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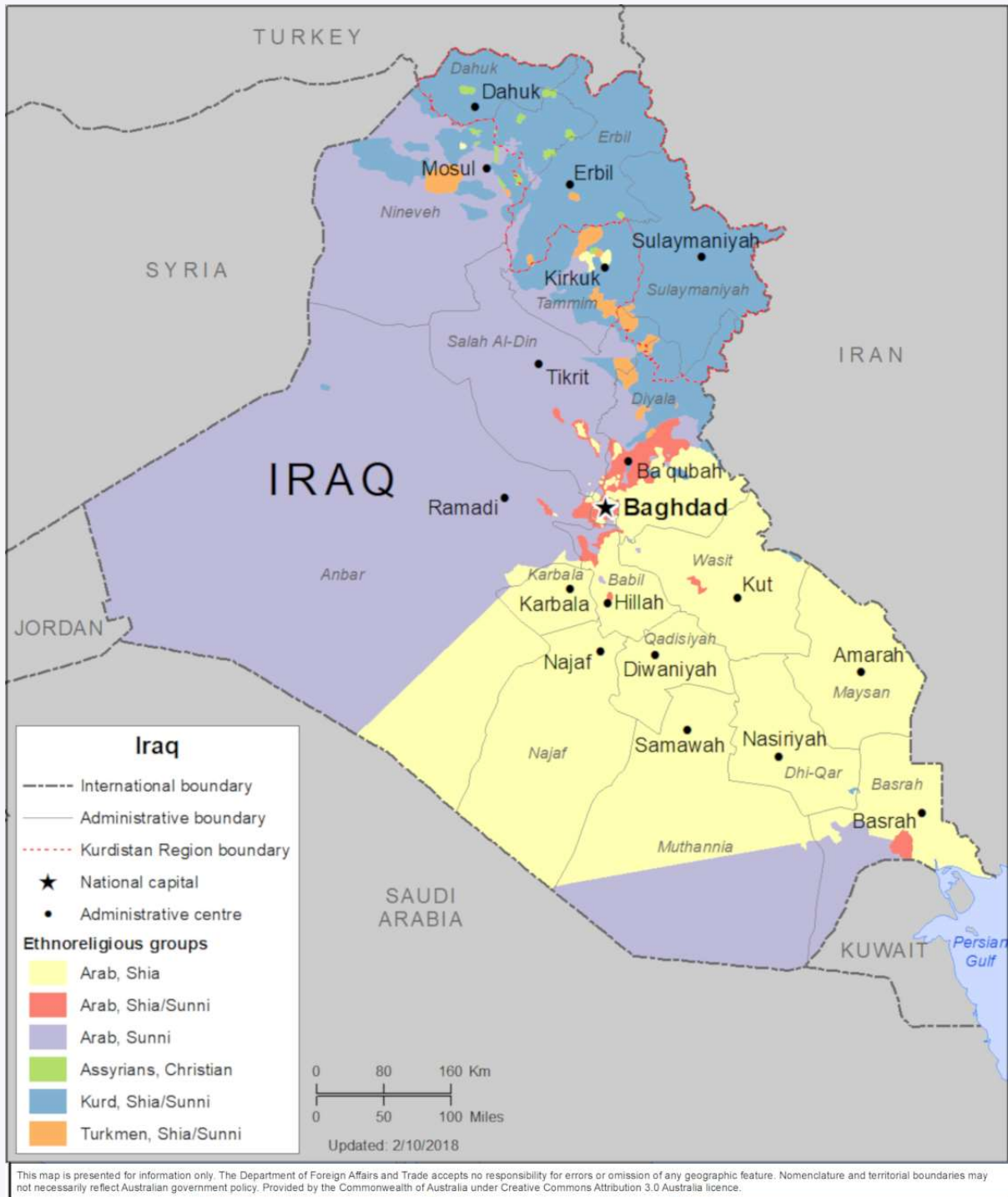
Department of Foreign Affairs and Trade



DFAT COUNTRY INFORMATION REPORT IRAQ

16 January 2023

MAP



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ACRONYMS

IAF	Iraq Armed Forces
IDP	Internally displaced person
IHCHR	Iraqi High Commission for Human Rights
IHRCKR	Independent Human Rights Commission of the Kurdistan Region
IPS	Iraqi Police Service
IQD	Iraqi Dinar, the national currency of Iraq
ISF	Iraqi Security Forces
KDP	Kurdish Democratic Party
KRG	Kurdistan Regional Government
KRI	Kurdistan Region of Iraq
LGBTI	Lesbian, gay, bisexual, transgender and/or intersex
MoH	Ministry of Health
NGO	Non-government organisation
NSS	National Security Service
OHCHR	UN Office of the High Commissioner for Human Rights
PMF	Popular Mobilisation Forces, an umbrella organisation for state-sponsored militias
PUK	Patriotic Union of Kurdistan
UNAMI	United Nations Assistance Mission to Iraq, a special UN mission set up in 2003 to advance political dialogue and human rights in Iraq
WHO	World Health Organization

GLOSSARY

<i>Fasliya</i>	a traditional practice whereby family members (including women and children) are traded to settle tribal disputes
Green Zone	the highly-secured centre of the international presence in Baghdad
<i>Hijab</i>	a head covering worn by some Muslim women
<i>Nahwa</i>	a traditional practice whereby a male relative can forbid a woman from marrying outside her family or tribe
<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 judgement 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 17 August 2020.

2. BACKGROUND INFORMATION

RECENT HISTORY

2.1 Iraq gained independence as a kingdom in 1932. A 1968 coup installed the authoritarian Ba'ath party, a secular but predominantly Sunni party. Iraq's economy and standing in the Arab world grew, and security chief Saddam Hussein assumed leadership in 1979. Under his rule, Iraq became a brutal authoritarian dictatorship. Iraq invaded Iran in 1980, leading to a disastrous decade-long conflict (the Iran-Iraq War) which killed an estimated 500,000 soldiers on both sides. Iraq invaded Kuwait in August 1990, before being forced out by a US-led international coalition (the Gulf War). The UN imposed economic sanctions and a no-fly zone that led to the *de facto* establishment of the Kurdistan Region of Iraq (KRI).

2.2 Following the 9/11 terrorist attacks in 2001, US President George W Bush singled out Iraq as a threat to global security. With the objective of preventing Iraq from acquiring weapons of mass destruction, the US and its allies (including Australia) launched military action in Iraq in March 2003. The Coalition Provisional Authority assumed control of the country, with the stated aim of rebuilding Iraq's security forces and restoring infrastructure and services. A fierce insurgency developed against US-led coalition forces, and sectarian violence broke out between Sunni and Shi'a Muslims. An estimated 300,000 people were killed in this conflict. A US troop surge in 2007-08 temporarily reduced the violence, enabling the majority of US troops to withdraw in 2011.

2.3 Ongoing sectarian tensions fuelled the rise of Da'esh (also known as Islamic State), a militant Salafi jihadist group that captured large parts of Iraq in 2014-15. During its occupation, Da'esh committed numerous atrocities. Eventually Iraq's regular forces, supported by a US-led coalition and Kurdish and other forces, succeeded in wresting back control of Da'esh-held territories. Many of the Iraqi forces were incorporated into a state-sponsored umbrella organisation known as the Popular Mobilization Forces (PMF), which has become influential in Iraq's economy, politics and security. While the government declared victory over Da'esh in 2017, the terrorist group remains a security threat today (see [Security situation](#)).

2.4 Iraq held a parliamentary election in 2018, but the following year large-scale protests broke out against corruption, non-delivery of essential public services and perceived interference by foreign powers, particularly Iran (see [Protesters and demonstrators](#)). These protests were violently repressed by security forces and Iran-aligned militia groups. Protests again broke out following the 2021 parliamentary election. Talks to form a new government stalled and, in July 2022, supporters of Muqtada al-Sadr, an influential cleric whose party won the most seats in the 2021 election, staged a mass sit-in of the Iraqi parliament to protest the nomination by their pro-Iran rivals of former cabinet minister Mohammed Shia al-Sudani for the position of Prime Minister. These protests again resulted in violence. Al-Sudani was confirmed as Prime Minister in October 2022.

DEMOGRAPHY

2.5 The CIA World Factbook estimates Iraq's population at about 40 million. The population is young (almost 60 per cent are under the age of 25) and mostly urban. Baghdad is the capital and largest city, with a population of about 7.5 million. The cities of Basra and Mosul each have populations exceeding 2 million, while Erbil, Kirkuk, Sulaymaniyah and Hilla each exceed 1 million. Iraq's population is heavily concentrated in the north, centre and east of the country, while much of the west and south is sparsely populated or uninhabited desert. For ethnic demography, see [Race/Nationality](#). For religious demography, see [Religion](#). For internally displaced persons (IDPs) and stateless persons, see [Groups of Interest](#).

ECONOMIC OVERVIEW

2.6 Iraq's economy is predominantly state-run and dominated by the oil sector, which accounts for more than 85 per cent of government revenue and almost half of GDP.

2.7 Iraq's economy contracted sharply in 2020 due to COVID-19 and falling global oil prices. It recovered in 2021 to achieve modest growth of 2.8 per cent. Soaring oil prices in 2022 drove oil revenue to its highest level in 50 years. Although classified as an upper middle-income country by the World Bank, Iraq's social indicators, including on health, education and poverty, are poor. There is significant inequality, and 19 per cent of the population lives below the national poverty line of approximately AUD 110 per month.

2.8 Unemployment is high, and labour force participation is among the lowest in the world. Women and young people are particularly likely to be unemployed; women make up just 13 per cent of the labour force, and more than a fifth of working-age young people do not have a job and are not engaged in education or training. The public sector is the largest employer but demand for public service employment outstrips supply of jobs. The World Bank's Spring 2022 Iraq Economic Monitor assesses Iraq will continue to struggle to attract foreign investment due to its volatile security environment, high levels of corruption, and administrative inefficiencies.

2.9 Climate change is having a significant impact on economic activity and quality of life in large parts of Iraq. Low rainfall – the second lowest amount in 40 years – has caused widespread food and water security issues. Production of strategic crops such as wheat and barley dropped 70 and 90 per cent respectively in 2021. Other impacts include very high and increasing temperatures, frequent sand and dust storms, and flooding. The IOM assesses that climate change is a significant and increasing driver of migration both within and out of Iraq. According to IOM estimates, 20,000 people were internally displaced due to water scarcity in Iraq in 2021. With 18 per cent of the labour force employed in the agricultural sector there is little or no capacity in the private sector to absorb labour if farmers migrate due to climate change.

Health

2.10 The overall quality and availability of healthcare in Iraq is low. There is a nationwide shortage of doctors and nurses, a situation made worse by prolonged conflict and a long-term brain-drain of medical professionals. The Ministry of Health (MoH) is the primary health care provider. Chronic underinvestment and corruption have undermined its capacity to deliver quality healthcare. Waiting lists are long and hospitals often lack essential supplies such as cancer drugs. Iraqis who can afford to use private hospitals and clinics prefer them but, because private health insurance is unavailable, this can be expensive. The quality and availability of healthcare is slightly better in the Kurdistan Region of Iraq (KRI).

2.11 Violence against medical personnel is a serious problem. A 2021 survey found 87 per cent of doctors in Iraq had experienced violence in the previous six months. There are reports of doctors and nurses being

targeted for revenge attacks by the families and tribes of patients who die, even if the patient was near death on arrival at the hospital. There are also reports of tribes extorting 'tribal penalties' from doctors for real or fabricated malpractice, which can reach as much as AUD 140,000-290,000. Many doctors have left the country or turned to other professions as a result.

Mental health

2.12 Mental illnesses such as depression, anxiety and post-traumatic stress disorder are common in Iraq and frequently linked to experiences of conflict and displacement. Mental health services are inadequate. There are two dedicated psychiatric hospitals in the country, Al-Rashad Psychiatric Hospital and Ibn Rushd Hospital, both located in Baghdad. There are psychiatric wards in some general hospitals, as well as some out-patient clinics, often run by international non-government organisations (NGOs) such as *Medicins sans Frontieres*. The absence of community-based mental health care means that often the only care available is family-based or in psychiatric institutions, which have been linked to inhumane treatment and degrading conditions. There is significant societal stigma against people with mental illness. People with mental illness are often perceived as dangerous and unable to work, and some Iraqis blame mental illness on personal weakness or divine retribution. These attitudes result in under-reporting of mental illness and under-utilisation of the services that are available.

Drug abuse and treatment

2.13 Drug abuse is an increasing problem, particularly in Basra and Baghdad. The most common substances are methamphetamine and fenethylline (a type of amphetamine popular with Islamist fighters, often known by one of its brand names, 'Captagon'), opium, hashish and alcohol. The rise in drug abuse is often attributed to high levels of youth unemployment, as well as the involvement of Iranian-backed militias in the drug trade. Since 2017, drug treatment and rehabilitation centres have opened in Basra, Baghdad and Erbil, but a shortage of available places means many drug users are jailed.

Education

2.14 Public education is free at all levels, but is generally poor quality. Education is compulsory until the end of grade 9 in the KRI and 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 Ministry of Education. Private schools are often superior to public schools but charge extremely high fees, putting them out of reach of all but the wealthy elite. According to a 2018 Oxfam report, enrolment rates of girls have increased in recent decades but remain approximately 6 per cent lower than boys in primary school and 25 per cent lower in secondary school. Girls are particularly likely to be out of school in parts of Iraq formerly occupied by Da'esh, where social attitudes and security concerns are significant barriers to their education.

2.15 During the conflict with Da'esh, up to 90 per cent of school-aged children in affected areas were reportedly unable to access education. School closures due to COVID-19 have affected 11 million students and technology constraints have meant that most children have been unable to learn from home and have lost more than a year of schooling.

POLITICAL SYSTEM

2.16 Iraq is a federal parliamentary republic divided into 18 governorates, each governed by an elected council. Governors are appointed by the President on advice of the Federal Government. Under an informal agreement between political parties, known as the '*muhasasa*' system, the (mostly ceremonial) presidency is

reserved for Kurds, the premiership for Shi'a, and the Speaker of Parliament for Sunnis. Iraq has a 329-seat Council of Representatives, with a minimum of 25 per cent of seats reserved for women and smaller numbers for minorities. In practice, many groups besides elected authorities also exercise power in Iraq, including militias, sectarian organisations, tribes, criminal gangs, and foreign powers (see also [Security situation](#), [Political opinion \(actual or imputed\)](#)).

2.17 The Kurdistan Region of Iraq (KRI) is governed independently. The KRI gained de facto autonomy in 1991 after US intervention in the Gulf War and the creation of a 'haven' to protect Kurds from attacks by Saddam Hussein's Ba'athist regime. The Kurdish Regional Government (KRG) is headquartered in the city of Erbil and the President of the KRG represents the KRI at national and international levels. The KRI also has seats in the federal parliament. The KRG is supposed to hold elections every four years, but they have frequently been delayed, including in 2022. Power in the KRI has traditionally been split between two blocs: the Kurdish Democratic Party (KDP), dominated by the Barzani family, which controls the north of the KRI, including Erbil and Dahuk; and the Patriotic Union of Kurdistan (PUK), dominated by the Talibani family, which controls the south of the KRI, including Sulaymaniyah.

Corruption

2.18 Corruption in Iraq is widespread. Transparency International ranked Iraq 157 out of 180 countries in its 2021 Corruption Perceptions Index, scoring it 23 out of 100 (where 100 signifies very clean and 0 highly corrupt). An opinion poll carried out across Iraq in 2019 found that corruption was the major source of 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 has been a driving force behind mass demonstrations across Iraq since 2018 (see [Protesters and demonstrators](#)).

2.19 Bribes are often required to obtain basic services, such as connecting utilities, accessing public health services and obtaining official documents. Bribery, money laundering, nepotism and embezzlement occur at all levels of government and across all ministries. Iraq's Parliamentary Transparency Commission reported in 2018 that corruption was responsible for the disappearance of at least USD320 billion from the state treasury since 2003, mostly because of corrupt or phantom contracts. Other sectors affected by corruption include the judiciary, police and state security services (see [State Protection](#)), customs, electricity generation and the natural resources sector, particularly the oil industry. Criminal networks, reportedly involving oil ministry staff and high-ranking political and religious figures, smuggle oil to the black market, generating huge profits.

2.20 Despite anti-corruption laws and the implementation of an anti-corruption commission, efforts to curb corruption in Iraq have had limited success. Anti-corruption officials, police, lawyers and judges have faced threats, intimidation and abuse, as have civil society activists and the media. Armed militias are involved in corruption and provide protection for corrupt officials. Although still high, corruption levels in the KRI are reportedly lower than elsewhere in Iraq.

HUMAN RIGHTS FRAMEWORK

2.21 Iraq is party to most major international human rights instruments. Notable exceptions include the Optional Protocol to the Convention Against [Torture](#) (OP-CAT) and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the [death penalty](#) (ICCPR-OP2). Iraq's constitution contains numerous human rights commitments, including freedom of expression,

assembly, worship, association and thought. While numerous laws support these freedoms, the government does not always respect them in practice, or adequately protect people exercising them.

2.22 The Iraqi High Commission for Human Rights (IHCHR) has the authority to receive and investigate human rights complaints, conduct unannounced visits to correctional facilities and review legislation. Article 102 of the constitution guarantees the IHCHR's independence, subject to monitoring by the federal parliament. 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 and NGOs.

2.23 The UN Office of the High Commissioner for Human Rights (OHCHR) currently rates the IHCHR as a 'B' status institution, meaning it is only partially compliant with the Paris Principles governing national human rights institutions. An evaluation of the IHCHR published in 2021 by MENA Rights, a Geneva-based human rights NGO, suggested that, although the IHCHR is active in recording human rights violations, it fails to conduct meaningful investigations and hold abusers to account. According to the US Department of State, personal and political agendas sometimes interfere with the IHCHR's work. Local sources concur.

SECURITY SITUATION

2.24 Security incidents occur often and without warning, including rocket attacks, mortar attacks, attacks with improvised explosive devices (IEDs), grenade attacks, small arms fire and assassinations. Targets have included security forces, government offices, diplomatic missions, US-led coalition forces, Iraqi and Turkish 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. Violent crime is common, including kidnapping, murder and robbery. Other serious crime includes drug and people trafficking, prostitution and illegal organ harvesting. Organised criminal gangs, militias and armed tribal groups are significant threats.

2.25 Although the KRI is generally regarded as a less dangerous security environment than other parts of Iraq, it is still affected by high levels of violent crime, including kidnappings, murders, robberies and so-called 'honour' killings (see [Women](#)). Gun violence is common throughout Iraq. Gun ownership is among the highest in the world, and most households own at least one firearm. The ubiquity of weapons and a strong 'honour' culture mean minor disputes often rapidly deteriorate into violence, including murder.

2.26 Despite the territorial defeat of Da'esh in December 2017, Da'esh continues to launch attacks on security forces and civilians in Iraq, including suicide bombings and IED attacks. The group operates from safe havens in the Western Desert and along the disputed territories between federal Iraq and the KRI, supported by Da'esh fighters based in Syria. In 2021, Da'esh carried out more than 1,000 attacks in Iraq, killing or injuring over 2,000 people. These included a suicide bombing in Teyeran Square that killed 32 people in January 2021 and an IED attack in Madinat al-Sadr that killed 35 people in July 2021. Both attacks targeted Shi'a populations. According to the US Department of State, Da'esh also attacked electricity and water infrastructure, and abducted and killed civilians and security personnel, throughout 2021.

2.27 Iran and Turkey carried out rocket and artillery attacks in Sinjar and the KRI in 2022, reportedly targeting members of the KDPI (Kurdish Democratic Party of Iran) and the PKK (Kurdistan Workers' Party, a Kurdish terrorist organisation active in Turkey and Iraq). Civilians were reportedly killed in and displaced by these attacks.

2.28 Large-scale, prolonged violent protests began in major cities in October 2019 and continued until mid-2021. These protests came to be known as the 'Tishreen' (October) protests, and participants as 'Tishreenis'. Security forces, allegedly with the support of Iranian-aligned militias, used tear gas, water

cannons and live ammunition against protesters, resulting in hundreds of deaths. In July 2022, in a separate period of unrest following the October 2021 elections, supporters of influential cleric Muqtada al-Sadr breached the International Zone in Baghdad (the partially-secured centre of the international and government presence in the city) and staged a sit-in at the Iraqi parliament that lasted several days. They were protesting the nomination by al-Sadr's opponents of Mohammad al-Sudani as prime minister and attempting to inhibit government formation. In August 2022, al-Sadr's supporters moved their protest to the Supreme Judicial Council, before forcing their way into the Presidential and Government Palaces. The protesters later clashed violently with groups believed to include Iranian-aligned militias, exchanging small arms and rocket fire continuously for 20 hours. At least 20 people were killed and more than 300 injured in this violence. See also [Protesters and demonstrators](#).

2.29 Iraq is one of the world's most landmine-affected countries. There are reportedly more than 2,000 hazardous mine areas nationwide from numerous conflicts. Border areas are particularly affected, and areas previously controlled by Da'esh have also been heavily mined, including with booby-traps. Explosive hazards pose risks at farms, schools, hospitals, water treatment facilities, power plants, bridges and other infrastructure, and have prevented the safe return of displaced people.

3. REFUGEE CONVENTION CLAIMS

RACE/NATIONALITY

3.1 According to the CIA World Factbook, the Iraqi population is 75-80 per cent Arab, 15-20 per cent Kurdish and 5 per cent 'other' (including Turkmen, Yazidi, Shabak, Kaka'i, Bedouin, Romani, Assyrian, Circassian, Sabaeen-Mandaean and Persian). Iraq has not held a full national census since 1987.

3.2 Article 14 of the constitution guarantees that Iraqis are equal before the law without discrimination based on (among other things) race, ethnicity, nationality, origin or colour. Article 3 confirms that 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'). Nevertheless, certain groups in Iraq do experience discrimination on racial/ethnic grounds, and state protection is often inadequate.

Faili Kurds

3.3 Faili Kurds are an ethnic group historically inhabiting both sides of the Zagros mountain range along the Iran-Iraq border. There are an estimated 500,000 to 1 million Faili Kurds in Iraq. Most live 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. Unlike the majority of Kurds, who are generally Sunni Muslims adhering to the Shaf'i school, Faili Kurds are Shi'a.

3.4 Faili Kurds have historically experienced stigmatisation and persecution in Iraq due to their dual Shi'a and Kurdish identities, as well as their perceived association with Iran. Under the regime of Saddam Hussein, they faced mass deportations, forcible disappearances and seizure of property. State-sanctioned persecution of the Faili Kurds officially ended after 2003, and many Faili Kurds have since returned from Iran. The preamble to the 2005 Constitution recognises the Faili Kurds as victims of oppression and massacres. The Council of Representatives 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.

3.5 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.

3.6 Faili Kurds who lack nationality documents 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](#)). Fails Kurds who have managed to obtain nationality documents have reported that the identity cards issued are a different colour from those of other Iraqis, or show them as citizens of 'Iranian origin,' which could open them up to discrimination. Sources told DFAT that Fails Kurds experienced low-level societal discrimination in the form of epithets or marginalisation and were underrepresented in the public service and government.

3.7 Another major challenge facing Fails Kurds who were stripped of their citizenship during the Ba'ath era is the recovery of confiscated properties. 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 were confiscated. There have been few reports of compensation being transferred to families in practice.

3.8 DFAT assesses that Fails Kurds without nationality documents face a moderate risk of official discrimination in the form of inability to access government services or obtain other important identification documentation. Fails Kurds face a low risk of societal discrimination on the basis of being considered foreign nationals, although this is unlikely to include being subjected to violence.

Iraqis of African descent ('Black Iraqis')

3.9 'Black Iraqis' are primarily the descendants of East African migrants and slaves whose presence in Iraq dates from the ninth century BCE. Estimates of their numbers vary from 200,000 to 2 million. Most live in southern Iraq, with the largest community in Basra. Most identify as Shi'a, although the community also maintains some African traditions and spiritual practices.

3.10 Black Iraqis face systemic discrimination and marginalisation. They are frequently referred to by the slur 'slave' and their communities have disproportionately high illiteracy and unemployment rates. Black Iraqi neighbourhoods, particularly in Basra's al-Zubeir district, are characterised by extreme poverty and neglect. While Black Iraqis can theoretically access public services such as education and healthcare, many struggle to do so, including due to widespread racist attitudes among individual service providers. Some Black Iraqis lack nationality documents for reasons connected to the history of slavery and are therefore unable to access public services at all.

3.11 Attempts by Black Iraqis to defend their political rights have been met with threats and violence. The leader of the Free Iraq Movement, a political association formed to defend the rights of Black Iraqis, was assassinated in Basra in 2013 in a case that remains unsolved. Sources told DFAT that politically active Black Iraqis could also face violence from their own communities, such as a woman who was beaten and forced to flee her community after publicly advocating for Black Iraqi rights in September 2022.

3.12 DFAT assesses that Black Iraqis 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. They face a high risk of societal discrimination due to widespread racial prejudice and systemic exclusion from economic and educational opportunities, which they are unable to escape due to their high visibility. Politically active Black Iraqis face a moderate risk of societal violence, including from their own community.

Palestinians

3.13 Until the US-led military action in March 2003, approximately 45,000 Palestinians resided in Iraq. Palestinians arrived 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 the Gaza Strip in the Six-Day War; and then in

the 1990s after being expelled from Gulf States that were at odds with Saddam in relation to the Gulf War (during which Palestinian political leadership sided with Saddam). Under Saddam, Palestinians enjoyed full rights in Iraq with the exception of citizenship. They received subsidised housing, access to education and health services, and the right to work in the public sector. Since 2003, Palestinians have been marginalised in Iraq due to their perceived affiliation with the former regime, and harassed or expelled from Shi'a majority areas due to their predominantly Sunni sectarian affiliation.

3.14 In December 2017, the government passed Law No. 76 of 2017, classifying Palestinians as foreigners and stripping them of their former rights. Palestinians are now required to regularly apply for residency permits to remain in the country. 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 considerable hardship. Most Palestinians have refugee travel documents only, which can limit their freedom of movement. As a result of these worsening conditions, many Palestinians have left the country. Sources told DFAT there were about 8,000 Palestinians left in Iraq, some in the general community and others in refugee camps. While the central government does not recognise the refugee status of Palestinians, the KRG does.

3.15 Being widely perceived as aligned with Saddam meant that Palestinians came under intense suspicion from a range of actors after 2003. Coalition occupation forces arrested hundreds of Palestinians in the wake of the 2003 military action, while Shi'a militant groups targeted Palestinians for organised killings, expulsion and displacement from predominantly Shi'a areas. A 2018 Reuters article reported several cases of Palestinians being arbitrarily detained and tortured on the basis of perceived affiliation with Sunni Islamist militant groups such as Hamas. DFAT is unaware of more recent cases specifically involving Palestinians.

3.16 In 2020, the Iraqi parliament reportedly passed a law that would give Palestinians who had lived in Iraq for at least 10 years the same rights as Iraqis, with the exception of citizenship, running for public office and voting.. Palestinian representatives claim they continue to suffer from discrimination and inadequate access to services.

3.17 DFAT assesses that Palestinians residing outside the KRI face a high risk of official discrimination in the form of insecure residency status, barriers to employment and inability to access public services. Palestinians suspected of being Sunni Islamist militants face a similar risk of arbitrary detention, enforced disappearance, and torture by security forces and Shi'a militant groups as do other persons with perceived affiliation to Da'esh.

Roma (Kawliyah)

3.18 Roma, sometimes referred to as Kawliyah in Iraq, are descendants of migrants from India who arrived in Iraq more than a thousand years ago. Estimates of their number range widely, from several thousand to 200,000. They live mostly in isolated villages in southern Iraq, primarily in Al-Qadissiya governorate, as well as on the outskirts of Baghdad, Basra and Mosul. Most Roma are Shi'a or Sunni. 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.

3.19 Local sources told DFAT the Iraqi Government had made some efforts in recent years to improve the status of Roma and provide them with documentation; nevertheless, living conditions in Roma villages in central and southern Iraq are poor. Many live in windowless mud houses and do not have electricity, clean water, health care or adequate food. Most cannot access government social welfare programs, and many

lack nationality documents. In the past many worked as entertainers, musicians and dancers, but the increased influence of fundamentalist Shi'a militias and clerics mean these occupations are now largely closed to them. Roma are ostracised from general society, and members of the community report that shopkeepers will often refuse to sell goods to them.

3.20 Other Iraqis often perceive Roma as associated with sex work. This reportedly puts Roma women 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.

3.21 DFAT assesses that Roma face a moderate risk of official discrimination based on their general 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 is likely to be higher for Roma women perceived as being involved in sex work.

Shabak

3.22 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 80 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](#)).

3.23 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. Sources told DFAT that Sunni Shabak sometimes faced threats and violence from Shi'a armed groups, but DFAT is not aware of specific examples.

3.24 DFAT assesses that Shabak generally face a low risk of 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. Sunni Shabak face a low risk of violence from Shi'a armed groups.

Turkmen

3.25 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. Sources told DFAT there were about

2 million Turkmen in Iraq, although it is likely Turkmen advocates overstate the size of their community for political reasons (as do other groups). The KRI Parliament reserves five seats for Turkmen candidates.

3.26 During the Ba'athist era, the Turkmen suffered mistreatment and denial of cultural, linguistic and political rights. They have long been in conflict with Kurds and Arabs over the status of disputed areas to which they have historical claims, especially in Kirkuk. In the years following the US-led military action, there were hundreds of cases of attacks by Sunni and Kurdish militias and [Peshmerga](#) on Turkmen, including car bombs, shootings, abductions and torture. Those targeted included Turkmen political representatives, judges, lawyers, police officers and teachers. Authorities proved unable or unwilling to protect Turkmen communities from attack, while refusing to allow them to form their own security forces.

3.27 The Turkmen were particularly affected by the rise of Da'esh after 2014. 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. Turkmen civil society groups claim more than 1,300 Turkmen kidnapped by Da'esh remain missing. International observers also reported cases in which Iraqi security forces carried out [extrajudicial killings](#) against Sunni Turkmen.

3.28 Following the return of central government control in Kirkuk in October 2017, Turkmen reported facing discrimination, displacement and, in some cases, violence from government forces, particularly Iran-aligned PMF groups, as part of ongoing violence between Turkmen, Kurds and Arabs. Media outlets carried reports of PMF groups invading, looting and burning the houses of Turkmen and other minorities.

3.29 DFAT assesses that Turkmen face a low risk of 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

3.30 An estimated 97 per cent of the population is Muslim. Shi'a Muslims make up 55 to 60 per cent of the overall population, while Sunni Muslims constitute about 40 per cent. Around 60 per cent of Sunnis are Arab, 37.5 per cent Kurdish, and the remainder Turkmen.

3.31 While freedom of religion is theoretically protected by the Iraqi Constitution, laws and customs tend to favour the Muslim majority. Article 2 (1) of the constitution establishes Islam as the state religion and prohibits any law that contradicts established provisions of Islam. The 1959 Iraqi Law of Personal Status governs the settlement by religious courts of disputes involving marriage, divorce, custody of children, inheritance and so forth. All recognised religious minorities except the [Yazidis](#) have personal status courts. When one of the parties to a dispute is from an unrecognised faith, Islam takes precedence.

3.32 The following religious groups are recognised by the personal status law and thus 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 religious groups to appoint legal representatives and perform legal transactions such as buying and selling property. The law does not specify penalties for unrecognised religious groups (with the exception of the [Bahá'í](#)), but contracts signed by institutions of such groups are not legal or permissible as evidence in court.

3.33 Government policy requires Islamic instruction in public schools, but non-Muslim students are not required to participate. Religious minorities are reportedly underrepresented in the ranks of national police, senior military, and intelligence and security services. There are reports of religious minorities, including

Christians and Sabeen-Mandean, adopting certain Islamic practices, such as wearing the *hijab* (traditional Islamic clothing for women) or fasting during Ramadan to avoid harassment.

Religious conversion and intermarriage

3.34 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 [Yazidis](#)). Civil status laws allow non-Muslim women to marry Muslim men, but prohibit Muslim women from marrying non-Muslim men. Conversion from Islam is reportedly easier in the KRI.

3.35 No laws prevent marriage between Sunni and Shi'a couples. Such marriages have reportedly increased in prevalence as sectarian tensions reduced over the past decade, although would-be couples sometimes face opposition from their families, which in extreme cases can extend to violence.

3.36 DFAT assesses that Iraqi laws and long-standing practices tend to discriminate against non-Muslims. The extent of this discrimination varies 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.

Bahá'i

3.37 Bahá'ism is a monotheistic faith founded in 19th-century Iran. It has roots in Shi'a Islam and emphasises pacifism and the unity of humanity. There are an estimated 1,000-2,000 Bahá'is in Iraq. Because they deny the finality of the prophet Mohammad, some Muslims consider Bahá'is apostates. Bahá'is do not benefit from any recognition or special measures under the constitution, although the KRG's Ministry of Endowment and Religious Affairs recognises them as a religious minority.

3.38 Bahá'is experienced persecution under the Ba'athist regime, including arbitrary detention and executions. The Ba'athist Law No. 105 (1970) prohibits their faith, while Rule No. 358 (1975) proscribed the recording of Baha'i as a religion in the civil status records. Consequently, the Bahá'i cannot acquire identity documents, passports, or birth, death or marriage certificates. The Ministry of Interior repealed Rule No. 358 in 2007, but Law No. 105 remains unrevoked and prescribes 10 years' imprisonment for anyone practising the Bahá'i faith. While authorities reportedly do not enforce Law No. 105, they have reportedly cited it and the Law on Civil Affairs (1959; amended 2017) which prohibits conversion away from Islam, as a justification to refuse to issue Bahá'i identity documents, including to those who had previously obtained identity documents stating Islam as their religion. Without identity documentation, Bahá'is cannot access rights and services related to citizenship such as education, property ownership and medical care. The majority of Bahá'i marriages are not registered officially, so the children of such marriages cannot obtain identification.

3.39 Authorities confiscated Bahá'i administrative buildings after the passing of Law No. 105, and have not returned them to the community. In July 2013, a Bahá'i holy site in Baghdad was demolished to make way for a Shi'ite congregation hall. Authorities have not responded to Baha'i demands for the restitution of the site. Bahá'i reportedly also face harassment from PMF groups, including being called by the slur 'kaffir' (infidel), especially in the Shi'a-majority city of Basra.

3.40 DFAT assesses that Bahá'is face a high risk of official discrimination in that practising their faith makes them liable to be arrested and prosecuted. Like other minorities, Bahá'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.

Christians

3.41 It is estimated that there were more than a million Christians in Iraq before the March 2003 US-led military action. Subsequent waves of violence, including sectarian conflict in 2004 and during the reign of Da'esh in 2014-17, killed an estimated 1,200 Christians and displaced many thousands more. As a result, large numbers of Christians left Iraq. There are now thought to be fewer than 300,000 remaining in the country. Most live in the Ninewah Plain and the KRI. Approximately 67 per cent 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. Others include 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 and an unknown number (mostly converts from Islam) who practise the religion secretly.

3.42 Like other religious minority communities, Christians suffered greatly during the Da'esh occupation in northern Iraq, with many forcibly converted to Islam, abducted, raped or killed. Da'esh also destroyed many Christian religious sites. Once Da'esh was defeated, displaced Christians attempting to return to their homes frequently found [Peshmerga](#), PMF groups and other security forces had taken over their properties. Christians have generally been unsuccessful in reclaiming their former homes from these groups, and the state response has been inadequate. Sources told DFAT the Christian population in Mosul had dropped from 5,000 families to 70 as a result of this violence and subsequent displacement.

3.43 Because conversion from Islam is prohibited by law, Christian churches in Iraq refrain from proselytising, and conversions from Islam to Christianity are generally performed in secret. Sources told DFAT that access to Christian evangelical material on social media was leading increasing numbers of young Muslims to convert, but that doing so placed them at risk of violence from their families and communities. Christian churches sometimes turn away would-be converts for this reason. In March 2022, a 20-year-old woman known as 'Maria' was murdered by relatives in Erbil for disobeying her family and publicly converting to Christianity.

3.44 Muslim businesspeople sometimes use Christians (and other religious minorities) as fronts to apply for permits to sell alcohol and operate liquor stores. These sellers receive threats from PMF groups and individuals opposed to the alcohol trade. Infrequently, Christians have been murdered for selling alcohol. According to the US Department of State, PMF groups carried out a series of attacks on minority-owned businesses in Baghdad in 2020-21, including against Christian and Yazidi-owned alcohol shops. Christians are disproportionately targeted for kidnap-for-ransom and other violent crimes, including by PMF and tribal groups. Sources told DFAT this was because Christians were perceived as both wealthy and vulnerable. DFAT spoke to several Christians whose relatives had been kidnapped for ransom, in one case twice.

3.45 DFAT assesses that 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, including as targets of violent crime, kidnapping and extortion. Those involved in the alcohol trade face a moderate risk of societal violence. 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. Muslim converts to Christianity face a high risk of official discrimination, in the form of legal restrictions, and societal discrimination and violence, including from their own family members.

Kaka'i

3.46 The Kaka'i, also known as Ahl-e Haqq or Yarsani, are followers of a syncretic religion which dates to the 14th century in western Iran and contains elements of Zoroastrianism and Shi'a Islam. Some Kaka'i

identify as belonging to a sect of Islam, while others consider themselves a separate religious group. Kaka'i are reportedly highly secretive about their rituals and religious beliefs.

3.47 There are an estimated 200,000 Kaka'i 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. The Kaka'i are generally considered as Kurdish in ethnicity, speaking a dialect known as Macho, although there are also some Arabic-speaking communities. Kaka'i men are easily identifiable by their characteristic prominent moustaches, which can make them vulnerable to harassment and discrimination.

3.48 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. Two Kaka'i won seats in the federal parliament in 2018. Kaka'i are recorded as Muslim on their identification cards, which some in the community reportedly prefer as a means of protecting them from discrimination. As a result, Kaka'i are able to access the same basic services as other Iraqis and can find work in the military and police, and as teachers.

3.49 Many Kaka'i were displaced from their traditional homes around Kirkuk as a result of Ba'athist regime policies. Following the rise of Da'esh in 2014, the Kaka'i were targeted for threats and violence by the militant group. When Da'esh began its advance in northern Iraq, most Kaka'i living in villages east of Mosul fled to Erbil. In response, the Kaka'i formed their own armed forces, and one 600-member contingent was incorporated into the Kurdish [Peshmerga](#).

3.50 Following the return of central government control in Kirkuk in October 2017, Iran-aligned PMF groups allegedly intimidated Kaka'i communities and dispossessed some Kaka'i of their homes. In July 2022, four PMF militants kidnapped a Kaka'i man in Saladin Province, beat him, broke his nose and forcibly shaved off his moustache, allegedly for insulting their group. 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 forcibly took over several places of Kaka'i worship in Kirkuk and converted them into mosques. Kaka'i remain a target for Da'esh. According to the US Department of State, Da'esh militants killed one Kaka'i and attacked several Kaka'i villages in 2021.

3.51 DFAT assesses that Kaka'is residing outside the KRI face a moderate risk of official discrimination based on their lack of official recognition as a minority. Like other minorities, Kaka'is face a moderate risk of societal discrimination and violence in areas where they are a minority, including at the hands of PMF groups and remaining Da'esh militants. 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-Mandeans

3.52 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. Sabean-Mandeans practise baptism in flowing water, and generally live near rivers as a result. Sabean-Mandean faith bars the use of violence or the carrying of weapons.

3.53 Today there are an estimated 5,000-10,000 Sabean-Mandeans in Iraq. The community is primarily located in the southern Marshes or on the Tigris and Euphrates 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. There are also Sabean-Mandean representatives on the Baghdad and Basra city councils.

3.54 The Sabean-Mandean community has reduced considerably in number from a high point of around 30,000-50,000 in the mid-1990s. After the March 2003 US-led military action, Shi'a and Sunni militant groups

targeted the community, accusing Sabeen-Mandean of committing witchcraft, impurity and adultery, and committing hundreds of killings, abductions and incidents of torture. Sabeen-Mandean women are targeted for harassment for not covering their heads, while Sabeen-Mandean goldsmiths, silversmiths and jewellers (traditional community occupations) are reportedly targeted for theft and murder at much higher rates than their Muslim counterparts.

3.55 Sabeen-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 experiences discrimination, slurs and negative stereotyping, as well as being targeted for attacks and kidnappings due to their perceived wealth and vulnerability.

3.56 DFAT assesses that Sabeen-Mandean face a low risk of official discrimination. Like other minorities, Sabeen-Mandean face a moderate risk of societal discrimination and violence in areas where they are a minority, including as targets of violent crime, kidnapping and extortion. 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.

Yazidis

3.57 The Yazidis (also spelt Yezidis) are a religious group historically concentrated in Sinjar, 150 kilometres west of Mosul. Their religion is distinctive and highly syncretic, influenced by beliefs and practices of Zoroastrianism, Islam and Christianity. The Yazidis maintain a more closed community than do other ethnic or religious groups in Iraq. It is impossible to convert to being a Yazidi and marriage outside the community is forbidden. Some Yazidis identify as ethnically Kurdish, while others view themselves as having a distinct ethnic identity. Yazidis are reportedly distinct in appearance from other Kurds, and sources told DFAT they would have no trouble identifying a Yazidi by appearance alone. The community speaks the Kormanje dialect of Kurdish, but uses Arabic as a liturgical language. Article 2 (2) of the constitution explicitly protects the freedom of belief and practice of the Yazidis.

3.58 Yazidis have suffered marginalisation and periods of violence throughout Iraqi history. Under the Saddam Hussein regime, the Yazidi community was neglected and subjected to forced assimilation. Following the 2003 US-led military action, religious extremists targeted the community for its supposed 'satanic' beliefs. Yazidis have come under persistent pressure to assimilate with Iraqi Kurds, including through forced marriage with members of Kurdish militia groups. Before the rise of Da'esh there were an estimated 500,000 Yazidis in Iraq. 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. 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 be sold or forcibly married to Da'esh fighters in Syria, where an estimated 3,000 Yazidi women and children from Iraq remain captive. Da'esh's treatment of the Yazidis has been labelled a genocide by the United Nations and recognised as such by the Australian Government.

3.59 As of 2022, about 92,000 displaced Yazidis had returned to their homes in Sinjar, with many more reluctant or unable to do so because their properties have been taken over or they fear intimidation by Shi'a Arab and Kurdish militias. Many are also concerned about inadequate state protection in case of a future Da'esh resurgence. Public services in Sinjar are extremely limited, including healthcare and education, and many homes and public buildings remain unusable since being damaged in the fight against Da'esh.

3.60 About 196,000 Yazidis remain in 15 refugee camps in Duhok Governorate, while a further 25,000 or so live in Duhok outside the camps. Sources described the living conditions of those outside the camps as 'terrible', with shanty-style accommodation and limited access to basic services. Conditions in the camps are challenging, with families of two to seven people housed in tents, and temperatures ranging from 48°C in

summer to sub-zero in winter. Supplies of both electricity and drinking water are intermittent, there are insufficient toilets, and the cost of food and other essentials is reportedly very high. Primary and secondary education are available, but classes are overcrowded. There are some opportunities for Yazidis to pursue higher education, although employment opportunities on graduation are limited (see [Economic Overview](#)).

3.61 There are limited opportunities for Yazidis to work in the local economy. Some work in supermarkets or construction, while others rely on small government pensions or NGO payments. Communicable diseases including hepatitis and COVID-19 are common, as well as non-communicable diseases such as cancer, which locals blame on contaminated water. Each camp has a health clinic, but for more complex treatment people must travel several hours to a regional hospital in Dohuk. Out-of-pocket medical expenses are extremely high. Mental illnesses such as depression, anxiety and PTSD are prevalent, especially among trauma survivors. Suicide rates are high. Some professional counselling services are available, but they are inadequate to meet demand.

3.62 In 2021, the Iraqi parliament ratified the Yazidi Survivors Law, intended to provide reparations to Yazidis who suffered under the Da'esh occupation. While an office had been established to implement the law, it was not effectively operating as of September 2022, and no Yazidi survivors had received compensation or other support under the law. In December 2022, the Iraqi Government approved a decree granting ownership of residential lands and houses to the Yazidi occupants of 11 residential collective townships in Sinjar. An official statement said the decision would benefit thousands of Yazidi families who had been deprived of owning their residential lands since 1975, under Ba'athist-era policies.

3.63 Yazidi women survivors of Da'esh sexual violence are among the most vulnerable populations in Iraq. Some have reportedly found it impossible to reintegrate with their communities due to trauma and stigma. The Yazidi community has frequently forced Yazidi women who had children fathered by Da'esh fighters (through rape) to give up their children on threat of expulsion. Sources told DFAT that some survivors had been able to successfully reintegrate with their communities, but generally not those with children fathered by Da'esh fighters. Yazidi women who cannot reintegrate with their communities are highly vulnerable to sex trafficking and other forms of exploitation (see [Women](#)).

3.64 Yazidi women are reportedly vulnerable to 'honour' crimes committed by relatives and others in their communities. Sources told DFAT of a number of cases of staged or forced suicides by Yazidi women who were perceived as bringing dishonour upon their community. These cases often go unreported.

3.65 DFAT assesses that Yazidis in Sinjar face a moderate risk of official discrimination in the form of harassment and displacement by state-sponsored militias. They also face a residual risk of violence by Da'esh in the absence of effective state protection. Like other minorities, Yazidis 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 survivors of Da'esh sexual violence face a high risk of societal discrimination in the form of exclusion, stigma and being forced to give up children fathered by Da'esh fighters.

Zoroastrians

3.66 Zoroastrianism originated in Persia in the 6th century BCE. It has experienced a resurgence in Iraq in recent years, especially in the KRI. Sources told DFAT the religion was a popular choice for Muslim converts disillusioned with Islamic extremism following the Da'esh occupation in 2014-17. Exact numbers are unknown, but Yasna, an Iraqi Zoroastrian organisation, claims to have 15,000 registered followers.

3.67 Zoroastrianism is an officially recognised religion in the KRI, but not in federal Iraq. Zoroastrians are generally registered as Muslim on their identity documents, enabling them to access the same rights and public services as other Iraqis. There are some reports of online harassment and discrimination within families against Zoroastrian converts, but DFAT is unaware of Zoroastrians being subjected to violence or systemic discrimination.

Atheists, non-practising Muslims and religiously unaffiliated persons

3.68 Sources told DFAT increasing numbers of young Muslims had become disillusioned with their faith, including because of atrocities carried out by Da'esh in the name of Islamic extremism. Some choose to retain their Muslim identity but abandon practices such as attending prayers and wearing hijab. Others choose to convert to religions such as [Christianity](#) or [Zoroastrianism](#). Some become atheists. There is no official recognition of atheism in Iraq, but since atheists are generally registered as Muslim on their identity documents they are able to access the same rights and public services as other Iraqis. Atheists can reportedly often be identified by the non-Islamic names they adopt, such as 'William' or 'Adam'.

3.69 Atheism is not well-accepted by conservative Iraqis. Former Prime Minister Nouri al-Maliki called atheism a 'dangerous conspiracy' and in 2017 a prominent Shi'a cleric, Ammar al-Hakim, called for atheists in Iraq to be confronted with 'an iron fist'. Some activists publicly proclaim atheist beliefs, but harassment and violence against atheists by family members, religious groups and militia groups sometimes occurs. Known atheists reportedly have difficulty securing employment. Sources told DFAT they were aware of atheists being murdered by family members because of their denial of religion, but that these crimes were generally reported as 'honour killings' or as due to 'refusal to obey the family'.

3.70 DFAT assesses that atheists in Iraq generally face a low risk of societal discrimination or violence, but this varies with individual circumstances. Atheists from highly religious or conservative families or communities face higher risks.

POLITICAL OPINION (ACTUAL OR IMPUTED)

3.71 Following the US-led military action in 2003, Iraq experienced a sharp deterioration in its [security situation](#), along with a rapid increase in the number of political parties and armed groups operating within the country. The current [political situation](#) is highly complex, with multiple actors vying for power, territory, resources, and control of legal and illegal markets. As a result, individuals expressing contrary political views can find themselves at odds with a diverse range of groups, including central and regional governments, state security forces (including state-sponsored militia), fringe militia groups, tribal groups, conservative religious elements and Islamic militant groups. What constitutes safe political expression in one part of Iraq is sometimes dangerous in another. The degree of risk faced by an individual on the basis of their political opinion (real or perceived) therefore varies depending on their prominence, persistence and location, the group or groups they oppose, and the degree to which they enjoy the protection of other powerful groups.

Persons working (or who have worked) with the international community

3.72 A large number of Iraqis worked with the international community in the years following the US-led military action in 2003, particularly as translators for the international coalition and its military. Many were targeted during the insurgency period (2003-06) by opponents of the military occupation: at least 60 translators who had worked for the United Kingdom were reportedly killed during this period, along with many who had worked with the US military.

3.73 During 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 would be 'eliminated'. Supply convoys for Coalition forces are regularly targeted with IEDs. DFAT is aware of civil society activists, journalists and human rights defenders who have been threatened over their professional contact with international organisations, particularly Western embassies and the United Nations Assistance Mission to Iraq (UNAMI).

3.74 In-country sources report that 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.

3.75 DFAT assesses that Iraqis who have worked or are known to be working with the international community face a moderate risk of harassment by state-sponsored militias and non-state groups, particularly in Shi'a areas. Such harassment may include violence or the threat of violence.

Persons accused of links to the Ba'ath Party

3.76 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. This led to the dismissal of thousands of predominantly Sunni individuals from the public service and military. 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.

3.77 DFAT is aware of reports that accusations of association with the Ba'ath Party have been used as a threat against Sunni government workers, particularly in Shi'a majority areas of southern Iraq, and as a pretext for violence or legal action against tribal or political rivals. Accusations of association with the Ba'ath Party have also been directed at Tishreen activists (see [Security situation, Protesters and demonstrators](#)). In September 2022, PMF forces detained and allegedly tortured four prominent Tishreen activists in Diwaniyah whom they accused of being part of a 'Ba'athist plot'. Two of the activists died shortly after being released.

3.78 DFAT assesses that 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 on the basis of party membership alone. People accused of current Ba'ath Party involvement face a moderate risk of official harassment, in the form of arbitrary detention or dismissal, and a moderate risk of violence by state-sponsored armed groups.

Persons with perceived affiliations to Da'esh

3.79 The occupation by Da'esh of parts of northern Iraq from 2014-17 (see [Security Situation](#)) caused long-term displacement and social disruption to hundreds of thousands of people, including many perceived as having affiliations with the terrorist group. Some of these people were, in fact, Da'esh fighters or actively supported Da'esh as financial facilitators, trainers, or in administrative and support roles. Others reportedly had low-level involvement with Da'esh, such as being cooks or drivers, were married to Da'esh fighters (including by force), or had family members involved with Da'esh without themselves being involved. Some reportedly had no formal involvement with Da'esh at all.

3.80 Persons with perceived affiliations to Da'esh experience a range of issues, including stigmatisation and exclusion from their communities, denial of basic services, official harassment, arrest, enforced disappearance and torture. They also face challenges registering children born under Da'esh rule (see [Birth certificates and registration procedures](#)). As many as 20,000 have been arrested on terrorism charges since 2017, most of them Sunni men and boys. According to UNAMI, many have not received fair trials (see [Judiciary](#)), have suffered torture in custody, and have been convicted based on confessions extracted under torture.

3.81 In 2018, Human Rights Watch reported 78 cases of enforced disappearances of mostly Sunni men and boys accused of affiliation with Da'esh, carried out by Iraqi and KRI security forces and state-sponsored militias. These disappearances were alleged to have occurred between April 2014 and August 2017. In some cases these disappearances were accompanied by other human rights abuses including arbitrary arrest and detention, ill-treatment and extrajudicial killings. UN and NGO reports suggest 1,000-2,000 children are being held in federal Iraq and the KRI for alleged Da'esh affiliation. Many allegedly suffered ill-treatment, including torture to extract confessions. Sources told DFAT that Iraqi and KRI security forces (including PMF groups) continued to detain Sunni Arabs with tenuous affiliations to Da'esh and, in some cases, subject them to torture in order to extract confessions.

3.82 An estimated 250,000 Sunni Arab internally displaced persons (IDPs) are unable to return home due to perceived affiliations with Da'esh. This includes families and individuals from Anbar, Diyala, Ninewah and Salah al-Din. Camps hosting these families generally lack basic services. Children in the camps generally do not receive any education, and are considered by security analysts to be at serious risk of radicalisation. Women IDPs with perceived affiliation to Da'esh are reportedly highly stigmatised and vulnerable to sexual exploitation and abuse (see [Women](#)).

3.83 Families with perceived affiliations to Da'esh face many of the same obstacles to returning home as do other IDPs, including destroyed residences, landmines and unexploded ordnance, and lack of livelihood opportunities. In addition, they often face stigmatisation and rejection from their home communities, and in some cases threats or violence, on the basis of their perceived affiliations with Da'esh. Some communities have established tribal agreements or local peace committees to facilitate reintegration. According to the UNDP, these mechanisms 'have yielded some success but still face a number of challenges including limited resources and the weakening of traditional authorities—both tribal and religious—that occurred under ISIL's [Da'esh's] rule'.

3.84 Authorities have reportedly denied security clearances (required to obtain a [National Identity \(ID\) Card](#) and all other forms of civil documentation) to individuals and families with 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.

3.85 DFAT assesses that persons with perceived affiliations to Da'esh face a high risk of official discrimination as denial of security clearances prevents them 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. Men and boys with perceived affiliations to Da'esh face a high risk of arbitrary detention and a moderate risk of enforced disappearance and torture. Women with perceived affiliation to Da'esh face a high risk of societal discrimination, including those who experienced rape or were forcibly married to Da'esh fighters.

Protesters and demonstrators

3.86 Article 38 (3) of the Constitution of Iraq 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 that authorities generally issue permits in accordance with the regulations.

3.87 A wave of nationwide protests known as the Tishreen protests commenced at the beginning of October 2019 (see [Security situation](#)). Participants 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. According to the Iraqi High Commission for Human Rights, 591 protesters were killed and 54 reported missing between October 2019 and May 2021.

3.88 Many protesters were threatened, beaten, and arbitrarily detained by intelligence services during and after the protests. Security forces 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. Some were assassinated or disappeared. Others targeted by security forces included lawyers representing the protesters, medics treating injured protesters, people feeding protesters and journalists covering the protests (see also [Media](#)).

3.89 In 2021, former Prime Minister Kadhimi ordered an official investigation into the deaths and injuries of protesters and security forces related to the Tishreen protests. The investigation found excessive force by security forces had killed 149 protesters and eight members of security forces, with over 70 per cent of the deaths caused by shots to the head or chest. Many were killed or injured by teargas canisters intentionally fired at their heads. The investigation has yet to hold anyone accountable.

3.90 Sources told DFAT that following the crackdown on the Tishreen movement, most protesters desisted from political activities, went underground or fled to the KRI, where they reportedly felt safer. Others joined political parties. Sources told DFAT that protesters who were no longer politically active were unlikely to face violence or harassment. Those who remain active are often harassed by armed groups, including through veiled threats, bullets in the mail or written threats known as ‘night letters’. Some are targeted for violence. In September 2022, PMF forces detained and allegedly tortured four prominent Tishreen activists in Diwaniyah whom they accused of being part of a ‘Ba’athist plot’ (see also [Persons accused of links to the Ba’ath Party](#)). Two of the activists died shortly after being released.

3.91 In July and August 2022, supporters of Muqtada al-Sadr conducted large-scale protests in Baghdad’s Green Zone (see [Security situation](#)). Most violence reportedly involved clashes between al-Sadr’s supporters and Iran-backed militia fighters. Iraqi Security Forces cordoned off the area, but were reportedly instructed to avoid escalating the violence. Many observers contrasted the state’s heavy-handed response to the Tishreen protests with their relatively light touch approach to the Sadrist protests in 2022.

3.92 The Kurdistan Regional Government allegedly uses arbitrary arrests, intimidation and legal harassment to deter critics, including protesters, [journalists](#) and [civil society activists](#). In August 2022, KRI security forces arrested dozens of journalists, activists and politicians, including from the opposition New Generation Party, ahead of planned protests in Sulaymaniyah, Erbil, and Duhok.

3.93 DFAT assesses that, while previous involvement in protests is not in itself likely to place individuals at risk of harassment or violence, protesters and demonstrators who are perceived as acting against the interests of the state (including the KRG) or armed groups (including state-sponsored militias) face a high risk of harassment and violence. State protection is often inadequate.

Media

3.94 Iraq has an active and diverse media, but most outlets are strongly influenced (if not owned outright) by political parties and ethnic or religious factions. Independent reporting is rare and mostly provided by international news agencies or reporters operating outside the country. The constitution protects freedom of the press, except where it violates 'public order and morality' or expresses support for the banned Ba'ath Party. In practice, journalists face pressure to censor their reporting from a variety of groups and individuals, including the government, political parties, ethnic and sectarian forces, terrorist groups, tribes or criminal gangs.

3.95 Sources told DFAT that reporting on certain topics was safer in some parts of the country than others. For instance, criticism of Shi'a cleric Muqtada al-Sadr might be tolerated in the KRI, but not in Baghdad, while criticism of the ruling KDP and PUK political parties might be tolerated in Baghdad, but not in the KRI.

3.96 The federal government and KRG frequently use criminal defamation and other laws to silence or harass critics. Sources told DFAT that journalists had been sued for actions including criticising politicians, parties or ministries, and reporting on corruption or the actions of security forces. The government also sometimes suspends the licenses of critical media outlets. For instance, in April 2020, the license of the Reuters news agency was suspended after it published a story saying the number of confirmed COVID-19 cases was significantly higher than official numbers.

3.97 While greater legal protections exist for journalists in the KRI, Reporters Sans Frontiers (RSF), an NGO, has reported multiple cases of journalists being arrested there. In August 2022, three Nalia Radio and Television (NRT) reporters, a Kurdish News Network (KNN) reporter and a KNN cameraman were arrested by security forces in Erbil. They were released several hours later. Two reporters and a cameraman for Roj News, another Kurdish outlet, were arrested and held overnight in September 2022. Another Roj News reporter, Qahraman Shukri, and three independent KRI journalists are serving multi-year prison sentences following their arrest in October 2020 for 'destabilising the Kurdistan region's security and stability'. Supporters allege they were arrested in response to reporting on corruption and human rights violations in the KRI.

3.98 Journalists are often arrested or attacked while covering protests. There were widespread reports of violence and threats towards media covering the protests that began in October 2019. The Baghdad offices of six television stations were ransacked, allegedly by PMF elements, after the news outlets ignored a government directive to cease broadcasting footage of the protests. At least 10 journalists were injured during the August 2022 protests by supporters of Shi'a cleric Muqtada al-Sadr, and a rocket was fired at the headquarters of Diljah TV. DFAT is aware of an incident where journalists were deliberately targeted by armed men, presumed to be PMF fighters, who smashed their camera and assaulted them. In August 2022, journalists were among dozens of people arrested by KRI security forces ahead of planned protests in Sulaymaniyah, Erbil, and Duhok (see also [Protesters and demonstrators](#)).

3.99 Journalists who report on sensitive topics, including corruption, organised crime, foreign influence and the activity of militias, often receive threats and sometimes experience kidnapping and violence, including assaults, torture and targeted killings. In May 2021, a journalist for Alforat TV was shot and critically wounded outside his home in Diwaniyah. His mother told journalists he had received death threats after criticising the influence of Iran in Iraqi politics. In October 2019, a well-known television presenter, his wife (also a journalist) and their baby son died in Sulaymaniyah. Although police reported the death as a murder-suicide, witnesses claimed unidentified gunmen had opened fire on the family's car before fleeing. In July 2021, a freelance journalist was kidnapped in Karrada and severely beaten by armed men, following repeated death threats in relation to his criticism of militias. Sources told DFAT that journalists who reported

on sensitive topics usually took substantial measures to mitigate the risks they faced, for instance by avoiding visiting foreign embassies, by publishing under pseudonyms or by only publishing in English.

Internet freedom

3.100 Iraqi authorities sometimes restrict or disrupt internet access, including during protests. When protests began in October 2019, authorities turned off access to 3G networks and Wi-Fi on multiple occasions across the country. Authorities also restricted access to social media platforms including WhatsApp, Twitter and Facebook during the protest period. In December 2020, the KRG shut down internet services in the KRI for eight hours during anti-government protests. Discussion of a draft cybercrime law was suspended by the Council of Representatives in February 2021, after critics alleged it was overly broad and would have a chilling effect on freedom of expression. Despite restrictions, internet usage is widespread in Iraq, including by politicians, journalists and activists.

3.101 Sources told DFAT that the government and militias employed ‘electronic armies’ to monitor social media, as well as spread disinformation and troll or hack dissenters. While ordinary people often take to social media to vent frustrations or express political views, doing so is not without risks. Individuals have received threats and in some cases been subject to violence after posting online about sensitive topics, including corruption, foreign involvement in Iraqi politics, [LGBTI](#) issues or criticism of militias.

3.102 DFAT assesses that journalists in Iraq generally face a moderate risk of official harassment, including through criminal defamation suits, and a low risk of official violence, including from state-sponsored militias. Those who report on protests or politically sensitive topics such as those mentioned in paragraph 3.99 face a high risk of official harassment and a moderate risk of violence, including kidnapping, assault, torture and extrajudicial killings. 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.

Civil society

3.103 After the March 2003 US-led military action, thousands of new NGOs were established and registered under the *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). The International Centre for Not-for-Profit Law describes Law 12 as a ‘significant improvement upon previous laws and regulations’ which has allowed for a ‘major opening up of civic space’. Nevertheless, it has criticised aspects of the law as placing onerous requirements on NGOs, particularly foreign NGOs.

3.104 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 federal Iraq cannot operate in the KRI and vice-versa. The KRI NGO Department requires foreign organisations to renew their registration every year.

3.105 Many civil society actors report harassment and violence from armed groups. For instance, in June 2022, three men allegedly from a local militia group stormed a gender-based violence workshop in Basra and demanded the organisers cease their activities. In 2020, a prominent activist’s son was murdered in Basra after the activist had received threats from militias to cease advocating for women’s rights and campaigning against the recruitment of young people into militia groups. In July 2020, prominent academic Hisham al-Hashimi was killed by unidentified gunmen on a motorbike near his home in Baghdad. Al-Hashimi had reportedly received death threats from Da’esh and Iran-backed militias in relation to his criticism of armed groups in Iraq.

3.106 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](#) or [LGBTI people](#), providing assistance to persons with perceived affiliations to Da'esh or attempting to work on politically sensitive topics such as security, corruption or the failure of the government to provide adequate services, are at particular risk.

3.107 While some NGOs reportedly find it safer to operate in the KRI, certain topics remain taboo there, including LGBTI issues and criticism of the ruling Talibani and Barzani families. For instance, in 2021, Rasan, an NGO advocating for the rights of women and LGBTI people, faced three lawsuits, including one brought by the KRG Directorate of NGOs alleging it had breached its bylaws by advocating for and providing services to [LGBTI people](#).

3.108 DFAT assesses that NGOs and civil society actors working on non-controversial topics or delivering services or humanitarian aid generally face a low risk of official interference in Iraq. NGOs and civil society actors promoting the rights of women or LGBTI people or working on politically sensitive topics such as human rights, security or corruption face a moderate risk of harassment and violence, including in the KRI. NGOs and civil society actors perceived as acting against the interests of armed groups, including state-sponsored militias, face a high risk of harassment and violence. State protection is often inadequate.

GROUPS OF INTEREST

Women

3.109 For much of the 20th century, women in Iraq made significant progress towards equality, achieving relatively high rates of tertiary education and employment in the professions and civil service. Many of these advances were reversed in the latter part of Saddam's rule. Since the 2003 US-led military action, armed conflict and resurgent tribal and religious influences have led to a serious deterioration in the situation of women in Iraq. While individual circumstances vary, women across the spectrum of Iraqi society are affected by issues such as high rates of domestic and gender-based violence, low rates of economic participation, unfair laws, abusive cultural practices, exclusion from decision-making and inadequate state protection.

3.110 Article 14 of the constitution guarantees equality before the law without discrimination based on gender. Nevertheless, a variety of laws discriminate against women, including in criminal, family, religious, labour and inheritance matters. In some cases, a woman's testimony in a court of law is worth half that of a man. Female heirs inherit less, and male heirs are required to provide them financial support. While women can initiate divorce proceedings, they are not entitled to alimony, and women seeking a divorce are sometimes required to return their dowry. Fathers are automatically awarded guardianship of their 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 to live. Women are required by law to have the consent of a male guardian to acquire a passport. Women enjoy relatively more legal rights in the KRI than in other parts of Iraq.

3.111 Violence and insecurity often constrain Iraqi women to traditional family roles and limit their access to employment and education. Illiteracy is twice as common among women as men. Only 14 per cent of women are working or actively seeking work compared to 73 per cent of men (see [Economic Overview](#)). Women are guaranteed 25 per cent of seats in parliament but are rarely appointed to influential roles and rarely participate in the leadership of their parties. As of 2022, there were three women ministers in the 21-person cabinet. About one in 10 Iraqi households is female-headed, including by widows, divorcees and

women caring for sick or disabled spouses. These women are highly vulnerable to poverty, food insecurity, displacement, eviction and sexual harassment and abuse. Single mothers and women who live alone face stigma.

Violence against women

3.112 Gender-based violence is common in Iraq, and domestic violence is pervasive. According to the UN Population Fund, 46 per cent of married Iraqi women have been exposed to at least one form of spousal violence. The incidence of domestic violence reportedly increased during COVID-19 lockdowns. The legal framework for dealing with gender-based violence is inadequate. Attempts to pass federal anti-domestic violence legislation remain stalled due to opposition by religious leaders and conservative politicians. 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’. Federal laws do not criminalise spousal rape.

3.113 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, a domestic violence hotline, and a family reconciliation committee within the judicial system. Nevertheless, gender-based violence remains common in the KRI. Four KRG-operated shelters and one privately-operated shelter provide some protection and assistance for victims of gender-based violence and human trafficking in the KRI. Space is reportedly limited and service delivery poor. Authorities generally focus on family reconciliation rather than offering legal remedies or state protection to victims.

3.114 Outside the KRI, ‘Women’s Protection Centres’ operate in Diwaniyah, Kirkuk and Anbar. A centre in Baghdad provides shelter for homeless women but not victims of GBV. Space is reportedly limited and service delivery poor. Communities reportedly often view shelters as brothels and ask the government to close them or they occasionally attack them. Protection workers assisting women to seek shelter from abusers have been charged with kidnapping the women who sought their help. Shelters are subject to unexpected closure by authorities. Some victims, without alternatives, reportedly become homeless. Women leaving shelters are often targeted by sex traffickers.

3.115 State protection against rape and sexual violence is inadequate. There is a lack of female police officers and police trained in dealing with gender-based violence and rape. The legal framework and societal norms contribute to impunity for perpetrators of sexual violence. Article 398 of the Criminal Code requires authorities to drop a rape case if the perpetrator marries the victim (the rape prosecution will resume if the husband divorces the victim within the first three years of marriage). Article 394 of the Criminal Code prohibits sexual relations outside marriage, and victims often do not report rape due to fear of being charged under this law, as well as stigma and fear of being killed by family members. Abortion is illegal, including in cases of rape, although the morning-after pill can legally be prescribed for rape victims.

3.116 So-called ‘honour killings’ remain a serious problem nationwide. The majority of victims are women. Honour killings can be carried out in response to behaviour including alleged adultery, refusing an arranged marriage, forming an unapproved romantic attachment, or ‘shameful’ dress or behaviour, including social media posts. The Criminal Code limits a sentence for 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 that the victim had been committing adultery or having sex outside of marriage. UNAMI has reported that several hundred women die each year from honour killings, with some families reportedly arranging honour killings to appear as suicides. The KRG reported 19 cases of honour killings in the KRI in the first nine months of 2021. While arrest warrants are sometimes issued for perpetrators of honour killing, many suspects flee the country or seek protection from tribal groups before they can be brought to trial.

3.117 Female genital mutilation/cutting (FGM/C) occurs in Iraq, particularly in rural areas of Erbil, Sulaymaniyah, and Kirkuk. It is illegal in the KRI, but not in federal Iraq. The practice has reportedly declined in recent years due to education and changing attitudes. About 35 per cent of women in the KRI were estimated to have undergone the procedure in 2018, down from about 50 per cent in 2011. FGM/C is rarer outside the KRI, but still occurs.

3.118 Forced marriage is illegal, and the legal age of marriage is 18 years for both men and women (although with parental consent and judicial permission the age can be lowered to 15 years). Nevertheless, forced, early and child marriages occur in Iraq. Women and girls are sometimes subject to sexual exploitation through so-called ‘temporary marriages’, where a man gives the family of the bride 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. 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. Another traditional practice, known as *nahwa*, allows a male relative to forbid a woman from marrying outside her family or tribe.

3.119 People trafficking, including the trafficking of women and girls, is a serious problem in Iraq. Da’esh perpetrated widespread sexual trafficking and slavery, and an estimated 2,700 of its victims remain missing. Anti-trafficking laws exist and are enforced. The US Department of State lists Iraq as a Tier 2 country in its annual Trafficking in Persons Report, indicating it ‘does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so’. Internally-displaced women and girls, [LGBTI people](#) and victims of gender-based violence are especially vulnerable.

3.120 DFAT assesses that 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. 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 (see [Civil Society](#)).

Sexual orientation and gender identity

3.121 Harassment, abuse and violence against lesbian, gay, bisexual, transgender and/or intersex (LGBTI) people, and people perceived as being LGBTI, are pervasive in Iraq. While the law does not criminalise consensual same-sex sexual conduct between adults, Article 394 of the Criminal Code prohibits sexual relations outside marriage, effectively criminalising all same-sex sexual activity. Authorities have also used public indecency or prostitution charges to prosecute LGBTI people.

3.122 While the KRI previously had a reputation for greater tolerance, sources told DFAT the situation for LGBTI people had worsened throughout Iraq in recent years, including in the KRI. In September 2022, MPs in the KRI presented a bill to parliament on the ‘Prohibition of Promoting Homosexuality’, under which people advocating for LGBTI rights or ‘promoting homosexuality’ would face imprisonment for up to one year and a fine of up to IQD 5 million (approximately AUD 5,000).

3.123 Individuals perceived to be LGBTI often face abuse and violence from their families and communities. Sources told DFAT that most Iraqis perceived having an LGBTI son or daughter as ‘shameful’. Family responses to disclosure could range from home confinement, expulsion from home or forced marriage, to violence including assault or murder. In February 2022, a 23-year-old trans woman was shot dead by her brother in Duhok, after repeatedly receiving threats due to her gender identity. In July 2021, a young trans woman from Erbil was reported missing after receiving death threats from relatives due to her gender identity. Her mother told media she believed she had been murdered by her father and step-

brothers. Trans women are especially vulnerable due to their visibility, but there are widespread reports of harassment and violence towards lesbians, gay men and non-gender conforming individuals in general.

3.124 LGBTI people are vulnerable to harassment and violence by security forces, including state-sponsored militias, as well as non-state armed groups. A number of perceived gay men or transgender individuals were murdered during the Da'esh occupation, including by being thrown from buildings. In 2022, Human Rights Watch published a 115-page report detailing dozens of rapes, beatings, kidnappings and murders perpetrated against LGBTI people by armed groups in Iraq. State protection from such attacks is inadequate or non-existent. LGBTI people also sometimes face denial of employment and services, including health care, and bullying or exclusion from education.

3.125 Most LGBTI people in Iraq are extremely careful to hide their activities and relationships in order to avoid harassment and violence. While some use online dating apps and/or actively proclaim their sexual orientation or gender identity online, doing so is dangerous. There are numerous reports of LGBTI people being targeted on the basis of their online activity.

3.126 DFAT assesses that LGBTI individuals in Iraq face a high risk of official discrimination in the form of arrest, harassment and violence by security forces and state-sponsored militias. They face a high risk of societal discrimination, including sexual harassment and denial of employment, education and health services, and a high risk of family and community violence.

Children

3.127 Despite legal protections, child labour is reportedly common across Iraq, particularly among IDP and refugee children. There are some government efforts to tackle child labour, but the US Department of Labor stated Iraq made 'minimal advancement' in eliminating the worst forms of child labour in 2021, including commercial sexual exploitation and forced begging.

3.128 Historically, there have been numerous reports of the recruitment of children by militia groups, including Da'esh. The UN Office of the Special Representative of the Secretary-General for Children and Armed Conflict recorded no instances of child recruitment by militias in 2021-22, which it attributed to 'engagement between the Government and the United Nations to prevent grave violations, and the progress made towards the development of an action plan to end and prevent the recruitment and use of children by PMF'. For information about the treatment of children suspected of involvement with terrorist groups, see [Persons with Perceived Affiliations to Da'esh](#).

3.129 DFAT assesses that children in Iraq are sometimes at risk of abuse and mistreatment, but that this is rarely on the basis of their juvenile status alone. IDPs and stateless children are particularly vulnerable.

Persons with disabilities (PWDs)

3.130 Iraq reportedly has one of the world's highest rates of persons with disabilities (PWDs), including through 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.

3.131 Article 32 of the constitution commits the state to caring for persons with disabilities. There are employment quotas for workers with disabilities in the public and private sectors, as well as welfare benefits

payable to PWDs and their carers. Nevertheless, official indifference and negative attitudes limit the extent to which PWDs are able to participate in the workplace and in wider society. Opportunities for inclusive education are limited. A 1950s law requiring deaf children to leave school after the fourth grade was only recently overturned, and the first deaf students enrolled in a mainstream secondary school in 2021. Publicly-funded equipment is available for people with physical disabilities (such as wheelchairs, crutches and sticks), however it is reportedly of a very low standard.

3.132 Women with disabilities face particular stigma, and sometimes abuse, 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.

3.133 Stigma, distance and access reportedly prevent many PWDs from registering for benefits. Disability advocates allege that the process by which authorities decide which PWDs should receive the limited assistance available is highly politicised. In-country sources report that 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.

3.134 DFAT assesses that 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.

IDPs and stateless persons

3.135 As of September 2022, Iraq had around 1.2 million internally displaced persons (IDPs), many of whom have experienced long-term displacement. About 180,000 IDPs live in 26 camps in northern Iraq. Another 100,000 live in informal sites throughout the country. Ongoing barriers to return include housing destruction, lack of livelihoods and services, security concerns and social tensions in place of origin. Protection risks 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.

3.136 According to the UNHCR, there were an estimated 46,500 stateless persons in Iraq in 2021. This includes people affected by the conflict with Da'esh (such as children of Da'esh fathers and Iraqi mothers) and historically undocumented minorities such as [Roma](#), [Faii Kurds](#), and [Black Iraqis](#). 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 accessing some government services.

3.137 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.

3.138 As of 2006 (the latest year 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 mostly descends from nomadic Arab tribes who never received Iraqi citizenship upon the state's founding. An incomplete UNHCR survey of Bidoon populations in southern Iraq in 2021 found that many had been able to claim citizenship, however it is likely that many others, who were not reached by the survey, remain stateless and undocumented. The Bidoon should not be confused with the Bedouin, groups of nomadic sheep and camel herders who predominantly live in western and north-western Iraq. DFAT is unaware of Bedouin experiencing issues accessing citizenship or Iraqi state services.

3.139 DFAT assesses that stateless persons in Iraq face a high risk of official discrimination in the form of denial of rights and public services. For risks to specific groups, see relevant sections such as [Roma](#), [Faili Kurds](#), [Black Iraqis](#) and [Persons with perceived affiliation to Da'esh](#).

4. COMPLEMENTARY PROTECTION CLAIMS

ARBITRARY DEPRIVATION OF LIFE

Extrajudicial killings

4.1 Extrajudicial killings occur frequently in Iraq, often in conjunction with enforced disappearance. Perpetrators include government and KRI security forces (including militias) and terrorist groups (particularly Da'esh). Victims include Protesters and demonstrators, civil society activists, military and political leaders, journalists, lawyers and members of the judiciary, persons with perceived affiliations to Da'esh, and LGBTI people.

Enforced or involuntary disappearances

4.2 Iraq has one of the highest numbers of missing persons of any country in the world. According to the International Commission on Missing Persons, anywhere from 250,000 to 1 million people are missing from decades of conflict and human rights abuses. Victims include protesters and demonstrators, civil society activists, military and political leaders, lawyers and judges, people with perceived affiliations to Da'esh, Yazidis and LGBTI people. Perpetrators have included Iraqi authorities, Popular Mobilisation Forces (PMF), Al Qaeda and Da'esh. Popular Mobilisation Forces are thought to be behind the disappearance of thousands of mostly Sunni men and boys from 2014-17, as well as hundreds of protesters during civil unrest in 2018-20. Thousands of people are still missing in territories formerly held by Da'esh, with most thought to have been murdered.

Deaths in custody

4.3 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 with perceived affiliations to Da'esh died from torture in the Mosul Police Station and Faisaliya Prison in east Mosul (see also Torture and Arbitrary arrest and detention).

DEATH PENALTY

4.4 The death penalty is technically mandatory for murder and other crimes resulting in death, including arson, rape, robbery, and kidnapping. It is unclear whether it is always applied for these crimes. The death penalty can also be applied for 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. Executions are carried out by hanging.

4.5 The majority of those sentenced to death in recent years have been found guilty of terrorism. Human Rights Watch alleges that terrorism trials in Iraq are often unfair because defendants lack legal representation, trials are summary in nature, and verdicts rely on confessions which are often extracted by torture. Amnesty International estimates 91 people were sentenced to death in Iraq in 2021, and at least 17 were executed. More than 8,000 people were thought to be on death row in Iraq at the end of 2021.

TORTURE

4.6 There are consistent and credible reports of torture in Iraq, including by government forces and Popular Mobilisation Forces. Methods include beatings, stress positions, electric shocks, burns, and sexual humiliation. Sunni men and boys are particularly targeted on the basis of their perceived affiliation with Da'esh. Torture takes place during arrest, pre-trial detention and after conviction. It occurs in facilities run by the Ministry of Interior, the Ministry of Defence and those under KRG control, as well as facilities operated by PMFs. Although the law forbids the use of torture to obtain confessions, courts routinely accept forced confessions as evidence and ignore allegations of torture when raised. Da'esh regularly used torture when it controlled parts of Iraq in 2014-17.

CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Arbitrary arrest and detention

4.7 Government forces frequently arrest suspects, without warrants, in security sweeps, particularly under the anti-terrorism law. People detained during these sweeps are often held for long periods without charge. Security forces including Popular Mobilisation Forces have also arbitrarily arrested and detained protesters, particularly in relation to the Tishreen protest movement (see Protesters and demonstrators). Authorities often do not inform detainees of the reasons for their detention or notify family members of their arrest or location, in some cases amounting to Enforced or involuntary disappearances.

4.8 According to the US Department of State, most reports of arbitrary or unlawful detention involve Sunni Arabs, particularly those with a perceived affiliation to Da'esh. There are also reports of Iranian-aligned militias arbitrarily arresting or detaining Kurds and Turkmen in Kirkuk, and Christians and other minorities in western Ninewah and the Ninewah Plains. Prisoners in the Kurdistan Region of Iraq are often held for extensive periods in pretrial detention. There are reports of prisoners being held for a long time after court orders were already issued for their release.

5. OTHER CONSIDERATIONS

STATE PROTECTION

5.1 The ability of authorities to provide state protection varies by location. Several parts of the country are not under the effective control of the state. Impunity for abuses committed by security forces and other officials remains the norm. All state institutions are significantly affected by [Corruption](#), particularly the police. State protection bodies are heavily politicised and subject to sectarian and tribal influences. Territorial and jurisdictional disputes between central authorities and the KRG often impair their ability to provide state protection. Security forces are sometimes reluctant to intervene in violent protests, either through fear of escalation or sympathy with the protesters' cause, for instance during the 2022 protests and seizure of Parliament by groups loyal to Shi'a cleric Muqtada al-Sadr.

Iraqi Security Forces

5.2 The Iraqi Security Forces (ISF) are 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 National Security Service (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 and creating the conditions for corruption and instability.

5.3 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](#)). The government rarely punishes those responsible.

Iraq Armed Forces (IAF)

5.4 The Iraq Armed Forces (IAF) consist of an army, air force, navy and special forces, with an estimated size of 200,000 total military personnel. Many units of the IAF are geographically-based, with Shi'a units serving in the south and Sunni in the centre ([KRG security agencies](#) are responsible for security in the Kurdistan Region of Iraq). Some IAF units are reportedly well-resourced and effective, in particular counter-terrorism units trained and funded by the US-led coalition forces. In general, however, conditions and

effectiveness in the IAF are very poor. There is reportedly little understanding of international humanitarian law among IAF forces, including senior officers. Sources told DFAT that human rights abuses by IAF forces were 'likely widespread', particularly in counter-terrorism operations.

Popular Mobilisation Forces (PMF)

5.5 The Popular Mobilisation Forces (PMF) are a state-sponsored umbrella military organisation composed of approximately 50 militia groups operating nationwide. The PMF was formally established in June 2014 by Prime Minister Nouri al-Maliki. In the same month, Iraq's Grand Ayatollah issued a *fatwa* (religious ruling) calling on men to join the Iraqi Security Forces to defend the country from Da'esh. Many chose to enlist with existing militias under the PMF rather than the regular Iraqi army. Their forces played an important role in the eventual military victory. Most PMF units are Shi'a Arab and operate across Iraq. Sunni Arab, Yazidi, Christian and other minority PMF units also exist, generally operating within or near their home regions. Some militias have political wings and parliamentary representation. Many PMF elements reportedly answer directly to the Iranian government, in particular to the Islamic Revolutionary Guard Corps. The CIA World Factbook estimates the number of PMF fighters at 100,000-160,000.

5.6 Human rights organisations and in-country sources report that some PMF groups engage in killing, kidnapping and extortion throughout the country, particularly in ethnically and religiously mixed governorates. Human rights observers blame elements of the PMF for much of the violence committed against those demonstrating against the government in the Tishreen protests, as well as for attacks on activists throughout the country. For instance, in May 2021, PMF gunmen allegedly shot and killed prominent activist and protest leader Ehab al-Wazni near his home in Karbala. PMFs exercise considerable political influence and are entrenched in many of Iraq's formal and illegal economic sectors, including construction, services, protection rackets and the smuggling of oil, drugs and other contraband. In-country sources report those who fall afoul of a local PMF group have little chance of official justice or compensation.

Iraqi Police

5.7 The Iraqi Police falls under the authority of the Ministry of Interior's Security Department. It is divided into the Iraqi Police Service (IPS), tasked with the general maintenance of law and order and initial incident response, and the Federal Police, a paramilitary organisation that responds to armed insurgency, large-scale civil disobedience and riots that are beyond the capabilities of the IPS but not severe enough for the IAF. The Iraqi Police has an estimated 230,000 members. The Federal Police is the better equipped and trained of the two services. The Iraqi Police only began recruiting female officers in 2010. Their numbers are slowly increasing, but there are no female officers in senior positions.

5.8 The Iraqi Police is generally underfunded and poorly equipped. According to surveys, one-third of Iraqis report having paid a bribe to the police. Many police officers moonlight in other occupations, including as PMF members. Deficiencies in training and resources mean police are often unable to carry out normal policing functions beyond staffing checkpoints and directing traffic. Being a police officer in Iraq is very dangerous: an estimated 14,000 Iraqi police have been killed in the line of duty since 2003.

5.9 The US Department of State reports that Iraqi Federal Police have been involved in human rights abuses including arbitrary detention, beatings and torture. 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. Police are almost never held to account for these abuses.

KRG security agencies

Asayish

5.10 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 arbitrary detention, enforced disappearances and torture (particularly of Sunni Arabs) during arrest, pre-trial detention and after conviction (see relevant sections).

Peshmerga

5.11 The Peshmerga is the KRG's military force, with primary responsibility for the KRI's security (the Iraqi army is forbidden by law to enter the KRG). The Peshmerga is generally viewed as a highly competent military force and played an important role in the military victory over Da'esh. The Peshmerga contains a much higher percentage of women than does the central military, including all-female 'Women's Protection Units'. Human rights groups have regularly issued reports of Peshmerga forces committing human rights abuses, including conducting arbitrary or unlawful detention and conducting enforced disappearances. The Peshmerga is reportedly divided between those loyal to the KDP and those loyal to the PUK. Efforts to integrate them and bring them under one command have had limited success.

Judiciary

5.12 The criminal justice system in Iraq is weak. Lack of resources and training, low forensic capacity, a paucity of reliable or impartial evidence, and over-reliance on confessions that are often gained through torture all contribute to frequent miscarriages of justice. Like other state institutions, the judiciary is susceptible to corruption and political interference.

5.13 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, due to inadequate legal representation, evidence from anonymous informants and reliance on evidence extracted under torture. UNAMI also expressed concern that judges in terrorism cases ascribed an unreasonably wide range of conduct as proof of association with Da'esh.

5.14 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. For instance, in January 2021 one lawyer was killed and another injured in targeted attacks in Dhi Qar Governorate. There have also been numerous reports of attacks against lawyers providing support to individuals involved in the Tishreen protests (see Protesters and demonstrators). International observers report that the threat posed by such attacks can act to impair judicial independence.

Detention and prison

5.15 The US Department of State estimates there are about 50 official detention facilities in Iraq, run by the ministries of Justice, Defence and Interior. Conditions are reportedly harsh and occasionally life

threatening, including due to overcrowding, physical abuse, a prevalence of communicable diseases and inadequate food, sanitation and medical care.

5.16 There are five juvenile correctional facilities, many of which house juveniles held for terrorism offences (see also [Persons with perceived affiliations to Da'esh](#)). There are reports of juveniles sometimes being held with adults, including in Ninewah Province and the KRI. In some prisons, children up to 12 years old are held with their mothers.

5.17 Iraqi Corrections Service prisons allow regular visits by independent non-governmental observers. These took place virtually during COVID-19. Physical visits resumed in 2021.

INTERNAL RELOCATION

5.18 Articles 44 (1) and (2) of the Constitution of Iraq guarantee Iraqis freedom of movement, travel, and residence inside and outside Iraq, and state that 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.

5.19 People can and do relocate to other parts of Iraq, including to reduce the risk of harassment or violence based on political opinion, religion and so forth. However, the ability to relocate to another region of Iraq such as the KRI or the south will depend on several factors, including wealth, gender, and family, ethnic and tribal connections. It may be difficult for non-Kurds who do not speak Kurdish to relocate to the KRI; similarly, non-Shi'a persons may struggle to establish themselves in the south.

5.20 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. It would be extremely difficult, if not impossible, for a single woman to relocate to a new area where she did not have the protection of a male relative.

5.21 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, 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.

TREATMENT OF RETURNEES

Exit and entry procedures

5.22 Most entry and exit into and out of Iraq is by air through one of the six international airports operating regular commercial services, located in Baghdad, Basra, Erbil, Kirkuk, Najaf and Sulaymaniyah. Iraq also has official land crossings with Syria, Jordan, Saudi Arabia, Kuwait, Turkey and Iran. Upon arrival at an international airport or official land crossing, all passengers have their identity information recorded, irrespective of nationality. Unofficial crossing points exist, particularly between Iraq and Iran, and Iraq and Syria. The KRI's international borders are highly porous, and a large percentage of entries and exits occur across irregular checkpoints there.

5.23 Valid documentation (usually a passport) and appropriate approval (such as a visa) for entry to the intended destination is required to exit Iraq. Irregular exit from Iraq (including through use of fraudulent documentation) is unlawful. DFAT understands that an individual caught exiting illegally may be detained and charged. Penalties include fines of USD 100-5,000 and up to three years in prison. DFAT is aware of individuals being prosecuted and imprisoned for irregular exit.

5.24 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. 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.

Conditions for returnees

5.25 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. Based on discussion with multiple sources, DFAT assesses it is highly unlikely a failed asylum seeker would face mistreatment on return to Iraq solely on the basis of his or her having sought asylum overseas.

DOCUMENTATION

5.26 Article 18 of the constitution deals with issues of nationality and citizenship. Article 18 (1) states that Iraqi citizenship is a right for every Iraqi and is the basis of nationality; (2) that anyone born to an Iraqi father or Iraqi mother shall be considered Iraqi; (3)(a) that 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) that Iraqi citizenship may be withdrawn from naturalised citizens in cases regulated by law; (4) that Iraqis may have multiple citizenships, but anyone assuming a senior, security, or sovereign position must abandon any other acquired citizenship; (5) that Iraqi citizenship shall not be granted for the purposes of the policy of population settlement that disrupts the demographic composition of Iraq; and (6) that 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 Faily Kurds. 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.

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

5.28 To DFAT's knowledge, the KRI does not issue any specific form of identification documentation for permanent residents. Sources told DFAT that 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.

National Identity (ID) Card

5.29 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). The titles on the card are in Arabic, Kurdish and English, while personal details are listed in Arabic and English. 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.

5.30 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 IQD 5,000 (approximately AUD 6) 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.

5.31 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

5.32 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 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. An original birth certificate can only be issued once. If it is lost, authorities will issue a 'birth record' instead. Birth certificates have weak security features.

5.33 Parentage must be proven before a birth certificate can be issued, which is 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. Da'esh issued birth and marriage certificates during the occupation but the Iraqi Government does not recognise them. While there is a process for the mother of a child born in Iraq to a non-Iraqi father to apply for citizenship by descent for her child, it is lengthy and complicated.

5.34 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.), 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

5.35 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 a *sharia* court (for Muslims) or a 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. There is no standard national format for marriage certificates in Iraq, and national ID cards or electronic family records are considered a more reliable confirmation of marriage.

5.36 A couple seeking to divorce 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

5.37 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.

5.38 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. 'S' series passports are no longer accepted as valid ID by the Iraqi Government. 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

5.39 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. Many Iraqi military records were destroyed in 2003, and there is no way of checking records before this date. 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

5.40 Fraudulent documents are cheap and commonly available. Genuine documents obtained through fraudulent means are also common, mostly obtained by paying bribes to officials. 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.