Jewish. Recognition allows groups to appoint legal representatives and perform legal transactions such as buying and selling property. The law does not specify penalties for the practice of unrecognised religious groups (with the exception of the Baha'i), but contracts signed by institutions of such groups are not legal or permissible as evidence in court.

3.35 There are three *Diwans* (administrative governing bodies) responsible for administering matters for the recognised religious groups within the country: the Sunni Endowment Diwan, the Shi'a Endowment Diwan, and the Endowment of the Christian, Yazidi, and Sabeen-Mandean Religions Diwan. The three endowments operate under the authority of the Office of the Prime Minister to disburse government funds to maintain and protect religious facilities.

3.36 Federal law does not provide a mechanism for a new religious group to obtain legal recognition. In the KRI, however, religious groups can obtain recognition by registering with the KRG Ministry of Endowment and Religious Affairs (MERA). To register, a group must have a minimum of 150 adherents, provide documentation on the sources of its financial support, and demonstrate it is not anti-Islam. Eight faiths are registered with the KRG MERA: Islam, Christianity, Yazidism, Judaism, Sabeen-Mandaeism, Zoroastrianism, Yarsanism and Baha'ism.

3.37 By law, the Iraqi government provides support for Muslims outside the KRI desiring to perform religious pilgrimages to Mecca and Medina (the *hajj* and *umrah*), organising travel routes and immunisation documents for entry into Saudi Arabia. In the KRI, the KRG MERA organises *hajj* and *umrah* travel, carrying out a lottery to choose the pilgrims for official Hajj visas allotted to the KRI. The government of Iraq does not provide support for external pilgrimages to other religious groups, but does provide security for places of worship and other religious sites, including churches, mosques, shrines and religious pilgrimage sites and routes. The Penal Code criminalises disrupting or impeding religious ceremonies and desecrating religious buildings, imposing a penalty of up to three years' imprisonment or a fine of IQD300 (AUD0.43) for such offences.

3.38 Government policy requires Islamic instruction in public schools, but non-Muslim students are not required to participate. Some non-Muslim students have reported experiencing pressure to attend the Islamic instruction classes from instructors and classmates. In most areas of the country, primary and secondary school curricula includes three classes per week of Islamic education, including study of the Quran, as a graduation requirement for Muslim students. Christian religious education is included in the curricula of at least 150 public schools in Baghdad, Ninewah and Kirkuk.

3.39 Although there are no reliable statistics, religious minorities have reported that they are underrepresented in the ranks of national police, senior military, and intelligence and security services. Religious minorities also report being underrepresented in government appointments, in elected positions (other than reserved seats) and in public sector jobs, particularly at the provincial and local levels. This

underrepresentation tends to limit the access of religious minority communities to government-provided economic opportunities.

3.40 There have been ongoing reports that non-Muslim minorities feel pressured by the Muslim majority to adhere to certain Islamic practices, such as wearing the *hijab* (traditional Islamic clothing) or fasting during Ramadan. Christians in the south and in PMF-controlled towns on the Ninewah Plain have reported that they avoid celebrating their religious festivals when they coincide with Islamic periods of mourning, such as Ashura (a day of historical significance and mourning for Shi'a, marking the murder of the Prophet Mohammed's grandson Hussein). Non-Shi'a Muslims and non-Muslim women report feeling societal pressure to wear the *hijab* and all-black clothing during the holy month of Muharram, particularly during Ashura, to avoid harassment. According to representatives of Christian NGOs, some Muslims continue to harass women and girls, regardless of their religious affiliation, for refusing to wear the *hijab*, for dressing in Western-style clothing, or for not adhering to strict interpretations of Islamic norms governing public behaviour. Outside the KRI, numerous women, including Christians and Sabeen-Mandean, have reported opting to wear the *hijab* after continual harassment.

3.41 A number of religious minority communities (including Turkmen, Sunni and Shi'a Arabs, Yazidi, Shabak and Christians) have reported cases of discrimination from KRG authorities in territories claimed by both the central government and KRG, particularly in relation to land and property disputes. In one such case in the Nahla Valley area of Dohuk, a court sentenced Muslim Kurds convicted of taking Christian-owned land to a three-month suspended sentence, a token fine, and a requirement that they make a written pledge they would not encroach on the land again. Authorities made no attempt to follow up on the case, however, and some of the Kurds continued to occupy land the court had ruled belonged to the Christian community. A land dispute dating from 2003 – when the KRG seized 11,000 hectares (27,000 acres) of farmland near Ankawa owned by 220 Christian farmers for the construction of the Erbil International Airport – remains unresolved.

Personal Status Matters

3.42 Article 41 of the Constitution provides citizens the right to choose which court (civil or religious) will adjudicate matters of personal status, including marriage, divorce, child custody, inheritance and endowments. Islam takes precedence as the choice of religious court when one of the parties to the dispute is from an unrecognised faith. The law states that civil courts must consult the religious authority of a non-Muslim party for its opinion under the applicable religious law and consider the religious authority's opinion in court. In the KRI, the Personal Status Court adjudicates personal disputes between Muslims, and the Civil Status Court handles all other cases. All recognised religious groups have their own personal status courts responsible for handling marriage, divorce, and inheritance issues within their community. According to the government, however, there is no personal status court for the Yazidi.

3.43 Civil laws provide a simple process for a non-Muslim to convert to Islam. However, personal status laws and regulations prohibit the conversion of Muslims to other religions, and require administrative designation of minor children as Muslims if either parent converts to Islam or if one parent is considered Muslim, even if the child is the product of rape (see [Stateless Persons](#) and [Yazidi](#)). Civil status law allows non-Muslim women to marry Muslim men, but prohibits Muslim women from marrying non-Muslim men. Conversion from Islam is reportedly easier in the KRI, and in-country sources report a growing trend of Muslim Kurds converting to the 'original Kurdish religion' of Zoroastrianism. These sources report, however, that nationwide it is more common for people who are disillusioned with their faith to simply become non-religious than it is for them to change their religion.

3.44 There are no laws preventing marriage between Sunni and Shi'a couples. These have reportedly increased in prevalence as sectarian tensions have reduced over the past decade but remain relatively uncommon due to concerns and opposition from the families of the persons involved. Mixed marriages

between Sunni and Shi'a couples are reportedly more common than mixed marriages between Arab and Kurdish couples.

3.45 DFAT assesses Iraqi laws and long-standing practices work to the benefit of the majority Muslim population and tend to discriminate against non-Muslims. The extent of this discrimination may vary by geographic area and may include violence or the threat of violence against members of religious minorities who do not adhere to Islamic standards of dress, for example.

Christians

3.46 The general decline in tolerance towards ethnic and religious minorities from majority communities in Iraq since 2003 has significantly affected Christians. Local sources report increased harassment and violence in areas where Christians are a minority, including Shi'a areas of Baghdad or in Basra. The Christian population has declined considerably since the March 2003 US-led invasion from a pre-2002 population estimate of between 800,000 and 1.4 million persons. According to Christian leaders, there are now fewer than 250,000 Christians remaining in the country, with the largest population – at least 200,000 – living in the Ninewah Plain and the KRI. According to estimates provided by Christian groups, the number of Christian families leaving Iraq daily ranged from 10 to 22 in 2018. Approximately 67 per cent of remaining Christians are Chaldean Catholics (an Eastern Rite of the Roman Catholic Church), and nearly 20 per cent are members of the Assyrian Church of the East. The remainder are Syriac Orthodox, Syriac Catholic, Armenian Catholic, Armenian Apostolic, and Anglican and other Protestants. There are approximately 2,000 registered members of evangelical Christian churches in the KRI, while an unknown number, mostly converts from Islam, practise the religion secretly.

3.47 A number of Christian denominations are recognised by the personal status law and thereby registered with the government (see paragraph 3.34). Recognition allows groups to appoint legal representatives and perform legal transactions such as buying and selling property. All recognised religious groups have their own personal status courts responsible for handling marriage, divorce, and inheritance issues.

3.48 In addition to the Christian denominations recognised by the federal government, the KRG has also recognised 11 evangelical and other Protestant denominations. Christian groups in the KRI may register separately with the Council of Iraqi Christian Church Leaders, an independent group formed by Christian church leaders that includes six evangelical Protestant churches. Registration with the Council of Iraqi Christian Church Leaders provides Christian churches and leaders with access to the KRG MERA and to the KRG's Christian endowment. Some religious leaders from established apostolic churches in the KRI and Ninewah Plains have expressed concern that the KRG MERA made it too easy for new Christian groups to become established in the KRI, and accused the new groups of damaging the churches' relationships with local Muslims by proselytising.

3.49 As the legal ban on alcohol consumption by Muslims prevents Muslim store owners from applying for permits allowing them to carry and sell alcohol, Muslim businesspeople reportedly sometimes use Christians (and other religious minorities) as fronts to apply for these permits and operate these stores. Despite having permits, Christians involved in the alcohol business report regularly receiving threats from some PMF groups and individuals opposed to the alcohol trade. In February 2018, several gunmen shot and killed a Christian man in front of his home in Baghdad. The man had reportedly received threats to stop selling alcohol near a Muslim neighbourhood.

3.50 Like other religious minority communities, Christians suffered greatly during the Da'esh occupation in northern Iraq, with many forcibly converted to Islam, abducted, raped and/or killed. Da'esh destroyed religious sites including, in January 2016, the 1,400 year old Monastery of Saint Elijah, the oldest Christian

monastery in Iraq. Most Christians attempted to flee Da'esh-controlled areas and many have sought safety outside Iraq. Some Christians have complained that the Peshmerga and other security forces took over homes and at least one town abandoned by Christians fleeing from Da'esh. Christians from the Ninewah Plains area who were forced to leave their homes during the Da'esh occupation have reported being prevented from returning to their homes by PMF groups. State protection in these circumstances is unlikely to provide adequate recourse.

3.51 DFAT assesses Christians belonging to recognised denominations face a low risk of official discrimination. Like other minorities, Christians face a moderate risk of societal discrimination and violence in areas where they are a minority. Those involved in the alcohol trade face a high risk of societal violence. Christians living in areas controlled by PMF groups are likely to keep a low profile to avoid negative attention, including through adopting *hijab*. Those living in areas where violence continues or who have been displaced face a risk of societal violence similar to that faced by other groups living in those areas or situations.

Sabean-Mandean

3.52 As of November 2017 (most recent available figure) there was an estimated population of less than 5,000 Sabean-Mandean in Iraq. The community is primarily located in the southern Marshes or on the two rivers, at al-Amara, Qal'at-Salih, Nasiriya, Suq al-Shuyukh and Qurna. There is also a small community in Baghdad. The electoral law reserves one seat in the Council of Representatives for a representative of the Sabean-Mandean community.

3.53 The Sabean-Mandean religion is a form of Gnosticism, descended from ancient Mesopotamian worship, with rituals that resemble those of Zoroastrian and Nestorian worship. John the Baptist is its central prophet, and Sabean-Mandean practise immersion in flowing water, symbolic of the creative life force, as an act of ritual purity. Sabean-Mandean faith bars the use of violence or the carrying of weapons.

3.54 The Sabean-Mandean community has reduced considerably in number from a high point of around 30,000 in the mid-1990s. The drainage of the Marshes during the Ba'ath regime destroyed the locus of the community, leading many to leave Iraq. After the March 2003 US-led invasion, Shi'a and Sunni militant groups targeted the community, accusing Sabean-Mandean of committing witchcraft, impurity and systematic adultery, and committing hundreds of killings, abductions and incidents of torture. Sabean-Mandean women were targeted for not covering their heads, while Sabean-Mandean goldsmiths, silversmiths and jewellers (traditional community occupations) were reportedly targeted for theft and murder at much higher rates than their Muslim counterparts. Sabean-Mandean were also affected by the rise of Da'esh after 2014, with many fleeing Da'esh-controlled areas to avoid forced conversions or death. The community reports experiencing discrimination and negative stereotyping in all aspects of public life, as well as being targeted for attacks and kidnappings. The departure of many Sabean-Mandean religious leaders from Iraq has also threatened the ability of the remaining community members to retain their rituals, and many have reportedly left the faith.

3.55 DFAT assesses Sabean-Mandean face a low risk of official discrimination. Like other minorities, Sabean-Mandean face a moderate risk of societal discrimination and violence in areas where they are a minority. Those living in areas controlled by PMFs are likely to keep a low profile to avoid negative attention, including through adopting *hijab*. Those living in areas where violence continues or who have been displaced face a risk of societal violence similar to that faced by other groups living in those areas or situations.

Yazidi

3.56 The Yazidi (also commonly spelt Yezidi) are a religious group concentrated in Sinjar, 150km west of Mosul. Their religion is distinctive and highly syncretic, influenced by beliefs and practices of Zoroastrianism, Islam and Christianity. The Yazidi are mainly impoverished cultivators and herders who have a strictly graded religio-political hierarchy and tend to maintain a more closed community than other ethnic or religious groups in Iraq. It is impossible to convert to being a Yazidi and marriage outside the community is forbidden. Some Yazidi identify as ethnically Kurdish, while others view themselves as having a distinct ethnic identity as Yazidi. The community speak the Kormanje dialect of Kurdish, but use Arabic as a liturgical language. Article 2 (2) of the Constitution explicitly protects the freedom of belief and practice of the Yazidi.

3.57 Yazidis have traditionally existed on the fringes of Iraqi society. During the Ba'ath era, repeated efforts were made to 'Arabise' the area around Sinjar Mountain (due to its strategic value), while religious extremists targeted the community in the years following the March 2003 US-led invasion. Yazidis also came under persistent pressure to assimilate with Iraqi Kurds, and abduction and forced marriage with members of Kurdish militia groups were particular risks for Yazidi women. Such marriages effectively sealed off these women from their families and communities as Yazidi beliefs prohibit marriage outside the religion, and those who undertake such vows, even under duress, thereby renounce their faith and must identify as Kurdish.

3.58 Prior to the rise of Da'esh, the Yazidi community numbered around 500,000. The advance of Da'esh into Sinjar in August 2014 led to the displacement of almost the entire Yazidi community and the capture, killing and enslavement of thousands. After Kurdish Peshmerga forces withdrew without warning, leaving the local population defenceless, an estimated 200,000 Yazidi civilians fled their homes. At least 50,000 headed to Sinjar Mountain, where they were trapped in the scorching summer heat for days without food or water. Those unable to escape or who attempted to defend their villages from Da'esh fighters were subsequently murdered or abducted, with large-scale massacres of Yazidi men and boys occurring in the villages of Qiniyeh, Kocho and Jdali. Thousands of Yazidi women and girls were abducted for the purpose of forced marriage or sexual slavery. Large numbers of women were subsequently transported to Syria to be sold or forcibly married to Da'esh fighters. Da'esh's treatment of the Yazidi minority has been labelled as genocide by the United Nations and several other international organisations. According to recent international estimates, around 6,800 Yazidi were kidnapped and around 3,100 killed during the Da'esh advance, primarily over a few days in early August 2014.

3.59 According to international observers, as of the end of 2019 only a small proportion of displaced Yazidi had returned to their homes. Many have chosen to stay in camps, primarily within the KRI, saying that the lack of a reconstruction plan and public services and general insecurity discouraged them from returning home. Ongoing residence within the camps has reportedly had an institutionalising effect upon many within the community, reducing their readiness to live outside the camps. As noted in [Stateless Persons](#), the Yazidi community has frequently forced Yazidi women who had children fathered by Da'esh fighters (through rape) to give up their children upon threat of expulsion from the community, causing further social dislocation within the community.

3.60 According to in-country sources, the highly visible and widely publicised nature of the Da'esh crimes against the Yazidi represents a test case for Iraqi authorities, who acknowledge the state's failure to provide protection to a segment of its citizenry. As a result, authorities are reportedly paying special attention to the Yazidi community through the provision of services that were not previously available, such as specialised education and primary health care. This targeted assistance has reportedly led to some resentment from other communities who were also targeted by Da'esh.

3.61 DFAT assesses Yazidi face a low risk of official discrimination. Like other minorities, Yazidi face a moderate risk of societal discrimination and violence in areas where they are a minority. Those living in areas where violence continues or who have been displaced, face a risk of societal violence similar to that faced by other groups living in those areas or situations. Yazidi women who have borne children of Da'esh fighters are likely to have to choose whether to give up their children or leave their community.

Kaka'i

3.62 The Kaka'i, also known as Ahl-e Haqq or Yarsani, are estimated by community members to number between 110,000 and 200,000 in Iraq. They live mainly southeast of Kirkuk and in the Ninewah Plains near Daquq and Hamdaniya, with others also based in Diyala, Erbil and Sulaymaniyah. They are generally considered to be Kurdish in ethnicity, speaking a dialect known as Macho, although there are also some Arabic-speaking communities. The Kaka'i are followers of a syncretic religion, which dates to the fourteenth century in western Iran and contains elements of Zoroastrianism and Shi'a Islam. Divisions within the Kaka'i community over whether they are a sect of Islam, or an independent religious group, have prevented the group from cementing its role in political life. Kaka'i men are easily identifiable by their characteristic prominent moustaches, which can make them vulnerable to harassment and discrimination.

3.63 The Constitution does not mention the Kaka'i religion. In 2015, however, the KRG's Ministry of Endowment and Religious Affairs recognised the Kaka'i religion for the first time, and the community now has a reserved seat on the Halabja provincial council. Kaka'is are recorded as Muslims on their identification cards, which some in the community reportedly prefer as a means of protecting them from discrimination.

3.64 As a result of the Ba'athist regime's Arabisation policies, many Kaka'is were forced off their lands and displaced to Sulaymaniyah, Erbil or southern Iraq. The government also destroyed Kaka'i villages along the Iranian border in order to create a security zone. Hundreds of Kaka'is living in Kirkuk were forcibly exiled to Iran, losing their nationality in the process. Following the rise of Da'esh in 2014, the Kaka'i religious identity made them, like other minorities, a clear target for the militant group. When Da'esh began its advance in northern Iraq, most Kaka'is living in villages east of Mosul fled to Erbil. Da'esh reportedly released statements threatening Kaka'is with death if they did not convert to Islam. Several villages were taken over by Da'esh, and the militant group also destroyed Kaka'i shrines in al-Hamdaniya district on the Ninewah Plains. In response, the Kaka'i formed their own armed forces, and one 600-member contingent was incorporated into the Kurdish Peshmerga.

3.65 Following the return of central government control in Kirkuk in October 2017, media outlets carried numerous reports of Iran-aligned PMF groups invading, looting and burning the houses of ethnic minorities, including the Kaka'i. According to the Kaka'i community in Daquq, Kirkuk Governorate, threats, attacks and assassinations have accelerated under PMF occupation of the area. In July 2018, an Iran-aligned PMF group operating east of Mosul reportedly detained and harassed a Kaka'i man until he agreed to sell his house to a PMF leader. In March 2018, the tomb of a Kaka'i religious leader in Daquq was destroyed by an explosion allegedly carried out by a PMF group. Kaka'i leaders have also reported that the central government's Shi'a Endowment has forcibly taken over several places of Kaka'i worship in Kirkuk and converted them into mosques. According to local news reports, in June 2020, Da'esh killed seven Kaka'is in Khanaqin, a territory disputed between the KRG and federal Iraqi authorities.

3.66 DFAT assesses Kaka'is residing outside the KRI face a moderate risk of official discrimination based on their lack of official recognition as a minority, which prevents them from being able to access opportunities available to other minority groups. Like other minorities, Kaka'is face a moderate risk of societal discrimination and violence in areas where they are a minority. Those living in areas where violence

continues or who have been displaced face a risk of societal violence similar to that faced by other groups living in those areas or situations.

Baha'i

3.67 There are approximately 1,000 Baha'is located across Iraq, including in Karbala, Baghdad and Sulaymaniyah. Baha'ism is a monotheistic faith founded in 19th-century Iran. Baha'i beliefs centre on the oneness of God and the unity of humankind, and they accept the validity of all the main world religions, believing them to be progressive revelations of divine truth. Baha'is avoid participation in partisan politics, which they view as contradictory to their religion's values of unity and brotherhood. Some Muslim leaders consider Baha'is to be apostates from Islam. Although Baha'is do not benefit from any recognition or special measures under the Constitution, the KRG's Ministry of Endowment and Religious Affairs recognises them as a religious minority.

3.68 The Baha'i were recognised as a religious community during Iraq's monarchical period. However, the *Ba'athist Law No. 105* (1970) prohibited the faith, while Rule No. 358 (1975) proscribed the recording of Baha'i as a religion in the civil status records. Consequently, unless they made false statements about their religious beliefs and denied their identity, the Baha'i could not acquire identity documents, passports, or birth, death and marriage certificates. Many Baha'is were imprisoned and sentenced to death during the Ba'athist era. The Ministry of Interior repealed Rule No. 358 in 2007, but Law No. 105 remains unrevoked and proscribes ten years' imprisonment for anyone practising the Baha'i faith. Authorities have reportedly cited the law and the *Law on Civil Affairs* (1959; amended 2017) which prohibits conversion away from Islam, as a justification to refuse to issue Baha'i identity documents, including to those who had previously obtained identity documents stating Islam as their religion. Without identity documentation, Baha'is cannot access rights and services related to citizenship such as education, property ownership and medical care. The majority of Baha'i marriages are not registered officially, so the children of such marriages cannot obtain identification.

3.69 Authorities confiscated Baha'i administrative buildings after the passing of Law No. 105, and have not returned them to the community. In July 2013, a Baha'i holy site in Baghdad was demolished in unclear circumstances, despite having heritage protection. A Shi'ite congregation hall is now built on the site. Authorities have not responded to Baha'i demands for the restitution of the site.

3.70 In December 2017, the Baha'i celebrated the bicentennial of the birth of their founder in a Baghdad ceremony attended by representatives of the parliament, the IHCHR, the United Nations Assistance Mission for Iraq (UNAMI) and civil society and media advocates. During the ceremony, which was the most prominent Baha'i activity in Iraq to date, speakers called for the repeal of Law No. 105 to bring the law into line with the Constitution. In December 2018, however, the Deputy Justice Minister expressed the government's commitment to retaining Law No. 105, stating that there could not be any religion above Islam since the Constitution set the tenets of Islam as a source of law.

3.71 DFAT assesses Baha'is face a high risk of official discrimination in that practising their faith makes them liable to be arrested and prosecuted. Like other minorities, Baha'is face a moderate risk of societal discrimination and violence in areas where they are a minority. Those living in areas where violence continues or who have been displaced face a risk of societal violence similar to that faced by other groups living in those areas or situations.

POLITICAL OPINION (ACTUAL OR IMPUTED)

3.72 Article 20 of the Constitution guarantees the right of Iraqi citizens (men and women) to participate in political affairs and to enjoy political rights, including the right to vote and run for office. Article 38 guarantees freedom of assembly, to be regulated by law, while Article 39 (1) guarantees the right to form and join associations and political parties. As noted in following sections, the extent to which these freedoms are respected is limited in practice.

GROUPS OF INTEREST

Persons Working (or Who Have Worked) with the International Community

3.73 A large number of Iraqis worked with the international community in the years following the US-led military invasion in 2003, particularly as translators for the international coalition and its military. Many were targeted during the insurgency period (2003-2006) by opponents of the military occupation: at least 60 translators who had worked for the United Kingdom were reportedly killed by 2007, along with many who had worked with the US military.

3.74 The threat to translators and others working with the international community reportedly reduced after the rise of Da'esh as all Iraqis redirected their attention toward the threat that Da'esh posed. However, translators and others working with the international community reportedly still face strong societal hostility, particularly in Shi'a areas. During increased US-Iran tensions in January 2020, Shi'a militia leaders vowed to target and kill Iraqi citizens who cooperated with foreign forces, describing them as enemies who will be 'eliminated'. DFAT is not aware of this threat being acted upon. Civil society activists and human rights defenders have also reported that they feel themselves to be at risk from 'known and unknown groups' in relation to their ongoing professional contact with international organisations, particularly the US Embassy and UNAMI. UNAMI reports there is a pattern of activists being forced into vehicles by armed and masked men in or around the vicinity of demonstration sites, and being interrogated, tortured and told to cease all participation in the demonstrations.

3.75 In-country sources report most Iraqis who work with the international community, particularly western militaries or embassies, take substantial measures to mitigate the risks they face. This includes concealing their employment from their families and communities, avoiding speaking foreign languages (particularly English) at home, changing clothing at work, avoiding appearing in work-related photographs, not travelling with documentation that would identify their international connections, and deleting contact information from phones.

3.76 DFAT assesses Iraqis working with the international community are likely to face strong societal hostility, particularly in Shi'a areas, that may include violence or the threat of violence.

Persons with Links to the Ba'ath Party

3.77 Between 1968 and 2003, membership of the Ba'ath party was a precondition for employment with the government. After the removal of the Saddam regime in 2003, the US-led transitional administration established a High Commission for De-Ba'athification to steer efforts to remove the influence of the Ba'ath Party. The de-Ba'athification process led to the dismissal of thousands of predominantly Sunni individuals from the public service and military. The *Accountability and Justice Act* (2008) established the High Commission for De-Ba'athification's replacement, the Accountability and Justice Commission. The Act

included measures to ensure that Sunnis, who dominated the Ba'ath Party, were not excluded from Iraq's governance processes, including by allowing some lower-level Ba'athists to return to government service. Most individuals dismissed under the previous regulations were entitled to access their pensions.

3.78 Article 7 (1) of the Constitution specifically prohibits the Ba'ath Party and the promotion of its symbols (along with entities or programs that promote or justify racism, terrorism, accusations of being an infidel or ethnic cleansing). However, Article 135 (5) states that mere membership in the dissolved Ba'ath party shall not be considered a sufficient basis for referral to court, and a member shall enjoy equality before the law and protection unless covered by the provisions of the de-Ba'athification mechanism and the directives issued according to it. Article 138 (3)(c) states that members of the Presidency Council must have quit the Ba'ath Party at least ten years prior to its fall.

3.79 According to in-country sources, most senior Ba'athists are now dead, in prison or have left Iraq. A broad societal consensus reportedly exists in Iraq that sanctions against the Ba'ath Party should not apply to former party members as individuals, based on a recognition that the dominance of the Ba'ath Party in all aspects of government forced millions of Iraqis to join the party. The passage of time and the turbulence of recent years has also reduced the level of societal hostility against Ba'athists, with many Iraqis too young to remember the Saddam era. However, DFAT is aware of reports that imputed association with the Ba'ath Party has been used as a threat on occasion against Sunni government workers, particularly in Shi'a majority areas of southern Iraq. Such incidents reportedly occur in relation to rivalries over promotions in government workplaces. DFAT is unable to comment on the prevalence of such incidents, or how seriously such allegations are taken.

3.80 DFAT assesses former Ba'athists whose involvement with the party did not extend beyond mere membership of the party are unlikely to face significant official or societal discrimination.

Civil Society Activists

3.81 Article 45 (1) of the Constitution states that the State shall seek to strengthen the role of civil society institutions, and to support, develop and preserve their independence in a way that is consistent with peaceful means to achieve their legitimate goals. The Ba'athist regime did not recognise civil society as a concept, and many of the functions of civil society were either repressed or incorporated into the state. The country witnessed a major opening up of civic space after the March 2003 US-led invasion, with thousands of new non-government organisations (NGOs) established and registered under *Coalition Provisional Authority Order Number 45 on Non-Governmental Organisations* (2003), which was subsequently replaced with the *Law on Non-Governmental Organisations* (also known as Law 12 of 2010).

3.82 The *Law on Non-Governmental Organisations in the Iraqi Kurdistan Region* (2011) governs NGO activities in the KRI. NGOs operating in the KRI require a separate registration. As a result, some NGOs registered only in Baghdad could not operate in the KRI, while those registered only in Erbil could not operate outside the KRI and KRG-controlled disputed territories.

3.83 While Law 12 of 2010 does not contain any significant barriers to entry, the Implementing Regulation passed by the Council of Ministers contains a requirement of mandatory registration for all NGOs. Human rights observers have reported that a coalition of Iraqi NGOs plans to challenge this provision in court. Further, Iraq's NGO Directorate now requires all aspiring organisations to obtain approval from the Supreme National Commission for Accountability and Justice before they register. Branches of foreign NGOs that seek to register in Iraq must provide a copy of the Iraqi nationality certificates and civil status identity cards of their Iraqi staff, as well as copies of the passports and residence documents of their foreign staff (Article 25 of Law 12 of 2010). This provision has been criticised as a barrier to the registration of foreign NGOs, which may have concerns about the security of their staff as a result of their identification

information being shared. The KRI NGO Department requires foreign organisations to renew their registration every year. As of September 2019, the Federal NGOs Directorate reported that it had registered 4,365 NGOs, including 158 branches of foreign organisations. The number of actual NGOs is believed to be much higher, however, with many conducting activities while unregistered. The extent to which authorities tolerate unregistered NGOs conducting activities is unclear, but is likely to depend on the nature of the activities being undertaken and their geographic location.

3.84 While initially most NGOs in Iraq were dedicated to humanitarian and relief efforts, they have since begun to focus on human rights and democratic development, including elections and constitutional reform. International observers report many human rights-focused NGOs are affiliated with political parties or with a particular sect, and have tended to focus their efforts along sectarian lines. Although the law prohibits NGOs from engaging in political activity, political parties or sects have substantially influenced many NGOs, including through controlling their funding.

3.85 According to the UN Development Programme (UNDP), the concept of civil society in Iraq faces numerous challenges, including operating in an environment of unconsolidated democracy, instability and obstructive centralisation, coupled with a lack of tolerance and cultural diversity. Persistent security threats severely impede the capacities and the role of NGOs, while there is a mutual lack of trust between NGOs and government, and a lack of understanding of the mutually reinforcing relationship between civil society and good democratic governance. NGOs also lack effective networks and provide inadequate reporting on their own activities. Consequently, the performance and impact of NGOs tend to be limited and their role is marginalised. NGOs in the KRI report that, although they are generally able to operate freely, the KRG tends not to be receptive to input or suggestions in relation to legislation or problem solving.

3.86 Many NGOs report that they face direct and indirect harassment and violence from armed groups in particular areas. Local NGOs are reportedly careful about where they display their logos, and locally engaged staff with international connections often do not disclose their employment within their local communities (see also Persons Working (or Who Have Worked) with the International Community). Local sources report that civil society activists advocating for the rights of Women, providing assistance to Persons with Perceived Affiliations to Da'esh, or attempting to work on politically sensitive 'red line' topics such as security, corruption and the failure of the government to provide adequate services, are at particular risk of attack. Many civil society activists have reportedly left Arab parts of Iraq, particularly to the KRI or Turkey, after receiving death threats. Paradoxically, in-country sources suggest that having a high profile offers some measure of protection to civil society activists, and those with lower profiles are more likely to come under threat.

3.87 DFAT assesses NGOs face a low risk of official interference, despite some occasional administrative over-regulation. However, civil society activists working on the 'red line' topics identified in paragraph 3.86 face a high risk of being targeted by armed groups, which may include violence or the threat of violence. Adequate state protection is unlikely to be available.

Protesters and Demonstrators

3.88 Article 38 (3) of the Constitution guarantees the right to peaceful demonstration, to be regulated by law. Regulations require protest organisers to request permission seven days in advance of a demonstration and to submit detailed information regarding the applicants, the reason for the protest and the participants. The regulations prohibit all 'slogans, signs, printed materials or drawings' involving sectarianism, racism or segregation of citizens. The regulations also prohibit anything that would violate the constitution or law; encourage violence, hatred or killing; or prove insulting to Islam or other religions. Human rights observers report authorities generally issue permits in accordance with the regulations. As noted in Security Situation,

large-scale protests have occurred regularly in cities and towns nationwide since 2018. A wave of nationwide protests commenced at the beginning of October 2019, with demonstrators expressing discontent at a system perceived as corrupt and untrustworthy, and with unacceptable influence from Iran and elsewhere. The protests were subjected to regular violence by various parts of the security forces, including masked men who were widely assumed to be from Iraq's many militias. Some protesters also committed violent acts. UNAMI has verified the deaths of 490 protestors and the injury of 7,783 others at demonstration sites since the start of the demonstrations in October 2019. In some cases, the cause of death was reportedly changed on death certificates to causes that did not implicate security forces.

3.89 In the first week of October 2019, security forces killed scores of protesters and injured many more when they dispersed protests by firing live ammunition and deploying tear gas and hot water cannons. After a second wave of protests began on 24 October 2019, security forces again met protesters with excessive force. On 25 October in Baghdad, anti-riot forces fired previously unseen types of tear gas grenades into crowds in a manner that witnesses said was intended to kill rather than disperse protesters. Human rights observers reported the grenades utilised by security forces were ten times heavier than regular tear gas grenades, and were reportedly fired directly into crowds of peaceful protesters at head height, killing almost instantly anyone hit by them. Security forces also used lethal or semi-lethal force to disperse largely peaceful protests in Karbala on 28 October, firing live ammunition and tear gas and attempting to run protesters over with vehicles. Security forces continued to use violence against protesters throughout November, particularly in Baghdad, Basra, Najaf and Nasiriya. During the night of 27 November in Najaf, at least 12 protesters were reported to have been killed in clashes with security forces after protesters stormed and torched the Iranian consulate in the city. The following night, various security forces attacked protesters in Nasiriya, killing at least 30 and injuring many others.

3.90 Human rights observers reported that authorities launched a coordinated campaign to end the occupation of city squares in Baghdad, Basra, Najaf and Nasiriya in late January 2020. The campaign followed an announcement by prominent Shi'ite cleric Moqtada al-Sadr that he was withdrawing his support for the protests, which had 'taken the wrong path'. Sadr subsequently said the protests needed to be 'cleansed'. Witnesses in the cities reported armed men in unmarked uniforms arrived in vehicles typically used by security forces and attacked protesters, beating and detaining people and burning their tents. There were numerous reports of security forces and militias firing live ammunition into crowds. A medic in Baghdad reported that his medical team transported 13 gunshot victims to hospital during the protests. There were numerous reports that armed militia groups had abducted and arbitrarily detained high profile demonstrators and activists (see also [Arbitrary Arrest and Detention](#)). Activists were reportedly often beaten, held incommunicado for several days, and then released. Human rights observers reported cases in which militias recorded the names of hospitalised protesters, presumably for potential later reprisal. Medical personnel also reported being threatened.

3.91 According to human rights observers, security forces (and factions of the PMF groups) systematically targeted anyone speaking out against the conduct of the security forces during the protests, including through arbitrary detention. In many cases, protesters were reportedly threatened, beaten, forced to sign pledges to cease protest activities and warned that they had been added to a list compiled by intelligence services before being released from detention. Security forces reportedly abducted dozens of protesters in the period between early October and December 2019 in several governorates, including in the cities of Baghdad, Amarah and Karbala, releasing most within days or weeks. Injured protesters were reportedly arrested from hospitals in Baghdad and Karbala, leading many others who were injured to avoid seeking medical help. Others targeted by security forces in this manner included lawyers representing the protesters, medics treating injured protesters and journalists covering the protests (see also [Media](#)).

3.92 An investigation ordered by the then-prime minister into the events of 1-7 October 2019 found excessive force by security forces had killed 149 protesters and eight members of security forces, with over

70 per cent of deaths resulting from shots to the head or chest. The investigation further found high-ranking commanders of security forces did not order the use of excessive force but lost control of their forces. A number of these commanders were removed from their positions. Prime Minister Kadhimi has stated one of his priorities is holding to account those who killed protesters in the anti-government protests. He has also taken other measures to allay the concerns of protesters, such as reinstating a popular general credited with playing a significant role in the fight against Da'esh; attempting to rein in some of the militia; committing to find a solution to Iraq's electricity crisis; and highlighting his efforts to hold early elections. The impact of these statements remains unclear as a result of COVID-19 dampening the protest movement.

3.93 Following reports that Turkish air strikes against targets in Syria had caused civilian casualties in January 2019, a number of protesters stormed a Turkish military base in Dohuk governorate in the KRI. Local media and activists reported that two protesters were killed in the incident. The Asayish (see [KRG Security Agencies](#)) subsequently arrested dozens of protesters, activists, journalists and individuals who may have been bystanders. Some were released on the same day, while others were charged and subsequently released on bail. The current state of cases against those charged is unclear.

3.94 A major series of protests occurred in Basra and other areas of southern Iraq between July and September 2018 over corruption and poor public services related to water and electricity (see also [Health](#)). According to media reporting, at least 15 people died in clashes with security forces. Local human rights organisations reported that government forces in some cases prevented the injured from receiving treatment at hospitals and detained members of civil society investigating the government's response to the protests.

3.95 DFAT assesses protesters and demonstrators face a high risk of being subjected to arrest or abduction, violence or the threat of violence from both state authorities and militia groups. This risk is higher for those identified or perceived as being in leadership positions, or those providing medical services to protesters or demonstrators.

Persons with Perceived Affiliations to Da'esh

3.96 A significant proportion of Iraq's 1.4 million IDPs are Sunni Arabs who are unable to return home due to 'perceived affiliations' with Da'esh. The UN uses the term 'families with perceived affiliations' to refer to a group that does not include people accused or suspected of extremism or committing a terrorism offence, but who are nevertheless stigmatised due to a tribal or family connection to a Da'esh supporter. In Iraqi culture, this could include anyone from a first degree to a sixth degree relative. Other factors that have led to a perception of affiliation include the timing of a decision to leave or remain in an area held by Da'esh, or the stage of the conflict when an IDP arrived in a particular camp. Some families have reportedly been falsely accused of being affiliated as a way of settling unrelated disputes between tribes.

3.97 Families with perceived affiliations face many of the same obstacles to returning home as do other IDPs, including destroyed residences, landmines and other unexploded ordnance, and lack of livelihood opportunities. They also face additional obstacles related to stigmatisation. Camps hosting these families generally lack basic services and dignity, with consistent reports of sexual exploitation and abuse. Many families have resided in the camps for years, enduring extremes of heat and cold, and receiving very limited humanitarian and government services. The children in the camps generally do not receive any education, and humanitarian agencies consider them to be at serious risk of radicalisation.

3.98 In a six-week period from August-October 2019, authorities conducted a campaign to close IDP camps through involuntary means and force IDPs to return to their respective areas of origin. Security forces removed at least 4,000 mainly Sunni Arab IDPs from camps in Ninewah Province via military convoys, while a further estimated 40,000 left camps in Ninewah and Salah al-Din provinces of their own volition in

anticipation of being forced out. These numbers represent an 11 per cent drop in overall camp IDP numbers in Iraq, and a 19 per cent drop in Ninewah, which is home to more camp-based IDPs than any other province. According to humanitarian agencies, the returns process did not comply with the Principled Returns Framework agreed by the government in 2018, which provided for safe, voluntary and dignified returns. Key concerns were that the IDPs were denied the option to remain or choose their onward destination; were given insufficient notice and little or no information about where they were being sent; were subjected to multiple security screenings; and had their identity documents confiscated. Agencies also reported families, including women, children and the elderly, being transported in the backs of trucks for more than 12 hours without food or water. The government has maintained that all returns have been voluntary and denied allegations of mistreatment.

3.99 Despite joint government and humanitarian efforts to facilitate the return of displaced persons to areas once held by Da'esh, local decrees and other preventative measures have reportedly prevented individuals and families with perceived Da'esh affiliations from returning home to some areas, including in Anbar, Diyala, Ninewah and Salah al-Din. There have also been reports of attacks against some families who have tried to return home. While reconciliation efforts are underway in some areas, they are protracted and complex, while in Ninewah, individuals and families with perceived Da'esh affiliations have claimed denial of access to humanitarian assistance, usually by community leaders. Lawyers providing legal services to individuals and families perceived to have Da'esh affiliations have reported that security forces have threatened and in some instances detained them for providing these services. A further complexity is that, as camp populations have declined through the camp closures, any families remaining in camps have been further stigmatised as being unquestionably affiliated with Da'esh.

3.100 Human rights observers report that authorities have denied security clearances (required to obtain a National Identity (ID) Card and all other forms of civil documentation) to individuals and families with a perceived affiliation to Da'esh, including on the grounds of the person's family name, tribal affiliation or area of origin. Denial of security clearances impacts on the individual's freedom of movement, right to education, right to work and right to apply for welfare benefits and obtain documentation necessary to inherit property or remarry. Denial of security clearances also prevents individuals and families from being able to make claims to the governmental commission to compensate Iraqis affected by terrorism, military operations and military errors; to bring court cases; or to challenge the seizure of property by security forces or other local families.

3.101 DFAT assesses persons with perceived affiliations to Da'esh face a high risk of official discrimination in that the denial of security clearances prevents them from being able to access government services and rights available to other Iraqis. Those living in areas where violence continues or who have been displaced face a risk of societal violence similar to that faced by other groups living in those areas or situations.

Media

3.102 Article 38 (2) of the Constitution commits the State to guaranteeing, in a way that does not violate public order and morality, freedom of press, printing, advertisement, media and publication. The law prohibits producing, importing, publishing, or possessing written material, drawings, photographs or films that violate public integrity or decency. The penalties for conviction include fines and imprisonment. Iraq has hundreds of publications and scores of radio and television stations, most of which are strongly influenced or controlled outright by political parties. Local media is active and expresses a variety of views, largely reflecting owners' political viewpoints. Television is the main medium for news. Almost all homes have a satellite dish, and there are dozens of Iraq-focused satellite TV networks. In the KRI, the major political parties reportedly give prioritised access to public information to the outlets they own, with outlets belonging to opposition parties or lacking party affiliation having limited access.

3.103 Despite the constitutional protection for freedom of expression, international observers report that journalists and other media figures face various forms of pressure and intimidation from authorities, making self-censorship the primary limitation on freedom of expression due to a credible fear of reprisals by the government, political parties, ethnic and sectarian forces, terrorist and extremist groups or criminal gangs. Several factors have combined to place considerable restrictions on freedom of expression, including a media environment in which press outlets are closely affiliated with specific political parties and ethnic factions, an opaque judiciary, and an evolving democratic political landscape. Conversely, public officials reportedly influence content by rewarding positive reporting through providing pro-government journalists with money, land, access to venues and other benefits, particularly to members of the pro-government Journalists' Syndicate.

3.104 Central government and KRG oversight and censorship has frequently interfered with media operations, resulting in the closure of media outlets, restrictions on reporting, denying access to public information and interference with internet service. Such interference is particularly prevalent during protests and demonstrations and other periods of social unrest. In July 2019, dozens of journalists staged a vigil in front of the Basra governorate building demanding the right to work free of intimidation and arrest in response to a threat from a military commander to arrest every journalist covering an unlicensed demonstration.

3.105 There were widespread reports of violence and threats of violence directed towards media covering the protests that began in early October 2019. In the early stages of the protests, the Baghdad offices of six television stations were ransacked, allegedly by elements of the PMF after the news outlets ignored a directive by the Communications and Media Commission to cease broadcasting footage of the protests. When a seventh station proved too well guarded to overrun, PMF elements reportedly bombed the building, damaging cars and other buildings in the area. By mid-October 2019, most international media outlets and many local journalists had departed Baghdad for Erbil and other parts of the KRI following reports that security forces were circulating a list of journalists and activists to arrest and intimidate.

3.106 According to media advocacy organisations, as at the beginning of March 2020 unidentified gunmen had killed at least six journalists across Iraq in relation to their work in covering the protests that began in October 2019. DFAT is not aware of any official investigations into the deaths of any of the murdered journalists. On 2 February 2020, several motorcycle gunmen reportedly opened fire on a TV presenter on a Baghdad street but failed to hit her. International observers have also reported a number of abductions of journalists and media figures in relation to the protests. Some of those abducted were released quickly. In October 2019, a member of the Iraqi Observatory for Press Freedoms (linked to the national journalists' union) was kidnapped from his home and released the next day, while in November 2019 a freelance photographer was released a few days after being kidnapped on his return from covering protests in Baghdad's Tahrir Square. In other cases, the whereabouts of those abducted remains unknown. On 9 March 2020, unidentified individuals forced the editor of the newspaper *Al-Sabah* into a car as he was leaving his home for work in Baghdad. The editor had posted a message on Facebook two days earlier expressing concern about the fate of a writer and owner of a publishing house who had been kidnapped in identical circumstances a month previously.

3.107 In November 2019, the Communications and Media Commission announced the suspension of nine television channels, with immediate effect, for a three-month period for violating broadcast regulations and 'inciting hatred and broadcasting from other countries'. The Commission also issued warnings to four other television channels, and announced the permanent closure of four radio stations. A few days after the commission's announcement, men displaying anti-terrorism brigade insignia reportedly stormed into one of the suspended television channel's Baghdad offices in order to force the channel's closure. The office of the President subsequently denied having ordered the raid, and said those suspected of carrying it out had been

arrested. In April 2020, Iraq temporarily suspended the license of the Reuters news agency after it published a story saying the number of confirmed COVID-19 cases was significantly more than the official numbers.

3.108 Media organisations have reported numerous cases where politicians, government officials, security services, tribal elements and business leaders have pressured organisations not to publish articles critical of them. There are regular reports of journalists being arrested and/or harassed to prevent them covering politically sensitive topics, including security, corruption and government failure to provide adequate services. In July 2019, for example, a judge in Basra ordered the search and arrest of a journalist after that journalist published a report on the misuse of public funds involving a fellow judge. The journalist later learned the raid was due to an 18-month old complaint filed against him by a state-owned airport taxi company. In September 2019, the government suspended the license of Al-Hurra Television after it showed an investigative report alleging corruption within the country's religious institutions, accusing the network of bias and defamation in its report. The station also received threats of violence following the broadcast.

3.109 According to media advocates, there were over 200 incidents of threats, harassment and legal action taken against journalists and media workers in the KRI in 2019, including reports of beatings, detentions and death threats. In some cases, those carrying out attacks on journalists and media workers were reportedly wearing KRG military or police uniforms. In July 2019, media advocates reported that KRG counterterrorism forces had severely beaten the head of the Al-Jazeera network in Erbil after his network had covered the fatal shooting of a Turkish diplomat in the city (see [Security Situation](#)). In October 2019, media advocates called for KRG authorities to clarify the circumstances in which a well-known television presenter, his wife (also a journalist) and their baby son died. Although the Sulaymaniyah police reported the death as a murder-suicide, a number of witnesses claimed that unidentified gunmen had opened fire on the family's car before fleeing, a version of events supported by video widely shared on social media networks showing the car riddled with bullets. KRG security forces arbitrarily detained numerous journalists attempting to cover protests in March 2019 by civil servants demanding unpaid wages.

3.110 Journalists in the KRI have also been subjected to defamation actions in relation to their work. In December 2019, authorities in Sulaymaniyah arrested a radio and television channel's director after the head of the University of Sulaimani filed a complaint under Article 9 of the KRG's Journalism Law alleging the channel's reporting on his academic work was inaccurate. Although the KRI's Journalism Law provides greater protection for freedom of expression than federal law, there have been cases in which KRI courts have applied the more stringent Iraqi criminal code in lawsuits involving journalists. In November 2019, for example, a court in Kalar, Sulaymaniyah governorate, sentenced the director-general of a radio station to a three-month suspended prison sentence and ordered him to pay a fine of approximately USD190 after he published an article critical of the KRG.

Internet Freedom

3.111 According to International Telecommunications Union statistics, as of 2018 an estimated 75 per cent of Iraqis had internet access. International observers report authorities regularly restrict or disrupt internet access. The government has acknowledged interfering with internet access in some areas of the country due to the security situation and Da'esh's disruptive use of social media platforms. International observers report social media posts on controversial topics sometimes result in retribution. Certain topics including corruption and, to a lesser extent, criticism of Iran, are considered off-limits.

3.112 When protests began in October 2019, authorities turned off access to 3G networks and Wi-Fi on multiple occasions across the country, excluding in the KRI. When access was restored, connectivity remained weak, making social media use and streaming difficult. In addition, slow speeds, or the 'throttling back' of internet access, greatly limited the ability of users to upload video and photographic content. Authorities also restricted access to social media platforms including WhatsApp, Twitter and Facebook during the protest period. Despite these restrictions, political figures and activists continued to use the

internet where possible to organise demonstrations through social media platforms. On occasion, authorities have instructed internet service providers to shut down the internet for two to three hours a day during school examination periods, reportedly to prevent cheating on standardised national exams.

3.113 Civil society organisations have expressed concern over a proposed *Law on Information Technology Crimes* (the ‘Cybercrime Law’) that they claim would considerably restrict online freedom of expression. Critics of the proposed law argue that its vaguely worded provisions – including acts ‘undermining the independence, the integrity and safety of the country’, ‘provoking sectarian strife’, or ‘harming the reputation of the country’ – provide excessive discretion to authorities, impeding the constitutional right to freedom of expression. The proposed law remains before parliament. Hackers have regularly sabotaged the websites of Iraqi institutions, including the pages of the Prime Minister and those of various governmental, ministerial and security agencies. In November 2019, a hacker posted a statement on the website of the Iraqi Counter Terrorism Service claiming that a military coup was underway in support of the ongoing protests. The statement remained on the website for nearly half an hour.

3.114 DFAT assesses journalists in all parts of Iraq are likely to self-censor their reporting to try to avoid reprisals from the government, political parties, ethnic and sectarian forces, terrorist and extremist groups or criminal gangs. Those attempting to report on the politically sensitive topics referred to in paragraph 3.108 face a high risk of censorship, defamation charges, violence or the threat of violence, or being shut down (in the case of media outlets). Ordinary citizens who make social media posts on controversial topics are also at risk of retribution, which may include violence or the threat of violence.

Women

3.115 Article 14 of the Constitution guarantees equality before the law without discrimination based on gender. Iraq is a State Party to CEDAW (see [Human Rights Framework](#)) but maintains reservations to: Article 2(f) and (g), which call on states to modify or abolish existing laws and penal codes that discriminate against women; Article 9, which requires equal rights regarding changes and transfers of nationality; Article 16, which concerns the elimination of discrimination in marriage and family relations; and Article 29, paragraph 1, with regard to the principle of international arbitration on the interpretation or application of the convention. Iraq has not ratified the Optional Protocol to CEDAW, and is therefore not reporting to the CEDAW Committee. The government abolished the Ministry of Women’s Affairs in 2015 during budgetary reforms. The Council of Ministers’ Women’s Empowerment Directorate is now the lead government body on women’s issues. The KRG maintains a High Council of Women’s Affairs and a Women’s Rights Monitoring Board to enforce the law, and prevent and respond to discrimination.

3.116 Years of repression due to a strong conservative culture, loss of access to basic services and armed conflicts have led to deterioration in the lives of women. Violence and a lack of security and stability largely constrain Iraqi women to traditional family roles, limiting their access to employment and education. Around 28 per cent of women are illiterate, more than double the rate for men. Women are reportedly almost entirely absent from security bodies. Iraq ranked 120th out of 195 countries reviewed in the 2019 UN Gender Inequality Index and 152nd out of 153 countries in the 2020 World Economic Forum Global Gender Gap Report.

3.117 Article 49 (4) of the Constitution states that the elections law shall aim to achieve a minimum 25 per cent representation for women in parliament. The quota has succeeded in giving women some level of representation – before its introduction, women occupied less than 2 per cent of seats in parliament. Observers have noted, however, that many political parties have manipulated the spirit of the law by enrolling women on party lists who are not qualified for parliamentary work, and who are more loyal to their lists, sects or ethnic groups than the nation. Some have also suggested the quota is degrading to Iraqi

women because it suggests women cannot get votes on their own merit. Female electoral candidates have been subjected to gender-based intimidation and abuse – a candidate withdrew from elections in 2018 after a video was circulated on social media purporting to show her in bed with a man. Women’s activists report women remain excluded from influential positions – most Iraqi cabinets have been all-male, although the government formed in May 2020 includes two female ministers, the Minister for Construction and Housing and the Minister for Migration and Displacement. Attempts by activists to convince the government to reinstate a Ministry of Women’s Affairs have been unsuccessful to date. The current KRG includes two women ministers out of 27.

3.118 Only 14 per cent of women are working or actively seeking work compared to 73 per cent of men, and 21 per cent of active females are unemployed compared to 11 per cent of active males. The percentage increases to 27 per cent for young women and is significantly higher in urban areas than in rural areas, where women are mainly employed in the agricultural sector. Throughout Iraq (including the KRI), the overwhelming majority of employed women (94 per cent) are in the public sector, primarily in the public finance, education and banking sectors. Women reportedly choose to work for the public sector because of the stability it brings, and because labour law rights are not guaranteed or enforced in the private sector. Women in Iraq face a range of obstacles to greater participation in the private sector, including: economic barriers to participation; access to health; legal rules and processes; public participation and representation in decision-making forums; crime and lack of security. Cultural and social obstacles are the other main driving factors preventing women from working in the private sector, such as restrictions on movement and the necessity of having to obtain consent from a male relative to work.

3.119 Iraqi women head approximately one in 10 households – 80 per cent of these female heads of households are widows, divorced, separated or caring for sick spouses. This group tends to be more exposed to poverty and food insecurity because of lower overall income levels, and is particularly disadvantaged in terms of access to education, employment and adequate shelter. According to international organisations, only 2 per cent of female heads of households are employed and have a steady salary, while a further 6 per cent work informally and do not have a regular income.

3.120 As noted in Religion, Article 2 (1) of the Constitution states that Islam is the official religion of the State, while Article 41 permits each religious group to govern its own personal status matters. As a result, the situation of women very much depends on the implementation of Islamic law and on the priorities and interpretations of male-led religious authorities. In practice, criminal, family, religious, personal status, labour and inheritance laws all discriminate against women. In some cases, a woman’s testimony in a court of law is judged to be worth half that of a man. Since May 2018, however, public prosecutors in the KRI have accepted the testimony of women in court on an equal basis with that of men. In all religious communities, male heirs must provide financial support to female relatives who inherit less. While the law provides women and men equal rights in owning or managing land or other property, cultural and religious norms tend to impede women’s property rights, particularly in rural areas.

3.121 The law generally allows women to initiate divorce proceedings against their spouses, but does not entitle a divorced woman to alimony other than child support or two years’ financial maintenance in some cases. A divorcing woman is occasionally required to return all or part of her dowry or otherwise pay a sum of money to the husband. Under the law, the father is the guardian of the children in divorce cases, although a divorced mother may be granted custody of her children until age 10 (extendable by a court until age 15), at which time the child may choose with which parent he or she wishes to live. KRG law allows women to set as a prenuptial condition the right to divorce her husband, beyond the limited circumstances allowed by federal law, and provides a divorced wife up to five years’ alimony beyond childcare.

Violence Against Women

3.122 Ongoing armed conflict in Iraq has led to the violent deaths of approximately 14,000 women since 2003, while a further 5,000–10,000 women and girls are estimated to have been abducted or trafficked for sexual slavery, prostitution or ransom. In addition to the women killed in bombings, shelling and air attacks on civilian areas in Iraq, women have been deliberately targeted for assassination by both pro- and anti-government militias across the country. The fighting in Iraq has generated mass population displacement and created tens of thousands of widows and female-headed households, escalating women's vulnerability.

3.123 Gender-based violence is common in Iraq, and human rights observers report that domestic violence remains a pervasive problem throughout Iraqi society. According to the UN Population Fund, 46 per cent of married Iraqi women have been exposed to at least one form of spousal violence. Efforts to prosecute perpetrators are hampered by a lack of trained police and judicial personnel, while legal personnel who seek to pursue domestic violence cases are reportedly likely to be subject to harassment. A lack of applicable legislation also presents problems: although Article 29 (4) of the Constitution specifically prohibits all forms of violence and abuse in the family, Article 41 of the Criminal Code stipulates that men may discipline their wives and children 'within certain limits prescribed by law or by custom'.

3.124 There are fears COVID-19 has created the conditions for increased domestic violence in Iraq. In May 2020 the UNPFA advised that 65 per cent of domestic violence prevention service delivery points reported an increase in gender-based violence by family members. The same report indicated 123 gender-based violence-related suicide attempts in three weeks.

3.125 There is no law at the federal level criminalising domestic violence, and attempts to pass such a law have been stymied by opposition from conservative political parties and religious groups. Human rights observers have noted the draft anti-domestic violence law currently being considered by parliament fails to address significant problems, including enabling NGOs to run women's shelters and repealing Article 41 of the Criminal Code. The draft law also contains problematic provisions, including a preference for families to address violence through 'reconciliation committees' rather than through prosecution, which means in practice affected women would likely be returned to their abuser. KRG law criminalises domestic violence, including physical and psychological abuse, threats of violence and spousal rape. The KRG maintains a special police force to investigate cases of gender-based violence and a family reconciliation committee within the judicial system. NGOs report, however, that gender-based violence remains a common occurrence within the KRI. In most areas, there are few or no publicly-provided women's shelters, information services or support hotlines, and little or no sensitivity training for police. While NGOs are not explicitly prohibited from running shelters for victims of gender-based crimes, national law allows the Ministry of Labour and Social Affairs to determine if shelters remain open. NGOs report communities often view shelters as brothels and either ask the government to close them or occasionally attack them. To appease community concerns, authorities often close shelters, only to allow them to reopen in another location later. NGOs operating unofficial shelters face legal penalties for operating them without a license. In the absence of shelters, authorities often detain or imprison sexual harassment victims for their own protection. Some victims, without alternatives, reportedly become homeless. In the KRI, four KRG Ministry of Labour and Social Affairs-operated shelters and one privately-operated shelter provide some protection and assistance for victims of gender-based violence and human trafficking. However, space is limited and service delivery poor. Authorities generally focus on family reconciliation rather than offering legal remedies to victims.

3.126 Article 393 of the Criminal Code criminalises rape and sexual assault of women, men and children, defining it as 'sexual intercourse with a female without her consent or...buggery with any person without their consent'. Several aggravating circumstances can increase the penalty, including if the victim is a minor, if the offender is a relative or guardian or has authority over the victim (such as being a teacher), if the victim was a virgin, and if the crime is committed by multiple offenders or occurs multiple times. Although consent

is central to the definition of the crime, the law does not define, clarify, or otherwise describe consent, leaving the term up to judicial interpretation. The law also does not specifically criminalise spousal rape. Penalties for rape are up to 15 years' imprisonment, or life imprisonment if the victim dies.

3.127 Article 398 of the Criminal Code requires authorities to drop a rape case if the perpetrator marries the victim, with a provision providing that the rape prosecution will resume if the husband divorces the victim within the first three years of marriage. Human rights observers report victims' families sometimes agree to this arrangement to avoid the social stigma attached to rape. There are no reliable estimates of the incidence of rape or information on the effectiveness of government enforcement of the law. However, humanitarian protection experts report that conditions in IDP camps are highly conducive to sexual exploitation and abuse. An April 2018 Amnesty International report found that women in IDP camps with alleged ties to Da'esh were particularly vulnerable to abuse, including rape by government forces and other IDPs.

3.128 Article 394 of the Criminal Code prohibits sexual relations outside marriage. Penalties include fines of up to IQD30 (AUD0.03), or imprisonment (not to exceed three months in the case of a first time offender) or both. However, the law provides relief from penalties if unmarried participants subsequently marry. The *Iraqi Labour Law* (2015) prohibits sexual harassment in the workplace, and any other behaviour that is offensive or results in intimidation or hostility in the work environment. There is no law prohibiting sexual harassment more generally. While there are no recent statistics available, a 2015 survey by the Iraqi Women's Journalists Forum found eight in 10 women suffered some form of sexual harassment. Refugees and IDPs report regular sexual harassment, both in camps and cities in the KRI.

3.129 So-called 'honour killings' remain a serious problem nationwide. A provision of the Criminal Code limits a sentence for conviction of murder to a maximum of three years' imprisonment if a man is on trial for killing his wife, girlfriend, or a female dependant due to suspicion the victim had been committing adultery or having sex outside of marriage. UNAMI has reported several hundred women die each year from honour killings, with some families reportedly arranging honour killings to appear as suicides. The KRG reported 16 cases of honour killings in the KRI in the first nine months of 2019. The KRG has reportedly begun prosecuting murders of women, including by honour killings, as homicides, meaning culprits are subject to penalties up to and including the death penalty. The KRG Ministry of Interior Directorate General of Combating Violence against Women confirmed sentences in such cases have sometimes reached 20 years' imprisonment.

3.130 Despite being prohibited in KRI law, human rights observers report the practice of female genital mutilation/cutting (FGM/C) persists in rural areas of the KRI, particularly in rural areas of Erbil and Sulaymaniyah governorates, as well as in the Kirkuk Governorate and among refugee communities. A 2016 survey (most recent data available) found almost 45 per cent of women surveyed in the KRI had been subjected to FGM/C, a decrease from previous years. NGOs attribute the reduction in FGM/C to the criminalisation of the practice and sustained public outreach activities.

3.131 The consent of both spouses is needed for a marriage to be legal, and the legal age of marriage is 18 years for both men and women (but with parents' consent and judicial permission the age can be lowered to 15 years). Forced marriage is forbidden by law. Human rights observers have reported, however, that women and girls are subject to sexual exploitation through so-called 'temporary marriages', under which a man gives the family of the woman or girl dowry money in exchange for permission to 'marry' her for a specific period. Destitute IDP families living in camps are reportedly particularly vulnerable to this form of exploitation. NGOs have reported some families have opted to marry off their underage daughters in exchange for dowry money, believing the marriage to be genuine, only to have the girl returned to them later, sometimes pregnant. Human rights observers have also reported the traditional practice of *fasliya*,

whereby family members (including women and children) are traded to settle tribal disputes, remains a problem, particularly in southern governorates.

3.132 DFAT assesses the majority of Iraqi women, regardless of ethnicity or socio-economic status, face a high risk of official discrimination and a high risk of societal discrimination. Long-standing traditional values and gender roles continue to restrict significantly the participation of women in the community and workforce, in both the public and private sectors. DFAT assesses Iraqi women and girls face a high risk of gender-based violence, including sexual assault and domestic violence, while Iraqi girls face a high risk of being forced into early or involuntary marriage. Iraqi women working to advocate for women's rights face a high risk of violence, including targeted killings.

Sexual Orientation and Gender Identity

3.133 The Constitution and law do not extend anti-discrimination protections to lesbian, gay, bisexual, transgender and/or intersex (LGBTI) individuals based on their sexual orientation or gender identity. While the law does not criminalise consensual same-sex sexual conduct between adults, Article 394 of the Criminal Code prohibits sexual relations outside marriage, thus effectively criminalising all same-sex sexual activity given there is no provision for same-sex marriage. Authorities have used public indecency or prostitution charges to prosecute cases of consensual same-sex sexual activity (these charges are also used to prosecute heterosexual persons involved in sexual relations with anyone other than their spouse).

3.134 In addition to legal constraints, local and international groups report there is little to no societal understanding or acceptance in any part of Iraq towards consenting adults who consciously embrace same-sex attraction or alternative gender identity as a key part of their personal identity. Individuals perceived to be LGBTI often face abuse and violence from within their families and communities and may face denial of services, including health care. LGBTI individuals often do not report abuse for fear of further victimisation or acts of discrimination or violence that may result from them admitting their sexuality or gender orientation. The low levels of personal and financial autonomy for Women mean it is difficult for lesbians to have primary relationships without men. Transgender women are at particular risk due to their higher visibility. According to NGOs, Iraqis who experienced severe discrimination, torture, physical injury, and the threat of death on the basis of real or perceived sexual orientation, gender identity and expression, and sex characteristics have no recourse to challenge those actions via courts or other state protection agencies.

3.135 A number of perceived gay men or transgender individuals were murdered during the Da'esh occupation, including through being thrown from buildings. Human rights organisations report armed gangs in both Shi'a and Sunni areas have harassed and attacked LGBTI individuals, particularly men perceived to be effeminate. In 2017, a prominent actor was abducted, stabbed and tortured to death, reportedly for 'looking effeminate'. According to in-country sources, Shi'a militias would kill any openly LGBTI individual residing in their area.

3.136 Human rights observers reported that in May 2019, the Kirkuk police ordered its officers to prevent youth from wearing skinny jeans in public places, to arrest violators, and to monitor and observe cases of what it called 'youth effeminacy'. In August 2019, Anbar police arrested numerous youth wearing skinny jeans in public places, then began to arrest those who objected to the security decision on social media platforms, including an activist who was placed in Al-Khalidiya prison.

3.137 In April 2019, an LGBTI advocacy group reported the killing of a transgender woman in Basra who was killed by her extended family after they discovered her hormone drugs. In late August 2019, another transgender woman was found shot dead outside Baghdad. The victim had originally gone missing in late April after receiving numerous death threats.

3.138 In-country and media sources report a relatively more open environment for LGBTI individuals in the KRI. In April 2018, authorities granted permission for a local group to put up murals in Sulaymaniyah designed to raise awareness of the rights of LGBTI individuals and encourage societal dialogue. However, a KRI-based human rights NGO director reportedly told international human rights observers that members of his staff refused to advocate for LGBTI human rights based on their misperception that LGBTI individuals were mentally ill. Informal organisations reportedly occasionally hold meetings elsewhere in Iraq, outside the KRI, to enable LGBTI individuals to interact, although such meetings are deeply clandestine.

3.139 When the EU Mission to Iraq raised a rainbow flag in its compound (co-located with the UK Embassy) in May 2020, accompanied by a tweet (supported by the UK and Canada) to mark International Day Against Homophobia, Biphobia, Intersexism and Transphobia, Iraq's Ministry of Foreign Affairs (MOFA) protested strongly. Following considerable public backlash and the MOFA statement, the tweet was removed from social media. According to an Iraqi LGBTI NGO, an uptick in violence against the community followed the incident, with nine LGBTI people killed in just two months. DFAT assesses LGBTI individuals face a high risk of official discrimination in the form of arrest, and a high risk of societal discrimination that is highly likely to include violence or the threat of violence. This risk may be lower in some parts of the KRI.

Children

3.140 Article 29 (1)(b) of the Constitution commits the State to protecting and caring for children and youth, and to providing them with appropriate conditions to develop their talents and abilities, while (3) prohibits all forms of economic exploitation of children. Article 30 (1) guarantees children's social and health security, the basic requirements for living a free and decent life, and a suitable income and decent housing. The minimum age for employment is 15 throughout the country. The law limits working hours for persons younger than 18 to seven hours a day, and prohibits employment in work detrimental to health, safety or morals of anyone younger than age 18. Penalties for breaching the law include imprisonment for between 30 days and six months, and a fine of up to IQD 1 million (AUD1,240), to be doubled in the case of a repeat offence.

3.141 Despite these constitutional and legal protections, human rights observers report child labour is common across Iraq, particularly among IDP and refugee children. The KRG Ministry of Labour and Social Affairs estimated in 2018 that 1,700 children worked in the KRI, often as street vendors or beggars. However, a human rights organisation reported in September 2018 that they had found approximately 2,000 children begging in Erbil Governorate and almost 500 begging in Sulaymaniyah Governorate alone. Although the Ministry of Labour and Social Affairs has taken actions to combat child labour, including undertaking workplace inspections, analysts report that capacity constraints limit their effectiveness.

3.142 There have been ongoing reports concerning the recruitment of children by various militia groups. The UN Task Force on Children and Armed Conflict reported it was aware of the recruitment of 296 children (including nine girls) from July 2015 to July 2019, more than half of whom were recruited by Da'esh. The Task Force also noted at least 778 children remained detained as of June 2019 due to their actual or alleged association with Da'esh (see also [Persons with Perceived Affiliations to Da'esh](#)). Human rights observers have also reported some PMF units in the southern Governorates of Najaf and al-Qadisiyah have engaged in child recruitment and sponsored military training camps for high school students under the age of 18; the Kurdistan Worker's Party (PKK) People's Defence Forces (HPG) and Shingal Resistance Units (YBS) Yazidi militia operating in Sinjar, Ninewah Governorate, and the KRI continued to recruit and use children; and some Iran-aligned PMF groups, particularly Asa'ib Ahl al-Haq (AAH) and Harakat Hezbollah al-Nujaba (HHN), continued recruiting males younger than age 18 to fight in Syria and Yemen.

Persons with Disabilities (PWDs)

3.143 Iraq is a State Party to CRPD (see [Human Rights Framework](#)). Article 32 of the Constitution commits the State to caring for the ‘handicapped’ and those with special needs, and to ensuring their rehabilitation to reintegrate them into society. The Ministry of Labour and Social Affairs leads the Independent Commission for the Care of People with Disabilities, while the KRG Ministry of Labour and Social Affairs leads a similar commission in the KRI.

3.144 Iraq has one of the world’s highest rates of PWDs. While the WHO estimates 10 per cent of persons worldwide have a disability, disability advocates estimate that anywhere up to one-third of Iraqis have some form of physical or psychological disability. Long-running war and conflict have contributed to the high number of PWDs in Iraq, including through both battlefield injuries, terrorist attacks and the legacy of mines and other explosive devices. Other factors include abnormal births caused by uranium-enriched weapons used during the 1990 and 2003 conflicts; chronic diseases made worse by the lack of access to medicine caused by the long-running economic sanctions regime (see [Recent History](#)); a high rate of traffic accidents; and chronic disease. As noted in [Health](#), a significant proportion of the population suffers from a mental health or psychological disability.

3.145 Under Iraqi legislation, there is a 5 per cent public-sector employment quota and a 3 per cent quota in the private sector for persons with disabilities (PWDs). The requirements of PWDs must be taken into account in relation to building design and project implementation. PWDs are exempt from taxation of 10 per cent of their income, and are entitled to soft loans and monthly cash benefits proportional to their disability needs. Full-time carers who are not public servants receive a monthly salary equivalent to the minimum public service wage. Any citizen applying to receive disability-related government services must first receive an evaluation.

3.146 Despite the constitutional and legal protections, and the high rate of Iraqis either with a disability or with a personal connection to a PWD, in-country sources report there is little understanding or awareness at either an official or societal level of the challenges and needs faced by PWDs. Negative attitudes and accessibility challenges continue to limit the extent to which PWDs are able to participate in the workplace and in general society. Stigma, distance and access reportedly prevent many PWDs from registering for benefits.

3.147 Discrimination against PWDs is reportedly highly prevalent in educational settings. A 1950s law still on the books reportedly requires deaf children to leave school after the fourth grade, while other laws and practices prevent those with other forms of disability from accessing education at all levels. In one case, a primary school principal reportedly refused to enrol a child with disabilities because the child ‘would frighten the others’. Other constraints to education include a lack of appropriate learning materials in schools and a shortage of teachers qualified to work with children with developmental or intellectual disabilities.

3.148 Women with disabilities face particular stigma, with their disability widely perceived as them ‘bringing shame on their family’. Many are not permitted to leave the house or to be seen by outsiders. Women with intellectual disabilities or mental health issues are at extremely high risk of gender-based violence or sexual abuse. The families of women with physical disabilities reportedly refuse to allow them to be seen by male technicians at factories producing prosthetics, thus preventing them from accessing equipment that would enable them more freedom of movement. The equipment available to those with physical disabilities (such as wheelchairs, crutches and sticks) is reportedly of a very low standard and limited shelf life.

3.149 Disability advocates allege the process by which authorities decide which PWDs should receive the limited assistance available is highly politicised. In-country sources report anyone who suffers a debilitating injury while serving with a PMF is ensured of receiving support, whereas those who received their injuries



fighting against Iran in the 1980s Iran-Iraq conflict are at risk of losing their benefits. In July 2018, a group of PWDs reportedly burned their wheelchairs in front of the Kurdistan Regional Parliament to protest the alleged discriminatory manner in which the KRG commission approved or denied benefits to PWDs.

3.150 DFAT assesses PWDs in all parts of Iraq face a moderate risk of official discrimination, particularly in educational settings, and are unlikely to receive sufficient support from government to enable them to participate fully in society. PWDs face a high risk of societal discrimination that may include violence or sexual abuse, particularly women with intellectual disabilities or mental health issues.

4. COMPLEMENTARY PROTECTION CLAIMS

ARBITRARY DEPRIVATION OF LIFE

Extrajudicial Killings

4.1 Human rights observers report extrajudicial killings occur frequently in Iraq, often in conjunction with enforced disappearance (see following section). A range of government and non-government actors have reportedly been responsible for such killings, including government and KRI security forces, PMF groups and non-state actors, particularly Da'esh. Those targeted have included (but are not limited to) persons involved in protest activity (see [Protesters and Demonstrators](#)), prominent female civil society activists (see [Civil Society Activists](#)), military and political leaders, including tribal sheikhs, judges and lawyers (see [Judiciary](#)), [Persons with Perceived Affiliations to Da'esh](#), and LGBTI individuals (see [Sexual Orientation and Gender Identity](#)).

4.2 In her report to the UN Human Rights Council's 38th session in June-July 2018, the Special Rapporteur on extrajudicial, summary or arbitrary executions found Da'esh had executed numerous persons living in areas under their control following sentences issued by their self-appointed courts, including by beheading, hanging, stoning, drowning, shooting, burning and throwing persons off buildings. Particular targets included local leaders, members of religious and ethnic minorities, members of certain professions (in particular female teachers and doctors), as well as media professionals, LGBTI persons, persons caught smoking or not praying correctly and anyone associated with the Government of Iraq. Executions were often preceded by [Enforced or Involuntary Disappearances](#), and perpetrators included children, who, following indoctrination, were forced to function as executioners. The remains of those executed were often put on public display as a warning to others not to oppose Da'esh.

4.3 The Special Rapporteur also reported Da'esh committed mass killings of civilians as part of its combat strategy, including by using them as human shields during fighting. On at least one occasion, Da'esh declared residents of areas retaken by government security forces were 'legitimate targets', accompanied by systematic and direct attacks on civilians. Methods of attacks on civilians by Da'esh included shelling, mortar rounds, sniper fire, landmines, car bombs and explosives dropped from drones. In addition, there are reports Da'esh may have employed weaponised chemical agents (chlorine and mustard gas) during attacks in and around Mosul.

4.4 In May 2018, the UN appointed a special adviser and head of the Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD), established pursuant to UN Security Council resolution 2379 to support domestic efforts to hold Da'esh accountable. UNITAD is tasked with collecting, preserving and storing evidence in Iraq of acts that may amount to war crimes, crimes against humanity and genocide committed by Da'esh. In November 2018, a joint UNAMI-OHCHR report documented 202 mass grave sites from the Da'esh occupation, including 95 in Ninewah, 37 in Kirkuk, 36 in Salah al-Din and 24 in Anbar. An estimated 6,000 to more than 12,000 victims are buried in the mass graves. The first exhumation of a mass grave site by UNITAD took place in a village outside Sinjar in March 2019.

Enforced or Involuntary Disappearances

4.5 Iraq is a State Party to CPED (see [Human Rights Framework](#)). Article 12(1)(i) of the *Iraqi High Criminal Court Law* (2005) criminalised enforced disappearance as a crime against humanity, although only in relation to offences committed between 1968 and 2003. Iraq's legislation currently does not expressly criminalise enforced disappearance, although a draft law is in the consultative stage. Human rights observers have criticised the draft law for limiting its scope to direct victims and perpetrators, rather than including 'any individual who has suffered harm as a direct result of the enforced disappearance' as outlined in CPED, and for failing to define enforced disappearance as a crime against humanity. The draft law also fails to identify which courts should have jurisdiction in enforced disappearance cases, does not explicitly exclude the use of military courts, and does not explicitly exclude the application of a statute of limitations.

4.6 The International Committee of the Red Cross has reported Iraq has the highest number of missing persons anywhere in the world. According to the International Commission on Missing Persons, between 250,000 to 1 million people remain missing from decades of conflict and human rights abuses. Very few cases have been resolved. The Iraqi Supreme Criminal Tribunal convicted a number of former senior Ba'athist officials for enforced disappearance, although the number of perpetrators convicted and the number of victims involved remains unclear. In 2015, the UN Committee on Enforced Disappearance recommended Iraq establish a database to document information regarding cases of enforced disappearances. Although the draft law does provide for the establishment of such a database, it is vague in articulating what information ought to be catalogued and does not provide for the right of relatives and legal counsel to seek, receive and impart information as protected under the CPED.

4.7 Human rights observers report authorities and [Popular Mobilisation Forces \(PMF\)](#) systematically carry out enforced disappearances, particularly in the context of counter-terrorism operations. Those disappeared are overwhelmingly Sunni males, including children as young as nine. During the fight against Da'esh, the Hezbollah Brigades PMF reportedly arrested and disappeared hundreds of men passing through the al-Razaza Checkpoint, the main crossing point between Anbar and Karbala Provinces. In April 2019, human rights groups submitted to the UN Committee on Enforced Disappearance for urgent action the case of 192 IDPS who were arrested at the checkpoint on a single day in October 2014, all of whom remain unaccounted for. According to Amnesty International, central government and KRG forces were responsible for the forced disappearance of thousands of men and boys since 2014, particularly around Mosul. A September 2018 HRW report documented 74 specific cases of men and four cases of boys reportedly forcibly disappeared by government forces, primarily PMFs, between April 2014 and October 2017.

4.8 International human rights observers report Da'esh bears responsibility for most recent attributable disappearances and abductions. For example, the Mosul Police reported in late 2018 that approximately 11,000 civilians were still missing from the city from the time of its occupation by Da'esh. Human rights observers believe most of those missing have been murdered (see previous section).

4.9 In-country sources have reported cases of activists being kidnapped in relation to their protest activities, allegedly by authorities or militias (see also [Protesters and Demonstrators](#)). In most cases, those detained are quickly released and it is not always clear whether such incidents constitute enforced disappearance.

Deaths in Custody

4.10 Authorities do not publish information in relation to custodial deaths. International observers describe prison and detention centre conditions as harsh and life-threatening (as outlined in [Detention and Prison](#)). Human rights organisations report that both Ministry of Interior and Ministry of Defence personnel

have tortured detainees to death. For example, HRW reported in August 2018 that at least three individuals died from torture in the Mosul Police Station and Faisaliya Prison in east Mosul (see also [Torture](#) and [Arbitrary Arrest and Detention](#)).

DEATH PENALTY

4.11 Article 15 of the Constitution permits deprivation of the right to life in accordance with the law and based on a decision issued by a competent judicial authority. The death penalty is mandated as a sentence in murder and other criminal offences resulting in death, including arson, rape, robbery, and kidnapping; and can also be used in cases involving drug trafficking, prostitution, espionage, treason, and sabotage. The *Anti-Terrorism Law* (2005) allows for the use of the death penalty for anyone who commits, incites, plans, finances, or assists in acts of terrorism. The death penalty has mainly been handed down for terrorism-related offences. Executions are carried out by hanging. The Penal Code prohibits the imposition of the death penalty in cases where the crime was committed when the defendant was a minor (under the age of 21), or when the defendant is a pregnant woman or has given birth within four months.

4.12 Ordinary trial judges have the power to impose death sentences. Once a death sentence is handed down in court, an automatic appeals process is enacted in the Court of Cassation and those sentenced are provided with free government-appointed legal representation. A panel of 19 judges, led by the head of the Higher Judicial Council and Chair of the Court, reviews approximately 15-20 death penalty cases per month from all jurisdictions except those originating in the KRI. Depending on the court's workload, it can take the court six to 12 months to review a case after a ruling is issued by a trial judge. The final decision on whether to uphold the death penalty is determined by majority opinion. Factors taken into consideration by the review committee include the quality of evidence presented at trial, the nature of the crime committed, and the level of culpability of the defendant. Government sources report between two and 10 death penalty sentences are generally overturned in each monthly session of the review committee, with sentences reduced to life imprisonment. However, international observers report that acquittals are rare, and government-appointed lawyers lack the community and political support to defend clients properly. The President signs a final decree sanctioning execution. While Article 73 (1) of the Constitution gives the President the power to issue a special pardon on the recommendation of the Prime Minister, it specifically excludes such pardons from being granted in cases involving international crimes or terrorism. Clemency is rarely granted at this stage.

4.13 While Iraq does not generally publicise executions, the proportion of those actually executed is reportedly low compared to the number on death row. The Minister of Justice was quoted in March 2019 as saying over 4,000 people were on death row. According to the Higher Judicial Council, Iraqi courts issued 73 death sentences in 2018, of which 63 were for committing acts of terrorism and 10 for murders, kidnapping, or drug-related crimes. Six death sentences were issued to women, all of them foreigners. While the data is unreliable, the Ministry of Justice recorded 45 executions in 2018, while Amnesty International reported more than 125 executions in 2017 and 102 in 2016. Executions are generally carried out in batches.

4.14 The government has consistently justified the use of the death penalty on the basis of deterrence, prevailing security issues, Islamic sanction, popular support, and the necessity of justice and retribution. In-country sources report there is overwhelming support for the death penalty nationwide. Since the emergence of Da'esh, opposition to the death penalty has been associated with supporting terrorism, meaning few are prepared to publicly declare such opposition. While there have been accusations the death penalty has been used as a weapon by the Shi'a majority against the Sunni minority, the penalty itself has not been at issue: opposition has focused on the abuse of the legal system to secure convictions against political opponents.

4.15 Human rights observers have expressed concern about widespread abuses of fundamental due process rights and fair trial guarantees enshrined in the ICCPR and CAT (see [Human Rights Framework](#)), particularly in relation to the trials of Da'esh defendants. These include: the right to a fair and public hearing by a competent, independent, and impartial tribunal; the right to have adequate time and facilities for the preparation of a defence; the right to examine witnesses; the right not to be subjected to torture and other cruel, inhumane, or degrading treatment; and the right for statements obtained under torture to be inadmissible as evidence in court.

TORTURE

4.16 Iraq is a State Party to CAT (see [Human Rights Framework](#)). Article 37 (1C) of the Constitution prohibits all forms of psychological and physical torture and inhumane treatment. It further states any confession made under force, threat, or torture shall not be relied on, and the victim shall have the right to seek compensation for material and moral damages incurred in accordance with the law.

4.17 A draft Anti-Torture Law is currently pending before the Council of Representatives. Human rights observers have criticised the draft law for gaps in its applicability in a number of areas. The draft law's definition of torture is limited to any act or inaction that constitutes an 'assault', carried out by an interrogator, for the purpose of obtaining a confession. This is substantially more limited than the CAT definition that provides that torture can also be inflicted in order to punish, intimidate or coerce an individual or a third person, or for any reason based on discrimination of any kind. Furthermore, the draft law only applies to acts occurring during arrest, investigation and detention, and therefore does not take into account cases where security forces resort to unnecessary, excessive or otherwise unlawful force, such as during protest activity. The draft law has also been criticised for failing to establish a minimum prison sentence for individuals who have committed torture, except in cases where the torture led to death, and for not specifying penalties for complicity, participation and attempt.

4.18 There have been consistent reports government forces from a range of agencies and PMF groups regularly abuse and torture individuals – particularly Sunni Arabs – during arrest, pre-trial detention and after conviction. Former prisoners, detainees and international human rights organisations have documented cases of torture and other cruel, inhuman or degrading treatment or punishment in Ministry of Interior-run facilities in particular, and to a lesser extent in Ministry of Defence-run facilities and those under KRG control. In-country sources report torture is most likely to occur at the point of arrest as a means of gaining a confession. Although the law prevents the use of torture to get confessions, human rights groups report courts routinely accept forced confessions as evidence, particularly in Da'esh-related counter-terrorism cases.

4.19 HRW reported in January 2019, that in a number of cases in 2017 and 2018, Asayish security officials used beatings, stress positions and electric shocks while interrogating Sunni Arab boys aged 14 to 17 who were charged or convicted of Da'esh affiliation (see [Persons with Perceived Affiliations to Da'esh](#)). Several boys claimed the torture continued over consecutive days, and only ceased when they confessed. None of the boys were allowed to read the confession they were forced to sign, and most only learned what it said when it was read out in court. At least five boys said they had told an investigative or trial judge their confession was produced under torture, but the judges ignored their statements.

4.20 An August 2018 HRW report alleged the use of torture in three Ministry of Interior facilities in and around Mosul, based on statements from two former detainees and the father of a man who died during interrogation. According to the report, one interviewee reportedly witnessed or experienced repeated torture during interrogations from January to May 2018, including hanging from the hands bound behind the back and beatings with plastic and metal pipes and cables. HRW reported in April 2019 that it had received

no reply to two letters sent to authorities requesting an update on steps taken to investigate the allegations, and it had been advised torture was continuing to occur in the facilities. Other human rights organisations have asserted authorities frequently fail to investigate credible allegations security forces routinely torture terrorism suspects and often convict defendants based (often solely) on allegedly coerced confessions.

4.21 In a separate account in June 2019, HRW reported the torture in a Baghdad police station of a man suspected of robbery resulted in the amputation of his left arm. During an extended interrogation in which an interrogator was trying to extract a confession, the man reportedly hung from his hands for three days. Although the detainee was granted a medical exam after the interrogation, he did not receive medical treatment for a further three months. After three unsuccessful attempts to repair arterial damage, doctors were forced to amputate the arm. The wife of the detainee lodged a complaint with the presidency of the Judicial Supervisory Authority, but the president of the Authority told HRW their investigation found no evidence to support the torture allegation.

4.22 DFAT assesses torture occurs regularly in government-run detention facilities across Iraq, particularly in relation to interrogations.

CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Arbitrary Arrest and Detention

4.23 Article 37 (1;B) of the Constitution states no person may be kept in custody or investigated except according to a judicial decision. Article 19 (12;A) prohibits unlawful detention; and (13) states that the preliminary investigative documents must be submitted to the competent judge no less than 24 hours from the time of arrest, which may be extended only once and for the same period. The law prohibits the arrest or remand of individuals except by order of a competent judge or court, or as established by the code of criminal procedures, and requires authorities to register the detainee's name, place of detention, reason for detention, and legal basis for detention within 24 hours (a period that may be extended to a maximum of 72 hours in most cases). For offences punishable by death, authorities may legally detain the defendant for as long as necessary to complete the judicial process. The Ministries of Justice, Defence, Interior, and Labour are legally permitted to hold pre-trial detainees, as is the National Security Service (NSS) in limited circumstances and for a brief period. The law requires the Ministries of Defence and Interior and the NSS to establish guidelines for commanders in battlefield situations to register detainees' details in a central register run by the Ministry of Justice. The law also prohibits any entity, other than legally competent authorities, from detaining someone.

4.24 Human rights observers report government forces from a wide range of agencies frequently arrest suspects in security sweeps without warrants, particularly under the anti-terrorism law, and hold such detainees for prolonged periods without charge or registration. Authorities reportedly often do not inform detainees of the reasons for their detention or the charges against them, and also fail to notify family members of the arrest or location of detention, resulting in incommunicado detention (which may amount in some cases to Enforced or Involuntary Disappearances). Authorities reportedly also detain spouses and other family members of fugitives – mostly Sunni Arabs wanted on terrorism charges – to compel their surrender.

4.25 Most reports of arbitrary or unlawful detention involve Sunni Arabs, particularly suspected members or supporters of Da'esh and their associates and family members (see Persons with Perceived Affiliations to

Da'esh). There are also reports of Iranian-aligned PMF groups arbitrarily or unlawfully detaining Kurds and Turkmen in Kirkuk and Christians and other minorities in western Ninewah and the Ninewah Plains. KRI law permits the extension of pre-trial detention for up to six months under court supervision. According to human rights observers, however, detainees are often held for longer periods without trial.

4.26 In July 2018, the NSS acknowledged it was detaining more than 400 people in a facility east of Mosul for prolonged periods, despite not having a clear mandate to do so. Many detainees had reportedly been in the facility for more than seven months, with no access to lawyers, family visits or medical care. A former inmate claimed that one prisoner had died after being tortured for months. The head of the NSS in Mosul reported that all of the prisoners in the facility were wanted for affiliation with Da'esh, and were interrogated in the facility before being brought before a judge or handed over to another security entity if they were on that entity's 'wanted' database. The NSS had previously denied operating any detention facilities, and claimed it only held small numbers of people for up to 48 hours before transferring them to places of formal detention.

4.27 As noted in Protesters and Demonstrators, there have been numerous allegations that security forces and non-government actors (particularly PMFs) have arbitrarily arrested and detained individuals in relation to protest activity, particularly the nationwide protests that began in October 2019.

Corporal Punishment

4.28 Article 29 (4) of the Constitution prohibits all forms of violence and abuse within family, school, and society. Section 11(8) of CPA Memorandum No. 2 *Management of Detention and Prison Facilities* (2003) prohibits the use of corporal punishment as a punishment for disciplinary offences. There are credible reports, however, that federal and KRG authorities routinely submit detainees to physical punishment, particularly during interrogations (see also Torture).

4.29 There is no provision for judicial corporal punishment in the *Juveniles Welfare Law* (1983). However, there does not appear to be any explicit prohibition on corporal punishment in institutions accommodating juvenile offenders. Article 41 of the Penal Code permits the use of corporal punishment in the home and in schools, specifically mentioning the punishment of a wife by her husband (see also Women), and the disciplining by parents and teachers of children under their authority within certain limits prescribed by law or by custom. Anecdotal evidence suggests there is widespread societal acceptance of physical punishment in relation to childrearing and in educational settings.

5. OTHER CONSIDERATIONS

STATE PROTECTION

5.1 The ability of authorities to provide state protection varies according to geographic location, with several parts of the country not under the effective control of the state. Human rights groups have consistently raised concerns that impunity for abuses committed by security authorities and other official bodies remains the norm. All state protection institutions are significantly subject to and affected by Corruption, particularly the police. State protection bodies are also heavily politicised, and politically motivated appointments and problematic management have negatively affected their overall performance in many cases. Poorly defined administrative boundaries and disputed territories between central authorities and the KRG have led to confusion and dispute in some instances over the jurisdiction of security forces and the courts. As reported in Protesters and Demonstrators, civilian authorities quickly lost control of the large-scale protests that began in early October 2019, resulting in large numbers of deaths and injuries.

Iraq Security Forces (ISF)

5.2 Article 9 (a) of the Constitution states that the Iraqi armed forces (and security services) are to be representative of the component parts of the Iraqi people; are to be subject to civilian control; shall defend Iraq; shall not be used as an instrument to oppress the Iraqi people; shall not interfere in political affairs; and shall have no role in the transfer of authority. Article 9 (c) prohibits military personnel from standing for election for political office or campaigning for candidates.

5.3 The Iraq Security Forces (ISF) consist of security forces administratively organised within the Ministries of Interior and Defence, the PMF, and the Counterterrorism Service. The Ministry of Interior is responsible for domestic law enforcement and maintenance of order. It oversees the Federal Police, Provincial Police, Facilities Protection Service, Civil Defence and Department of Border Enforcement. Energy Police, under the Ministry of Oil, are responsible for providing infrastructure protection. Conventional military forces under the Ministry of Defence are responsible for the defence of the country but also carry out counterterrorism and internal security operations in conjunction with the Ministry of Interior. The Counterterrorism Service reports directly to the Prime Minister and oversees the Counterterrorism Command, an organisation that includes three brigades of special operations forces. The NSS intelligence agency also reports directly to the prime minister. The ISF is a congested and contested space with security forces competing for power and relevance leading to a cross over and blurring of roles and responsibilities creating the conditions for corruption and instability.

5.4 Human rights groups have regularly issued reports of ISF officers committing human rights abuses, including conducting arbitrary or unlawful detention, enforced disappearances, and abusing and torturing individuals during arrest, pre-trial detention and after conviction (see relevant sections). Officials have undertaken investigations into abuses perpetrated by the ISF, including a ministerial investigation of their actions in relation to the protests that began in October 2019 (see Protesters and Demonstrators). However,

the government has not generally punished those responsible for perpetrating or authorising human rights abuses.

5.5 In 2017, the Office of the Prime Minister announced the establishment of a committee to investigate allegations of ISF abuse during the operation to retake Mosul from Da'esh, stating that the government had arrested and planned to prosecute several ISF officers. HRW reported in April 2018 that the government had disposed of evidence of a potential war crime committed against members of Da'esh, removing an estimated 80 bodies from a damaged house in Mosul and burning the house. HRW added that at least one of the bodies appeared to have its legs bound, there was no indication that the government was collecting evidence, and government officials refused to tell its researchers where they were taking the bodies. To DFAT's knowledge, the government has not to date published specific information on judicial proceedings against any members of the security forces in this matter.

5.6 The Iraq Armed Forces (IAF) consist of an army, air force, navy and special forces, and has an estimated size of 165,000 total military personnel. Many units of the IAF are geographically-based, with Shi'a units serving in the south and Sunni in the centre (the IAF does not serve in the KRI, see [KRG Security Agencies](#)). Global Firepower ranked the IAF 50th out of 138 national militaries considered in its annual review for 2020 (in contrast, the US was ranked 1st and Australia 19th). The IAF was effectively disbanded and rebuilt from scratch following the 2003 US-led invasion, meaning it lost a huge number of personnel with combat experience and military expertise.

5.7 In-country sources report that field conditions and morale in the IAF are very poor, particularly for those at lower levels who are unlikely to receive their full salaries due to their superiors taking a cut (at every level). Poor leadership and general morale reportedly contributed to the IAF's poor performance in the initial stages of the 2014-15 conflict against Da'esh, particularly their routing in Mosul, which left Baghdad exposed. In-country sources report that the IAF lost much credibility among Iraqis during this period, with PMF groups receiving most of the credit for the eventual victory over Da'esh. Approximately 100,000 soldiers deserted during the conflict against Da'esh in 2014-15, although DFAT is not aware of any actions taken against them. The government has reportedly sought to institute an amnesty scheme to encourage deserters to return to the military, although it is unclear how far this has progressed. There are also reportedly plans to recruit a further 100,000 personnel, although in-country sources have raised concerns about the capacity of military academies to train a large number of raw recruits. It is also unclear how such an expansion would be financed given Iraq's reliance on oil together with the current oil price.

Popular Mobilisation Forces (PMF)

5.8 The Popular Mobilisation Forces (PMF) are a state-sponsored umbrella military organisation composed of approximately 60 militia groups operating nationwide. The PMF was formally established based on a 2014 *fatwa* (Islamic declaration) by Iraq's Grand Ayatollah to assist in the conflict against Da'esh, and they played an important role in the eventual military victory. Most PMF units are Shi'a Arab and operate across Iraq, while Sunni Arab, Yazidi, Christian and other minority PMF units generally operate within or near their home regions. International observers place the numbers of those involved in the PMF at between 130,000 to 150,000 fighters, although precise figures are unclear. In the lower ranks, many of those involved in the PMF are reportedly motivated by financial considerations rather than ideology. In-country sources report that many PMF members 'moonlight' from other jobs including in the police.

5.9 In November 2016, the Iraqi parliament recognised the PMF as an official force. All PMF units officially report to the National Security Advisor and are under the authority of the Prime Minister, although this is not always the case in practice. On 1 July 2019, the Prime Minister decreed the PMF must fully integrate into the IAF by the end of the month, a move described by international observers as an

unsuccessful attempt to rein in and assert control over the many rogue PMF elements. This move has not proven successful.

5.10 A large number of PMF elements reportedly answer directly to the Iranian government, and in particular to the Islamic Revolutionary Guard Corps. In-country sources have described some PMF groups as being essentially Iranian occupation forces. As noted in [Recent History](#), a US drone strike in January 2020 assassinated both the commander of Iran's elite Quds Force and the PMF deputy commander. In addition to other reported atrocities, civil society groups have identified Iran-aligned PMF groups as being responsible for various attacks against prominent women, including an activist shot and killed in Basra in September 2018 who had been participating in anti-corruption protests (see [Protesters and Demonstrators](#)). Civil society groups also believe an Iran-aligned militia was responsible for shooting and killing a female social media star and model in Baghdad in September 2018, as well as the owners of three beauty centres in August and October 2018. As outlined in [Protesters and Demonstrators](#), human rights observers blame elements of the PMF for much of the violence committed against those demonstrating against the government in the protests that began in October 2019.

5.11 According to in-country sources, individual PMF elements exercise close control over many neighbourhoods, particularly in Shi'a areas. PMF groups effectively run these areas, providing a range of services that would normally be fulfilled by the state (particularly welfare and security). The manner in which PMF groups conduct themselves at the neighbourhood level depends upon the individual group. While, for example, some socially-conservative Shi'a PMF groups will punish anybody involved in the alcohol or drug trades (see [Christians](#)), other groups reportedly run private nightclubs in which both alcohol and drugs are readily available. Many PMF groups have reportedly taken advantage of their freedom of action to establish local crime rings and mafia-like protection rackets. Human rights organisations report that some PMF groups engage in killing, kidnapping and extortion throughout the country, particularly in ethnically and religiously mixed governorates. For instance, on 6 July 2020 a prominent political commentator, Hisham al-Hashimi, was fatally shot outside his home in Baghdad. Hashimi had commented on Iran-backed Shia militia groups and spoken out about the impunity with which these groups operated in Iraq. No group claimed responsibility for the killing, but for many political and security analysts in Iraq, it underscored the assassination campaign by militia groups against their critics. In-country sources report those who fall foul of a PMF group in their local area have little chance of gaining recourse or justice through official means.

Iraqi Police

5.12 The Iraqi Police falls under the authority of the Ministry of Interior's Security Department. It is divided into the Iraqi Police Service (IPS), which is a uniformed organisation administered at the provincial level and tasked with the general maintenance of law and order and with initial incident response; and the Federal Police, which is a paramilitary organisation that responds to domestic incidents such as armed insurgency, large-scale civil disobedience and riots that are beyond the capabilities of the IPS but not severe enough for the IAF. According to in-country sources, the Iraqi Police have an estimated 300,000 members in total. The Federal Police are the better equipped and trained of the two services.

5.13 The police have historically been regarded as a secondary service by both the government and population, and have been under-resourced and under-paid. As a result, many police have supplemented their income through [Corruption](#). According to surveys, one-third of Iraqis report having paid a bribe to the police. Many police also 'moonlight' in other occupations, including as PMF members. Deficiencies in training and resources mean that in many cases police are unable to carry out normal policing functions beyond staffing checkpoints and directing traffic. Human rights observers report that police frequently physically abuse detainees in police stations, driven in large part by pressure to produce results in the confession-based judicial system.

5.14 IPS members are recruited locally and are generally reflective of the demographic of the neighbourhoods that they patrol. Local recruitment, however, can mean police are beholden to local PMF leaders. There is also a significant disconnect between the priorities of national police command and local police forces, many of which reportedly operate as independent fiefdoms. In-country sources report ordinary citizens are unlikely to receive recourse through official means in cases of abuse involving police personnel.

KRG Security Agencies

5.15 Article 121 (5) of the Constitution allows the KRG the right to maintain internal security forces. The two main Kurdish political parties both maintain an independent security apparatus, controlling separate internal, military and intelligence services that are nominally under the control of the KRG Ministry of Interior. The KRG has no uniform policy for addressing allegations of abuse by its state security officers. However, the IHRCKR has reported that KRG police and security organisations have generally been receptive to human rights training, and responsive to reports of violations.

5.16 Asayish is the KRG's primary security and intelligence agency. Its official functions include counter-terrorism, counter-espionage, gathering intelligence, assessing security threats, and countering smuggling, economic and political crimes and sabotage. Human rights observers report that Asayish generally acts with impunity in the KRI. Human rights groups have regularly issued reports of Asayish forces committing human rights abuses, including conducting arbitrary or unlawful detention, enforced disappearances, and abusing and torturing individuals (particularly Sunni Arabs) during arrest, pre-trial detention and after conviction (see relevant sections).

5.17 The Iraqi army is forbidden by law to enter the KRG. The Peshmerga (Kurdish for 'those who face death') is the KRG's military force, with primary responsibility for the KRI's security. The Peshmerga, which is generally viewed as a highly competent military force, played an important role in the military victory over Da'esh. According to the KRG, 1,707 Peshmerga fighters were killed in the war against Da'esh, with a further 9,997 sustaining injuries. The Peshmerga contains a higher percentage of women than does the central military: in March 2020, the KRG announced that it aimed to increase women's participation from 5 per cent to 20 per cent (women make up 1 per cent of the central military forces).

5.18 Although the KRG's Ministry for Peshmerga Affairs formally controls the Peshmerga, there is no central military command structure and Peshmerga units follow separate military hierarchies depending on political allegiance. Attempts to unify Peshmerga units, and to establish a mechanism for cooperation between the central military and Peshmerga, are ongoing. Neither of the two main KRI political parties disclose information about the composition of their forces, and there are no reliable estimates as to the size of the Peshmerga. Human rights groups have regularly issued reports of Peshmerga forces committing human rights abuses, including conducting arbitrary or unlawful detention and conducting enforced disappearances.

Judiciary

5.19 Article 19 (1) of the Constitution guarantees the independence of the judiciary, and states there is no higher power above the judiciary than the law. Other constitutional provisions guarantee protection from *ex post facto* laws (i.e. a law that makes illegal an act that was legal when committed), the principle of no punishment without law, the right to a fair trial, the presumption of innocence, the right to a public trial, the right to personal (as opposed to collective) punishment, the right to counsel, and the right to protection from unjustified restraint (see also [Arbitrary Arrest and Detention](#)). Article 19 (5) specifically prohibits double

jeopardy, stating that the accused may not be tried for the same crime for a second time after acquittal unless new evidence is produced.

5.20 According to Article 89 of the Constitution, the federal judiciary is composed of the Higher Judicial Council, the Federal Supreme Court, the Federal Court of Cassation, the Public Prosecution Department, the Judiciary Oversight Commission and other federal courts. Article 97 states judges may not be removed except in cases specified by law; Article 98 (1) prohibits judges or public prosecutors from combining a judicial position with legislative and executive positions and any other employment; and Article 98 (2) prohibits them from joining any party or political organisation or performing any political activity; while Article 99 restricts the jurisdiction of military courts to crimes of a military nature committed by members of the armed forces and security forces. DFAT is not aware of any reports of civilians being tried in military courts.

5.21 International observers report the criminal justice system in Iraq is weak. Trial monitoring by international bodies has revealed consistent failures to respect due process and fair trial standards as required by the Constitution and Iraq's international human rights obligations, particularly in relation to the ICCPR and CAT (see [Human Rights Framework](#)). Lack of resources and training, low forensic capacity, a paucity of reliable or impartial evidence, reliance on confessions that are often gained during lengthy periods of detention without charge, and regular use of [Torture](#), all contribute to the frequent failure of due process and the miscarriage of justice. As noted in [Corruption](#), the judiciary (like other national institutions) is susceptible to corruption and political interference in relation to court verdicts.

5.22 Between January 2018 and October 2019, the judicial system processed over 20,000 terrorism cases, overwhelmingly in relation to Da'esh cases. A January 2020 UNAMI report identified significant shortcomings in the judicial system's management of criminal trials for Da'esh suspects. UNAMI found that defendants were at a significant disadvantage and consistently denied the right to a fair trial. Undermining factors included:

- Inadequate legal representation: defence lawyers were almost exclusively appointed at the beginning of trial proceedings (rather than at the pre-trial or investigation phase) and had little or no opportunity to familiarise themselves with the case, confer with their client, access evidence or prepare a defence;
- Evidence from anonymous informants: in 70 per cent of terrorism-related cases, the primary form of evidence adduced in trials (besides confessions) was anonymous witness statements and information based on security or intelligence reports. UNAMI did not observe any instance where a defence lawyer even had an opportunity to challenge such evidence;
- Admissions of confessions under duress: confessions were obtained in two-thirds of the terrorism-related hearings UNAMI observed. Judges generally failed to question the bona fides of evidence obtained from confessions, including when the defendants claimed that the confession was obtained through torture or ill-treatment (as was the case in 42 per cent of the hearings).

5.23 UNAMI also expressed concern that judges in terrorism-related cases regularly ascribed a wide range of conduct as sufficient proof of 'membership' or 'association' of Da'esh. Evidence of membership or association included providing low-level support to Da'esh members, such as cooking, selling vegetables or having family links to Da'esh members. In two instances, courts gave defendants prison sentences for providing medical assistance to Da'esh fighters. Judges also rarely considered the extent to which a defendant's association with Da'esh was voluntary or coerced.

5.24 Judges, lawyers and their family members frequently face abuse, death threats and attacks in relation to their work from sectarian, tribal, extremist and criminal elements. In April 2018, for example, a group of armed individuals shot and wounded a judge in Maysan Governorate who was reportedly

overseeing the investigation of several official corruption complaints, while in the same month an improvised explosive device (IED) killed the vice-president of Diyala Governorate's Court of Appeals. In July 2018, a group of lawyers in Basra protested the killing of a fellow lawyer who had been defending people involved in demonstrations calling for delivery of essential services. There have also been numerous reports of attacks against lawyers providing support to individuals involved in the protests that commenced in October 2019 (see [Protesters and Demonstrators](#)). International observers report that the threat posed by such attacks can act to impair judicial independence.

Detention and Prison

5.25 Article 19 (12;B) of the Constitution prohibits imprisonment or detention in places not designed for such purposes, pursuant to prison laws covering health and social care, and subject to state authorities. Prison facilities in Iraq are officially administered by the Iraqi Correctional Service, which sits within the Ministry of Justice. However, detention facilities are also operated by the Ministry of Defence, the Ministry of Labour and Social Affairs (juvenile facilities), and the KRG. Although more recent figures are not available, the UN reported in mid-2015 there were approximately 45,000 prisoners in Iraqi detention facilities, including pre-trial detainees/remand prisoners. As of 2014 (most recent figures available), remand prisoners made up 35.2 per cent of the prison population, juvenile offenders made up 3.6 per cent, and female prisoners 2.6 per cent. The number of official and unofficial detention facilities across Iraq is unclear, but is believed to number more than 1,000, including police station holding facilities. The government has denied the existence of some secret detention facilities but in July 2018 the NSS admitted the existence of a secret detention facility in Mosul housing more than 400 individuals (many unlawfully).

5.26 Authorities separate detainees from convicts in most cases. Prisoners facing terrorism charges are isolated from the general detainee population, and are more likely to remain in Ministry of Interior or Ministry of Defence detention for longer periods. Although authorities hold most juvenile pre-trial detainees and convicts in facilities operated by the Ministry of Labour and Social Affairs, there are reports that Ministry of Justice-administered prisons, Ministry of Interior police stations, and other Ministry of Interior detention facilities hold some juveniles in separate facilities or mixed with adult prisoners. In some Asayish detention centres and police-run jails, KRG authorities reportedly occasionally hold juveniles in the same cells as adults.

5.27 National law permits the children of convicted women to remain with their mothers until age four, but women's prisons often lack adequate child-care facilities. According to the IHRCKR, as of November 2019, KRG authorities housed more than 40 minors, with ages ranging from six months to 12 years, in Erbil prisons with their convicted mothers.

5.28 International observers report prison and detention centre conditions are harsh and life-threatening due to food shortages, gross overcrowding, physical abuse, and inadequate sanitary conditions and medical care. Some detention facilities do not have an onsite pharmacy or infirmary. When such facilities do exist, they are often undersupplied and authorities reportedly often withhold medication or medical care from prisoners and detainees. Limited and ageing infrastructure worsens sanitation, and limited access to potable water leads to preparation of poor quality food in many prison facilities. Authorities reportedly keep prisoners confined in their cells for long periods without opportunities for exercise or use of showers or sanitary facilities. The KRG's newer detention facilities in major cities are reportedly well maintained, although conditions remain poor in many smaller detention centres operated by the KRG Ministry of Interior.

5.29 Prison and detention centre authorities reportedly sometimes delay the release of exonerated detainees or inmates due to lack of prisoner registration or other bureaucratic issues, or extort bribes from prisoners for release at the end of their sentence. International and domestic human rights observers report

authorities in numerous instances deny family visits to detainees and convicts, and guards allegedly often demand bribes or beat detainees when detainees ask to phone their relatives or legal counsel.

5.30 Iraqi Corrections Service prisons allow regular visits by independent non-governmental observers. International human rights observers report that the Ministries of Justice, Interior, Defence, and Labour and Social Affairs generally permit them access to prisons and detention facilities. There are reports of some institutional interference in prison visits, however, and in some cases institutions have required advance notification to wardens and prison officials for outside monitoring visits. The KRG generally allows international human rights NGOs and intergovernmental organisations, such as the UN Office on Drugs and Crime, to visit convicted prisoners and pre-trial detainees, but authorities occasionally delay or deny access to some individuals, usually in cases involving terrorism. Local NGOs report that they are generally more able to access prisons and detention facilities run by the KRG Ministry of Social Affairs than those run by the Asayish (see [KRG Security Agencies](#)). The Asayish reportedly sometimes denies holding prisoners to avoid granting independent observers access to them.

INTERNAL RELOCATION

5.31 Article 44 (1) and (2) of the Constitution guarantee Iraqis freedom of movement, travel, and residence inside and outside Iraq, and states no Iraqi may be exiled, displaced, or deprived from returning to the country. In practice, considerable restrictions exist in relation to the freedom of internal movement, particularly in territories disputed between the central government and KRG and in areas formerly controlled by Da'esh.

5.32 Relocation to areas formerly controlled by Da'esh or otherwise affected by conflict may be very difficult in light of continued human rights violations and abuses by state and non-state actors, continued Da'esh presence and ongoing counter-Da'esh military operations. International observers report both central government and KRG authorities (including the Peshmerga, ISF and PMF) have periodically closed roads from KRG-controlled territory to central government-controlled areas, including the roads from Erbil to Kirkuk, Dohuk to Sinjar, Badria to Mosul, al-Qosh to Tal Kayf, Sheikhan to Mosul, and Hawler to Mosul. The periodic closure of these roads has hampered the return home of IDPs, slowed economic recovery in areas affected by Da'esh, and separated populations from schools, medical facilities, and markets.

5.33 Similarly, relocation by people, particularly Sunni Arabs, from areas affected by conflict with Da'esh may be difficult. There have been numerous reports that government forces, PMF groups and local authorities have imposed movement restrictions in areas liberated from Da'esh, including in Anbar, Dohuk, Kirkuk, Ninewah and Salah al-Din Governorates. In many cases, internal movement restrictions in these areas have targeted [Persons with Perceived Affiliations to Da'esh](#). The ability of people from these areas to access, reside, and subsist in other parts of Iraq may be sharply curtailed. The UNHCR reports persons from formerly Da'esh-held or conflict-affected areas, particularly Sunni Arabs, require a sponsor and/or confirmation/recommendation letter from the *mukhtar* (local leader) and/or the local council in order to take up legal residency in areas such as Baghdad, Dohuk and Diyala Governorates. Some access and residency requirements are reportedly not always clearly defined and/or implementation can vary or be subject to changes, depending mostly on the security situation. Sponsorship requirements are generally not grounded in law nor are they officially announced, making them difficult to comply with.

5.34 The ability to relocate to another region of Iraq such as the KRI or the south will depend on a number of factors. For example, it may be difficult for non-Kurds who do not speak Kurdish to relocate to the KRI; opportunities to make a living will be limited with hundreds of thousands of IDPs unable to find work and public sector jobs reserved for Kurds. Similarly, non-Shi'a persons may struggle to establish themselves in the south. In-country sources report that some Shi'a have sought to escape predominantly Shi'a areas

dominated by pro-Iran PMF groups by moving to mixed areas. Taking this course of action requires both existing connections in the new area and the financial means to do so

5.35 Law and custom do not generally respect freedom of movement for women. Women require the consent of a male guardian or legal representative to apply for a passport, and for identification documents necessary for accessing public services, food assistance, health care, employment, education and housing.

5.36 Where a person is relocating to avoid violence or the threat of violence at the hands of family, tribe, or community as a result of harmful traditional practices, including on account of preserving family 'honour', there is clear evidence that such actors will pursue the person to the proposed area of relocation, including, for example, through tribal, family or other links. The endorsement of such norms and practices by large segments of society and the limitations of the State to provide protection against such abuses all mitigate against successful relocation.

5.37 Successful relocation in Iraq will typically be dependent upon the availability of and access to social networks, consisting of the person's family, extended family or tribe. Many Iraqis, especially IDPs, are reliant upon social networks for support. To relocate beyond the reach of existing support networks is a difficult proposition, doubly so if it is the person's tribe or extended family from which the person seeks to escape. In a time of a global recession caused by COVID-19, worsened by the dependence of the Iraqi economy upon oil, the capacity of someone to subsist in a different region of Iraq may be further diminished.

TREATMENT OF RETURNEES

Exit and Entry Procedures

5.38 Most entry and exit into and out of Iraq is by air through one of the four international airports operating regular commercial services, located in Baghdad, Erbil, Sulaymaniyah and Basra. Upon arrival at an international airport, all passengers have their identity information recorded, irrespective of nationality. In-country sources advise that authorities would only arrest an Iraqi on return if they had committed a criminal offence and a warrant had been issued for their arrest. Others, even those who had left illegally, would not be subject to arrest on arrival.

5.39 Valid documentation (usually a passport) and appropriate approval (such as a visa) for entry to the intended destination is required in order to exit Iraq. Irregular exit from Iraq (including through use of fraudulent documentation) is unlawful. DFAT understands an individual caught exiting illegally may be detained and charged. DFAT is not aware of any prosecutions of individuals for irregular exit.

5.40 Returning Iraqis who are not in possession of an Iraqi passport must apply for a *laissez passer* at an Iraqi embassy or consulate abroad. To issue a *laissez passer*, an Iraqi diplomatic mission verifies the identity and nationality of the returnee against source documents in Iraq; confirms the person is returning to Iraq voluntarily; and checks for outstanding criminal actions against Ministry of Interior records in Iraq. Upon arrival in Iraq, border officials check the details of the *laissez passer* and re-confirm that the individual is entering voluntarily. Officials record the details of the *laissez passer* along with the name and date of birth of the bearer. The border officer will then inform the bearer that the *laissez passer* is not valid for further travel. According to the UK Home Office, border officials can issue a letter at Baghdad Airport in order to facilitate movement to an individual's place of origin or elsewhere within Iraq. *Laissez passers* are common and individuals who enter on *laissez passers* are not questioned about how they exited Iraq, nor asked to explain why they do not have other forms of documentation.

5.41 International observers report that the KRI's international borders are highly porous, and that a large percentage of entries occur across irregular checkpoints.

5.42 As noted in [Health](#), the government instituted temporary entry and exit restrictions in March 2020 in response to the global coronavirus pandemic.

Conditions for Returnees

5.43 The practice of seeking asylum and then returning to Iraq once conditions permit is well accepted among Iraqis, as evidenced by the large numbers of dual nationals from the US, Western Europe and Australia who return to Iraq. There is considerable evidence that Iraqis who are granted protection by western countries often return to Iraq, sometimes only months after securing residency abroad, to reunite with families, establish and manage businesses or take up or resume employment.

5.44 Large numbers of Kurds (mainly single males) return voluntarily to the KRI, particularly from the UK and European Union countries. The region's relative security compared to other areas of Iraq has encouraged returns. As with other areas of Iraq, familial connections are important in the KRI for economic and social engagement. Reintegration, and particularly access to employment and housing, is easier for those who have maintained connections in the region.

5.45 DFAT has limited evidence to suggest that voluntary returnees face difficulties in assimilating back into their communities. However, local sources have reported that returning to Iraq can be difficult, particularly if the individual does not return to their original community. Integration within new communities is complicated by the influence of patronage and nepotism on many aspects of life.

5.46 Iraq has a large population of former IDPs who have returned home. In its most recent Humanitarian Response Plan, issued in January 2020, the UN reported that 2.8 million internal returnees were in need of humanitarian assistance, of which 1.2 million were in acute need. The high level of vulnerability among internal returnees is closely linked to delays in reconstruction and recovery in areas of return, as well as lack of progress on large-scale social cohesion programs, provision of services and security.

DOCUMENTATION

5.47 Article 18 of the Constitution deals with issues of nationality and citizenship. Article 18 (1) states Iraqi citizenship is a right for every Iraqi and is the basis of nationality; (2) anyone born to an Iraqi father or Iraqi mother shall be considered Iraqi; (3)(a) an Iraqi citizen by birth may not have his/her citizenship withdrawn for any reason, and has the right to demand its reinstatement in cases where it is withdrawn; (3)(b) Iraqi citizenship may be withdrawn from naturalised citizens in cases regulated by law; (4) Iraqis may have multiple citizenships, but anyone assuming a senior, security, or sovereign position must abandon any other acquired citizenship; (5) Iraqi citizenship shall not be granted for the purposes of the policy of population settlement that disrupts the demographic composition of Iraq; and (6) citizenship provisions shall be regulated by law, and competent courts shall consider the suits arising from these provisions. The *Nationality Law* (2006) removed distinctions made in previous legislation between Arabs and non-Arabs for the naturalisation process, and repealed legislation that revoked the citizenship of Faili Kurds. However, it continues to deny nationality to Palestinians. Individuals who are not able to obtain nationality and associated documentation lack access to services, freedom of movement and other basic rights.

5.48 The Ministry of Interior commenced issuing electronic biometric cards at the beginning of 2016 (see [National Identity \(ID\) Card](#)). The new ID cards were intended to replace a number of other forms of documentation, including the Nationality Certificate, Civil Status Identification Document, and Residency

Document. DFAT understands authorities are still issuing some forms of these old documents. It is unclear how widespread the distribution and take-up of the new ID cards has been, particularly in areas affected by the Da'esh conflict, and DFAT assesses many Iraqis will still carry the earlier forms of documentation.

5.49 To DFAT's knowledge, the KRI does not issue any specific form of identification documentation for permanent residents. According to international sources, individuals from other parts of Iraq seeking to live in the KRI must register at the Asayish office in the neighbourhood in which they wish to reside. The Asayish will then issue an ID card proving legal registration, which will permit the individual to move freely around the KRI. The card can reportedly be renewed at any Asayish office. DFAT does not have any additional information as to the information included on the ID cards or any security features they may have.

National Identity (ID) Card

5.50 The Iraqi National ID card is an electronic biometric card issued by the Ministry of Interior, which holders are required to carry at all times. The National ID card is a credit card-sized plastic card with an embedded radio frequency identification (RFID) chip. It is covered with multi-coloured guillochés (an ornamental pattern formed of two or more curved bands that interlace to repeat a circular design). All information on the card is in Arabic and Kurdish. The front side of the card shows the coat of arms of Iraq and the words 'Republic of Iraq', 'Ministry of Interior' and 'General Directorate of Nationality'. It also contains the photograph of the holder, the holder's 12-digit national identification number, the 9-alphanumeric digit access number for the RFID chip, the holder's given name, father's, mother's and paternal grandfather's names, tribe and the holder's sex and blood type. The rear side contains the issuing authority, dates of issue and expiry, date and place of birth (city or town), 18-alphanumeric digit family number, and machine-readable zone.

5.51 The process to obtain a new electronic ID card involves first making an appointment with the local civil status office via the website of the directorate for national ID cards. The applicant can download an application form from the same website and must complete it before meeting the local civil status office. The applicant must bring their current ID card, proof of citizenship, proof of residence, ration card, and the IQD5000 (approximately AUD6) fee. The civil status office will retain these documents, which will be invalidated when the new card is issued. All applicants must attend the office in person for the photo, iris scan and fingerprint registration. The local civil status office sends the application form and biometric data to the central office in Baghdad where the information is checked and the card personalised before being returned to the local civil status office.

5.52 Unlike previous identity documents, the national ID cards do not denote the bearer's religion, but the online application still requests this information. The only religions that may be listed on the national identity card application are Christian, Sabeen-Mandean, Yazidi, Jewish and Muslim. There is no distinction made between Shi'a and Sunni Muslim, or any designation of Christian denominations. Individuals practising other faiths may only receive national ID cards if they select one of the religious options provided.

Birth Certificates and Registration Procedures

5.53 Following the birth of a child, the clinic or hospital where the birth took place will issue a birth certificate. The parents must then present this to the Ministry of Health's Bureau of Births and Deaths, which will stamp the certificate and officially register the birth. There are no fees involved in registering a birth or obtaining a certificate. The birth hospital and the Ministry of Health retain birth data. The Civil Affairs Department records birth data in its archives. The Ministry of Health in the Kurdistan Region has computerised records of birth certificates. Birth certificates have weak security features.

5.54 An Iraqi birth certificate can only be issued to the child of an Iraqi father. Parentage must be proved before a birth certificate can be issued, which can be difficult for children of single mothers (including women who were raped during the Da'esh occupation) or children who are suspected of being fathered by a Da'esh fighter who was killed. Some children born under Da'esh rule may therefore have their freedom of movement restricted and may be vulnerable to statelessness due to an inability to prove their identity. Some residents of Mosul have reported that Da'esh issued birth and marriage certificates during the occupation but that the Iraqi government does not recognise them. In order to obtain documentation to access government services, some people have reportedly needed to conduct their marriage again or have needed to request the Iraqi government to reissue birth certificates for their children.

5.55 If the Ministry of Health has no record of the subject's birth, either because the birth was never registered, or because the record was lost (i.e. during a fire, etc.), then the subject can appear at the General Directorate of Nationality and present his/her family's identification. The Directorate then affirms that the subject-to-be-registered or confirmed registered was in fact born on 'x' date. The General Directorate of Nationality uses that information to register the birth via a document called the 'Family Book', which details the family tree of the immediate family.

Marriage and Divorce Certificates and Registration Procedures

5.56 A marrying couple must file a marriage certificate application with the Ministry of Justice's Civil Status Court, which then issues the marriage certificate. The court issues one original marriage certificate, and certified copies. All marriages must be registered in either a *sharia* court (for Muslims) or civil court. Although Christian churches perform marriage ceremonies and issue marriage certificates, these marriages are not legal in Iraq until recorded with an appropriate civil court. The marriage certificate contains the seal of the High Judicial Council and the judge's original signature in green.

5.57 A divorcing couple must file a divorce request with the Ministry of Justice's Civil Status Court. When the divorce has been finalised, the court registers the marriage dissolution and issues the final divorce decree. The divorce certificate contains the seal of the High Judicial Council and the judge's original signature in green.

Passports

5.58 The Ministry of Interior's Passports Directorate issues 'A' series passports to ordinary passport holders; 'D' passports to diplomatic staff; 'C' passports to officials; and 'E' series passports to government service staff. Applicants must present their national ID card, Certificate of Iraqi Nationality, residency card, two photographs, the national ID card of their guardian (if the applicant is a minor), and a IQD10,000 (AUD13) fee. All applicants must appear in-person to apply for their passport, regardless of age. The processing time is one week.

5.59 The current 'A' series passports and the previous 'G' series passports are of an international standard with good security features, including a hologram image and seal and water marks. 'S' series passports (issued between 2003 and 2006) are more vulnerable to fraud, and inexpensive counterfeit versions are reportedly available in Iraq. While the current 'A' series passports have good security features, the supporting documents listed above can be vulnerable to fraud and counterfeit, increasing the risk of the passports being obtained on the basis of counterfeit documentation.

Military Records

5.60 The Ministry of Defence is responsible for issuing military records. Members of the Iraqi military who served prior to 2003 were issued a military book indicating their service status, which was to be retained by the service member after discharge. Those who served after 2003 were/are issued military identification cards serving the same purpose. If a military book or identification card is lost or destroyed after service concludes, the applicant is unable to obtain a replacement.

PREVALENCE OF FRAUD

5.61 Documents issued under religious procedures such as marriage, divorce and custody certificates have weak or no security features. The forms of documentation superseded by the National Identity (ID) Card have weaker security features than the biometric ID cards and may have been issued according to antiquated or unreliable procedures. Fraudulent documents are reportedly commonly and cheaply available. Genuine documents obtained through fraudulent means are also common, mostly obtained by paying bribes to officials.