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FREEDOM IN THE WORLD

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57

Iraq

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2015 SCORES

STATUS

Not Free

FREEDOM RATING
(1 = BEST, 7 = WORST)

6.0

CIVIL LIBERTIES
(1 = BEST, 7 = WORST)

6

POLITICAL RIGHTS
(1 = BEST, 7 = WORST)

6

RATINGS CHANGE:

Iraq's political rights rating declined from 5 to 6 due to the Islamic State militant group's attempts to destroy Christian, Shiite, Yazidi, and other communities under its control, as well as attacks on Sunnis by state-sponsored Shiite militias.

OVERVIEW:

Iraq held competitive parliamentary elections in April 2014, and incumbent prime minister Nouri al-Maliki's coalition emerged with a plurality. However, the voting took place in an atmosphere of widespread discontent among the Sunni minority and growing militancy in Sunni-dominated Anbar Province, fueled in part by a late 2013 government crackdown on Sunni protest camps. Many within the country's Shiite parties were also dissatisfied with al-Maliki's leadership, pointing to corruption, mismanagement of security and other issues, and an improper concentration of power in the prime minister's office.

As contentious negotiations on a new government continued in June, the militant extremist group known as the Islamic State in Iraq and Greater Syria (ISIS) swept into northern Iraq from its base in Syria and took Mosul, one of Iraq's most populous cities. Soon thereafter, ISIS announced that it had formed an Islamic caliphate on the Iraqi and Syrian territory it controlled. The group proceeded to dismantle a swath of the border between Iraq and Syria, take over the functions of government, impose its harsh interpretation of Islamic law on Iraqis, change its name to the Islamic State (IS), and push toward the outskirts of Baghdad, seemingly in preparation for an attack on the capital.

The dramatic military reversal strengthened al-Maliki's political opponents, and he was ultimately forced to accept the nomination of Haidar al-Abadi, a member of his own party, as prime minister in August. Al-Abadi formed a new cabinet over the subsequent months, receiving broad support from the parliament.

Meanwhile, various forces mobilized to halt the IS advance, including the Iraqi security forces, Shiite militias, the Kurdish peshmerga, local resistance groups, Iranian government operatives, and a coalition of foreign air forces led by the United States. Battle lines had stabilized somewhat by year's end, with IS remaining dominant or competing for control in roughly a third of the country's territory, home to about one-quarter of the population. Elsewhere in Iraq, political violence and repression linked to the conflict increased. Shiite civilians were relentlessly targeted in terrorist bombings, and Sunni civilians suffered attacks and extrajudicial killings by Shiite militias.

POLITICAL RIGHTS AND CIVIL LIBERTIES:

Political Rights: 11 / 40 (-1) [Key]

A. Electoral Process: 8 / 12 (+1)

Under the constitution, parliamentary elections should be held at least every four years. The parliament is a 328-seat lower house, the Council of Representatives. The Federal Council, an upper house designed to represent provincial interests, has never been formed. Members of the Council of Representatives are elected through multimember open lists for each province. Once seated after elections, the parliament elects a president, who then appoints the member nominated by the largest parliamentary bloc as prime minister. The prime minister forms a government with parliamentary support and assumes most executive power.

The number of parliamentary seats for each province is based on population estimates that are in dispute. The borders of Iraq's provinces are generally agreed upon, meaning there is no gerrymandering, but recent government proposals to form new provinces may open the possibility of electoral manipulation.

To improve the accuracy of voter lists ahead of the April 30, 2014, parliamentary elections, the Independent High Electoral Commission (IHEC) issued electronic voter cards and began the process of biometric voter registration; the effort continued after the voting. IHEC also responded aggressively to fraud, annulling returns from 300 polling stations and dismissing more than 1,000 electoral workers after investigating complaints. Further monitoring was provided by political parties, foreign and domestic media outlets, Iraqi nongovernmental organizations (NGOs), and international observers.

The April elections were considered successful given the challenge of political violence in the country. Several politicians were kidnapped or killed prior to the elections, and bombings targeted early voting. A reported 12 people, including two election officials, were killed during the voting period. Moreover, some polling stations in the northern provinces of Nineveh and Salaheddin and those in about a third of Anbar were kept closed due to insecurity. Despite this, voter turnout was about 62 percent.

Al-Maliki's Shiite-led State of Law coalition won 92 seats, making it the largest bloc in parliament and seeming to give al-Maliki, who had already served two four-year terms as prime minister, the right to try to form a government. A Shiite bloc associated with populist cleric Moqtada al-Sadr placed second with 34 seats, followed by a third Shiite coalition, Al-Muwatin, with 29 seats. A Sunni-led bloc, Muttahidoon, took about 23 seats; a secular nationalist coalition led by Ayad Allawi, Al-Wataniya, received 21; and the two leading Kurdish parties, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), took 25 and 21 seats, respectively. The remainder was divided among several smaller parties.

Strong objections to a third al-Maliki term began to coalesce after the results were announced, and the debate intensified after IS occupied Mosul and the U.S. government indicated that greater military assistance was effectively contingent on al-Maliki stepping down. Al-Maliki threatened to take his case to the Iraqi Supreme Court, which was considered responsive to him, and briefly deployed troops in Baghdad. Ultimately, however, about half of the State of Law coalition withdrew support from al-Maliki and forced him, on August 14, to accept their nomination of al-Abadi as prime minister.

By October, al-Abadi had formed a government that enjoyed high levels of parliamentary support, even for his appointments to the contentious portfolios of defense and interior. This was a departure from the previous government, in which the prime minister's personal allies ran the security ministries without parliamentary approval. Al-Abadi's cabinet generally maintained the unwritten power-sharing agreements that apportion Iraq's top political jobs among the country's religious and ethnic communities. In July, lawmakers had elected Kurdish politician Fouad Massoum of the PUK to serve as Iraqi president, and Selim al-Jabouri of Muttahidoon was named speaker of parliament.

The autonomous Kurdistan Regional Government (KRG) in Iraq's North has its own flag, military (the peshmerga), language, and other institutions. Voters in the region elect their own president and 111-seat parliament, the Kurdistan National Assembly, in a closed party-list proportional representation system in which all Kurdish provinces form one district.

The KRG held elections in September 2013. The KDP led with 38 seats, but the relatively new Gorran (Change) Movement placed

second with 24, pushing the PUK to third with 18. Smaller factions and minority representatives made up the remainder. The complication of what had effectively been a long-standing KDP-PUK duopoly delayed the formation of a new cabinet until June 2014, with Gorran joining the government. Meanwhile, the PUK performed better in April, when Kurdish voters participated in the national parliamentary elections and, for the first time in eight years, elected members of their provincial councils.

B. Political Pluralism and Participation: 5 / 16

Iraq's constitution guarantees the freedom to form and join political parties, apart from the dissolved Ba'ath party of the Saddam Hussein era, and Iraqis take advantage of these rights in large numbers. For the 2014 elections, IHEC registered more than 100 parties and coalitions, most of them political parties, and nearly 10,000 candidates participated.

Freedom to run for office is limited by the operation of a de-Ba'athification commission and by a "good conduct" requirement in Iraqi electoral law. With judicial approval, IHEC traditionally refers to this requirement to disqualify candidates facing, but not convicted of, criminal charges. A month before the 2014 elections, all nine IHEC commissioners resigned after the parliament attempted to prohibit such disqualifications, arguing that the commission was caught between judicial and parliamentary interpretations of "good conduct." Pressure from the international community led them to rescind their resignations. Separately, the de-Ba'athification commission disqualified approximately 350 candidates. Candidates disqualified for any reason could appeal, and many won reinstatement.

Citizens' free political choices have been impaired by violence and intimidation from a variety of state and nonstate actors, interference by foreign powers, sharp ethnic and sectarian divisions, de facto ethnic and sectarian apportionment of key offices, and corruption, among other factors. Under al-Maliki, many Sunni politicians and parties faced increasing state persecution and exclusion from government and policymaking. A minimum of representation for the country's smaller ethnic and religious minorities is ensured by eight reserved seats in the parliament—five for Christians and one each for Yazidis, Sabeen Mandaean, and Shabaks—as well as 11 in the Kurdish legislature—five for Turkomans, five for Chaldean and Assyrian Christians, and one for Armenians. At least one-fourth of the seats in the Council of Representatives must go to women, and at least 30 percent of those in the Kurdish legislature must go to women.

Dysfunctional relations between Baghdad and the KRG grew worse for much of 2014, igniting a new round of debates about Kurdish independence. In March the KRG unilaterally announced that the Halabja district would be a new Iraqi province. In June, after the Iraqi army fled in the face of the IS offensive, the peshmerga moved into the disputed province of Kirkuk and nearby oil fields. Later in the year, over strong objections from Baghdad, the KRG took initial administrative steps to integrate Kirkuk. In December, however, the new Iraqi government and the KRG reached a long-awaited deal on sharing oil revenues, and relations improved further due to increasingly fruitful military cooperation between Iraqi forces and the peshmerga against IS.

C. Functioning of Government: 1 / 12

The ability of elected leaders to govern effectively throughout the country has long been curtailed by insurgencies, rampant corruption, and the state's limited administrative capacity. In 2014, many observers argued that the government lost control over a large section of Iraqi territory because the military had been weakened under al-Maliki by the related problems of politicized appointments, incompetence, and graft.

Iraq was ranked 170 out of 175 in Transparency International's 2014 Corruption Perceptions Index. Voters cited concerns about corruption as an important issue in the April elections.

Discretionary Political Rights Question B: -3 / 0 (-2)

During 2014, IS sought to deliberately change the religious composition of the territory of Iraq. Shiites, Christians, Yazidis, Shabaks, Sabeans, and Kaka'i fled IS-controlled areas in the face of mass killings, discriminatory "taxation," forced conversions, and the enslavement of women and girls. Many were stranded in villages or areas, such as Jabal Sinjar, that were surrounded by IS and faced severe food and water shortages. The property of displaced groups was destroyed or confiscated, as were their mosques, shrines, and churches.

Civil Liberties: 13 / 60

D. Freedom of Expression and Belief: 5 / 16

The constitution guarantees freedom of expression and of the media, subject to a requirement to respect public order and morality. However, few outlets in Iraq's relatively diverse media landscape are independent of political forces, and conditions for the press were particularly harsh during 2014. In January al-Maliki's government issued a wave of arrest warrants for journalists. In response to the IS invasion in June, the Iraqi authorities raided the offices of Al-Baghdadiya television and pressured companies and officials in Egypt and Jordan to halt satellite broadcasts by Iraqi stations that were similarly critical of al-Maliki. The government also issued "mandatory guidelines" requiring favorable coverage of the Iraqi security forces, prohibited publicity about IS advances, and limited internet access in some contested areas.

Media freedom continued to suffer from the threat of libel suits and criminal charges brought by powerful figures. Journalists in the KRG faced those threats as well as more direct physical intimidation, leading to self-censorship on topics deemed sensitive by ruling elites. According to the Committee to Protect Journalists, at least five journalists were killed in Iraq during 2014, either in bombings or fighting involving IS. The militant group also attacked media offices and seized control of outlets in areas it occupied.

Iraq's constitution guarantees freedom of belief, but the IS invasion and related sectarian conflict have been devastating to that right. In addition to seeking the eradication of Shiites and non-Muslim minorities, IS abused the religious freedom of Sunni and Sufi Muslims. Sunni religious leaders were killed for refusing to support the group, as were individual Sunnis judged to be in violation of its radical interpretation of Islamic law. IS fighters abducted Sufi leaders and their students and destroyed both Sufi and Sunni shrines and tombs, which it considers un-Islamic. IS suicide bombings and other terrorist attacks targeted Shiites as they worshiped in Baghdad and other government-controlled areas. Shiite militias also destroyed Sunni mosques in some districts and at times targeted Sunni worshippers.

Iraq's Ministry of Higher Education took steps detrimental to academic freedom in 2014, for instance by attempting to interfere with curriculums at Sunni religious colleges. In the face of student protests, however, the ministry abandoned plans to create a physically and institutionally separate Baghdad University for Women. Cases of violence and disappearances were reported in universities across Iraq in 2014, but academic freedom suffered most where IS was active or in control. In June, students and faculty at Anbar University were briefly held hostage by militants, IS and government forces fought over the campus. In July it was reported that IS had destroyed all faculties at the University of Mosul except engineering, medicine, dentistry, and veterinary medicine. Teachers and professors of medicine who fled IS-occupied areas were threatened with confiscation of their property if they did not return. The group banned the teaching of history, literature, art, and music.

E. Associational and Organizational Rights: 4 / 12

Iraqis have a constitutional right to freedom of assembly, but this right is frequently restricted in practice. In late December 2013 the authorities quashed a Sunni protest movement centered in Anbar, arresting participants, bulldozing protest sites, and detaining parliament member and protest leader Ahmed al-Alwani on terrorism charges. His brother and five of his guards were killed as police raided his home. The crackdown and a related increase in local

antigovernment sentiment encouraged IS to begin operating openly in Anbar in January.

NGOs enjoy a supportive legal environment, apart from a requirement to register with the government, and widespread acceptance within Iraqi society and culture. However, security concerns hamper their activity, and in 2014 IS targeted NGOs in areas under its control.

Existing labor laws do not protect against antiunion discrimination, and public-sector workers are barred from striking or engaging in trade union activity, a major restriction in Iraq's state-dominated economy. The General Federation of Iraqi Workers is the only officially recognized union grouping. In January 2014 the parliament debated new trade union and labor laws, both of which would have brought Iraq closer to international standards. Workers rallied in support of a vote, but political disagreement and the lack of a quorum forced the bills to be tabled.

F. Rule of Law: 0 / 16

The Iraqi judiciary is subject to political manipulation, especially by the executive branch and in high-profile cases. Pressures by tribal and religious forces may also influence rulings, as does corruption. In response to criticism of its integrity, the judiciary in 2014 attempted to limit the prevalence of forged arrest orders and a reliance on secret informants in terrorism cases.

Detention without cause and mistreatment of Sunni detainees helped to spark the Sunni protest movement of 2013 and continues to fuel opposition to the Iraqi state. Accounts of the torture of detainees are consistent and credible. During the IS invasion, government forces appear to have summarily executed detainees in contested areas such as Mosul, Baquba, and Tal Afar. Separately, the legal system's frequent use of the death penalty with inadequate due process continued in 2014, prompting the United Nations to call for a moratorium. A total of 177 people were executed in 2013, and 60 had been put to death by the end of September 2014, with over 1,700 more on death row. Almost all were convicted under Iraq's 2005 antiterrorism law.

IS and affiliated militants carried out mass executions of captured government troops; terrorist bombings in civilian areas, particularly in Baghdad; and assassinations of Shiite leaders, among others. For example, in October a suicide bomber in the capital killed Ahmed al-Khafaji, a member of parliament and senior commander of the Shiite militant Badr Brigade, as well as at least 20 other people. As a result of the conflict, civilian deaths in Iraq rose dramatically in 2014. The British-based monitoring group Iraq Body Count documented more than 17,000 civilian deaths from violence, up from roughly 9,700 in 2013. The United Nations' count approached 10,200 in 2014, excluding embattled Anbar Province: an increase from 7,818 in 2013.

The rule of law suffered further in 2014 as a result of the participation of Shiite militias—such as the Badr Brigade, Kata'ib Hezbollah, and Asa'ib Ahl al-Haq—in the conflict with IS. These groups, swelled by new recruits and organized into what they and the Iraqi government referred to as “popular mobilization units,” often wore military-style uniforms and fought alongside state security forces. However, there were no mechanisms to hold them accountable for abuses, and they were allegedly involved in kidnappings, extortion, summary executions, and attacks on civilians, both near the front lines of the fight with IS and in the South.

Iraqi law does not specifically criminalize same-sex relations, but LGBT (lesbian, gay, bisexual, and transgender) people face a strong social stigma and the threat of violence. LGBT organizations do not operate openly.

G. Personal Autonomy and Individual Rights: 4 / 16

Freedom of movement, choice of residence, and property rights were all affected by the conflict with IS in 2014. An estimated 3 million Iraqis were internally displaced by late in the year, with many fleeing IS forces in Nineveh Province and taking refuge in Dohuk, the KRG province most accessible from Mosul. They joined over 200,000 Syrian refugees in the KRG, straining local and international resources.

Women face problems including early marriage, domestic violence, so-called honor killings, and both legal and customary discrimination in matters such as divorce, inheritance, and custody. Women have suffered enormously in areas under IS control. They have been forced to adopt the veil, limit their work and movement, and abide by strict gender segregation rules. Women who undertake any form of resistance to IS are at great risk, as evidenced by the case of human rights lawyer Sameera Salih Ali al-Nuaimy, who was tortured and executed by the group in September. Yazidi and Christian women and girls face special threats; thousands were abducted and repeatedly raped or sold into sexual slavery by IS in 2014.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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