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FREEDOM HOUSE

Freedom in the World - ↑ Iraq (2009)

Political Rights Score: 6 *

Civil Liberties Score: 6 *

Status: Not Free

Trend Arrow

Iraq received an upward trend arrow due to an improvement in the security situation and the Sunni community's increased participation in the political process.

Overview

After two failed attempts, the parliament in October 2008 passed a law establishing a framework for provincial elections, and the polls were scheduled for January 2009. Also in 2008, the parliament made a number of concessions to Sunni Arabs, and the main Sunni Arab political bloc returned to the government after a lengthy boycott. The security situation improved considerably during the year, mostly due to Sunni groups' willingness to cooperate with the central government and the United States. Sectarian violence remained common nonetheless, and the recent political and security improvements were considered tenuous.

The modern state of Iraq was established after World War I as a League of Nations mandate administered by Britain. The British installed a constitutional monarchy that privileged the Sunni Arab minority at the expense of Kurds and Shiite Arabs. Sunni Arab political dominance continued after independence in 1932 and even after the monarchy was overthrown by a military coup in 1958. The Arab nationalist Baath party seized power in 1968, and the new regime's de facto strongman, Saddam Hussein, assumed the presidency in 1979.

Hussein brutally suppressed all opposition and made foreign policy decisions that placed a heavy burden on the country. Iraq fought a destructive war with Iran from 1980 to 1988, and then invaded Kuwait in 1990. Iraqi forces were ousted from that country by a U.S.-led coalition the following year. After the war, the United Nations imposed economic sanctions on Iraq intended to limit its military capacity, force Hussein to allow weapons inspectors to monitor Iraq's alleged weapons of mass destruction (WMD) program, and compel Iraq into resolving its border dispute with Kuwait. The sanctions remained in place for over a decade and caused widespread humanitarian suffering without achieving the intended goals.

Following the establishment of a U.S.-enforced no-fly zone north of the 36th parallel in 1991, most of the three northern provinces of Erbil, Duhok, and Sulimaniyah came under the control of the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK). Tensions between the two factions erupted into open civil warfare in the mid-1990s, and in 1996, between 30,000 and 40,000 Republican Guards captured Erbil in collaboration with Barzani's KDP. Competing Kurdish factions eventually reconciled and established an autonomous Kurdistan Regional Government (KRG).

In 2002, U.S. president George W. Bush designated Iraq's alleged WMD program a threat to American national security and committed his administration to engineering Hussein's ouster. A U.S.-led military coalition invaded Iraq in March 2003 and established a Coalition Provisional Authority (CPA) to administer the country. The CPA disbanded Iraq's military and prevented members of the Baath party from serving in government or the new security forces. The lack of a viable military and a dearth of foreign soldiers created a security vacuum, leading to widespread looting, damage to infrastructure,

and acute electricity and water shortages. The WMDs that inspired the war were never found.

Sunni Arabs, who constitute roughly 20 percent of the population, were disproportionately affected by de-Baathification policies and wary of participating in a political transition that could confirm their loss of standing within the government by handing power to the Shiite majority. Exploiting these sentiments, loose networks of former Baathist officials, Sunni Arab tribe members, and Al-Qaeda militants began organizing and funding an insurgency that rapidly gained strength in late 2003 and 2004.

In spite of the escalating insurgency, the CPA-appointed Iraqi Governing Council (IGC) adopted a Transitional Administrative Law (TAL) to serve as the country's interim constitution in March 2004. In June, the CPA and IGC transferred sovereignty to an Iraqi Interim Government (IIG).

Elections for a 275-seat Transitional National Assembly (TNA), along with simultaneous elections for provincial governments, were held in January 2005. Insurgents' calls for a boycott and threats of violence led the vast majority of Sunni Arabs to stay away from the polls, handing a landslide victory to the Shiite-led United Iraqi Alliance (UIA) and a Kurdish coalition. After three months of negotiations, the TNA selected a new Iraqi Transitional Government (ITG). The meager representation of Sunni Arabs in the TNA gave them little voice in drafting a permanent constitution. The final text clearly reflected the regional and other interests of the Shiite and Kurdish coalitions.

The charter was approved by referendum in October 2005, though more than two-thirds of voters in two Sunni Arab provinces rejected it. Under a compromise brokered as a concession to Sunni demands, the first elected parliament would form a Constitutional Review Committee to determine whether the document should be amended.

Thanks in part to Shiite and Kurdish dominance of the ITG, Shiite party militias were able to infiltrate the Interior Ministry's police and counterinsurgency forces, and extrajudicial detentions and killings by both the militias and militia-dominated police units became common during 2005 and 2006. Sunni militias responded, and an intense cycle of sectarian conflict ensued, focusing on areas where Sunni and Shiite Arabs lived in close proximity. Ethnically cleansed or segregated neighborhoods soon became a fixture in Baghdad and other multiethnic provinces.

Sunni Arabs participated in the December 2005 elections for a full-term parliament, increasing their political representation. After a four-month negotiating deadlock, Nouri al-Maliki of the Shiite Da'wa party was chosen as prime minister. However, further political progress remained elusive; the main Sunni Arab bloc in parliament and the Shiite faction loyal to populist cleric and militia leader Moqtada al-Sadr both began a boycott of the legislature in 2007. Also that year, the parliament's Constitutional Review Committee offered interim recommendations on amendments to satisfy Sunni Arab demands, but the panel was subsequently dormant.

The parliament adopted several symbolic measures in 2008 to bring Sunni Arabs back into the political process. In January, many former Baathists were permitted to return to jobs they lost under the CPA's de-Baathification process, and in February, the government granted amnesty to thousands of mainly Sunni Arab prisoners. The largest Sunni bloc returned to government in April after a boycott of almost a year, and six Sunni ministers subsequently joined al-Maliki's cabinet.

While the parliament in February produced a preliminary plan for provincial elections, Iraq's presidency council vetoed it, delaying the polls until after an October deadline set by the United States. A revised election bill passed by the parliament in July included equal representation for Kurds, Turkmen, and Arabs in the oil-rich city of Kirkuk. Kurdish and some Shiite lawmakers refused to participate in the parliamentary vote, and the presidency council vetoed that bill as well. Under a final compromise signed into law in October, elections were set for January 2009, except in Kirkuk and the three Kurdish provinces. Voting in Kirkuk would be postponed until a committee comprised of Kurds, Turkmen, and Arabs could submit a plan to the parliament in the spring of 2009.

The new provincial elections law introduced several important procedural changes from the 2005

polls. Voters would vote for candidates rather than for party lists; a 25 percent quota was set for female provincial council members; the law did not apply to the autonomous Kurdish area, where the regional parliament still had to write its own provincial election law; the use of religious symbols in campaigning would be restricted; and finally, the new measure excluded a provision in the July draft that would have reserved a total of 15 seats in six provinces for Christians and other religious minorities. Separate legislation signed in November set aside just six seats across three provinces for these minorities, out of a nationwide total of 440 provincial council seats. Christians in Baghdad, Nineveh and Basra each received one seat; Yazidis and Shabak in Nineveh each received one seat; and Sabeans in Baghdad received one seat.

Civilian deaths from sectarian violence dropped substantially after the arrival of 30,000 additional U.S. troops in 2007, but sectarian killings nonetheless remained common in 2008. More than 50 Shiite pilgrims were killed en route to a shrine in Karbala in February. In the same month, gunmen kidnapped and killed the Chaldean Christian archbishop of Mosul. Another 60 people were killed and 75 wounded in an explosion at a bus terminal in a Shiite neighborhood of Baghdad in June. A female suicide bomber killed 17 people in Kirkuk as Kurds protested the proposed election law in July; on the same day, two female suicide bombers killed 32 Shiite pilgrims in Baghdad. In October, widespread violence against Christians in Mosul prompted 8,300 to flee the city.

Meanwhile, coalition forces continued to transfer security responsibility to the Iraqi authorities in relatively stable provinces. Awakening Councils, groups of local Sunnis who turned against extremist violence and began to cooperate with U.S. and Iraqi government forces in exchange for a monthly salary, assumed security responsibilities in previously violent areas. In October 2008, the Iraqi government took command of all 54,000 members of the Awakening Councils.

In other cases during year, however, the Iraqi army proved unable to guarantee security independently. In March, Iraqi forces launched an offensive against al-Sadr's Mahdi Army militia in Basra. The attack was poorly planned and executed, and fighting spread to Baghdad's Sadr City district. U.S. and British forces were ultimately forced to come to the aid of their Iraqi counterparts. The fighting in Basra ended after the government agreed to an amnesty for al-Sadr's supporters and the release of Sadrist detainees who had not been convicted of a crime. Fighting in Sadr City continued until late May, when a ceasefire deal allowed Iraqi security forces to take control.

After months of negotiations, the Iraqi government signed a comprehensive security agreement with the United States in December that called for a complete U.S. troop withdrawal by the end of 2011. The deal, which replaced a UN mandate on the U.S. occupation that was due to expire at year's end, was subject to approval in a referendum to be held in July 2009. Among other provisions, the new pact set a U.S. troop pullout from urban areas for June 2009 and gave Iraqi courts and officials more control over U.S. military operations. To win Sunni Arab cooperation in passing the agreement, the parliament also passed a nonbinding resolution aimed at releasing detainees from Iraqi prisons and adjusting the ethnic composition of the security forces. The agreement came after months of arduous negotiations in which the parliament and cabinet publicly asserted their independence from Washington. At a certain point, chances for a security agreement looked bleak, and the KRG even suggested that it would be willing to conclude an independent agreement with the United States if the central government were unable to.

Cross-border activity by Turkey's Kurdish Workers' Party (PKK) rebel group remained a separate source of instability in northern Iraq, with Turkish forces repeatedly shelling suspected PKK positions in remote areas of Iraq's Kurdish region. In February 2008, Turkey launched a weeklong ground invasion aimed at PKK guerrilla bases. Air strikes and cross-border raids continued intermittently for the rest of the year.

Though many refugees returned to Iraq in the early months of 2008, about two million remained abroad as of August, and another 2.8 million remained displaced within Iraq. The government has indicated that it will remove internally displaced persons (IDPs) from property they do not own. In addition, water and electricity infrastructure continued to fall short in every province.

Political Rights and Civil Liberties

Iraq is not an electoral democracy. Although it has conducted meaningful elections, the country remains under the influence of a foreign military presence and impairments caused by sectarian and insurgent violence. Under the constitution, the president and two vice presidents are elected by the parliament and appoint the prime minister, who is nominated by the largest parliamentary bloc. Elections are held every four years. The prime minister forms a cabinet and runs the executive functions of the state. The parliament consists of a 275-seat lower house, the Council of Representatives, and a still-unformed upper house, the Federal Council, which would represent provincial interests. Political parties representing a wide range of viewpoints operate without restrictions, but the Baath party is officially banned. The Independent Electoral Commission of Iraq (IECI), whose nine-member board was selected by a UN advisory committee, has sole responsibility for administering elections.

Home to one-fifth of the country's population, the autonomous Kurdish region constitutes a distinct polity within Iraq, boasting its own flag, military units, and language, as well as a 111-seat regional legislature dominated by the PUK and KDP. The entity's political leaders continue to profess their commitment to remaining part of a federal Iraqi state. Yet some reports indicate that Arab Iraqis are legally recognized as "foreigners" in the Kurdish region, and the KRG has negotiated independent agreements with foreign energy companies and international investors. It has also indicated that it may be willing to negotiate a separate treaty with the United States.

The status of oil-rich Kirkuk remains one of Iraq's most contentious issues. The historically Kurdish city was forcibly Arabized under Saddam Hussein, but many Kurds returned after the U.S.-led invasion. The various population shifts have left it multiethnic and multisectarian. The Kurds have sought to incorporate the city into the KRG, but many Arabs and some other groups insist on central government control. The constitution and the 2008 provincial election law both postponed a final decision on the question.

Iraq is plagued by pervasive corruption at all levels of government. The problem has seriously hampered reconstruction efforts, and the British Broadcasting Corporation estimated in June 2008 that approximately \$23 billion was missing, having been siphoned off from ministries or invested in projects with U.S. companies that were not properly completed. Even an October 2008 cholera outbreak in Babil province was blamed on corruption, as local officials were reportedly bribed into using expired chlorine for water treatment. Thirty-one members of Iraq's anticorruption authority were killed between 2003 and 2008. Iraq was ranked 178 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of expression is protected by the constitution and generally respected by the authorities. However, it has been seriously impeded by sectarian tensions and fear of violent reprisals. Over a dozen private television stations are in operation, and major Arab satellite stations are easily accessible. More than 150 print publications have been established since 2003 and are allowed to operate without significant government interference. Internet access is not restricted.

Legislation passed in 2006 criminalized the ridicule of public officials, and a number of Iraqi journalists have been charged with the offense. The government also established a unit to monitor journalists and media outlets and to correct "false news." Journalists face prosecution if they refuse the official correction.

Violent retributions against journalists have hindered their ability to report widely and objectively. As many as 222 journalists and media workers, most of them Iraqis, have been killed in the country since 2003, making the conflict the deadliest for journalists since World War II. Dozens have also been abducted by insurgents and militias or detained without charge or disclosure of supporting evidence by U.S. forces on suspicion of aiding and abetting insurgents. The Interior Ministry established a hotline for journalists facing threats in 2008, leading to at least one arrest. The prime minister's office has proposed a new law protecting journalists that had not yet been made public or debated by the parliament at year's end.

Journalists operate more freely in the Kurdish region and successfully fought a law introduced in 2007 that would have allowed prison terms and large fines for reporters and editors. A new version of the Kurdish press law was passed in October. The law prohibits the imprisonment of journalists and the closure or suspension of newspapers. While vague proposals to punish journalists threatening national security or “common values” were dropped, it became a crime to create instability, spread fear or intimidation, cause harm to people, or violate religious beliefs. Journalists and newspapers face fines for violating the law. Journalists who offend local officials and top party leaders or expose high-level corruption remain subject to physical attacks, arbitrary detention, and harassment. Kurdish broadcast media are dominated by the two main political parties, but independent print outlets and internet sites have arisen in recent years.

Freedom of religion is guaranteed by the constitution, and religious institutions are allowed to operate with little formal oversight. However, all religious communities in Iraq have been threatened by sectarian violence, particularly since 2006. A 2007 terrorist bombing killed over 400 Yazidis in northern Iraq, and a series of attacks on Christians in Mosul in the fall of 2008 prompted thousands to flee the city. Estimates of the Christian population that has sought safety abroad since 2003 reach into the hundreds of thousands. Religious and ethnic minorities in northern Iraq—including Turkmen, Arabs, Christians, and Shabaks—have reported instances of discrimination and harassment by Kurdish authorities, though a number have fled to the Kurdish-controlled region due to its relative security. While sectarian violence subsided in much of the country in 2008, formerly mixed neighborhoods are now much more homogeneous.

Given the Shiite majority presence in government, state preference has been given to protecting and funding Shiite holy sites and religious leaders. However, sectarian relations have improved along with the drop in violence; Sunni Friday prayers were broadcast on Iraqi television in 2007 for the first time since 2003.

Academic institutions operate in a highly politicized and insecure environment. The Ministry of Higher Education estimates that 240 lecturers were killed between 2003 and 2007, and that over 2,000 academics have fled the country, to the benefit of newly established private universities in Syria.

Rights to freedom of assembly and association are recognized by the constitution and generally respected in practice. The constitution guarantees these rights “in a way that does not violate public order and morality.” Domestic and international nongovernmental organizations (NGOs) are able to operate without legal restrictions, though security constraints severely limit their activities in many regions, and only large, well-funded international NGOs are able to operate under the necessary security precautions. The lack of a legal framework and registration system for NGOs also hinders their ability to function and attract donor funds.

The constitution provides for the right to form and join professional associations and unions, although Iraq’s 1987 labor law remains in effect, prohibiting unionization in the public sector. Union activity has flourished in nearly all industries since 2003, and strikes have not been uncommon. In 2005, the ITG promulgated Decree 8750, which gave authorities the power to seize all union funds and prevent their disbursement. Though it promised that a new labor law would be passed under the permanent government, no such law has been forthcoming, even though a pro-union parliamentary committee was established to revise the decree and advance International Labor Organization-compliant labor laws that were drafted in 2004.

Judicial independence is guaranteed in the constitution. The Higher Judicial Council (HJC)—headed by the chief judge of the Federal Supreme Court and composed of Iraq’s 17 chief appellate judges and several judges from the Federal Court of Cassation—has administrative authority over the court system. In practice, however, judges have come under immense political and sectarian pressure and have been largely unable to pursue cases involving organized crime, corruption, and militia activity, even when presented with overwhelming evidence. Indeed, the Ministry of Justice is largely impotent for reasons linked both to the current situation and to Saddam-era politics. Iraqi citizens turn to local militias and religious groups to dispense justice before the Ministry of Justice.

Persons accused of committing war crimes, genocide, and crimes against humanity fall under the jurisdiction of the Iraqi High Tribunal (IHT), previously known as the Iraq Special Tribunal. The IHT statute does not explicitly require that guilt be proven beyond a reasonable doubt and lacks adequate safeguards against self-incrimination. International observers noted numerous irregularities in the trial that culminated in the execution of Saddam Hussein in December 2006.

The criminal procedure code and the constitution prohibit arbitrary arrest and detention, though both practices are common in security-related cases. There have been credible reports of illegal detention facilities run by the Interior Ministry and party-sponsored militias. The constitution prohibits all forms of torture and inhumane treatment and affords victims the right to compensation, but neither coalition nor Iraqi authorities have established effective safeguards against the mistreatment of detainees. Allegations of torture by security services have been serious and widespread. KRG laws similarly prohibit inhumane treatment of detainees, but it is widely acknowledged that Kurdish security forces practice illegal detention and questionable interrogation tactics. Detainees in coalition custody have also experienced torture and mistreatment. The U.S. military anticipated holding 15,000 prisoners in Iraq by the end of 2008, down from over 26,000 in 2007. The November agreement governing the future relationship between the United States and Iraq relationship included a non-binding resolution to bring amnesty to prisoners in Iraq.

There is a critical lack of centralized control over the use of force in Iraq. Though the Iraqi government succeeded in bringing large areas of Iraq under its control in 2008, insurgents, militias, and criminal gangs were responsible for the mistreatment and killing of thousands of civilians during the year. The participation of the Awakening Councils has been a key to the reduction in violence, and future gains depend on continued Sunni cooperation. At the end of the year, the United States had transferred security responsibility for 14 provinces, including Baghdad, to the Iraqi government. The U.S. military retained control of four provinces, including Anbar, Nineva, Kirkuk and Salah el-Din.

The constitution promises women equal rights under the law, and they are guaranteed 25 percent of the seats in the legislature. Women began to resume their participation in public life in 2008 as the security situation improved. While they still faced serious social pressure and restrictions, they returned to jobs and universities. Still, reports at the end of the 2007–08 academic year indicated that up to 30 percent of families in certain areas had removed their daughters from primary and secondary schools for fear of violence. In the Kurdish region, women do not suffer the same harassment as in other parts of Iraq, and they are not forced to abide by religious codes or cultural restrictions. They are free to travel and are very active in civic life, although their political power is limited.

**Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom. Click [here](#) for a full explanation of Freedom in the World methodology.*