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Country Report on Human Rights Practices 2019 - Iraq

EXECUTIVE SUMMARY

Iraq is a constitutional parliamentary republic. The 2018 parliamentary elections, while imperfect, generally met international standards of free and fair elections and led to the peaceful transition of power from Prime Minister Haider al-Abadi to Adil Abd al-Mahdi. On December 1, in response to protesters' demands for significant changes to the political system, Abd al-Mahdi submitted his resignation, which the Iraqi Council of Representatives (COR) accepted. As of December 17, Abd al-Mahdi continued to serve in a caretaker capacity while the COR worked to identify a replacement in accordance with the Iraqi constitution.

Numerous domestic security forces operated throughout the country. The regular armed forces and domestic law enforcement bodies generally maintained order within the country, although some armed groups operated outside of government control. Iraqi Security Forces (ISF) consist of administratively organized forces within the Ministries of Interior and Defense, 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 Defense, 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 Defense are responsible for the defense 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 organization that includes three brigades of special operations forces. The National Security Service (NSS) intelligence agency reports directly to the prime minister.

The Popular Mobilization Forces (PMF), a state-sponsored umbrella military organization composed of approximately 60 militia groups, operated throughout the country. Most PMF units were Shia Arab, reflecting the demographics of the country, while Sunni Arab, Yezidi, Christian, and other minority PMF units generally operated within or near their home regions. All PMF units officially report to the national security advisor and are under the authority of the prime minister, but several units in practice were also responsive to Iran and Iran's Islamic Revolutionary Guard Corps.

The two main Kurdish political parties, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), each maintained an independent security apparatus. Under the federal constitution, the Kurdistan Regional Government (KRG) has the right to maintain internal security forces, but the PUK and KDP separately controlled additional Peshmerga units. The constitution also allows for a centralized, separate Asayish internal security service; however, KDP and PUK each maintained Asayish forces. The KDP and PUK also maintained separate intelligence services, nominally under the KRG Ministry of Interior.

Civilian authorities did not maintain effective control over some elements of the security forces, particularly certain Iran-aligned PMF units. Poorly defined administrative boundaries and disputed territories between the Iraqi Kurdistan Region (IKR) led to confusion over the jurisdiction of security forces and the courts.

The country experienced large-scale protests in Baghdad and several Shia-majority governorates beginning in early October. Demonstrators gathered in the streets to reinforce their demands for an end to corruption and a restructuring of the government. Civilian authorities quickly lost control of the situation. Security and armed groups, including PMF forces, responded with live ammunition, tear gas canisters shot as projectiles, and concussion grenades, in an attempt to suppress the demonstrations. By official accounts, as of December 17, more than 479 civilians were killed and at least 20,000 were injured. While one general and several officers were under investigation, efforts to achieve accountability were limited.

Significant human rights issues included: reports of unlawful or arbitrary killings, including extrajudicial killings; forced disappearances; torture; arbitrary detention; harsh and life-threatening prison and detention center conditions; arbitrary or unlawful interference with privacy; the worst forms of restrictions on free expression, the press, and the internet, including violence against journalists, censorship, site blocking, and criminal libel; significant interference with the rights of peaceful assembly; legal restrictions on freedom of movement of women; threats of violence against internally displaced persons (IDPs) and returnee populations perceived to have been affiliated with the Islamic State of Iraq and Syria (ISIS); widespread official corruption; unlawful recruitment or use of child soldiers by elements of the Kurdistan Workers' Party (PKK), Shingal Protection Units (YBS), and the Iran-aligned PMF that operate outside government control; trafficking in persons; criminalization of lesbian, gay, bisexual, transgender, and intersex (LGBTI) status or conduct; violence targeting LGBTI persons; and restrictions on worker rights, including restrictions on formation of independent unions, discrimination in employment of migrants, women, those with disabilities, and child labor.

The government, including the Office of the Prime Minister, investigated allegations of abuses and atrocities perpetrated by the ISF, including a ministerial investigation of the October protests, but the government rarely punished those responsible for perpetrating or authorizing human rights abuses. Impunity effectively existed for government officials and security force personnel, including the ISF, Federal Police, PMF, and certain units of KRG Asayish internal security services.

Despite a reduction in numbers, ISIS continued to commit serious abuses and atrocities, including killings through suicide bombings and improvised explosive devices (IEDs). The government had ongoing investigations and was prosecuting allegations of ISIS abuses and atrocities and, in some instances, publicly noted the conviction of suspected ISIS members under the 2005 counterterrorism law.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were numerous reports that the government, members of the security forces, nongovernmental militias, and ISIS affiliates committed arbitrary or unlawful killings (see section 1.g.). During the October protests, Iranian-backed militias deployed snipers, who killed protesters and impeded the provision of medical care to wounded demonstrators.

The human rights office of the United Nations Assistance Mission for Iraq (UNAMI) reported 48 cases of unarmed protesters shot and killed between October 1 and November 4 during demonstrations or while committing acts of property damage, arson, or attempting to enter government or political party offices. According to UNAMI, these individuals did not present an imminent threat of death or serious injury to those around them. Sources observed armed elements (described as private militia groups), as well as uniformed security forces, shoot live ammunition into crowds of demonstrators on multiple occasions in Baghdad and in several southern Iraqi cities. UNAMI also stated that security forces shot tear gas canisters directly into crowds of protesters, leading to at least 16 fatalities caused by canisters impacting the head or upper body.

In late November, two mass killings of protesters occurred in the cities of Najaf and Nasiriya. UNAMI reported that between November 27 and 30, militia, reportedly affiliated with the PMF, shot and killed 27 protesters in Najaf, and protesters set fire to the Iranian consulate and a compound that housed an Islamic shrine. UNAMI reported that on November 28 and 29, security forces shot and killed 41 protesters and injured 500 in Nasiriya. On December 1, the Federal Criminal Court of Dhi Qar issued an arrest warrant for a senior general with command responsibility over security forces deployed in Nasiriya in response to the killings.

Iran-aligned militias carried out another mass killing of protesters near Baghdad’s Tahrir square on December 6. Human Rights Watch (HRW) reported that estimates ranged between 29 and 80 dead and 137 injured. Electricity to the area was cut during the attack, making it difficult for the protesters to identify the killers and flee to safety. Protesters and nongovernmental organizations (NGOs) criticized the security forces for withdrawing from the area as the militia began shooting.

In response to the protests, on October 22, the government released the results of a limited investigation into the excessive use of force by security personnel. The report largely blamed protesters and low-level security officials for the violence and avoided mentioning key violations, such as sniper attacks and assaults on journalists and civil society activists. It also did not name any of the Iran-backed militia leaders involved. COR Security and Defense Committee Chair Muhammed Ridha announced on December 17 that a parliamentary “fact-finding committee” assigned to investigate the use of violence in the southern governorates had concluded its work and that its final report would be submitted to the prime minister, without providing a timeline. Ridha stated that the Dhi Qar Governorate portion of the investigation remained incomplete due to “incomplete statements of the officers.”

During the year the security situation remained unstable in some areas due to intermittent attacks by ISIS and its affiliated cells; sporadic fighting between the ISF and ISIS holdouts in remote areas; the presence of militias not fully under the control of the government, including certain PMF units; and sectarian, ethnic, and financially motivated violence.

Government security forces reportedly committed extrajudicial killings. While the government claimed to investigate allegations, it rarely made public its identification and prosecution of specific perpetrators of abuses and atrocities. Human rights organizations reported that both Ministry of Interior and Ministry of Defense personnel tortured detainees. HRW documented numerous torture allegations and reported on at least two cases leading to deaths in custody from January 2018 to June.

Human rights organizations reported that Iran-aligned PMF militia groups engaged in killing, kidnapping, and extortion throughout the country, particularly in ethnically and religiously mixed governorates. Unlawful killings by unidentified gunmen and politically motivated violence frequently occurred throughout the country. In February Alaa Mashzoub was shot multiple times after being intercepted by a gunman on a motorcycle while heading to his house in the city of Karbala; he died at the scene. Mashzoub had been openly critical of Iran’s interference in Iraqi domestic affairs, sectarianism, and militias. The motive and the perpetrators remained unknown. Ethnic and sectarian-based fighting continued in mixed governorates, although at lower rates than in 2018. While minority advocacy groups reported threats and attacks targeting their communities, it was difficult to categorize many incidents as based solely on ethnic or religious identity because religion, politics, and ethnicity were often closely linked.

Terrorist violence continued throughout the year, including several ISIS attacks (see section 1.g.). In northern and western governorates, where ISIS was active in the past, the attacks slowed but never halted. In the first six months of the year, there were 139 attacks in the governorates of Ninewa, Salah-al Din, Kirkuk, Diyala, and Anbar, and 274 individuals were killed. The majority of the dead were civilians but also included security forces and PMF members, according to reports gathered by *The New York Times*.

b. Disappearance

There were frequent reports of enforced disappearances by or on behalf of government forces, including Federal Police, PMF, Peshmerga, and Asayish, as well as by nongovernment militias and criminal groups. The International Commission on Missing Persons estimated 250,000 to a million persons remained missing from decades of conflict and human rights abuses.

Many suspected members of ISIS, and individuals close to them, were among those subject to forced disappearance. Amnesty International and HRW issued reports documenting the disappearance of 643 Sunni Muslim males from Fallujah and Saqlawiyah and further mass disappearances of Sunni males at Razzaza. These incidents were largely attributed to Kataib Hezbollah, which maintained an illegal detention facility with at least 1,700 prisoners in Jurf al-Sakhar, south of Baghdad. The government took no action to free these detainees or investigate human rights abuses related to their captivity.

On December 18, the Supreme Judicial Council announced that the government had released 2,700 protesters from detention since protests started on October 1. The announcement did not mention the number of protesters who remained in government custody. Many of those arrested were forced to sign pledges not to take part in future protests on risk of prosecution. On November 25, the Iraqi High Commission for Human Rights (IHCHR) said on Facebook that authorities had arrested 93 protesters in Baghdad on November 21-24, noting that only 14 had been released. In the same post they stated that the commission continued to receive reports of kidnappings of activists, journalists, and lawyers by “unknown persons.” Many of the missing were believed to be in Jurf al-Sakhar and other secret prisons run by Iranian-backed militias operating within the PMF.

Individuals, militias, and organized criminal groups carried out abductions and kidnappings for personal gain or for political or sectarian reasons. In one example, relatives of Ali Jaseb al-Hattab, a 29-year-old lawyer who had been representing protesters arrested in the October antigovernment demonstrations, told Amnesty International that he was detained by suspected members of a PMF faction on the evening of October 8. According to his relatives, armed men in two black pick-up trucks belonging to the PMF dragged him away from his car in the southern city of Ammarah in al-Maysan Governorate, where he had been due to meet a client, and then drove him away in one of the trucks.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the constitution and law prohibit such practices, it does not define the types of conduct that constitute torture, and the law gives judges full discretion to determine whether a defendant’s confession is admissible. There were numerous reports that government officials employed torture and other cruel, inhuman, or degrading treatment or punishment, and that courts routinely accepted forced confessions as evidence, which was often the only evidence in ISIS-related counterterrorism cases.

As in previous years, there were credible reports that government forces, including Federal Police, NSS, PMF, and Asayish, abused and tortured individuals—particularly Sunni Arabs—during arrest, pretrial detention, and after conviction. Former prisoners, detainees, and international human rights organizations documented cases of torture and other cruel, inhuman, or degrading treatment or punishment in Ministry of Interior-run facilities and to a lesser extent in Ministry of Defense-run detention facilities, as well as in facilities under KRG control.

HRW reported in April that severe abuse had continued in Mosul jails through the year, months after initially reporting such incidents in August 2018. The April HRW report also detailed various types of torture witnessed and reported by several former detainees in the Faisaliya detention facility. One prisoner recounted seeing eight detainees pushed to the floor, their feet placed through two rope loops, while guards took turns beating each of the detainees’ feet with plastic piping. He said that after the beatings, six of the detainees confessed to being affiliated with ISIS. The two who had not confessed were subjected to additional torture in the form of waterboarding. HRW stated the government’s failure to investigate the reports properly led to a culture of impunity among security forces. In September local press reported the death of nine detainees in custody during an investigation in Salah al-Din Governorate.

In June, in a separate account, HRW reported that a man suspected of robbery was tortured in detention, resulting in the amputation of his left arm. He recounted that, during an extended interrogation in which an interrogator was trying to extract a confession, the man had “hung from his hands for three days.” He was granted a medical exam in May 2018, but he did not receive medical treatment until July. After three unsuccessful attempts to repair arterial damage, doctors were forced to amputate the arm. The wife of the detainee lodged a complaint with the presidency of the Judicial Supervisory Authority, but the president of the Authority told HRW that their investigation found no evidence to support the torture allegation.

Instances of abusive interrogation also reportedly occurred in some detention facilities of the KRG’s Asayish internal security unit and the intelligence services of the major political parties—the KDP’s Parastin and the PUK’s Zanyari. HRW stated in January that Asayish security officials used beatings, stress positions, and electric shocks on adults and children in their custody to extract confessions. In a March HRW report highlighting abuses against children, 29 current or former detainees from ages 14 to 18 who were charged or convicted of ISIS affiliation by the KRG were interviewed, including 24 held at the Women and Children’s Reformatory in Erbil. Nineteen said that Asayish officers tortured them to get confessions, beating them all over their bodies with plastic pipes, electric cables, or rods. Some were subjected to electric shocks or tied in painful stress positions. Security forces threatened others with torture if they refused to confess to ISIS association.

Local NGOs in the IKR continued to report allegations of abuse from both PMF and KRG security forces perpetrated against women and boys while in ISIS family isolation centers and detention facilities. Camp management and detention employees subjected them to various forms of abuse and intimidation, including beatings.

Dozens of female relatives of ISIS fighters in the refugee camps of Mosul faced harassment and sexual abuse at the hands of security forces, according to a joint report by the Network of Iraqi Reporters for Investigative Journalism and the Mosul Investigation Team. The report, which was rejected by the IHCHR, said it documented 16 of 36 “confirmed” cases of sexual exploitation of female relatives of ISIS fighters. The investigation extended for three months and included five minors between 15 and 18 years of age. The women believed that if they complained against the abuse, they would be accused of terrorism, and if they refused the sexual advances by security forces and the PMF, they would face various forms of harassment, including frequent raids, investigation, and the confiscation of personal documents. Some houses and tents at refugee camps were turned into brothels, where those women were forced to accept sexual exploitation in exchange for three dollars or a little food.

Four camp residents said they personally knew of security forces engaging in sexual exploitation in the camp. Two women described security forces entering the camp and coercing women they knew into sex, including for pay, particularly women who no longer had male adult relatives with them. One camp resident said she knew of two women in the camp who had become pregnant within the last six months as a result of rape by security forces.

Prison and Detention Center Conditions

Prison and detention center conditions were harsh and life threatening due to food shortages, gross overcrowding, physical abuse, and inadequate sanitary conditions and medical care.

Physical Conditions: Overcrowding in government-run prisons was a systemic problem exacerbated by an increase in the number of alleged ISIS members detained during the year. In addition, three of the 24 correctional facilities managed by the Iraqi Corrections Service, the government entity with legal authority to hold persons after conviction, remained closed due to the security situation.

In July HRW observed that all three of Ninewa’s pretrial detention facilities, Tal Kayf, Faisaliya, and Tasfirat, were so overcrowded that no detainee could lie down to sleep. HRW visited one cell of approximately 250 square feet, with a single toilet, that had been housing 114 detainees for four months. The windows were bricked up, and the temperature and stench in the room were overpowering. At least four detainees had died in cases that, according to prison staff, were linked to the lack of proper medical care and hygiene standards.

HRW reported that the three pretrial detention facilities had a combined capacity of 2,500 prisoners, but as of late June they were holding an estimated 4,500 individuals. Approximately 1,300 of them had been tried and convicted and should have been transferred to Baghdad prisons. Some remained in the crowded facility for up to six months after they were convicted. In September the IHCHR stated that the design capacity of 25 prisons of the Ministry of Justice was 21,600 inmates, while the inmate population was 37,900. Basrah central prison held 3,600 inmates, while its maximum capacity was 1,200. Nasiriyah central prison (Al-Hot) held 10,900 inmates, while its design

capacity was 4,000. The IHCHR also reported overcrowding in women’s prisons. The capacity of the central women’s prison was 250 inmates, while the number of inmates was 663. A senior penitentiary official shared photographs taken in May of female terrorism suspects with their children in one cell in Tal Kayf prison. The detainees had no space to lie down in their cells or even sit comfortably. Prison authorities had not provided mattresses because there was no room for them in the cells.

Overcrowding exacerbated corruption among some police officers and prison administrators, who reportedly took bribes to reduce or drop charges, shorten sentences, or release prisoners early.

Authorities separated detainees from convicts in most cases. Prisoners facing terrorism charges were isolated from the general detainee population and were more likely to remain in Ministry of Interior or Ministry of Defense detention for longer periods.

According to the Ministry of Justice, ownership of government facilities for holding most juvenile pretrial detainees and convicts was transferred from the Ministry of Labor and Social Affairs to the Ministry of Justice in accordance with a law established in 2018. There were reports that Ministry of Justice-administered prisons, Ministry of Interior police stations, and other Ministry of Interior detention facilities held some juveniles in separate facilities or mixed them with adult prisoners.

The Ministry of Justice reported there were no accommodations for inmates with disabilities, and a previously announced ministry initiative to establish facilities for such detainees was not fully implemented as of September.

Inmates in government-run prisons and detention centers often lacked adequate food, potable water, sanitation, ventilation, lighting, and medical care. Some detention facilities did not have an onsite pharmacy or infirmary, and authorities reported that even when they existed, pharmacies were often undersupplied and government officers reportedly withheld medication or medical care from prisoners and detainees. Women’s prisons often lacked adequate child-care facilities for inmates’ children, whom the law permits to remain with their mothers until age four. Limited and aging infrastructure worsened sanitation, limited access to potable water, and led to preparation of poor-quality food in many prison facilities. Authorities reportedly kept prisoners confined in their cells for long periods without an opportunity for exercise or use of showers or sanitary facilities. HRW reported in July 2018 that the NSS admitted detaining more than 400 individuals (many unlawfully) in a secret detention facility in east Mosul. In February the head of the Ninewa counterterrorism investigation court told HRW he asked the NSS to transfer these prisoners to the Interior Ministry. He acknowledged the NSS facility still held an estimated 70 detainees.

According to UNAMI, the KRG’s newer detention facilities in major cities were well maintained, although conditions remained poor in many smaller detention centers operated by the KRG Ministry of Interior. In some KRG Asayish detention centers and police-run jails, KRG authorities occasionally held juveniles in the same cells as adults. An Independent Human Rights Commission Kurdistan Region (IHRCKR) report stated that as of November, authorities housed more than 40 minors, with ages ranging from

six months to 12 years, in Erbil prisons with their convicted mothers. UNICEF funded a separate annex to the prison for these minors, but they continued to lack access to education.

Administration: The central government reported it took steps to address allegations of mistreatment in central government facilities, but the extent of these steps was not known. Several human rights organizations stated that the country's judges frequently failed to investigate credible allegations that security forces tortured terrorism suspects and often convicted defendants based (often solely) on allegedly coerced confessions.

Prison and detention center authorities reportedly sometimes delayed the release of exonerated detainees or inmates due to lack of prisoner registration or other bureaucratic issues, or they extorted bribes from prisoners for release at the end of their sentences. International and local human rights groups reported that authorities in numerous instances denied family visits to detainees and convicts. Guards allegedly often demanded bribes or beat detainees when detainees asked to call their relatives or legal counsel.

The KRG had no uniform policy for addressing allegations of abuse by KRG Ministry of Interior officers or the Asayish. In a March report on prison conditions across the IKR, the IHRCKR stated some prisons failed to maintain basic standards and to safeguard the human rights of prisoners. The report emphasized the need for new buildings and for laws to protect the rights and safety of inmates, such as separating drug dealers and drug users.

Independent Monitoring: Iraqi Corrections Service prisons allowed regular visits by independent nongovernmental observers. The International Committee of the Red Cross (ICRC) reported the Ministries of Justice, Interior, Defense, and Labor and Social Affairs largely permitted them access to prisons and detention facilities. Authorities also granted UNAMI access to Ministry of Justice prisons and detention facilities in Baghdad. There were reports of some institutional interference in prison visits, and in some cases, institutions that have the legal mandate to conduct unannounced visits were required to give advance notification to wardens and prison officials in order to access the facilities. The government denied the existence of some secret detention centers but acknowledged the existence of an NSS detention center in Al-Shurta, in east Mosul, despite previous denials, and permitted monitoring of a replacement facility.

The KRG generally allowed international human rights NGOs and intergovernmental organizations to visit convicted prisoners and pretrial detainees, but occasionally authorities delayed or denied access to some individuals, usually in cases involving terrorism. The United Nations and the ICRC had regular access to IKR prisons and detention facilities. Local civil society organization (CSO) Kurdistan Human Rights Watch (KHRW) reported that although they were previously able to access any IKR prison without notice, they increasingly had to request permission in advance to gain access. They usually received permission, but typically at a higher rate and more quickly at the Ministry of Labor and Social Affairs prisons than those run by the Asayish. The KHRW also stated the Asayish sometimes denied holding prisoners to avoid granting independent organizations access to them.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. Despite such protections, there were numerous reports of arbitrary arrests and detentions, predominantly of Sunni Arabs, including IDPs.

Arrest Procedures and Treatment of Detainees

The law prohibits the arrest or remand of individuals, except by order of a competent judge or court or as established by the code of criminal procedures. The law requires authorities to register the detainee’s name, place of detention, reason for detention, and legal basis for detention within 24 hours of the detention—a period that may be extended to a maximum of 72 hours in most cases. For offenses punishable by death, authorities may legally detain the defendant as long as necessary to complete the judicial process. The Ministry of Justice is responsible for updating and managing these registers. The law requires the Ministries of Defense and Interior and the NSS to establish guidelines for commanders in battlefield situations to register detainees’ details in this central register. The law also prohibits any entity, other than legally competent authorities, to detain any person.

Human rights organizations reported that government forces, including the ISF, Federal Police, NSS, PMF, and Asayish, frequently ignored the law. Local media and human rights groups reported that authorities arrested suspects in security sweeps without warrants, particularly under the antiterrorism law, and frequently held such detainees for prolonged periods without charge or registration. The government periodically released detainees, usually after concluding that it lacked sufficient evidence for the courts to convict them, but many others remained in detention pending review of other outstanding charges. During the first weeks of the October protests, the authorities acknowledged arbitrary arrests. The IHCHR said that authorities had arrested 1,055 individuals and had released all but 21 as of October 20. Local media reported on October 19 that the Interior Ministry and judiciary agreed that all security bodies must notify the Interior Ministry “immediately” of arrests.

Based on information from multiple sources, HRW estimated that at the end of 2018, Iraqi and KRG authorities were detaining approximately 1,500 children for alleged ISIS affiliation. Authorities previously and arbitrarily detained families perceived to have possible ISIS affiliation. Of the 1,036 children detained on national security charges in 2017, approximately 80 percent were held by federal authorities, and the rest were held by the KRG. In a March HRW report, a father reported the arrest of his 14-year-old son, Abdullah, by Interior Ministry forces at an IDP camp outside of Mosul. Arresting officers insisted that he had been part of ISIS. His father said, “He was hanging out with ISIS just because they were his friends and cousins, that was it.” Three months after the boy’s arrest, the man said that the family had received no information about Abdullah’s whereabouts or well-being.

According to NGOs, detainees and prisoners whom the judiciary ordered released sometimes faced delays from the Ministry of Interior or other ministries to clear their record of other pending charges and release them from prison.

The law allows release on bond for criminal (but not security) detainees. Authorities rarely released detainees on bail. The law provides for judges to appoint paid counsel for the indigent. Attorneys appointed to represent detainees frequently complained that insufficient access to their clients hampered adequate attorney/client consultation. In many cases, detainees were not able to meet their attorneys until their scheduled trial date. In one case reported by *Foreign Policy*, a global affairs publication, a defense counsel was assigned to four men one minute before their trial. He produced a blank piece of paper, wrote down the allegations and, in due course, asked for mercy. The defendants were all convicted and sentenced to death. Almost all defense lawyers interviewed for the story said they were afraid to defend their clients because they did not want to be seen as ISIS sympathizers. A number of lawyers who took these cases were detained, and some were beaten by state authorities.

Government forces held many terrorism-related suspects incommunicado without an arrest warrant and transported detainees to undisclosed detention facilities (see section 1.b.).

Arbitrary Arrest: There were numerous reports of arbitrary or unlawful detention by government forces, including ISF, Federal Police, NSS, PMF, Peshmerga, and Asayish. There were no reliable statistics available regarding the number of such acts or the length of detentions. Authorities often failed to notify family members of the arrest or location of detention, resulting in incommunicado detention if not enforced disappearance (see section 1.b.). Humanitarian organizations also reported that, in many instances, central government forces did not inform detainees of the reasons for their detention or the charges against them. Most reports of arbitrary or unlawful detention involved suspected members or supporters of ISIS and their associates and family members. Individuals arbitrarily or unlawfully detained were predominantly Sunni Arabs, including IDPs.

On October 4, eight human rights defenders in Basrah were arbitrarily detained without warrant by Iraqi security forces, including human rights defender Hussam al-Khamisy, according to witnesses who spoke to the NGO Gulf Center for Human Rights and local rights groups. They were held for six hours and released only after being forced to sign a document, which they were not allowed to read.

In July the IHCHR reported 7,663 forced disappearance cases from 2017 until the end of June. The commission stated that these numbers did not include those who disappeared while in ISIS-controlled territory. Only 652 of these individuals were found in prisons, while the rest were still missing. The IHCHR also reported on December 16 that as many as 48 persons had gone missing or were kidnapped between October 1, when protests began, and December 16. Lack of cooperation by some executive institutions responsible for prisons and detention centers, under the pretext of security,

complicated efforts to identify the missing, according to the IHCHR. NGOs reported between 13,000 and 25,000 missing persons in the last five years, particularly in the governorates of Mosul, Anbar, Salah al-Din, Diyala, and Babil.

There were reports of Iran-aligned PMF groups also arbitrarily or unlawfully detaining Kurds, Turkmen, Christians, and other minorities in western Ninewa and the Ninewa Plain. There were numerous reports of 30th and 50th PMF Brigades involvement in extortion, illegal arrests, kidnappings, and detention of individuals without warrants.

In February Sheikh Aws al-Khafaji, the leader of an unauthorized militia, blamed Iran for the assassination of Iraqi novelist Alaa Mashzoub on Iraqi radio. A day later he was arrested by the PMF and detained for four months at an unknown location, according to press reports.

Pretrial Detention: The Ministries of Justice, Defense, Interior, and Labor and Social Affairs are authorized by law to hold pretrial detainees, as is the NSS in limited circumstances for a brief period. Lengthy pretrial detentions without due process or judicial action were a systemic problem, particularly for those accused of having ties to ISIS. There were no independently verified statistics, however, concerning the number of pretrial detainees in central government facilities, the approximate percentage of the prison and detainee population in pretrial detention, or the average length of time held.

The lack of judicial review resulted from several factors, including a large number of detainees, undocumented detentions, slow processing of criminal investigations, an insufficient number of judges and trained judicial personnel, authorities' inability or reluctance to use bail or other conditions of release, lack of information sharing, bribery, and corruption. Overcrowding of pretrial detainees remained a problem in many detention centers.

Lengthy pretrial detentions were particularly common in areas liberated from ISIS, where the large number of ISIS-related detainees and use of makeshift facilities led to significant overcrowding and inadequate services. There were reports of detention beyond judicial release dates and unlawful releases.

According to IHCHR, 448 non-Iraqi women and 547 children were under Ministry of Justice custody. Of these children, 222 of them were placed with their mothers, while 80 were sent to the juvenile correctional department and 32 were sent to state shelters (orphanages).

Authorities reportedly held numerous detainees without trial for months or years after arrest, particularly those detained under the antiterrorism law. Authorities sometimes held detainees incommunicado, without access to defense counsel, presentation before a judge, or arraignment on formal charges within the legally mandated period. Authorities reportedly detained spouses and other family members of fugitives—mostly Sunni Arabs wanted on terrorism charges—to compel their surrender.

KRG authorities also reportedly held detainees for extensive periods in pretrial detention; however, no data was available regarding the approximate percentages of prison and detainee population in pretrial detention and the average length of time held.

Detainee’s Ability to Challenge Lawfulness of Detention before a Court: The constitution and law grant detainees the right to a prompt judicial determination on the legality of their detention and the right to prompt release. Despite the 2016 law concerning rights of detainees, NGOs widely reported that detainees had limited ability to challenge the lawfulness of detention before a court and that a bribe was often necessary to have charges dropped unlawfully or gain release from arbitrary detention. While a constitutional right, the law does not allow for compensation for a person found to have been unlawfully detained.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, but certain articles of law restricted judicial independence and impartiality. The country’s security situation and political history left the judiciary weak and dependent on other parts of the government. The Federal Supreme Court rules on issues related to federalism and constitutionality, and a separate Higher Judicial Council manages and supervises the court system, including disciplinary matters.

Corruption or intimidation reportedly influenced some judges in criminal cases at the trial level and on appeal at the Court of Cassation.

Numerous threats and killings by sectarian, tribal, extremist, and criminal elements impaired judicial independence. Judges, lawyers, and their family members frequently faced death threats and attacks. In February Mosul Investigation Court Judge Samir Barwari was assaulted while passing through a checkpoint belonging to the PMF Brigade 40. The judge reported that the fighters assaulted him and beat his driver. The judge had asked for help from the police in advance of crossing the checkpoint, and although police officers escorted him, they did not intervene in the confrontation due to fear of the PMF.

Lawyers participated in protests demanding better protection from the government against threats and violence. In September a group of lawyers in Najaf Governorate protested the arrest of a fellow lawyer who was detained without an official arrest warrant. The lawyer was arrested due to a Facebook post accusing a Provincial Council member of corruption.

In a July interview with *Middle East Eye*, a London-based online news outlet, Chief Investigative Judge Raed al-Maslah of Ninewa’s counterterrorism court, explained how he limited his travel due to personal security concerns, “I don’t move too much. Only every 40 days I travel to visit my family for a weekend.”

Judges in Mosul and Baghdad repeatedly came under attack due to their rulings. Criticisms stemmed from hasty trials to long prison sentences handed down for the wives of ISIS members. Defense attorneys stated they rarely had access to their clients before hearings and were threatened for defending them. According to Amnesty International’s advocacy director, trials for terrorism-related charges could last anywhere from one to 10 minutes, and authorities often brought groups of 50 to 80 detainees into the court to be sentenced together. Children older than nine also were prosecuted for illegal entry into the country despite statements that their parents brought them to the country without their consent. The number of death sentences, many associated with problematic trial processes related to ISIS affiliation, quadrupled between 2017 and 2018, to at least 271, compared with 125 the year before. According to Amnesty International, only 52 of those sentences were actually carried out in 2018.

The Kurdistan Judicial Council is legally, financially, and administratively independent from the KRG Ministry of Justice, but the KRG executive reportedly influenced politically sensitive cases.

Trial Procedures

The constitution and law provide all citizens the right to a fair and public trial, but the judiciary did not enforce this right for all defendants. Some government officials, the United Nations, and CSOs reported trial proceedings fell short of international standards.

By law accused persons are innocent until proven guilty. Judges in ISIS-related cases, however, sometimes reportedly presumed defendants’ guilt based upon presence or geographic proximity to activities of the terrorist group, or upon a spousal or familial relationship to another defendant, as indicated by international NGOs throughout the year. The law requires detainees to be informed promptly and in detail of the charges against them and of their right to a fair, timely, and public trial. Nonetheless, officials routinely failed to inform defendants promptly or in detail of charges against them. Trials were public, except in some national security cases. Numerous defendants experienced undue delays in reaching trial.

During the year the government established specialized terrorism courts to prosecute accused foreign terrorist fighters repatriated from neighboring Syria. In early April courts began preparing cases against nearly 900 citizens accused of joining ISIS. If convicted, they were sentenced to “death by hanging” in accordance with the 2005 counterterror law.

Defendants’ rights under law include the right to be present at their trial and the right to a privately retained or court-appointed counsel, at public expense, if needed. Defendants frequently did not have adequate time and facilities to prepare a defense. Insufficient access to defense attorneys was a serious defect in investigative, trial, and appellate proceedings. In June at the trial of seven French citizen ISIS combatants, the defendants met their lawyers just minutes before the trial and had no access to legal

counsel during pretrial detention. This scenario was typical in counterterrorism courts, where judicial officials reportedly sought to complete convictions and sentencing for thousands of suspected ISIS members quickly, including through mass trials.

Defendants also have the right, under law, to free assistance of an interpreter, if needed. The qualifications of interpreters varied greatly. Most recently, when French defendants were on trial, the foreign consulate provided translation. Not all countries were able to provide this service when their citizens were on trial. When no translator was available, judges reportedly postponed proceedings and sent the foreign defendants back to jail.

Judges assemble evidence and adjudicate guilt or innocence. Defendants and their attorneys have the right, under law, to confront witnesses against them and present witnesses and evidence. They may not be compelled to testify or confess guilt. Nevertheless, defendants and their attorneys were not always granted access to evidence, or government officials demanded a bribe in exchange for access to the case files. In numerous cases judges reportedly relied on forced or coerced confessions as the primary or sole source of evidence in convictions, without the corroboration of forensic evidence or independent witness testimony.

The public prosecution, defendant, and complainant each have the right to appeal an acquittal, conviction, or sentence in a criminal court ruling. Appeals are heard by the criminal committee, consisting of a presiding judge and a minimum of four other judges, within the Federal Court of Cassation in Baghdad. The criminal committee automatically reviews all cases with a sentence of 25 years, life imprisonment, or death. The committee may uphold a decision or overrule it and return the case to the trial court for a retrial or for additional judicial investigation. The law provides for retrials of detainees convicted due to forced or coerced confessions or evidence provided by secret informants. The Ministry of Justice reported that authorities released almost 8,800 detainees from government custody between the law's enactment in 2016 and October 31.

HRW reported in September that a study of appeals court decisions indicated judges in almost two dozen cases appeared to ignore torture allegations and, in some instances, relied on uncorroborated confessions. According to HRW, judges denied these appeals even when the torture allegations were substantiated by forensic medical exams, and where the confessions were unsubstantiated by any other evidence or extracted by force.

In March HRW reported on improvements to the judicial process in the Ninewa Governorate. Judges began requiring a higher evidentiary standard to detain and prosecute suspects, minimizing the court's reliance on confessions alone, erroneous wanted lists, and unsubstantiated allegations. On February 4, HRW representatives attended a trial before the Ninewa counterterrorism court and observed judges applying the new rules.

KRG officials noted that prosecutors and defense attorneys frequently encountered obstacles in carrying out their work and that trials were unnecessarily delayed for administrative reasons. According to the IHRCKR, some detainees remained in KRG internal security service facilities for extended periods even after court orders for their release. Lawyers provided by an international NGO continued to have access to and provide representation to any juvenile without a court-appointed attorney.

Political Prisoners and Detainees

The government did not consider any incarcerated persons to be political prisoners and argued they had violated criminal statutes. It was difficult to assess these claims due to lack of government transparency; prevalence of corruption in arrest procedures; slow case processing; and extremely limited access to detainees, especially those held in counterterrorism, intelligence, and military facilities. Political opponents of the government alleged the government imprisoned individuals for political activities or beliefs under the pretense of criminal charges ranging from corruption to terrorism and murder.

Amnesty: The parliament approved a general amnesty law in 2016, and the law was amended in 2017 to include amnesty for corruption crimes under the condition that the stolen money be returned. In 2018 the government approved new regulations to facilitate the implementation of the law. Through the end of 2018, more than 8,000 inmates were given amnesty via this law, according to the Ministry of Justice. NGOs and politicians complained, however, that authorities had implemented the law selectively and in a manner that did not comply with the intended goal of the legislation, which was to provide relief for those imprisoned under false charges or for sectarian reasons.

Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil remedies for, or cessation of, human rights violations through domestic courts. Administrative remedies also exist. The government did not effectively implement civil or administrative remedies for human rights violations due in part to the overwhelming security focus of the executive branch, coupled with an understaffed judiciary dependent on the executive.

Unlike federal law, KRG law provides for compensation to persons subject to unlawful arrest or detention; the KRG Ministry of Martyrs and Anfal Affairs handles such cases. The IHRCKR reported that, while approximately 5,000 cases (many historical) received approval for compensation consisting of a piece of land, 10 years' salary, and college tuition for one family member, the government could not pay compensation due to budget constraints. The ministry stated there were 13,000 unlawful arrests pending compensation decisions.

Those in the IKR and the rest of Iraq who were imprisoned for political reasons under the former Baath regime of Saddam Hussein received a pension as compensation from the government. While the KRG political prisoners' pensions were approximately 500,000 dinars (\$440), the central government paid other Iraqis a minimum of 1.2 million dinars (\$1,050).

Property Restitution

The constitution and law prohibit the expropriation of property, except for the public benefit and in return for just compensation. In previous years government forces and PMF units forced suspected ISIS members, in addition to religious and ethnic minorities, from their homes and confiscated property without restitution. Although home and property confiscations declined sharply during the year, many of those who confiscated the homes still occupied them or claimed ownership to the property. This factor, among other security concerns, resulted in low rates of return for IDPs to these areas. The compensation commission of Mosul, Ninewa Governorate, stated that families of ISIS members could receive compensation if they obtained a security clearance to return home from the NSS, but HRW reported that almost all families of ISIS suspects were being denied clearance.

In a July report Euro Mediterranean Human Rights Monitor reported on the Iraqi Council of Ministers decision to allow the forced seizure of 4,000 acres of land southwest of Baghdad. The government claimed the acreage fell within presidential palaces and military sites, despite the fact that some owners had official documents demonstrating they were the rightful owners of the confiscated lands. One resident from the governorate of Al-Saqqar said the commission confiscated 25 acres of his legally owned land in May. He added that the commission expressed no intention to compensate him, either financially or through alternative housing.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, but there were numerous reports that the government failed to respect these prohibitions. Government forces often entered homes without judicial or other appropriate authorization.

There were numerous reports that government forces and local authorities punished family members of suspected ISIS members and supporters. Reports also indicated that government forces, particularly the PMF, and to a lesser degree the Federal Police and local police, refused to allow IDPs to return to their homes, sometimes despite the IDPs having the necessary security clearances from the government allowing them to do so.

Family members of alleged ISIS fighters faced retaliation for offenses allegedly committed by their relatives. Some individuals were detained solely because they possessed the same last name of an alleged ISIS fighter. Many of these family members were being held in detention facilities.

g. Abuses in Internal Conflict

Killings: UNAMI reported more than 900 civilians were killed during 2018 and almost 1,700 injured. UNAMI ceased tracking civilian deaths, but according to Iraq Body Count, an independent NGO that records civilian deaths in the country, there was a 36 percent decrease in civilian deaths in the first 10 months of the year, compared with the same period in the previous year.

Despite its territorial defeat in 2017, ISIS remained the major perpetrator of abuses and atrocities. The remaining fighters operated out of sleeper cells and strike teams that carried out sniper attacks, ambushes, kidnappings, and assassinations against security forces and community leaders. These abuses were particularly evident in Anbar, Baghdad, Diyala, Kirkuk, Ninewa, and Salah al-Din Governorates, where ISIS routinely killed and abducted civilians and attacked security forces. For example, in early August armed men claiming ISIS allegiance publicly beheaded a police officer in a rural village in the Salah al-Din Governorate, approximately two hours north of Baghdad. In September ISIS claimed responsibility for a deadly attack near the city of Karbala. Iraqi security services reported that 12 individuals were killed and five wounded when a bus was bombed near the city. Throughout the year ISIS detonated vehicle-borne IEDs and suicide bombs.

Abductions: There were frequent reports of enforced disappearances by or on behalf of government forces, including ISF, Federal Police, PMF, Peshmerga, and Asayish, as well as by nongovernment militias and criminal groups. Mosul police reported approximately 11,000 civilians were still missing in the city from the time of ISIS occupation and liberation to the end of 2018.

In May the KRG’s coordinator for international advocacy, Dindar Zebari, announced that as of the end of April, 3,371 Yezidis had been rescued from ISIS. According to Zebari, ISIS kidnapped 6,284 Yezidis, among them 3,467 females.

Turkmen and Christians were also victims of abduction at the hands of ISIS. In August the UAE-based newspaper *The National* interviewed a 17-year-old Turkman girl at an NGO for orphans. She was one of an estimated 450 Shia Turkmen women and girls kidnapped from Tal Afar. The few who had returned, just 44 as of December, told of being subjected to sexual abuse by ISIS. Approximately 1,300 Shia Turkmen remained missing.

In October 2018 the KRG Ministry of Endowments and Religious Affairs estimated the total number of the Christian fatalities of ISIS at 275, including 28 killed while in ISIS detention or while trying to escape from ISIS, with another 150 missing.

According to the KRG Ministry of Peshmerga, more than 60 Peshmerga taken hostage during the fighting with ISIS remained missing.

Physical Abuse, Punishment, and Torture: Reports from international human rights groups stated that government forces, including Federal Police, National Security Service, PMF, and Asayish, abused prisoners and detainees, particularly Sunni Arabs. Following its territorial defeat in 2017, ISIS’ ability to capture prisoners was dramatically reduced.

Child Soldiers: There were no reports that the central government’s Ministry of Defense conscripted or recruited children to serve in the security services. The government and Shia religious leaders expressly prohibited children younger than 18 from serving in combat. The central government faced challenges, however, in exercising complete control over certain units of the PMF, limiting the government’s ability to address and prevent the recruitment and use of children by these groups, including some units of the Iran-aligned Asaib Ahl al-Haq (AAH), Harakat Hezbollah al-Nujaba (HHN), and Kata’ib Hezbollah (KH) militias. The PMF are listed in the UN secretary-general’s July report on children and armed conflict for recruitment and use of children. Antitrafficking NGOs reported that some PMF groups, including AAH and HHN, primarily in the southern governorates, continued recruiting males younger than 18 to fight in Syria and Yemen.

Some IDPs, when returning to their home of record, were reportedly required by the local PMF groups to conduct neighborhood patrols and nighttime policing. They conscribed the most able male from each family to a local armed unit, generally without pay, to provide security services. In the Sinsil area of Diyala Governorate, “Muhammad,” a 23-year-old member of his local neighborhood watch, told HRW that there were at least 10 members in his group younger than 18, with the youngest being 16.

According to reliable sources, the PKK, People’s Defense Forces (HPG), and YBS Yezidi militia, operating in Sinjar, Ninewa Governorate, and the IKR continued to recruit and use children. Although no specific accounting was available, the number was estimated to be in the hundreds.

In previous years ISIS was known to recruit and use children. Due in part to ISIS’ territorial defeat, little information was available on its use of children in the country during the year.

In a 2018 report published in June on children and armed conflict, the UN secretary-general detailed the recruitment and use of 39 children by parties to conflict, including five boys between the ages of 12 and 15, used by the Iraqi Federal Police in Ninewa Governorate to fortify a checkpoint, and one 15-year-old boy used by ISIS in Anbar Governorate to drive a car bomb into Fallujah city.

See also the Department of State’s annual *Trafficking in Persons Report* at www.state.gov/trafficking-in-persons-report/ (<http://www.state.gov/trafficking-in-persons-report/>).

Other Conflict-related Abuse: Conflict disrupted the lives of hundreds of thousands of persons throughout the country, particularly in Baghdad, Anbar, and Ninewa Governorates.

Government forces, including the ISF and PMF, established or maintained roadblocks that impeded the flow of humanitarian assistance to communities in need, particularly in disputed territories such as Sinjar, Ninewa Governorate. In a July report from the Middle East policy organization, the Washington Institute, a YBS commander indicated that, although the KRG Ministry of Interior issued a decision to facilitate humanitarian

assistance to the Sinjar region, the PMF has the “political and military upper hand ..., and is providing a corridor for Iran to gain access to Syria,” which often restricted the transport of assistance.

In October HRW reported on several deliberate attacks on aid workers and medical providers. Ambulances were hit with tear gas canisters and live fire, medical equipment and supplies were destroyed, and a medic was killed as he provided medical assistance to an injured protester. The June report from the UN secretary-general identified three attacks against hospitals and medical personnel that were attributed to ISIS: the killing of one member of medical staff in Diyala, an attack on a medical center in Kirkuk, and the looting of supplies from Dara medical center in Kirkuk.

ISIS reportedly targeted civilian infrastructure, including several attacks on electricity and water infrastructure in Kirkuk and other governorates. ISIS leadership characterized the attacks as “continuous operations to drain through attrition the Iraqi army, Iraqi police, and Peshmerga.” In October ISIS members attacked two security checkpoints in the Alas oilfields area of Salah al-Din Governorate, in the northern part of the country, and an improvised explosive device destroyed a vehicle belonging to security forces stationed there, killing two members of the security force and injuring three others.

In July the government passed Resolution 16, which reportedly mandates the removal of more than 38,000 IDPs living in camps in Ninewa Governorate, forcing individuals to return to their governorate of origin. As of August 23, local authorities had forcibly expelled more than 2,000 individuals from these camps, according to HRW. Security forces from the Ninewa Operations Command expelled 36 families from Anbar, most headed by women, totaling an estimated 150 persons, and transported them to their areas of origin, against their will and without letting them bring their belongings. They were told they were being taken to a camp in Anbar but were actually taken to their homes, where much of the city was in ruins and without essential services. Soon after arrival, one family reportedly fled their home after receiving death threats from local residents.

Families returning to their place of origin were exposed to various abuses including evictions, arrests, looting, sexual abuse, and discrimination. Displaced families, especially those with perceived ties to ISIS, were often missing vital civil status documents, without which they were not able to work or move about freely. In August Amnesty International reported that hundreds of IDPs, mostly women and children, were forcibly returned from a northern refugee camp, Hammam al-Alil, to their hometown in Hawija despite serious humanitarian and security concerns (see also section 2.d.).

In an effort to end these practices, in 2017 the UN Security Council, in cooperation with the government, established the Investigative Team for the Accountability of Daesh (ISIS) with a goal to bring justice and accountability to individuals who committed, or participated in, mass atrocities and serve as a deterrent to further gross human rights violations. The investigative team—which was tasked with collecting, preserving, and storing evidence of acts that may amount to war crimes, crimes against humanity and genocide committed by ISIS—formally began its work in August 2018.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for the right of free expression, including for the press, that does not violate public order and morality, express support for the banned Baath Party, or advocate altering the country's borders through violent means. Despite this provision media and social activists faced various forms of pressure and intimidation from authorities, making the primary limitation on freedom of expression self-censorship due to a credible fear of reprisals by the government, political parties, ethnic and sectarian forces, terrorist and extremist groups, or criminal gangs. A media environment in which press outlets were closely affiliated with specific political parties and ethnic factions, an opaque judiciary, and a developing democratic political system combined to place considerable restrictions on freedom of expression, including the press.

Freedom of Expression: Despite the constitutional protection for freedom of expression, central government and KRG oversight and censorship sometimes interfered with media operations, at times resulting in the closure of media outlets, restrictions on reporting, denying access to public information, and interference with internet service. Individuals were able to criticize the government publicly or privately but not without fear of reprisal. In July dozens of journalists in the southern governorate of Basrah staged a vigil in front of the governorate building demanding the right to work free of intimidation and arrest in response to a threat from a military commander to arrest every journalist covering an unlicensed demonstration. Impunity in cases of violence against the press and a lack of a truly independent judiciary and press regulation body diminished the effectiveness of journalists.

Central government and KRG forces arrested and detained protesters and activists critical of the central government and of the KRG, respectively, according to statements by government officials, NGO representatives, and press reports. In October Amnesty International reported, based on the accounts of 11 activists, that security forces systematically targeted anyone who criticized their conduct during the protests. Their testimony illustrated how security forces had systematically targeted anyone who was speaking out against the conduct of security forces during the protests. Amnesty International continued to receive reports of activists and journalists threatened by security forces. These forces warned them that if they continued to speak out against human rights abuses committed against protesters, they would be added to a blacklist compiled by intelligence services.

Certain KRG courts applied the more stringent Iraqi criminal code in lawsuits involving journalists instead of the IKR's own Journalism Law, which provides greater protection for freedom of expression. For example, a court in Kalar ordered Dang Radio director general Azad Osman to pay a fine equal to approximately \$190 and sentenced him to a three-month suspended prison sentence for defamation after he published an article critical of the KRG. In another instance, authorities in Sulaimaniya arrested Nalia Radio and Television (NRT) director and presenter Shwan Adil on December 8 due to a complaint under Article 9 of the KRG's Journalism Law regarding defamation from Raza Hasan, head of the University of Sulaimani. Raza complained NRT's reporting on his

academic work was inaccurate. In a separate incident, on December 15, authorities ordered Shwan to appear in court due to a complaint under Article 9 by the Sulaimaniya Police Directorate over NRT’s reporting on the murder-suicide of two journalists in October.

Press and Media, Including Online Media: Local media was active and expressed a variety of views, largely reflecting owners’ political viewpoints. Media also self-censored to comply with government restrictions against “violating public order” and because of a fear of reprisal by political parties, militias, terrorist groups, criminal organizations, and private individuals, including political figures. In November the government closed nine television channels for “publishing content inciting violence” during coverage of countrywide demonstrations. Political parties strongly influenced, or controlled outright, most of the several hundred daily and weekly print publications, as well as dozens of radio and television stations.

Press and social media accounts reported that the Baghdad offices of six television stations were attacked on October 5 after the news outlets covered antigovernment protests. Al-Arabiya, Dijlah, Al-Ghad, NRT, Al-Hadath, and TRT were ransacked and taken off the air by militiamen from Saraya Talia al-Khurasani (PMF Brigade 18) and Harakat Hezbollah al-Nujaba (PMF Brigade 12) for continuing to broadcast imagery of the protests. HRW noted that the attacks came immediately after the central government’s Communications and Media Commission warned the stations to shut down. NRT was overrun after showing an interview with a protester who identified PMF militias responsible for sniper attacks. When a seventh station, Al-Forat, proved too well guarded to overrun, Asaib Ahl al-Haq (PMF Brigades 41, 42, and 43) bombed the building on October 6, damaging cars and other buildings in the area. In September the government suspended the license of Al-Hurra Television after it showed an investigative report alleging corruption within the country’s religious institutions and accused the network of bias and defamation in its report. The station received threats of violence following the broadcast.

The KDP and PUK gave prioritized access to the outlets they owned. In KDP strongholds, Kurdistan Television, Rudaw, and K24 had access to all public places and information, while in PUK-dominated Sulaimaniya Governorate, Kurdsat News and GK Television enjoyed the same privilege. Conversely, outlets belonging to opposition parties or lacking party affiliation had limited access to public information in the IKR. In August Spanish freelance journalist Ferran Barber was detained and eventually deported by authorities, according to the Committee to Protect Journalists (CPJ). According to the report, the journalist was interrogated about his work while agents searched his cell phone, camera memory cards, and laptop. No charges were brought against Barber, but he was not allowed to contact anyone during his detention.

Government forces sometimes prevented journalists from reporting, citing security reasons. Some media organizations reported arrests and harassment of journalists, as well as government efforts to prevent them from covering politically sensitive topics, including security issues, corruption, and government failure to provide adequate services. In July Reporters without Borders condemned the decision of a judge who ordered the search and arrest of a journalist after the journalist published a report on

the misuse of public funds by a Basrah district judge. According to the journalist's account, the judge allegedly embezzled 96 million dinars (\$80,500) to buy a car for his cousin.

Violence and Harassment: According to the CPJ, there were two journalists killed in country during the year. An unidentified assailant shot and killed Iraqi reporter Hisham Fares al-Adhami while he was covering the protests on Baghdad's Al-Tayyaran Square on October 4. A report by U.S. broadcaster National Public Radio said that Iraqi security forces had opened fire on demonstrators. On December 6, an unidentified individual shot Ahmed Muhana al-Lami, a photographer, in the back while he was covering protests in Baghdad's Al-Khilani Square. He was transported to Sheikh Zayed Hospital in Baghdad, where he later died. Two unidentified Iraqi officials told The Associated Press they believed that the attacks on demonstrators had been orchestrated by Iranian-backed militias.

In the early days of the October protests, violence and threats of violence directed towards media covering the protests was widespread. By mid-October most international media outlets and many local journalists departed Baghdad for Erbil and the Kurdistan region following reports that security forces were circulating a list of journalists and activists to arrest and intimidate.

Reporting from areas liberated from ISIS control remained dangerous and difficult. Journalists covering armed clashes involving government forces, militias, and ISIS remnants faced serious threats to their safety. Military officials, citing safety considerations, sometimes restricted journalists' access to areas of active fighting.

Media workers often reported that politicians, government officials, security services, tribal elements, and business leaders pressured them not to publish articles critical of them. Journalists reported accounts of government or partisan violence, intimidation, death threats, and harassment. In April the Center for Supporting Freedom of Expression issued a report on abuse and attacks recorded during the first quarter of the year. They reported the killing of a novelist and 37 cases of abuse against journalists and demonstrators, more than twice as many as during the same period last year.

In October antiriot police in Basrah prevented several journalists from covering demonstrations in the Al-Ashar area and attacked Associated Press correspondent Haider al-Jourani. Throughout the IKR, there were reports of beatings, detentions, and death threats against media workers. In some cases, the aggressors wore KRG military or police uniforms. In particular, journalists working for the Kurdish channel NRT were frequently arrested. In July the CPJ reported that KRG counterterrorism forces severely beat Ahmed Zawiti, the head of the Al-Jazeera network in Erbil, when he and his team covered an attack on Turkish consulate staff.

Censorship or Content Restrictions: The law prohibits producing, importing, publishing, or possessing written material, drawings, photographs, or films that violate public integrity or decency. The penalties for conviction include fines and imprisonment. Fear

of violent retaliation for publishing facts or opinions critical of political factions inhibited free expression. The Ministry of Culture must approve all books published in or imported into the country, thereby subjecting authors to censorship.

Public officials reportedly influenced content by rewarding positive reporting with bribes, providing money, land, access to venues, and other benefits to journalists, particularly to members of the progovernment Journalists’ Syndicate. These restrictions extended to privately owned television stations operating outside of the country.

Nongovernmental Impact: Nongovernmental and quasi-governmental actors, including militias outside of state control, terrorist groups, and criminal organizations, reportedly threatened journalists with violence for reporting on sensitive subjects.

Internet Freedom

The government restricted or disrupted access to the internet and censored online content, and there were reports the government monitored private online communications without appropriate legal authority. Government restrictions on access to the internet were overt, but the government denied that it monitored private online communications without appropriate legal authority. Despite restrictions, political figures and activists used the internet to criticize politicians, organize demonstrations, and campaign for candidates through social media platforms.

The government acknowledged it interfered with internet access in some areas of the country, reportedly due to the security situation and ISIS’ disruptive use of social media platforms. Since demonstrations began in October, access to 3G networks and Wi-Fi was turned off on multiple occasions in the country, excluding the IKR. While Wi-Fi and 3G access was largely restored, connectivity remained weak, making social media and streaming difficult. Slow speeds, or the “throttling back” of internet access, greatly limited the ability of users to upload video and photographic content.

In other instances, the government sporadically instructed internet service providers to shut down the internet for two to three hours a day during school exams, reportedly to prevent cheating on standardized national exams. On June 26, NetBlocks, an NGO that maps internet freedom, reported that connectivity with several internet providers fell below 50 percent, which coincided with the Education Ministry schedule for physics exams. Impact was regional, with significant disruption in Baghdad, while other cities, including the country’s autonomous Kurdish regions, remained unaffected.

Academic Freedom and Cultural Events

There were government restrictions on academic freedom and cultural events. Social, religious, and political pressures significantly restricted the exercise of freedom of choice in academic and cultural matters. In all regions, various groups reportedly sought to control the pursuit of formal education and the granting of academic positions.

Academic freedoms remained restricted in areas of active conflict with ISIS.

NGOs in the IKR reported that senior professorships were easier to obtain for those with links to the traditional KDP and PUK ruling parties.

b. Freedoms of Peaceful Assembly and Association

The government sometimes limited freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

The constitution provides for freedom of assembly and peaceful demonstration “regulated by law.” Regulations require protest organizers to request permission seven days in advance of a demonstration and submit detailed information regarding the applicants, the reason for the protest, and 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, “honor, morals, religion, holy groups, or Iraqi entities in general.” Provincial councils traditionally maintained authority to issue permits. Authorities generally issued permits in accordance with the regulations. As demonstrations escalated starting in October, authorities consistently failed to protect demonstrators from violence (see section 1.a.).

Freedom of Association

The constitution provides for the right to form and join associations and political parties, with some exceptions. The government generally respected this right, except for the legal prohibitions against groups expressing support for the Baath Party or Zionist principles.

The government reported it took approximately one month to process NGO registration applications. NGOs must register and periodically reregister in Baghdad. According to the NGO Directorate at the Council of Ministers Secretariat, there were 4,365 registered NGOs as of September, including 158 branches of foreign organizations. There were also 900 female-focused or female-chaired NGOs registered as of September. The directorate also sanctioned 700 NGOs for committing violations such as providing cover for political parties or suspicious operations against the NGOs code.

NGOs operating in the IKR require a separate registration. As a result, some NGOs registered only in Baghdad could not operate in the IKR, while those registered only in Erbil could not operate outside the IKR and KRG-controlled disputed territories.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/ (<http://www.state.gov/religiousfreedomreport/>).

d. Freedom of Movement

The constitution and law provide for the freedom of internal movement, foreign travel, emigration, and repatriation, but the government did not consistently respect these rights. Law and custom generally do not respect freedom of movement for women. For example, the law prevents a woman from applying for a passport without the consent of her male guardian or a legal representative. Women could not obtain the Civil Status Identification Document, required for access to public services, food assistance, health care, employment, education, and housing, without the consent of a male relative.

In some instances, authorities restricted movements of displaced persons, and authorities did not allow some IDP camp residents to depart without specific permission, thereby limiting access to livelihoods, education, and services. Many parts of the country liberated from ISIS control suffered from movement restrictions due to checkpoints of PMF units and other government forces. In other instances, local authorities did not always recognize security permits of returnees nor comply with the central government’s orders to facilitate, but not force, returns.

Successful efforts by the government to regain control of areas previously held by ISIS allowed many returns to take place. Returnees, however, grappled with the destruction of homes, lack of services and livelihoods, and continued concerns for security due to the prevalence of PMF groups. In some cases, this led to secondary displacement or a return to the camp.

Security considerations, unexploded ordnance, destruction of infrastructure, and official and unofficial restrictions sometimes limited humanitarian access to IDP communities. Insecurity caused by the presence of ISIS and PMF groups hindered the movement of international staff of humanitarian organizations, restricting their ability to monitor programs for a portion of the year.

In-country Movement: The law permits security forces to restrict in-country movement and take other necessary security and military measures in response to security threats and attacks. There were numerous reports that government forces, including the ISF, Peshmerga, and PMF, selectively enforced regulations, including for ethnosectarian reasons, requiring residency permits to limit entry of persons into areas under their control.

Humanitarian agencies frequently reported evictions of IDPs from camps and informal displacement sites due to closures and consolidations, which reportedly were often not coordinated among relevant local authorities or with humanitarian actors, and which caused some sudden, involuntary displacements. In an effort to avoid eviction, approximately 15,000 families left camps. Most were considered secondarily displaced, as they were unable to return to their place of origin. Some political actors promoted camp closures in advance of May 2018 parliamentary elections, and authorities reportedly used coercive measures during eviction notifications. IDP camp managers reported government officials did not always give IDPs at closed camps the choice of returning to their governorates of origin or displacement to another site. Some families in camps near Baghdad expressed a desire to integrate locally, having found informal employment, but local government authorities reportedly denied requests.

There were numerous reports that IDPs, particularly those suspected of ISIS affiliation, faced hostility from local government officials and populations, as well as expulsion. In liberated areas of Anbar, Duhok, Kirkuk, Ninewa, and Salah al-Din Governorates, humanitarian agencies reported movement restrictions for families with relatives suspected of ISIS affiliation. An Interior Ministry official estimated the number of those with perceived ISIS affiliation at 250,000. Tribal leaders and humanitarian actors reported that fabricated accusations of ISIS affiliation led to stigmatization of IDPs, particularly those living in camps, who were being isolated and whose movements in and out of camps were increasingly restricted. They also expressed concerns of collective punishment against certain communities for their perceived ties to ISIS. In late January authorities governing the town of Karma, northeast of Fallujah in Anbar Governorate, issued special pink identity cards to at least 200 families with relatives suspected of ISIS affiliation, a local lawyer and a humanitarian worker told HRW. He said the families were allowed to return home and could use the documents to travel through checkpoints but would be permanently marked by the pink cards. Tribal pacts called for punishing false accusations of ISIS affiliation, but they also prohibited legal defense for those affiliated with ISIS. IDPs were also often the targets of stigmatization or discrimination because of familial rivalries or economic reasons, rather than affiliation with ISIS.

Multiple international NGOs reported that PMF units and Peshmerga prevented civilians, including Sunni Arabs and ethnic and religious minorities, from returning to their homes after government forces ousted ISIS (see section 6). For example, the Office of the UN High Commissioner for Refugees (UNHCR) reported that local armed groups barred returns to certain areas of Baiji, Salah al-Din Governorate. Similarly, Christian CSOs reported that certain PMF groups, including the 30th Shabak Brigade, prevented Christian IDP returns and harassed Christian returnees in several towns in the Ninewa Plain, including Bartalla and Qaraqosh. Members of the 30th Brigade refused to implement a decision from the prime minister to remove checkpoints.

There were reports some PMF groups harassed or threatened civilians fleeing conflict zones or returning to liberated areas and targeted civilians with threats, intimidation, physical violence, abduction, destruction or confiscation of property, and killing.

The KRG restricted movement across the areas it administered. Authorities required nonresidents to obtain permits that authorized limited stays in the IKR. These permits were generally renewable. Citizens who sought to obtain residency permits for KRG-controlled areas required sponsorship from a resident in the region. Humanitarian actors described the sponsorship program as effective in enabling the return of thousands of IDPs. Citizens of all ethnosectarian backgrounds, including Kurds, crossing into the IKR from central or southern regions were obligated to cross through checkpoints and undergo personal and vehicle inspection. The government imposed similar restrictions on IDPs from Ninewa Governorate and the disputed territories.

KRG authorities applied restrictions more stringently in some areas than in others. The United Nations and international humanitarian organizations stated that restrictiveness of entry for IDPs and refugees seeking to return depended upon the ethnosectarian

background of the displaced individuals and the area to which they intended to return. There were also reports that authorities sometimes closed checkpoints into the region for extended periods, forcing IDPs to wait, often resulting in secondary displacement. Officials prevented individuals whom they deemed security threats from entering the region. KRG officials generally admitted minority IDPs into the IKR, although security checks reportedly were lengthy on occasion. Entry reportedly was often more difficult for men, particularly Arab men traveling without family.

HRW reported in September that the KRG was preventing an estimated 4,200 Sunni Arabs from returning home to 12 villages east of Mosul. Affected families said they were blocked from their homes and farmland and were unable to earn a living. KRG authorities provided explanations for the blocked returns but allowed only Kurdish residents and Arabs with KRG ties to return, leading to suspicions that the restriction was based on security concerns regarding perceived ISIS ties.

Foreign Travel: The government required exit permits for citizens leaving the country, but the requirement was not routinely enforced.

e. Internally Displaced Persons

According to the International Organization for Migration (IOM) Displacement Tracking Matrix, 1,444,500 persons remained internally displaced in the country as of October, predominantly in Erbil, Duhok, and Ninewa Governorates. Almost 4.5 million persons returned to areas of origin across the country. In October the IOM reported that 8 percent of IDPs lived in shelter arrangements that did not meet minimal safety or security standards, 25 percent lived in IDP camps and settlements, and 67 percent resided in private accommodations, including host family residences, hotels, motels, and rental housing.

The constitution and national policy on displacement address IDP rights, but few laws specifically do so. The government and international organizations, including UN agencies and local and international NGOs, provided protection and other assistance to IDPs. Humanitarian actors provided support for formal IDP camps and implemented community-based services for IDPs residing outside of camps to limit strain on host community resources.

In some areas violence, insecurity, and long-standing political, tribal and ethnosectarian tensions hampered progress on national reconciliation and political reform, complicating the protection environment for IDPs. Thousands of families faced secondary displacement due to economic and security concerns. Forced displacements, combined with unresolved problems caused by the uprooting of millions of Iraqis in past decades, strained the capacity of local authorities.

Government assistance focused on financial grants, but payments were sporadic. Faced with large movements of IDPs across the country, the government provided food, water, and financial assistance to some, but not all IDPs, including in the IKR. Many IDPs lived in informal settlements without access to adequate water, sanitation, or other essential services.

All citizens were eligible to receive food under the Public Distribution System (PDS), but authorities implemented the PDS sporadically and irregularly, with limited access in recently liberated areas. Authorities did not distribute all commodities each month, and not all IDPs could access the PDS in each governorate. Low oil prices reduced government revenues and further limited funds available for the PDS. There were reports of IDPs losing access and entitlement to PDS distributions and other services due to requirements that citizens could redeem PDS rations or other services only at their registered place of residence.

Local authorities often determined whether IDPs would have access to local services. Through the provision of legal aid, the United Nations and other humanitarian organizations assisted IDPs in obtaining documentation and registering with authorities to improve access to services and entitlements. The Directorate of Civil Affairs, with the support of UNHCR and the UN Refugee Agency, inaugurated the first national Identification Document Center in Ninewa Governorate in October. The Center allowed many IDPs who lost or were unable to obtain civil status documentation, including birth certificates, as a result of recent conflicts, to obtain documentation that proved their identity and helped gain access to public services and government assistance programs. Humanitarian agencies reported some IDPs faced difficulty with registration. In October UNHCR reported that nearly 2.9 million IDPs across the country were missing at least one form of civil documentation. In April the Norwegian Refugee Council reported that approximately 45,000 IDP children in camps were missing civil documentation.

Households with perceived ties to ISIS faced stigma and were at increased risk of being deprived of their basic rights. Government officials frequently denied security clearances for displaced households with a perceived ISIS affiliation to return to areas of origin. Because of this perceived affiliation, these households faced problems obtaining civil documentation and had limited freedom of movement, including the ability to seek medical treatment, due to the risk of arrest or inability to reenter the camp. Humanitarian organizations reported that female heads of household in multiple IDP camps struggled to obtain permission to move and were subject to verbal and physical harassment, including rape, sexual assault, and exploitation, by government forces and camp residents.

HRW reported in August that the government was denying thousands of children whose parents had a perceived ISIS affiliation their right to access an education. They reported that officials were instructing school principals and aid groups that undocumented children were barred from enrolling in government schools, despite a September 2018 document signed by senior Education Ministry officials that appeared to support allowing children missing civil documentation to enroll in school.

IKR-based NGOs documented numerous cases of women who were forced to marry ISIS fighters subsequently became widows with children but lacked marriage and birth certificates required to obtain legal documentation for their children. These women and children were stigmatized because of their association with ISIS, leaving them at heightened risk of suicide, retaliation, and sexual exploitation. Although some communities issued edicts and took steps to absolve women of perceived guilt

associated with their sexual exploitation by ISIS fighters, honor killings remained a risk. Communities generally did not accept children born to ISIS fighters and they were frequently abandoned or placed in orphanages, as reported by Yezidi NGOs and media.

Central government authorities and governors took steps to close or consolidate camps, sometimes in an effort to force IDPs to return to their areas of origin. UNICEF reported that between August and September, the number of formal IDP camps dropped from 89 to 77 because of government-mandated camp closures. In many cases forced returns from camps resulted in secondary or tertiary displacement, often to out-of-camp settings. HRW reported that local authorities forcibly expelled (<https://reliefweb.int/report/iraq/united-nations-expresses-concern-over-return-idps-ninewa-alanbar-kirkuk-and-salah-al-din>) more than 2,000 individuals from camps for displaced people in Ninewa Governorate from August 23 to September 4.

West Mosul, Ninewa Governorate, along with the historically Christian town of Batnaya north of Mosul, remained in ruins and almost completely uninhabited. Most Christian IDPs refused to return to the nearby town of Tal Kayf, citing fear of the PMF 50th Babylon Brigade that occupied it. Prior to 2002 there were between 800,000 and 1.4 million Christians in the region, but during the year that figure had fallen to below 150,000. Only a very small number of the country's population of 400,000 to 500,000 Yezidis had returned to their homes. Many chose to stay in camps, saying a lack of a reconstruction plan, lack of public services, and insecurity discouraged them from returning home.

f. Protection of Refugees

Abuse of Migrants, Refugees, and Stateless Persons: The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern. The government did not have effective systems to assist all of these individuals, largely due to funding shortfalls and lack of capacity. Humanitarian protection experts assessed that conditions in IDP camps were highly susceptible to sexual exploitation and abuse. Refugees and IDPs reported frequent sexual harassment, both in camps and cities in the IKR. Local NGOs reported on cases where camp management and detention employees subjected IDPs and refugees to various forms of abuse and intimidation.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Syrians made up the vast majority of the refugee population, and almost all refugees resided in the IKR. The KRG generally cooperated with UNHCR and other humanitarian organizations to provide protection and assistance to refugees in the country.

In October Syrian refugees began fleeing into the IKR following the Turkish incursion into northeast Syria. The KRG cooperated with UNHCR in allowing these individuals to seek refuge in camps and receive basic assistance. The KRG allowed Syrian refugees with family in the IKR to live outside of camps. As of mid-November, the number of newly displaced Syrians in Iraq exceeded 16,000.

Freedom of Movement: Syrian refugees continued to face restrictions on residence and movement outside the IKR.

Employment: Refugees and asylum seekers are legally entitled to work in the private sector. The central government does not recognize the refugee status of Palestinians, but the KRG does. They are allowed to work in the private sector but are required to renew their status annually. Syrian refugees were able to obtain and renew residency and work permits both in refugee camps and in the IKR, although not in the rest of the country. Authorities arrested refugees with IKR residence permits who sought work outside the region and returned them to the IKR. A UNHCR survey of Syrian refugees in the IKR between April and June showed that 89 percent of the refugee families had at least one family member regularly employed in some form of livelihood activity.

Durable Solutions: There was no large-scale integration of refugees in the central and southern regions of the country. Ethnic Kurdish refugees from Syria, Turkey, and Iran generally integrated well in the IKR, although economic hardship reportedly plagued families and prevented some children, especially Syrians, from enrolling in formal school. For the 2018-19 school year, the KRG Ministry of Education began teaching all first- and second-grade classes for Syrian refugees outside refugee camps in Sorani Kurdish in Erbil and Sulaimaniya Governorates and Badini Kurdish in Duhok Governorate instead of the dialects of Kurmanji Kurdish spoken by Syrian Kurds, while offering optional instruction in Sorani and Badini to those inside refugee camps.

g. Stateless Persons

UNHCR estimated there were more than 47,000 stateless individuals in the country as of August. An estimated 45,000 displaced children in camps were missing civil documentation and faced exclusion from local society, including being barred from attending school, lacking access to healthcare, and being deprived of basic rights. These children, born under ISIS rule, were issued birth certificates that were considered invalid in the eyes of the government. They faced extreme difficulties in obtaining civil documentation due to perceived ISIS affiliation.

Absent a countrywide, consistent plan to document children of Iraqi mothers and ISIS fathers, those children were at risk of statelessness. The government enforced a law requiring any non-Muslim women who bore children of Muslim men to register children as Muslim, no matter the circumstances of the child's conception or the mother's religion. The Yezidi community frequently welcomed back Yezidi women who survived ISIS captivity but not children fathered by ISIS fighters. The Yezidi community frequently forced women to give up such babies and minor children to orphanages under threat of expulsion from the community. International NGOs provided shelter referrals to some

Yezidi women and, in some cases, assisted mothers in finding homes for forcibly abandoned children. Those children that do not receive assistance were without parents, identification, clear country of birth, or settled nationality.

As of 2006, the latest year for which data was available, an estimated 54,500 “Bidoon” (stateless) individuals, living as nomads in the desert in or near the southern governorates of Basrah, Dhi Qar, and Qadisiyah, remained undocumented and stateless descendants of individuals who never received Iraqi citizenship upon the state’s founding. Prolonged drought in the south of the country forced many individuals from these communities to migrate to city centers, where most obtained identification documents and gained access to food rations and other social benefits. Other communities similarly at risk of statelessness included the country’s Romani (Dom) population; the Ahwazi, who are Shia Arabs of Iranian descent; the Baha’i religious minority; inhabitants of the southern marshlands; members of the Goyan and Omariya Turkish Kurdish tribes near Mosul; and nationals of South Sudan.

Stateless persons faced discrimination in employment and access to education. Many stateless persons were not able to register for identity cards, which prevented them from enrolling in public school, registering marriages, and gaining access to some government services. Stateless individuals also faced difficulty obtaining public-sector employment and lacked job security.

A UNHCR-funded legal initiative secured nationality for hundreds of formerly stateless families, giving them access to basic rights and services. Since 2017, lawyers worked to help Bidoons, and other stateless people, acquire nationality, assisting an average of 500 individuals per year.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. Despite violence and other irregularities in the conduct of elections, citizens were generally able to exercise this right.

Elections and Political Participation

Recent Elections: In May 2018 the Independent High Electoral Commission (IHEC) conducted elections for the COR—the national parliament. The 2018 elections were notable in that the IHEC chose to implement new technologies, including the automated counting and tabulation of votes, and the biometric identification and verification of voters. These new technologies, adopted very late in the electoral cycle, placed considerable strain on the institution. International and local observers monitored the elections. Two hundred and seventy-five members of the country’s outgoing COR, including the speaker, lost their seats in these elections. Although observers declared the elections peaceful, allegations of fraud prompted parliament to order a recount of

ballots in areas of Anbar, Kirkuk, Baghdad, and the IKR. Fraud allegations included repeat voting, manipulation of electronic ballot tallies, ballot stuffing, and voter intimidation.

Due to problems obtaining or replacing civil documentation, as well as last-minute changes to the IHEC identification requirements, many IDPs were disenfranchised during the May 2018 elections. Although the IHEC made attempts to accommodate the various registration and voting challenges (special absentee voting stations and waiver of the biometric identification card requirement) facing IDPs, the IHEC did not sufficiently inform IDPs in camps about the registration process and the voting procedures for the different categories of IDPs. By the November 2017 cut-off date for voter registration, only 293,000 of an estimated 800,000 IDPs of voting age were registered.

The Kurdistan Independent High Electoral Commission held elections in September 2018 for the Iraqi Kurdistan Parliament (IKP). Most observers witnessed only minor irregularities and saw no evidence of systemic fraud, but opposition parties alleged voter intimidation and systemic fraud, such as ballot stuffing and falsification of documents. Following national parliamentary elections, the International Crisis Group reported in May 2018 on allegations in Kirkuk Governorate, noting that the Kurdish PUK party won in several non-Kurdish areas with historically low PUK support, and turnout in Kurdish areas was low compared both to past elections and to turnout in Turkmen and Arab areas.

Political Parties and Political Participation: Political parties and coalition blocs tended to organize along either religious or ethnic lines, although some parties crossed sectarian lines. Membership in some political parties, particularly KDP and PUK in the IKR or major parties in central government-controlled territory, conferred special privileges and advantages in employment and education.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate.

The constitution mandates that women constitute at least 25 percent of parliamentary and provincial council membership. In parliamentary elections, 19 women received sufficient votes to win seats in the 329-seat COR without having to rely on the constitutional quota, compared with 22 in 2014. Sixty-five additional women were awarded seats based on the quota, raising the total number of seats women held to 84. Nonetheless, political discussions often reportedly marginalized female members of parliament.

In 2018 parliamentary elections for the IKP, 36 women received votes to win seats in the 111-seat parliament. The results also indicated that five candidates representing minority groups won seats, including Turkmen and Assyrians. The IKP elected its first female speaker, Rewaz Fayege, in July.

Of the 329 seats in parliament, the law reserves nine seats for minorities: five for Christian candidates from Baghdad, Ninewa, Kirkuk, Erbil, and Duhok Governorates, respectively; one Yezidi; one Sabeen-Mandaeen; one Shabak; and, following a parliamentary decision in February, one for Faili Kurds in Wasit Governorate. One Christian was appointed to the new cabinet.

Following complaints by Yezidi activists, the Federal Supreme Court ruled in January 2018 that the Yezidi minority must have more seats in the country's parliament, reflective of the size of the community, but the decision was not implemented during the year.

The KRG reserves 30 percent of parliamentary and provincial council membership for women. Three women held cabinet level positions as of December.

Of 111 seats in the IKP, the law reserves 11 seats for minorities along ethnic, rather than religious lines: five for (predominantly Christian) Chaldo-Assyrian candidates, five for Turkmen candidates, and one for Armenian candidates. No seats are reserved for self-described groups whom the KRG considers ethnically Kurdish or Arab, such as Yezidis, Shabak, Sabeen-Mandaeans, Kaka'i, and Faili Kurds.

Major political parties partnered with, or in some cases created, affiliated minority political parties in both the central government and IKR elections and encouraged other Iraqis to vote for allied minority candidates for quota seats in the COR and IKP. Minority community activists complained that this process disenfranchised them, and they advocated for electoral reform to limit voting for minority quota seats to voters of the relevant minority, as well as for additional quota seats in the COR and IKP.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. The law allows some individuals convicted of corruption to receive amnesty upon repaying money they had obtained by corruption, which had the effect of allowing them to keep any profits from stolen funds. Officials frequently engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year.

Corruption: According to a statement by a member of the Parliament Services Committee, the number of “sham projects” in the country since 2003 was in excess of 6,000. The estimated cost of these “phantom projects” was approximately 200 trillion dinars (\$176 billion) over the past 16 years. Bribery, money laundering, nepotism, and misappropriation of public funds were common at all levels and across all branches of government. Family, tribal, and ethnosectarian considerations significantly influenced government decisions at all levels and across all branches of government. Investigations of corruption were not free from political influence, as evidenced by the arrest warrant issued in November for Talal al-Zubaie, who was previously the chairman of the Integrity Commission. Zubaie was wanted for corruption charges stemming from his time serving as the commission's chairman.

Anticorruption efforts were hampered by a lack of agreement concerning institutional roles and political will, political influence, lack of transparency, and unclear governing legislation and regulatory processes. Although anticorruption institutions increasingly collaborated with civil society groups, the effect of expanded cooperation was limited. Media and NGOs attempted to expose corruption independently, but their capacity was limited. Anticorruption, law enforcement, and judicial officials, as well as members of civil society and media, faced threats, intimidation, and abuse in their efforts to combat corrupt practices.

In February the prime minister established a High Council for Combatting Corruption, which along with the Parliamentary Integrity Committee, was charged with developing national policies and strategies to confront corruption. Although the Commission of Integrity (COI) investigated several high-profile cases, prosecution and conviction rates were low. In August the COI issued a summary of the commission's biannual report, finding the commission filed more than 4,783 corruption cases and issued more than 857 arrest warrants. There were almost 442 convictions, including three ministers and 27 senior officials, although the convictions remained anonymous. The report stated that the law allowed more than 986 convicted persons amnesty upon repaying money they had obtained by corruption.

The Central Bank leads the government's efforts to combat money laundering and terrorist financing. Through the Offices of Banking Supervision and Financial Intelligence Unit, the Central Bank worked with law enforcement agencies and the judiciary to identify and prosecute illicit financial transactions. The investigatory capacity of authorities remained extremely limited, although they were successful in prosecuting a small number of money-laundering cases linked to ISIS. Political party influence on government institutions and intimidation of government employees made it difficult for authorities to investigate money-laundering cases related to corruption. Numerous mid-level government officials were fired due to involvement in investigations of money-laundering cases linked to influential political party members. The COI, which prosecutes money-laundering cases linked to official corruption, suffered from a lack of investigatory capacity.

The Council of Ministers Secretariat has an anticorruption advisor, and the COR has an integrity committee. The Council of Ministers secretary general led the Joint Anticorruption Council, which also included agency inspectors general. In October the Council dismissed 1,000 civil servants after convicting them of public integrity crimes including wasting public money, deliberately damaging public money and embezzlement. On August 24, the prime minister's media office announced that the Supreme Council for Combating Corruption had presented 8,824 cases of corruption to the judiciary.

Border corruption was also a problem. In June the *Baghdad Post* newspaper's website posted footage that revealed a long line of trucks, believed to be smuggling goods across the border, being allowed to bypass regulations and taxes. Local officials told reporters that the smuggling ring was controlled by government officials and the IRGC.

The KRG maintained its own COI, which issued its first report in 2017. The COI lacked the resources and investigators needed to pursue all potential corruption cases, according to one specialist on the issue.

In August 2018 the KRG formally launched *Xizmat* (services), a government reform program to document and provide more efficient and transparent government services to citizens in the IKR using an online portal. Deputy Prime Minister Qubad Talabani reported in May that this system, in addition to other digital reforms, helped remove complications, identify unnecessary processes, and expose thousands of “ghost employees.”

Financial Disclosure: The law authorizes the COI to obtain annual financial disclosures from senior public officials, including ministers, governors, and parliamentarians, and to take legal action for nondisclosure. Penalties range from fines to imprisonment. A unified system for enforcing annual financial disclosures does not exist. The COI has no jurisdiction over the IKR, but Kurdish members of the central government were required to conform to the law. The law obligates the COI to provide public annual reports on prosecutions, transparency, accountability, and ethics of public service. According to the COI’s semiannual report, all of the members of parliament (MPs) and half of the 15 governors submitted financial disclosure information, a considerable increase over previous years.

The Kurdistan Commission on Public Integrity is responsible for distributing and collecting financial disclosure forms in the IKR. There was no information available indicating that public officials faced penalties for financial nondisclosure.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A number of domestic and international human rights groups operated, in most cases with little government restriction or interference, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

Due to the ISIS-driven humanitarian crisis, the majority of local NGOs focused on assisting IDPs and other vulnerable communities. In some instances, these NGOs worked in coordination with central government and KRG authorities. A number of NGOs also investigated and published findings on human rights cases. There were some reports of government interference with NGOs investigating human rights abuses and violations involving government actors.

HRW reported on at least 22 incidents of harassment, intimidation, or assault on aid workers by government officials in Ninewa during the first two months of the year. According to the report, authorities in Ninewa harassed, threatened, and arrested aid workers and brought false terrorism charges against them in some cases. HRW reported that local authorities also compelled organizations to stop providing services to families accused of ISIS ties.

NGOs faced capacity-related problems, did not have regular access to government officials and, as a result, were not able to provide significant protections against failures in governance and human rights abuses. Domestic NGOs’ lack of sustainable sources of funding hindered the sector’s long-term development. The government rarely awarded NGOs contracts for services. While the law forbids NGOs from engaging in political activity, political parties or sects originated, funded, or substantially influenced many domestic NGOs.

NGOs were prevented from operating in certain sectors (see section 6, Women) NGOs registered in Erbil could not operate outside the IKR and KRG-controlled disputed territories (see section 2.b.).

The IKR had an active community of mostly Kurdish NGOs, many with close ties to, and funding from, the PUK and KDP political parties. Government funding of NGOs legally is contingent upon whether an NGO’s programming goals conform to already-identified KRG priority areas. The KRG NGO Directorate established formal procedures for awarding funds to NGOs, which included a public description of the annual budget for NGO funding, priority areas for consideration, deadlines for proposal submission, establishment of a grant committee, and the criteria for ranking proposals.

The United Nations or Other International Bodies: The government and the KRG sometimes restricted the access of the United Nations and other international organizations to sensitive locations, such as Ministry of Interior-run detention facilities holding detainees suspected of terrorism.

Government Human Rights Bodies: The IHCHR is constitutionally mandated. The law governing the IHCHR’s operation provides for 12 full-time commissioners and three reserve commissioners with four-year, nonrenewable terms; in 2017 new commissioners assumed duties. The law provides for the IHCHR’s financial and administrative independence and assigns it broad authority, including the right to receive and investigate human rights complaints, conduct unannounced visits to correctional facilities, and review legislation. Some observers reported the commissioners’ individual and partisan political agendas largely stalled the IHCHR’s work. The IHCHR actively documented human rights violations and abuses during the demonstrations that started in October but briefly discontinued publishing the number of protest-related deaths, reportedly due to pressure from the Prime Minister’s Office.

The IHRCKR issued periodic reports on human rights, trafficking in persons, and religious freedom in the IKR. The commission reported KRG police and security organizations generally had been receptive to human rights training and responsive to reports of violations. Both the IHRCKR and KHRW conducted human rights training for police and Asayish, mainly for investigators. The IHRCKR worked with the Ministry of Peshmerga to establish an International Human Rights Institute within the ministry during the year.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes rape and sexual assault of women, men, and children, but not specifically spousal rape, and permits a sentence not exceeding 15 years, or life imprisonment if the victim dies. The rape provisions of the law do not define, clarify, or otherwise describe “consent,” leaving the term up to judicial interpretation. The law requires authorities to drop a rape case if the perpetrator marries the victim, with a provision protecting against divorce within the first three years of marriage. The victim’s family sometimes agreed to this arrangement to avoid the social stigma attached to rape. There were no reliable estimates of the incidence of rape or information on the effectiveness of government enforcement of the law.

Humanitarian protection experts assessed that conditions in IDP camps were highly susceptible to sexual exploitation and abuse. UNHCR reported in May that women in IDP camps with alleged ties to ISIS were particularly vulnerable to abuse, including rape by government forces and other IDPs (see sections 1.c. and 2.d.).

Although the constitution prohibits “all forms of violence and abuse in the family,” the law does not specifically prohibit domestic violence but stipulates that men may discipline their wives and children “within certain limits prescribed by law or by custom.” The law provides reduced sentences for violence or killing if the perpetrator had “honorable motives” or if the perpetrator caught his wife or female relative in the act of adultery or sex outside of marriage. Domestic violence remained a pervasive problem.

The government made some progress on implementation of its 2016 joint communique with UNAMI on the prevention and response to conflict-related sexual violence, but human rights organizations reported that the criminal justice system was often unable to provide adequate protection for women.

Likewise, NGOs reported that the government made minimal progress in implementing UN Security Council Resolution 1325 on women, peace, and security despite an implementation plan launched in 2016. The KRG High Council of Women’s Affairs reported that neither the central government nor the KRG had allocated a budget for implementing this resolution.

Harassment of legal personnel who sought to pursue domestic violence cases under laws criminalizing assault, as well as a lack of trained police and judicial personnel, further hampered efforts to prosecute perpetrators.

The government and KRG also struggled to address the physical and mental trauma endured by women who lived under ISIS rule. In April UNHCR reported 10 suicides, mostly by Yezidi women, in six IDP camps in the Dohuk Governorate since the beginning of the year, a number UNHCR believed to be underreported. Doctors Without Borders also reported that during a five-month period, 24 patients who had attempted suicide were brought to one Sinjar area hospital, six of whom died. Almost half were younger than 18, and the youngest victim was 13.

While the law does not explicitly prohibit NGOs from running shelters for victims of gender-based crimes, the law allows the Ministry of Labor and Social Affairs to determine if a shelter may remain open, and the ministry did not do so. As a result, only the ministry could operate shelters in central government-controlled territory. NGOs that operated unofficial shelters faced legal penalties for operating such shelters without a license (see section 5). NGOs reported that communities often viewed the shelters as brothels and asked the government to close them; on occasion, shelters were subject to attacks. In order to appease community concerns, the ministry regularly closed shelters, only to allow them to reopen in another location later. In the absence of shelters, authorities often detained or imprisoned sexual harassment victims for their own protection. Some women, without alternatives, become homeless.

The Ministry of Interior maintained 16 family protection units under police authority, located in separate buildings at police stations around the country, designed to resolve domestic disputes and establish safe refuges for victims of sexual or gender-based violence. These units reportedly tended to prioritize family reconciliation over victim protection and lacked the capacity to support victims. NGOs stated that victims of domestic violence feared approaching the family protection units because they suspected that police would inform their families of their testimony. Some tribal leaders in the south reportedly banned their members from seeking redress through police family protection units, claiming domestic abuse was a family matter. The family protection units in most locations did not operate shelters.

KRG law criminalized domestic violence, including physical and psychological abuse, threats of violence, and spousal rape. The KRG implemented the provisions of the law and maintained a special police force to investigate cases of gender-based violence and a family reconciliation committee within the judicial system, but local NGOs reported that these programs were not effective at combating gender-based violence. In one notable case, Shadiya Jasim’s husband shot and killed her on the steps of a courthouse in Erbil in September after she filed for divorce. Her husband surrendered to police and was taken into custody. The police were investigating the killing.

In the IKR one privately operated shelter and four KRG Ministry of Labor and Social Affairs-operated shelters provided some protection and assistance for female victims of gender-based violence and human trafficking. Space reportedly was limited, and service delivery reportedly was poor. NGOs played a key role in providing services, including legal aid, to victims of domestic violence, who often received no assistance from the government. Instead of using legal remedies, authorities frequently mediated between women and their families so that the women could return to their homes. Other than marrying or returning to their families, which often resulted in further victimization by the family or community, there were few options for women accommodated at shelters.

Female Genital Mutilation/Cutting (FGM/C): NGOs and the KRG reported the practice of FGM/C persisted in the IKR, particularly in rural areas of Erbil, Sulaimaniya, and Kirkuk Governorates, and among refugee communities, despite a ban on the practice in IKR law. Rates of FGM/C, however, reportedly continued to decline. FGM/C was not common outside the IKR.

During the year UNICEF reported 37.5 percent of women and girls ages 15-49 in the IKR had undergone FGM/C, a decrease from previous years. NGOs attributed the reduction in FGM/C to the criminalization of the practice and sustained public outreach activities by civil society groups.

Other Harmful Traditional Practices: The law permitted honor as a lawful defense in violence against women, and so-called honor killings remained a serious problem throughout the country. A provision of the law limits a sentence for conviction of murder to a maximum of three years in prison if a man is on trial for killing his wife, girlfriend, or a female dependent due to suspicion that the victim was committing adultery or engaged in sex outside of marriage. UNAMI reported that several hundred women died each year from honor killings. Some families reportedly arranged honor killings to appear as suicides.

During the year the KRG began prosecuting murders of women, including by honor killings, as homicides, meaning culprits convicted of honor killings were subject to penalties up to and including the death penalty. The KRG Ministry of Interior Directorate General of Combating Violence against Women confirmed that sentences in such cases sometimes reached 20 years.

The KRG Ministry of Interior’s Directorate General of Combating Violence Against Women confirmed 16 cases of honor killing among 22 female homicide victims in the IKR as of September.

There were reports that women and girls were sexually exploited through so-called temporary, or pleasure marriages, under which a man gives the family of the girl or woman dowry money in exchange for permission to “marry” her for a specified period. A BBC investigation found instances of Shia clerics in Baghdad advising men on how to abuse girls. Young women, widowed or orphaned by the aggressions of ISIS, were especially vulnerable to this type of exploitation, as detailed in the BBC report. In similar cases, NGOs reported some families opted to marry off their underage daughters in exchange for dowry money, believing the marriage was genuine, only to have the girl returned to them months later, sometimes pregnant.

Government officials and international and local NGOs also reported that the traditional practice of *nahwa*, where a cousin, uncle, or other male relative of any woman may forbid or terminate her marriage to someone outside the family, remained a problem, particularly in southern governorates. In April the newspaper *Arab News* reported on a 22-year-old from Amarah, who wished to marry a university classmate. The men of her tribe declared *nahwa* and forced her to marry her cousin. Two weeks after the marriage, the girl died of injuries resulting from self-immolation. Grand Ayatollah Ali Sistani called for an end to *nahwas* and *fasliya* (where women are traded to settle tribal disputes), but these traditions continued, especially in areas where tribal influence outweighed government institutions.

Sexual Harassment: The law prohibits sexual relations outside marriage, including sexual harassment. Penalties include fines of up to only 30 dinars (2.5 cents) or imprisonment or both not to exceed three months for a first-time offender. The law

provides relief from penalties if unmarried participants marry. The law prohibits sexual harassment in the workplace. No information was available regarding the effectiveness of government enforcement, but penalties were very low. In most areas there were few or no publicly provided women’s shelters, information, support hotlines, and little or no sensitivity training for police. Refugees and IDPs reported regular sexual harassment, both in camps and cities in the IKR.

In September the COR lifted immunity of MP Faiq al-Shaikh Ali based on a request by the judiciary in order to prosecute him under charges of defamation against Prime Minister Adil Abdul Mahdi’s adviser for women’s affairs, Hanan al-Fatlawi, head of Erada party.

Female political candidates suffered harassment online and on social media, including posting of fake, nude, or salacious photographs and videos meant to harm their campaigns. In the IKR, New Generation Movement IKP member Shady Nawzad reported that party leader Shaswar Abdulwahid threatened to publish revealing photographs and video of her if she left the party.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The Council of Ministers’ Iraqi Women Empowerment Directorate is the lead government body on women’s issues. Although the constitution provides for equality between men and women, the law does not provide for the same legal status and rights for women as for men. Criminal, family, religious, personal status, labor, and inheritance laws discriminate against women. Women experienced discrimination in such areas as marriage, divorce, child custody, employment, pay, owning or managing businesses or property, education, the judicial process, and housing.

For example, in a court of law, a woman’s testimony is worth half that of a man in some cases and is equal in other cases. The law generally permits women to initiate divorce proceedings against their spouses, but the law does not entitle a divorced woman to alimony other than child support or two years’ financial maintenance in some cases; in other cases the woman must return all or part of her dowry or otherwise pay a sum of money to the husband. Under the law the father is the guardian of the children, but a divorced mother may be granted custody of her children until age 10, extendable by a court up to age 15, at which time the children may choose with which parent they wish to live.

All recognized religious groups have their own personal status courts responsible for handling marriage, divorce, and inheritance issues, and discrimination toward women on personal status issues varies depending on the religious group. The government’s interpretation of sharia is the basis of inheritance law for all citizens except recognized religious minorities. In all communities, male heirs must provide financial support to female relatives who inherit less. If they do not, women have the right to sue.

The law provides women and men equal rights in owning or managing land or other property, but cultural and religious norms impeded women’s property rights, especially in rural areas.

Law and custom generally do not respect freedom of movement for women. For example, the law prevents a woman from applying for a passport without the consent of her male guardian or a legal representative (see section 2.d.). Women could not obtain the Civil Status Identification Document, required for access to public services, food assistance, health care, employment, education, and housing, without the consent of a male relative.

NGOs also reported cases in which courts changed the registration of Yezidi women to Muslim against their will because of their forced marriage to ISIS fighters.

Although the KRG provided some additional protections to women, in most respects, KRG law mirrors federal law, and women faced discrimination. Beginning in May, public prosecutors in Kurdistan began accepting the testimony of women in court on an equal basis with that of men. KRG law allows women to set as a prenuptial condition the right to divorce her husband beyond the limited circumstances allowed by Iraqi law and provides a divorced wife up to five years’ alimony beyond childcare.

The KRG maintained a High Council of Women’s Affairs and a Women’s Rights Monitoring Board to enforce the law and prevent and respond to discrimination.

Children

Birth Registration: The constitution states that anyone born to at least one citizen parent is a citizen. Failure to register births resulted in the denial of public services such as education, food, and health care. Single women and widows often had problems registering their children. Although in most cases authorities provided birth certificates after registration of the birth through the Ministries of Health and Interior, this was reportedly a lengthy and at times complicated process. The government was generally committed to children’s rights and welfare, although it denied benefits to noncitizen children. Humanitarian organizations reported a widespread problem of children born to members of ISIS or in ISIS-held territory failing to receive a government-issued birth certificate. An estimated 45,000 displaced children living in camps lack civil documentation, including birth certificates.

Education: Primary education is compulsory for citizen children for the first six years of schooling—and until age 15 in the IKR; it is provided without cost to citizens. Equal access to education for girls remained a challenge, particularly in rural and insecure areas. Recent, reliable statistics on enrollment, attendance, or completion were not available.

In September UNICEF reported that of the 1.55 million displaced persons, 728,000 were children. Those who were displaced had limited access to education; at least 70 percent of displaced children missed at least one year of school. In May UNICEF reported that one-half of schools in the country required repairs following the territorial defeat of ISIS, and more than three million children had their education interrupted.

Child Abuse: Although the constitution prohibits “all forms of violence and abuse in the family,” the law does not specifically prohibit domestic violence but stipulates that men may discipline their wives and children “within certain limits prescribed by law or by custom.” The law provides protections for children who were victims of domestic violence or were in shelters, state houses, and orphanages, including access to health care and education. Violence against children reportedly remained a significant problem, but up-to-date, reliable statistics on the extent of the problem were not available. Local NGOs reported the government made little progress in implementing its 2017 *National Child Protection Policy*.

KRG law criminalizes domestic violence, including physical and psychological abuse and threats of violence. The KRG implemented the provisions of the law, but local NGOs reported these programs were not effective at combating child abuse. The KRG’s Ministries of Labor and Social Affairs, Education, and Culture and Youth operated a toll-free hotline to report violations against, or seek advice regarding, children’s rights.

Early and Forced Marriage: The legal minimum age of marriage is 18, but the law allows a judge to permit children as young as 15 to marry if fitness and physical capacity are established and the guardian does not present a reasonable objection. The law criminalizes forced marriage but does not automatically void forced marriages that have been consummated. The government reportedly made few efforts to enforce the law. Traditional early and forced marriages of girls, including temporary marriages, occurred throughout the country. UNHCR reported the continued prevalence of early marriage due to conflict and economic instability, as many families arranged for girls to marry cousins or into polygamous households to prevent forced marriages to ISIS fighters. Others gave their daughters as child brides to ISIS or other armed groups as a means to ensure their safety, access to public services in occupied territories, or livelihood opportunities for the entire family.

In the IKR the legal minimum age of marriage is 18, but KRG law allows a judge to permit children as young as 16 to marry under the same conditions applied in the rest of the country. KRG law criminalizes forced marriage and suspends, but does not automatically, void forced marriages that have been consummated. According to the KRG High Council of Women’s Affairs, refugees and IDPs in the IKR engaged in child marriage and polygamy at a higher rate than IKR residents.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation, sale, offering or procuring for prostitution, and practices related to child pornography. Child prostitution was a problem, as were temporary marriages, particularly among the IDP population. Because the age of legal criminal responsibility is nine in the areas administered by the central government and 11 in the IKR, authorities often treated sexually exploited children as criminals instead of victims. Penalties for commercial exploitation of children range from fines and imprisonment to the death penalty. No information was available regarding the effectiveness of government enforcement.

Child Soldiers: Certain PMF units, including AAH, HHN, and KH, reportedly recruited and used child soldiers, despite a government prohibition. The PKK, HPG, and YBS Yezidi militias also reportedly continued to recruit and use child soldiers. ISIS was known to recruit and use child soldiers (see section 1.g.).

Displaced Children: Insecurity and active conflict between government forces and ISIS caused the continued displacement of large numbers of children. Abuses by government forces, particularly certain PMF groups, contributed to displacement. Due to the conflict in Syria, children and single mothers from Syria took refuge in the IKR. UNICEF reported that almost one-half of IDPs were children.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html> (<https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>).

Anti-Semitism

A very small number of Jewish citizens lived in Baghdad. According to unofficial statistics from the KRG Ministry of Endowments and Religious Affairs, there were approximately 430 Jewish families in the IKR. There were no reports of anti-Semitic acts in the country during the year.

The penal code stipulates that any person convicted of promoting Zionist principles, association with Zionist organizations, assisting such organizations through material or moral support, or working in any way to realize Zionist objectives, be subject to punishment by death. According to the code, Jews are prohibited from joining the military and cannot hold jobs in the public sector.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/> (<https://www.state.gov/trafficking-in-persons-report/>).

Persons with Disabilities

The constitution states the government, through law and regulations, guarantees the social and health security of persons with disabilities, including through protection against discrimination and provision of housing and special programs of care and rehabilitation. Despite constitutional guarantees, no laws prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities. Persons with disabilities had limited access to education, employment, health services, information, communications, buildings, transportation, the judicial system, or other state services.

Although the Council of Ministers issued a decree in 2016 ordering access for persons with disabilities to buildings and to educational and work settings, incomplete implementation continued to limit access. Local NGOs reported many children with disabilities dropped out of public school due to insufficient physical access to school buildings, a lack of appropriate learning materials in schools, and a shortage of teachers qualified to work with children with developmental or intellectual disabilities.

The minister of labor and social affairs leads the Independent Commission for the Care of People with Disabilities. Any Iraqi citizen applying to receive disability-related government services must first receive a commission evaluation. The KRG deputy minister of labor and social affairs leads a similar commission, administered by a special director within the ministry.

There is a 5 percent public-sector employment quota for persons with disabilities, but employment discrimination persisted, and observers projected that the quota would not be met by the end of the year (see section 7.d.). Mental health support for prisoners with mental disabilities did not exist.

The Ministry of Health provided medical care, benefits, and rehabilitation, when available, for persons with disabilities, who could also receive benefits from other agencies, including the Prime Minister’s Office. The Ministry of Labor and Social Affairs operated several institutions for children and young adults with disabilities. The ministry maintained loans programs for persons with disabilities for vocational training.

National/Racial/Ethnic Minorities

The country’s population included Arabs, Kurds, Turkmen, and Shabaks, as well as ethnic and religious minorities, including Chaldeans, Assyrians, Armenians, Yezidis, Sabeen-Mandaeans, Baha’i, Kaka’i, and a very small number of Jews. The country also had a small Romani (Dom) community, as well as an estimated 1.5 to 2 million citizens of African descent who reside primarily in Basrah and adjoining governorates. Because religion, politics, and ethnicity were often closely linked, it was difficult to categorize many incidents as based solely on ethnic or religious identity.

The law does not permit some religious groups, including Baha’i, Zoroastrian, and Kaka’i, to register under their professed religions, which, although recognized in the IKR, remained unrecognized and illegal under Iraqi law. The law forbids Muslims to convert to another religion (see sections 2.d. and section 6, Children).

Government forces, particularly certain PMF groups, and other militias targeted ethnic and religious minorities, as did remaining active ISIS fighters. Discrimination continued to stoke ethnosectarian tensions in the disputed territories throughout the year. Some government forces, including PMF, reportedly forcibly displaced individuals due to perceived ISIS affiliation or for ethnosectarian reasons. In June a Sunni MP warned of forced displacement in Diyala. He said some areas of the governorate had witnessed intimidation of the Sunni population by militias that forced them to leave, resulting in a systematic demographic change along the border with Iran. There were reports that gunmen attacked the village of Abu al-Khanazir in the governorate, killing three

members of same family, which led to a wave of displacement from the village. Later in June, armed groups, some of them belonging to the Badr Corps militia, sealed off the district of Tarmiyah, besieged its inhabitants, and caused many to flee, according to the same MP.

Many persons of African descent, some stateless, lived in extreme poverty with high rates of illiteracy and unemployment. Located predominately in the southern portions of the country, many lived in extreme poverty with nearly 80 percent illiteracy and reportedly above 80 percent unemployment. They were not represented in politics, and members held no senior government positions. Furthermore, they stated that discrimination kept them from obtaining government employment. Members of the community also struggled to obtain restitution for lands seized from them during the Iran-Iraq war.

According to a September HRW report, ethnic discrimination existed within Iraqi federal court’s judicial process. Victims of ISIS abuse, including Yezidis, were not able to participate in court proceedings due to documentation problems based on ethnicity and religion. Even in cases in which defendants admitted to sexual exploitation of minority women, prosecutors neglected to charge them with rape, which carries a sentence of up to 15 years.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

While the law does not criminalize consensual same-sex sexual conduct between adults per se, authorities used public indecency or prostitution charges to prosecute such conduct. Authorities used the same charges to arrest heterosexual persons involved in sexual relations with anyone other than their spouse. The constitution and law do not extend antidiscrimination protections to LGBTI individuals based on their sexual orientation.

Despite repeated threats and violence targeting LGBTI individuals, specifically gay men, the government failed to identify, arrest, or prosecute attackers or to protect targeted individuals.

In May the Kirkuk police ordered its elements to prevent youth from wearing skinny jeans in public places, to arrest violators, and to monitor and observe cases of what it called “youth effeminacy.” In August Anbar police arrested tens of youth wearing skinny jeans in public places, then began to arrest those who objected to the security decision on social media platforms, including an activist who was placed in Al-Khalidiya prison.

In their September report, an Iraq-based LGBT human rights organization, IraQueer, asserted that government security forces failed to investigate acts of discrimination and violence against LGBTI persons and did not effectively prevent violence against them. IraQueer also criticized militia members, religious leaders, government officials, and health-care workers for failing to prevent discrimination. Data compiled from 2015 to 2018 by IraQueer indicated that government authorities and affiliated armed groups

were responsible for 53 percent of crimes against LGBTI persons, family members accounted for 27 percent, ISIS 10 percent; for the remaining 10 percent, responsibility was unclear.

In April IraQueer reported the killing of a transgender woman in Basrah who was killed by her extended family after the discovery of her hormone drugs. In late August another transgender woman was found dead outside Baghdad. Her clothes were ripped, and she was shot twice. The victim had originally gone missing in late April after receiving numerous death threats. Activists reported she was likely killed between early May and mid-August.

LGBTI individuals also faced intimidation, threats, violence, and discrimination in the IKR. An IKR-based human rights NGO director reported that members of his staff refused to advocate for LGBTI human rights based on their misperception that LGBTI persons were mentally ill.

According to NGOs, Iraqis who experienced severe discrimination, torture, physical injury, and the threat of death on the basis of real or perceived sexual orientation, gender identity and expression, and sex characteristics had no recourse to challenge those actions via courts or government institutions.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution states that citizens have the right to form and join unions and professional associations. The law, however, prohibits the formation of unions independent of the government-controlled General Federation of Iraqi Workers and in workplaces with fewer than 50 workers. The law does not prohibit antiunion discrimination or provide reinstatement for workers fired for union activity. The law allows workers to select representatives for collective bargaining, even if they are not members of a union, and affords workers the right to have more than one union in a workplace. In June the government ratified International Labor Organization Convention 87, Freedom of Association and Protection of the Right to Organize.

The law also considers individuals employed by state-owned enterprises (who made up approximately 10 percent of the workforce) as public-sector employees. CSOs continued to lobby for a trade union law to expand union rights.

Private-sector employees in worksites employing more than 50 workers may form workers committees–subdivisions of unions with limited rights–but most private-sector businesses employed fewer than 50 workers.

Labor courts have the authority to consider labor law violations and disputes, but no information was available concerning enforcement of the applicable law, including whether procedures were prompt or efficient. Strikers and union leaders reported that government officials threatened and harassed them.

The law allows for collective bargaining and the right to strike in the private sector, although government authorities sometimes violated private-sector employees' collective bargaining rights. Some unions were able to play a supportive role in labor disputes and had the right to demand government arbitration.

Media reported that 3,000 contract workers in the electrical industry formed a union in late 2017 after the government failed to pay five months of wages. After the Ministry of Electricity fired 100 union leaders following initial protests in March, thousands of workers reportedly organized sit-ins at power plants. Protesters reportedly demanded the government reinstate the fired workers, include electrical contract workers in the pension and social security system with the same benefits as permanent workers, and pay them a minimum monthly wage of 400,000 dinars (\$350). In May the government acquiesced to these demands and agreed to include all 150,000 public-sector contract workers in the pension and social security system.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor—including slavery, indebtedness, and trafficking in persons—but the government did not effectively monitor or enforce the law. Penalties were not sufficient to deter violations.

Employers subjected foreign migrant workers—particularly construction workers, security guards, cleaners, repair persons, and domestic workers—to forced labor, confiscation of travel and identity documents, restrictions on movement and communications, physical abuse, sexual harassment and rape, withholding of wages, and forced overtime. There were cases of employers withholding travel documents, stopping payment on contracts, and preventing foreign employees from leaving the work site.

Employers subjected women to involuntary domestic service through forced marriages and the threat of divorce, and women who fled such marriages or whose husbands divorced them were vulnerable to social stigma and further forced labor. Female IDPs, single women, and widows were particularly vulnerable to economic exploitation and discriminatory employment conditions.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/> (<https://www.state.gov/trafficking-in-persons-report/>).

c. Prohibition of Child Labor and Minimum Age for Employment

The constitution and law prohibit the worst forms of child labor. In areas under central government authority, the minimum age for employment is 15. The law limits working hours for persons younger than 18 to seven hours a day and prohibits employment in work detrimental to health, safety, or morals of anyone younger than 18. The labor code does not apply to juveniles (ages 15 to 18) who work in family-owned businesses producing goods exclusively for domestic use. Since children employed in family

enterprises are exempt from some protections in the labor code with regard to employment conditions, there were reports of children performing hazardous work in family-owned businesses.

The law mandates employers bear the cost of annual medical checks for working juveniles. Children between the ages of 12 and 15 are not required to attend school, but also not permitted to work; thus, they were vulnerable to the worst forms of child labor. Penalties include imprisonment for a period of 30 days to six months and a fine of up to one million dinars (\$880), to be doubled in the case of a repeated offense. Data on child labor was limited, particularly with regard to the worst forms of child labor, a factor that further limited enforcement of existing legal protections.

Child labor, including in its worst forms, occurred throughout the country. For example, 12-year-old Mohammed Salem told the French Media Agency in July 2018 that, since his father was killed by ISIS, he supported his mother and himself by selling tissues for 15 hours a day on the street in eastern Mosul. The Iraqi Observatory for Human Rights documented cases of displaced children forced to migrate with their families and subsequently engaged in child labor (see sections 2.d. and 6, Children).

The Ministry of Labor and Social Affairs was charged with enforcing the law prohibiting child labor in the private and public sectors, and labor law enforcement agencies took actions to combat child labor. Gaps existed within the authority and operations of the ministry that hindered labor law enforcement, however, including an insufficient number of labor inspectors and a lack of funding for inspections, authority to assess penalties, and labor inspector training. Inspections continued, and resumed in liberated areas, but due to the large number of IDPs, as well as capacity constraints and the focus on maintaining security and fighting terrorism, law enforcement officials and labor inspectors' efforts to monitor these practices were ineffective. Penalties for violations did not serve as a deterrent.

In the IKR education is mandatory until age 15, which is also the minimum age for legal employment.

In September 2018 a Kurdish human rights group found almost 500 children begging in Sulaimaniyah Governorate and approximately 2,000 children begging in Erbil Governorate, with the majority of these being IDPs and refugees. The group had no data from Duhok Governorate. The majority were from IDP or refugee families. The KRG Ministry of Labor and Social Affairs estimated that 1,700 children worked in the IKR, often as street vendors or beggars, making them particularly vulnerable to abuse. The KRG Ministry of Labor and Social Affairs operated a 24-hour hotline for reporting labor abuses, including child labor, that received approximately 200 calls per month.

Local NGOs reported that organized gangs also recruited children to beg. The Ministry of Labor and Social Affairs continued a grants program to encourage low-income families to send their children to school rather than to beg in the streets.

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/> (<https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>).

d. Discrimination with Respect to Employment and Occupation

The constitution provides that all citizens are equal before the law without discrimination based on gender, race, ethnicity, origin, color, religion, creed, belief or opinion, or economic and social status. The law prohibits discrimination based on gender, race, religion, social origin, political opinion, language, disability, or social status. It also prohibits any forms of sexual harassment in the workplace. The government was ineffective in enforcing these provisions. The law does not prohibit discrimination based on age, sexual orientation or gender identity, HIV-positive status, or other communicable diseases. The law allows employers to terminate workers’ contracts when they reach retirement age, which is lower by five years for women. The law gives migrant Arab workers the same status as citizens but does not provide the same rights for non-Arab migrant workers, who faced stricter residency and work visa requirements.

Many persons of African descent lived in extreme poverty and were nearly 80 percent illiterate; more than 80 percent were reportedly unemployed. According to some sources, they make up 15 to 20 percent of the Basrah region’s 2.5 million inhabitants. They were not represented in politics, held no senior government positions, and reported that discrimination kept them from obtaining government employment.

Despite constitutional guarantees, no laws prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities. Persons with disabilities had limited access to education, employment, health services, information, communications, buildings, transportation, the judicial system, or other state services.

Although the Council of Ministers issued a decree in 2016 ordering access for persons with disabilities to buildings and to educational and work settings, incomplete implementation continued to limit access. There is a 5 percent public-sector employment quota for persons with disabilities, but employment discrimination persisted, and observers projected that the quota would not be met by the end of the year. The Ministry of Labor and Social Affairs maintained loans programs for persons with disabilities for vocational training.

Discrimination in employment and occupation occurred with respect to women, foreign workers, and minorities (see section 6). Media reported in February and June that the availability of foreign workers willing to accept longer hours and lower pay in unskilled positions had increased Iraqi unemployment to approximately 23 percent and led foreign workers to commandeer certain undesired industries such as janitorial services and the food industry, resulting in social stigmatization. Economic analyst Anas Morshed told media in February, “For example, Bangladeshis are most favored for cleaning work, whereas trades and shopping centers prefer to hire Syrians and other Arab nationalities.”

There were more than 15 unions, associations, and syndicates in the IKR, all led by all-male executive boards. In response, the Kurdistan United Workers Union established a separate women’s committee, reportedly supported by local NGOs, to support gender equality and advance women’s leadership in unions in the IKR.

e. Acceptable Conditions of Work

The national minimum wage, set by federal labor law, was increased and was above the poverty line. The law limits the standard workday to eight hours, with one or more rest periods totaling 30 minutes to one hour, and the standard workweek to 48 hours. The law permits up to four hours of overtime work per day and requires premium pay for overtime work. For industrial work, overtime should not exceed one hour per day. The government sets occupational health and safety standards. The law states that for hazardous or exhausting work, employers should reduce daily working hours. The law provides workers the right to remove themselves from a situation endangering health and safety without prejudice to their employment but does not extend this right to civil servants or migrant workers, who together made up the majority of the country’s workforce.

The Ministry of Labor and Social Affairs has jurisdiction over matters concerning labor law, child labor, wages, occupational safety and health topics, and labor relations. The ministry’s occupational safety and health staff worked throughout the country, but the government did not effectively enforce regulations governing wages or working conditions. The number of inspectors was not sufficient to deter violations. Penalties for violations did not serve as a deterrent.

The legal and regulatory framework, combined with the country’s high level of violence and insecurity, high unemployment, large informal sector, and lack of meaningful work standards, resulted in substandard conditions for many workers. Workplace injuries occurred frequently, especially among manual laborers. A lack of oversight and monitoring of employment contracts left foreign and migrant workers vulnerable to exploitative working conditions and abusive treatment. Little information was available on the total number of foreign workers in the country, although some observers reported that large groups of migrant workers, many of them in the country illegally, lived in work camps, sometimes in substandard conditions.

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Austrian Red CrossAustrian Centre for Country of Origin and Asylum Research
and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583F (Fax) +43 1 589 00 589

info@ecoi.net

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