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DFAT COUNTRY INFORMATION REPORT IRAQ

9 October 2018

MAP



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ACRONYMS

AAH	Asaib Ahl al-Haq
IDP	Internally displaced persons
IS	Islamic State
ISIL	Islamic State of Iraq and the Levant (also known as Da'esh)
ISF	Iraqi Security Forces
GDP	Gross domestic product
KH	Kataib Hizbullah
KRG	Kurdistan Regional Government
LGBTI	Lesbian, gay, bisexual, transgender and intersex
NGO	Non-government organisation
PMF	Popular Mobilisation Forces (<u><i>Al-Hashd Al-Sha'abi</i></u>)
UNAMI	United Nations Assistance Mission for Iraq
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund

GLOSSARY

<i>Fatwa</i>	Islamic legal pronouncement
Federal government	The Iraqi national government not including Kurdistan Regional Government
<i>Jizya</i>	An annual head tax levied on non-Muslims (applied by ISIL)

Terms used in this Report

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

official discrimination

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

societal discrimination

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

1. PURPOSE AND SCOPE

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

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

1.3 Ministerial Direction Number 56 of 21 June 2013 under s 499 of the Migration Act 1958 states that:

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

1.4 This report is based on DFAT's on-the-ground knowledge and discussions with a range of sources in Iraq. It takes into account relevant and credible open source reports from government and non-government sources, including those produced by Amnesty International, the European Asylum Support Office (EASO), Human Rights Watch, the International Committee of the Red Cross, the International Organization for Migration, the UK Border Agency, United Nations sources, the US Department of State and the World Bank, as well as Iraqi governmental and non-governmental organisations and reputable news organisations. Where DFAT does not refer to a specific source of a report or allegation, this may be to protect the source.

1.5 This updated Country Information Report replaces the previous DFAT report released on Iraq published on 26 June 2017.

2. BACKGROUND INFORMATION

RECENT HISTORY

2.1 In 1920, Iraq was established as a British Protectorate by the League of Nations following the First World War and collapse of the Ottoman Empire. In 1932, Iraq gained independence from Britain and, in 1958, the Republic of Iraq was created after a military coup d'état.

2.2 Saddam Hussein's secular but Sunni-majority Ba'ath Party dominated Iraq's political landscape from 1968 to 2003. Saddam was president from 1979 until 2003. Under Saddam, Iraq launched a war with Iran in 1980, which lasted until 1988. In 1990, Iraq invaded and annexed Kuwait before being repulsed by a coalition of US and other forces in a conflict that ended in 1991. The United Nations Security Council imposed economic sanctions on Iraq in 1990, expanded in 1991 to require the removal of all weapons of mass destruction.

2.3 In March 2003, a US-led coalition (including Australia) launched military action over Iraq's lack of cooperation with weapons inspectors, which led to the removal of Saddam and the Ba'ath Party. In June 2004, an interim government headed by Iyad Allawi took power until a Shi'a majority coalition under Ibrahim al-Jaafari won national elections for a Transitional National Assembly in January 2005. A national referendum in October 2005 approved a new Constitution.

2.4 In December 2005, elections for a permanent legislative body, the Council of Representatives, led to the appointment in May 2006 of Nouri al-Maliki as Prime Minister as a compromise between Shi'a, Sunni and Kurdish groups. Al-Maliki's Shi'a coalition won re-election in 2010. Dr Haider al-Abadi became Prime Minister after elections in 2014.

2.5 In June 2014, the Islamic State of Iraq and the Levant (ISIL), also known as the Islamic State (IS) or Da'esh, launched a successful assault on Mosul, Iraq's second largest city. ISIL subsequently took control of other areas of Iraq including large parts of Anbar, Salah al-Din, Diyala and Kirkuk provinces. In December 2017, Prime Minister Haider al-Abadi declared final victory over ISIL after Iraqi forces recaptured the last areas still under their control along the border with Syria. ISIL continues to commit small attacks mainly on government forces and security personnel at road checkpoints. The three-year conflict with ISIL significantly damaged Iraq's economy and displaced more than 3 million Iraqis. ISIL will likely wage a protracted insurgency in Iraq for many years (see [Security Situation](#)).

2.6 On 25 September 2017, the Kurdish Regional Government (KRG), which was established under the 2005 constitution (see [The Kurdistan Region](#)), held a non-binding referendum on independence for the Kurdistan Region of Iraq as well as disputed territories under KRG control. The referendum passed, leading to federal government demands to Kurdish and other disputed areas' authorities to annul the results. Federal troops subsequently occupied the city of Kirkuk, taking control of valuable oil fields. Long-term Kurdish President Masoud Barzani resigned ahead of regional parliamentary elections, which occurred on 30 September 2018.

2.7 No party gained a majority in national elections in May 2018, although the highest number of votes and seats went to the party of Shi'a cleric, Muqtada al-Sadr, a former anti-US militia leader who ran on an

anti-corruption platform. After a manual recount, completed on 6 August 2018 and ratified by Iraq's Supreme Court on 19 August, negotiations to form government continued into October 2018.

DEMOGRAPHY

2.8 Accurate, up-to-date official demographic data is unavailable: the last census was taken in 1987. Conflict, internal displacement and capacity constraints have hindered recent attempts to collect data.

2.9 The US State Department estimates Iraq's population at approximately 39 million. Arabs (75 per cent) and Kurds (15 per cent) comprise the two main ethnic groups. Other ethnicities include Turkmen, Assyrians, Yazidis, Shabak, Bedouin, Roma (sometimes referred to by the pejorative terms 'Kawliyah' or 'Qawliya' or 'Gypsy') and Palestinians.

2.10 Government data from 2010 indicate that 97 per cent of the population is Muslim. Shi'a comprise 55 to 60 per cent of the population and include Arabs, Shabak and Faili Kurds. Most of the rest of the population is Sunni, including Sunni Arabs, who comprise an estimated 24 per cent of the total population of Iraq. Most Kurds are also Sunni and comprise about 15 per cent of the national population.

2.11 Before the 2003 war, different religious and ethnic communities lived together side-by-side relatively peacefully, at least in urban areas. Iraqi nationalism, tight government control and the existence of historically dual-faith tribes contributed to social harmony. The bombing in 2006 of a Shi'a shrine in Sammara, north of Baghdad, presaged an escalation of sectarian tensions that split the population along religious lines. More recently, the rise of ISIL has led to Shi'a and Sunni militias being organised along sectarian lines.

2.12 Shi'a communities live in most areas of Iraq, but are concentrated in the south and east. A majority of Baghdad's population is Shi'a, notably suburbs like Sadr City, Abu Dashir and Al Doura. Sunnis live mainly in the west, north and central areas of Iraq. The number of areas considered mixed in Baghdad is diminishing. Some districts of Baghdad still have significant Sunni communities, including Abu Ghraib. The districts of A'adamia, Rusafa, Za'farania, Doura and Rasheed have smaller pockets of Sunni communities. Mixed Sunni – Shi'a communities live in the districts of Rusafa and Karada, with smaller mixed communities also in the districts of Doura, Rasheed, Karkh, Mansour and Kadhimiya.

ECONOMIC OVERVIEW

2.13 Conflict with ISIL significantly weakened Iraq's economy. According to the World Bank, public infrastructure and business activity declined significantly in those areas most affected by ISIL and the poverty rate is double that of non-affected areas.

2.14 Iraq's economy remains heavily dependent on oil, and its economic fortunes are closely tied to global oil prices. The World Bank assesses that the rise of ISIL damaged the non-oil economy more than the oil economy, although oil smuggling to finance ISIL operations diminished government revenue between 2014 and 2017.

2.15 The World Bank estimates that GDP growth remained positive in 2015 and 2016, but contracted 0.8 per cent in 2017, largely due to changes in oil production. The World Bank forecasts that the economy will begin to recover with post-conflict reconstruction and improvements in the security situation.

2.16 Poverty rates are high, except in the relatively stable Kurdistan Region. According to the World Bank, poverty rates are highest in the southern governorates, despite the presence of oil, and in large urban areas.

2.17 Poor transport infrastructure, reflecting years of conflict and lack of investment, exacerbates poverty. Many Iraqis have difficulty finding employment as well as accessing basic services including health, education and food markets. Security checkpoints set up by the state-sanctioned Popular Mobilisation Forces (PMF) have also impeded delivery of humanitarian assistance.

2.18 Iraq ranks 169th out of 180 countries on Transparency International's 2017 Corruption Perceptions Index. Following escalating protests about high levels of corruption and a *fatwa* issued by Grand Ayatollah Sistani, Iraq's most senior Shi'a cleric, in August 2015, Prime Minister Abadi announced an ambitious plan to reform the government, including through curbing corruption. Muqtada al-Sadr, whose party gained the highest number of votes in the May 2018 national elections, led protests of up to 50,000 people against corruption in Baghdad's Tahrir square and ran his election campaign on an anti-corruption platform.

Health

2.19 The Constitution guarantees the right to health care and states that the government will maintain public health and provide the means of prevention and treatment. Iraq ranked 121st out of 188 countries on the UN Development Programme's 2016 Human Development Index with an average life expectancy at birth of 67.4 years for males and 71.8 for females.

2.20 Iraq has a mixture of public and private hospitals, and primary health care is provided by both private and public clinics. Health infrastructure has suffered from decades of conflict. Even before the rise of ISIL, many primary health care facilities were under-resourced and many skilled health care workers had moved abroad or to safer areas of Iraq. Health services are limited, particularly in areas affected by conflict, and areas with large numbers of internally displaced people (IDPs). The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) estimates 7.3 million people who need health services lack access to them.

2.21 OCHA's March 2018 Humanitarian Response Plan estimated that 1.9 million people need food security assistance, and 5.4 million people lack water, sanitation and hygiene.

Education

2.22 The Constitution provides for mandatory primary education. Children in the Kurdistan Region attend compulsory schooling until the age of 15. Iraq was once a regional leader in education, but years of conflict have led to declining educational outcomes.

2.23 The UN Development Programme has estimated that children currently in school could be expected to receive 10.1 years of schooling, but that the mean years of schooling for those currently over 25 was 6.6 years. Girls had a lower expected length of schooling at 9.7 years, compared with boys at 11.5 years. Around 80 per cent of Iraqis over 15 years are literate.

2.24 Communities are rebuilding schools in spite of teacher shortages and the destruction, damage and military and insurgent use of educational facilities, including schools and universities, in conflict-affected areas. The US State Department reports that thousands of schools in formerly ISIL-affected areas have reopened, but children of internally displaced people, especially those living outside of camps, continue to be denied education. Stateless children lack the identity cards required to enrol in schools. DFAT assesses that although educational standards across Iraq have likely declined, the situation is most acute in conflict-affected areas and areas hosting significant numbers of IDPs.

2.19 Wealthy families in Baghdad have access to higher quality education from private and international schools. Private school fees in Baghdad average around USD 1,300 per month.

Employment

2.25 Accurate official labour market data is not available. The 2016 UNDP Human Development Report estimated an unemployment rate of 16.9 per cent, with youth unemployment at 35.1 per cent. The impact of conflict and subsequent rebuilding on employment and participation rates has not been measured. The public sector is by far the largest employer and the private sector is underdeveloped. While the government gets most of its revenue from oil exports, the oil industry employs few people. The government employs an estimated 40 per cent of the Iraqi workforce. In response to the deteriorating economic situation, the government reduced public sector salaries and froze public sector hiring (with the exception of medical and military personnel) in the 2016 budget. The 2017 budget included additional measures to reduce public sector expenditure, including a 3.8 per cent tax on public servants' salaries. Despite these measures, the government continues to struggle to pay public sector salaries.

POLITICAL SYSTEM

2.26 Iraq held a general election in May 2018. (see [Recent History](#)). The Council of Representatives, the unicameral legislature, appoints the Prime Minister and approves a Council of Ministers nominated by the Prime Minister. Members of the Council of Representatives relinquish their seats to serve on the Council of Ministers. The Constitution provides for an upper house, the Federation Council, which has not yet been established. The role of the Federation Council is not defined by the Constitution.

2.27 The Council of Representatives comprises 329 members elected by open-list proportional representation. Members serve four-year terms. The Constitution sets a quota of 25 per cent of seats in the Council of Representatives to be held by women. Eight seats are reserved for minorities – five for Christians, one for Sabeen-Mandaeans, one for Shabaks and one for Yazidis. Iraq has 18 provinces, sometimes referred to as 'governorates', each governed by an elected Provincial Council which appoints a Governor.

The Kurdistan Region

2.28 The KRG is an autonomous regional government recognised under the Iraqi Constitution based in Erbil. The KRG is responsible for the administration of Erbil, Sulaymaniyah and Dahuk provinces. The Kurdish Regional Assembly has 111 seats, of which five are reserved for Christians and five for Turkmen. At least thirty per cent of seats must be held by women. The most recent election in the Kurdistan Region was held in September 2013, with official results still pending as of mid-October 2018 (see [Recent history](#)).

HUMAN RIGHTS FRAMEWORK

2.29 Iraq's Constitution guarantees fundamental human rights including the rule of law, equality before the law, equal opportunity, privacy and judicial independence. The Constitution prohibits discrimination on the basis of gender, race, ethnicity, nationality, origin, colour, religion, sect, belief or opinion, economic or social status.

2.30 The Constitution provides for a High Commission on Human Rights. The government appointed the first commissioners in 2012 but its effectiveness is unclear. It has a broad mandate and is understood to

have a limited capacity. Iraqi non-government organisations (NGOs) have complained to United Nations bodies that the appointment of commissioners is politicised. The Global Alliance of National Human Rights Institutions has rated Iraq's High Commission on Human Rights as partially compliant with the Paris Principles on national human rights institutions ('B').

2.31 The Kurdistan Region's draft Constitution prohibits discrimination on the basis of language, age, disability and gender. The Kurdistan Region has its own Independent Human Rights Commission that cooperates, at least partially, with the federal High Commission for Human Rights. The US State Department reports that the Kurdistan Human Rights Commission reports regularly and independently to the Kurdish Regional Government.

SECURITY SITUATION

2.32 Several factors influence the security situation in Iraq, including actions of remaining ISIL fighters (or other extremist fighters that have emerged since ISIL's defeat) and other armed groups (including the state-sanctioned Popular Mobilisation Forces; see [Popular Mobilisation Forces \(PMF or Al-Hashd Al-Sha'abi\)](#)), and historical intra-Shi'a and intra-Sunni tensions. In the Kurdistan region, the security situation is influenced by tensions between the federal government and KRG, tensions between different Kurdish political blocs, and actions by Turkey and Iran.

2.33 The remaining ISIL and other extremist fighters and the increasing influence of the PMF are the most acute issues influencing the current security situation throughout Iraq. Although ISIL has lost its self-declared 'caliphate' in Iraq and Syria, it remains a threat to Iraq. A report submitted to the UN Security Council by the UN Analytical Support and Sanctions Monitoring Team in August 2018 estimated that up to 30,000 ISIL fighters remained active in Iraq and Syria.

2.34 ISIL will likely continue to indiscriminately target Iraqi civilians and commit human rights abuses as a small-scale insurgency. For example, on 15 January 2018, ISIL attacked a market in central Baghdad, killing at least 38 people and injuring 105. In Iraq's northern region of Kirkuk, 25 people were killed by ISIL in the lead-up to national elections. ISIL claims to have carried out 58 attacks in the region since December 2017. In the Kurdistan Region, ISIL killed 12 members of one family in June 2018.

2.35 The Iraqi security forces will be focused for some time on consolidating the gains made against ISIL and containing the threat from a likely ISIL insurgency in Iraq. Clashes between ISIL and security forces continue, particularly in Iraq's eastern desert region. For example, Iraqi security forces reported killing 45 ISIL members in June 2018, and forces of the Global Coalition to defeat ISIL conducted 31 strikes in the week of 2-8 July.

2.36 The numerous Shi'a armed groups in Iraq include *Saraya Al-Salam* (SAS, also known as the 'Peace Brigades', and partly made up of former Mahdi Army fighters), *Asaib Ahl al-Haq* (AAH), *Kataib Hezbollah* (KH), and the Badr Corps. SAS and the Badr Corps are the military arms of the Sadrist and Badr political movements respectively. Some Shi'a groups have sponsored the formation of local factional Christian and Sunni militias to divide and weaken these communities. Local and international observers have accused some PMF groups of committing abuses against civilians (see [Popular Mobilisation Forces \(PMF or Al-Hashd Al-Sha'abi\)](#)) and engaging in criminal activities. Violence between different Shi'a armed groups is also frequent, but usually low-level.

2.37 The Kurdistan region has experienced lower levels of insecurity than other areas of Iraq. This may reflect the greater capacity of the Kurdish security forces and the lower levels of ethnic and religious diversity in the region. Recent increases in numbers of IDPs entering the region have strained the Kurdish authorities' ability to guarantee the safety of people fleeing there. Turkey has shelled suspected militants in



villages along the border between Turkey and the Kurdistan region, and Turkish forces have crossed the border in pursuit of militants. Turkey also maintains a military training and artillery base at Bashiqa, near Mosul, without the approval of the federal government. The KRG retains control of some disputed areas from which it successfully expelled ISIL. Some violent incidents have occurred between KRG-affiliated forces and Shi'a militia groups.

3. REFUGEE CONVENTION CLAIMS

RACE/NATIONALITY

3.1 Iraq's constitutional and legislative protections for ethnic minorities are strong on paper, but rarely and unevenly enforced. Ethnic minorities in Iraq have political representation and participate in public life. The Constitution recognises both Arabic and Kurdish as official languages, and enshrines the right of individuals to educate their children in minority languages such as Turkmen, Syriac and Armenian.

3.2 Ethnic minorities report widespread societal discrimination in the form of difficulty in accessing employment, housing and services, including education. This reflects nepotism, sectarian identity and societal prejudice rather than discriminatory government policies.

3.3 DFAT assesses that individuals face a low risk of official discrimination on the basis of their ethnicity, but that individuals may face a moderate risk of societal discrimination if they live in an area where their ethnicity is in the minority.

Faili Kurds

3.4 Most Faili Kurds are Shi'a, unlike most other Kurds who are Sunni. Previous (Sunni-dominated) governments treated Faili Kurds with suspicion and hostility. In the 1970s and 1980s, the (Sunni) Ba'ath Party stripped tens or perhaps hundreds of thousands of Faili Kurds of their citizenship and expelled them from Iraq, mainly to Iran. Since 2003, Faili Kurds have returned from Iran to Iraq, and mainly live along the border with Iran, including in the provinces of Basrah (where an estimated 10,000 Faili Kurds live), and eastern parts of Diyala, Wasit and Maysan. Faili Kurd communities also live in Baghdad and may live in other areas. While most were initially stateless on their return to Iraq, many have now been able to regain their citizenship. Legislation to return citizenship is now in place, although the process can be administratively complex if an individual lacks sufficient documentation to demonstrate Iraqi origin.

3.5 Many Faili Kurds who have not regained their citizenship fear official discrimination based on their lack of documentation. Local NGOs attribute this fear to a lack of awareness amongst Faili Kurds of their rights. The federal government and the KRG have taken numerous steps to protect Faili Kurds, including provision of financial compensation and restitution of employment (although the deteriorating economic situation has affected this). Recovery of property that was confiscated or occupied when Faili Kurds were expelled is administratively complex, but legal processes exist to facilitate this. Courts have approved the return of properties, although opposition from current occupants has prevented some Faili Kurds from actually reclaiming their property.

3.6 Local sources claim that societal discrimination against Faili Kurds continues to occur, and that communities dominated by other ethnic or religious groups do not welcome Faili Kurds. This ostracism is also faced by other groups in areas where they are the ethnic or religious minority. The current number of Faili Kurds is difficult to estimate as many do not readily identify themselves by their ethnicity.

3.7 DFAT assesses that Faily Kurds face a low risk of official discrimination, although this risk rises for Faily Kurds who remain stateless. DFAT assesses that Faily Kurds face a low risk of societal discrimination.

Iraqis of African Descent

3.8 Iraqis of African descent (sometimes referred to as 'Black Iraqis') are among the poorest and most marginalised communities in Iraq. Most Iraqis of African descent are the descendants of migrants and slaves in Iraq, in some cases with a centuries-long presence in Iraq. Many members of this community live in informal settlements affected by extreme poverty and overcrowding in and around southern areas such as Basrah, Dhi Qar and Maysan. Very few Iraqis of African descent have post-secondary education, and local sources suggest the unemployment rate among Iraqis of African descent may be as high as 80 per cent.

3.9 DFAT is not aware of any official policies that discriminate against Iraqis of African descent. The community has access to services such as health and education on the same terms as other Iraqis, although the quality of services in areas where Iraqis of African descent live is poor. Iraqis of African descent face societal discrimination in the form of exclusion from employment and verbal abuse. Community representatives report being called 'slaves' and children experience similar abuse in schools, leading to a high drop-out rate. Local sources report violence towards Iraqis of African descent, including the 2015 murder of an employee of an NGO focused on the rights of Iraqis of African descent. DFAT is unable to verify the motivations for this attack.

3.10 DFAT assesses that Iraqis of African descent face a low risk of official discrimination and a moderate risk of societal discrimination. Iraqis of African descent face a moderate risk of violence (either generalised or targeted).

Palestinians

3.11 Most Palestinians live in Baghdad. The government does not recognise Palestinians as refugees, although legislation does provide protections for Palestinians including the right to access the same services as other refugee communities.

3.12 Local sources report that Palestinians face similar issues to other refugee and IDP communities in Iraq, including being targeted by armed groups, and livelihood challenges such as excessive rental costs. Palestinians have reported mistreatment at the hands of the authorities, although the number and severity of such allegations has markedly decreased since 2006.

3.13 DFAT assesses that Palestinians face a moderate risk of official discrimination. DFAT assesses that Palestinians face a moderate risk of societal discrimination and violence, consistent with the risk faced by other ethnic and religious groups in areas where they are in the minority.

Shabak

3.14 The Shabak community is predominantly Shi'a, although 30 to 40 per cent identify as Sunni. Most live in the Nineveh Province, east of Mosul, and are culturally distinct from both Arabs and Kurds. Attempts to 'Arabise' the Shabak occurred under Saddam Hussein. Minority Rights Group International claims that some Kurdish activists pressure Shabak to identify as Kurdish to support Kurdish claims to the region. Shabak are not mentioned in the Constitution and thus do not have an explicit right to have their language taught in schools. Many Shabak were displaced by fighting with ISIL and some engaged in the conflict, either under the Kurdish Peshmerga or in specific Shabak militias.

3.15 DFAT assesses that Shabak face a moderate risk of official and societal discrimination. Shabak living in areas of the country where violence continues, as well as displaced Shabak, face a risk of violence similar to that faced by other groups living in those areas or situations.

Turkmen

3.16 Most Turkmen live in Iraq's north (Nineveh, Erbil, Salah al-Din and Diyala provinces). The Turkmen community includes adherents of both Sunni and Shi'a faiths. DFAT is aware of reports of Turkmen women and men kidnapped by ISIL and brutalised, tied to electricity poles and raped in front of their family. International observers hold ISIL responsible for attacking Turkmen villages in northern Iraq with chemical weapons. Local sources report that government-linked and KRG-linked armed groups, as well as other non-aligned armed groups, intimidated and discriminated against Turkmen during the ISIL occupation. This has limited the ability of Turkmen to move from ISIL-controlled areas to safer areas of Iraq. DFAT has been unable to establish conditions faced by Turkmen since the defeat of ISIL, but is aware of reports of violence against Turkmen in the context of recent elections.

3.17 DFAT assesses that Turkmen face a moderate risk of official and societal discrimination. Following the defeat of ISIL, DFAT assesses that Turkmen face a risk of violence similar to other Iraqis.

RELIGION

3.18 The Constitution makes Islam the official religion of the State. It guarantees freedom of religious belief and practice for all individuals, including Christians, Yazidis and Sabeen-Mandaeans. Religious institutions operate with little official oversight.

3.19 The Constitution establishes Islam as the main foundation of all legislation. Laws ban the practice of Baha'i faith and the Wahabi branch of Sunni Islam. Regulations founded on Islamic law (*sharia*) prohibit individuals from converting from the Muslim faith, although DFAT is not aware of any prosecutions for this. Local churches may refuse to accept converts for fear of retribution by members of the local community.

3.20 Under Iraqi law, a child under 18 years old will automatically be converted to Islam if one of their non-Muslim parents has also converted. Muslims are unable to convert to other religions. Under the *Personal Status Law* (1959), if one parent is Muslim, the child must be Muslim. This prevents children from choosing their own religion as adults.

Christians

3.21 In 1987, the government estimated 1.4 million Christians lived in Iraq. Christian community leaders estimate this number has fallen to fewer than 250,000. Conflict in Iraq after 2003 directly affected all religious communities, and the Christian community faced a high level of violence at the hands of armed groups. The rise of ISIL exacerbated violence towards Christians and many have fled Iraq.

3.22 Christian groups include Chaldean Catholics (67 per cent of all Christians) and the Assyrian Church of the East (a further 20 per cent). Less numerous denominations include Syrian Orthodox, Syriac Catholic, Armenian Catholic, Armenian Orthodox, Anglican, Evangelical and other Protestants. The Constitution explicitly protects Christians' freedom of belief and practice.

3.23 Local sources report that Christians have historically played an important mediation role between the Sunni and Shi'a communities. The government provides symbolic support to the Christian community.

Many of Iraq's political and religious leaders, including former Prime Minister al-Maliki and Shi'a cleric Muqtada al-Sadr, attended the re-consecration of an Assyrian Catholic Church in Baghdad that was destroyed by a bomb in 2010. The inauguration of the Patriarch of the Chaldean Church attracted similarly high-level attendance. This indicates the government values Iraq's Christian community and is willing to provide protection where it has the capacity to do so.

3.24 The general decline in acceptance of ethnic and religious minorities among majority communities in Iraq also affects Christians. Local sources report increased harassment and violence in areas where Christians are a minority, including Shi'a areas of Baghdad or in Basrah. Christians may disengage from society for their own safety. State protection is often insufficient. Violence against Christians in the Kurdistan Region is less common, but Christians in the region continue to face discrimination in the form of intimidation and denial of access to services. Evangelical Christians in the region claim that they face bureaucratic hurdles that prevent the registration of their churches in the Kurdistan Region.

3.25 ISIL subjected Christians to high levels of violence and discrimination in areas under its control. ISIL forced Christians to convert to Islam, pay *jizya* or face death or expulsion. The 2017 US State Department Human Rights Report reports numerous abuses by ISIL against Christians (and other minority communities in ISIL-controlled areas) including execution, kidnapping, rape, enslavement, forced marriage, forced abortions, expulsion, theft and destruction of property. ISIL destroyed religious sites including, in January 2016, the 1,400 year old Monastery of Saint Elijah, the oldest Christian monastery in Iraq. Most Christians attempted to flee ISIL-controlled areas and many have sought safety outside Iraq. Some Christians complain that the Peshmerga and other security forces took over homes and at least one town abandoned by Christians fleeing from ISIL. Many Assyrians also claim that Kurds expropriated their land under the Ba'ath Party between 1968 and 2003.

3.26 Some Christians have been returning to areas previously held by ISIL since their defeat in various areas. In 2018, some Christians returned to their homes in the Ninevah plains to hold Easter services for the first time since the occupation and found that Christian churches and homes had been destroyed.

3.27 DFAT assesses that Christians in Iraq face low levels of official discrimination. However, DFAT further assesses that Christians face moderate levels of societal discrimination and violence, similar to that faced by other religious communities in areas where they are a minority.

Sabean Mandaean

3.28 Sabean Mandaean adhere to a monotheistic Gnostic religion. They revere some Jewish and Christian religious figures, particularly John the Baptist, but not others, including Jesus, Moses and Abraham. Their religious rites emphasise the importance of baptism and their temples are frequently located near rivers.

3.29 Before 2003, most Sabean Mandaean lived in Iraq. Following the outbreak of war in 2003, many fled to neighbouring countries, including Jordan. The US State Department estimates that 5,000 to 10,000 Sabean Mandaean remain in Iraq. Most Sabean Mandaean live in southern Iraq, including Basrah and the southern governorates of Dhi Qar and Maysan, but small numbers live in Baghdad and the Kurdistan Region. Following the rise of ISIL, many Sabean Mandaean fled Baghdad. Sabean Mandaean hold one reserved seat in the Council of Representatives.

3.30 The Constitution gives explicit protection to the freedom of religious belief and practice of Sabean Mandaean. In practice, DFAT is aware of examples of local authorities raising bureaucratic impediments to opening additional temples. DFAT understands Sabean Mandaean are not necessarily targeted on the basis of their religion, but that, as many are (or were) goldsmiths, they have been targeted

by financially-motivated criminal gangs. Criminal action against Sabeen Mandaean has included kidnapping for ransom, with a high risk of being killed for refusing to pay. Some Sabeen Mandaean report societal discrimination, claiming they are considered 'dirty' by other Iraqis. Some report that other Iraqis refuse to touch the food and drink of Sabeen Mandaean, thus excluding Sabeen Mandaean from work involving food preparation or sale. In order to avoid low-level harassment, some Sabeen Mandaean women wear headscarves despite this not being their customary practice. Declining tolerance for other religious communities across Iraq is affecting Sabeen Mandaean along with other minorities.

3.31 DFAT assesses that Sabeen Mandaean face a low risk of official discrimination. DFAT assesses that Sabeen Mandaean face a moderate risk of societal discrimination and violence, similar to that faced by other religious communities in areas where they are a minority.

Shi'a

3.32 Shi'a have traditionally lived across Iraq. The sharp increase in sectarian violence since 2003 has seen some Shi'as leave Sunni areas. The rise of ISIL in 2014 led many [Turkmen](#) and [Shabak](#) Shi'a to relocate to other areas. As the majority community in Iraq with a dominant role in the government, Shi'a face little or no official discrimination. DFAT assesses that reported instances of societal discrimination, particularly in relation to economic and employment opportunities, are likely to be associated with patronage and nepotism, such as not having the right contacts to secure access to jobs or housing. In areas where Shi'a are not the majority religious group, employment discrimination is likely to be more pronounced, but still closely linked to patronage and nepotism. Relocation to Shi'a areas substantially reduces the risk of discrimination, but relocation is difficult in the absence of familial or other links at the destination (see [Internal Relocation](#)).

3.33 Anti-Shi'a violence has reduced in 2018 following the defeat of ISIL (see [Security situation](#)). However, isolated incidents of violence in Shi'a dominated areas of Iraq, claimed by ISIL, continue to occur. Violence between opposing Shi'a militias (including those in the PMF) also occurs, more often in Shi'a areas, such as Baghdad and southern Iraq. Intra-Shi'a violence is often linked to other criminal activities, including robbery and kidnapping. Local sources report that those who are actively involved in a militia group face a greater risk of intra-Shi'a violence than ordinary civilians, who may be perceived to be part of a militia or tribal group's constituency.

3.34 DFAT assesses that Shi'a do not face official discrimination. DFAT further assesses that Shi'a do not face societal discrimination in Shi'a areas, although they face a moderate risk of violence during significant Shi'a religious festivals and pilgrimages.

Sunnis

3.35 After the removal of Saddam Hussein and the (Sunni-dominated) Ba'ath Party from government, many Sunnis felt marginalised. This was exacerbated by the perception among the majority Shi'a population that the Sunni community was associated with ISIL, and by the government's inability to assist Sunnis attempting to flee ISIL. While the government has worked hard to protect civilians in the fight against ISIL, it has at times failed to respond firmly to acts of retribution against Sunnis by the Iraqi Security Forces (ISF) or the PMF. These factors have intensified tensions between Sunni and Shi'a communities in Iraq.

3.36 Sunnis, including IDPs, continue to report that PMF groups harass them, accuse them of supporting ISIL and physically harm them. Sunnis report similar behaviour towards them, although to a lesser extent, by the ISF in some areas. The US State Department and international human rights groups report government-aligned forces targeting Sunni males trying to flee ISIL-controlled areas, and preventing Sunnis from leaving

and entering government-controlled areas. PMF-linked militia groups have looted and destroyed Sunni-owned properties following the expulsion of ISIL and, in some areas, prevented displaced Sunnis from returning to their homes. Outside ISIL-controlled areas, Sunnis have faced harassment and discrimination in the form of more intrusive inspections at checkpoints, and the provision of poorer quality services in Sunni areas.

3.37 DFAT assesses that, outside areas recently controlled by ISIL, Sunnis face a low risk of societal violence on the basis of their religion. DFAT assesses that Sunnis face a moderate risk of official and societal discrimination in areas where they are a minority. The risk of discrimination varies according to an individual's local influence and connections.

Yazidis

3.38 The Yazidi are a religious group concentrated in northern Iraq. Their religion is distinctive and highly syncretic, influenced by beliefs and practices of Zoroastrianism, Islam and Christianity. Most Yazidis are Kurdish and speak Kurdish languages, but use Arabic as a liturgical language. The Constitution explicitly protects the freedom of belief and practice of the Yazidi.

3.39 Prior to the rise of ISIL, Yazidi communities lived in and around Mosul, Sinjar, Tal Afar, Shirkhan and the Nineveh Plains. ISIL displaced thousands of Yazidis between 2014 and 2017. Many Yazidis remain displaced in northern Iraq, unable or unwilling to return home after the defeat of ISIL. Some Yazidi fled to Mount Sinjar in Nineveh, nearby the town of Sinjar after a massacre occurred in the Yazidi town in August 2014. Many of those are reluctant to return and remain in makeshift camps, fearing the resurgence of violence.

3.40 ISIL considered Yazidis to be 'apostate' and, unlike Christians, did not give them the option of paying a *jizya*. ISIL subjected Yazidis to execution, kidnapping, rape, enslavement, forced marriage, forced abortions, expulsion, theft and destruction of property. Yazidi girls were particularly targeted for enslavement or forced marriage to ISIL fighters.

3.41 DFAT assesses that Yazidis in Iraq face a low risk of official discrimination. DFAT assesses that, like other minorities in Iraq, Yazidis face a moderate risk of societal discrimination and violence in areas where they are a minority.

POLITICAL OPINION (ACTUAL OR IMPUTED)

3.42 The Constitution provides for universal suffrage and for the transfer of authority peacefully and through democratic means. Iraq has held multiple elections since 2003 (see [Recent history](#) and [Political System](#)) with peaceful changes of government. The Constitution provides the right to form and join associations and political parties. The Constitution also provides for freedom of assembly and peaceful demonstration as regulated by law. Regulations include a requirement that organisers seek permission seven days in advance of holding a demonstration, and limits on demonstrations that promote racism, sectarianism, violence, hatred or blasphemy.

3.43 While political parties have proliferated (numbering an estimated 300), they tend to split on sectarian or ethnic lines, with few secular and liberal parties. Local sources describe the political system as fractious, with different Ministries influenced by particular religious or ethnic groups, thereby reducing the roles of others. Local observers claim powerful political blocs within the government have resisted efforts since 2015 to move to a more technocratic government.

3.44 Large scale and violent protests occurred in Basrah in 2018 leading to the deaths of protestors. Protestors demanded the government address concerns about youth unemployment, infrastructure including water and electricity reliability and quality, and public health concerns. Internet services were cut to prevent demonstrators from organising similar protests in July 2018.

Government Employees

3.45 Armed groups, including remaining ISIL cells, may target individuals working in particular areas of the government. During the ISIL occupation, many government and municipal workers in those areas performed their regular public service functions, but within ISIL's well-organised bureaucracy.

3.46 Senior politicians and civil servants have substantial protective security details. The government is not able to provide protective security for all employees. DFAT has no evidence to suggest that armed groups regularly target the families of government officials, although family members have been killed or injured during attacks on government officials or ISF members.

3.47 DFAT assesses that senior and mid-ranking officials in the armed forces face a moderate risk of violence from armed opponents of the government. Lower-level officials and office-based public servants face a low risk of violence.

Links to the Ba'ath Party

3.48 Between 1968 and 2003, membership of the Ba'ath party was a precondition for employment with the government. After the removal of Saddam Hussein and his government in 2003, the US-led transitional administration implemented a de-Ba'athification process, which led to the dismissal of thousands of individuals. The Constitution prohibits the party, but provides for equality before the law for former 'mere members' of the Ba'ath Party.

3.49 The post-war transitional administration established a High Commission for De-Ba'athification to steer efforts to remove the influence of the Ba'ath Party. The *Accountability and Justice Act* (2008) established its replacement, the Accountability and Justice Commission. The Act included measures to ensure that Sunnis, who dominated the Ba'ath Party, were not excluded from Iraq's governance processes, including by allowing some lower-level Ba'athists to return to government service. Most individuals dismissed under the previous regulations were entitled to access their pensions.

3.50 A broad consensus exists in Iraq that sanctions against the Ba'ath Party should not apply to Ba'athists as individuals. This consensus is based on a recognition that the dominance of the Ba'ath Party in all aspects of government forced millions of Iraqis to join the Party. Nonetheless, local sources report that imputed association with the Ba'ath Party is used as a threat against Sunnis, particularly in Shi'a majority areas such as southern Iraq. Colleagues competing for advancement in government employment may threaten Sunni civil servants with accusations of being Ba'athist.

3.51 DFAT assesses that former high-ranking officials of the Ba'ath Party face a high risk of official and societal discrimination, particularly when trying to secure employment. Individuals with lower-level links to the Ba'ath Party face a lower risk of official and societal discrimination.

GROUPS OF INTEREST

Civil Society Organisations

3.52 The Constitution provides for freedom of association, with the exception of entities that incite or promote terrorism and the Ba'ath Party. In practice, bureaucratic and legal constraints, including laws restricting foreign staff and rules governing the constitution, establishment and accountability of NGOs affect the registration process for civil society organisations. Poor security conditions also impede NGO activity. DFAT understands several thousand new organisations have registered since the defeat of ISIL. The government claims to take one month to register a new NGO, which is shorter than in past years. Laws in the Kurdistan Region are different and often less strict. Many more NGOs operate in that region compared with the rest of the country, although most of these are local Kurdish NGOs.

3.53 Many civil society organisations report that they face direct and indirect harassment and violence from armed groups and extremists. Local NGOs are careful about where they display their logos, and locally engaged staff of civil society organisations, particularly those with international connections, often do not identify where they work within their local communities. Local sources report that individuals working on human rights, or providing assistance to IDPs, face a higher risk than others.

3.54 DFAT assesses that individuals working for civil society organisations throughout Iraq face a low risk of official discrimination. Individuals working for civil society organisations with international connections, including with the United Nations, face a moderate risk of societal discrimination. Individuals working for civil society organisations on human rights issues or assisting IDPs face a moderate risk of societal violence.

Media

3.55 The Constitution provides broad protection for freedom of expression. In practice, legislative restrictions apply. Legislation prohibits defamation as well as production, importation, publication or possession of written material, drawings, photographs and films that violate public decency. Iraq ranked 160th out of 180 countries on the Reporters Without Borders 2018 Press Freedom Index. Freedom House gave Iraq a score of 71 out of 100 (where 0 represents complete freedom of the press) and the rating of 'Not Free'.

3.56 Iraq has an active media, with over a dozen private television stations and ready access to major Arabic-language satellite stations. Since 2003, hundreds of print publications have been established. Most media outlets represent the views of their constituencies and backers, mainly different political or sectarian blocs.

3.57 The government has, at times, restricted access to the internet, particularly to prevent ISIL recruiting however such measures have been taken for other purposes, including to prevent students cheating on exams or prevent protest activity. Political actors in Iraq use the internet to organise and criticise political opponents. According to Freedom House, internet penetration in Iraq was 17 per cent in 2016.

3.58 Local and international sources report that authorities in some parts of the country have arrested and harassed journalists, and have forced closure of media outlets that covered sensitive topics such as security issues or criticised the government. Local sources report extensive political patronage in the media (noting that most media outlets are owned and run by political or sectarian interests), and that self-censorship by journalists is widespread. Reporters without Borders claims that many Iraqi journalists routinely face threats, murder attempts, attacks, denial of access to places where they wish to report, and confiscation of equipment.

3.59 Human Rights Watch reported that journalists seeking to cover protests in the Kurdistan Region in December 2017 were arrested and held for up to eight days before presenting to a judge. The journalists were reportedly forced to sign commitments not to protest or to criticise the government on social media. The Kurdistan Regional Government denied these claims, saying the detainees were arrested to prevent violence. The Committee to Protect Journalists, an international NGO, claimed that security forces in Kurdistan assaulted journalists covering protests against regional economic policies in March 2018, prevented them from reporting from the area.

3.60 DFAT assesses that journalists in Iraq face a moderate risk of official and societal discrimination.

Students and Academics

3.61 DFAT is not aware of any specific examples of targeting of academics or students, including students who have studied or lived abroad. The government expects students who have studied abroad on Iraqi government scholarships to return, and guarantees employment for those students. Government connections are usually required to obtain a scholarship and scholar-returnees are likely to come from well-connected families. Many high-ranking government officials have studied abroad.

3.62 DFAT assesses that students or academics do not risk official or societal discrimination on the basis of their employment or education either in Iraq or abroad.

Women

3.63 The Constitution provides women with specific rights under the law, including freedom from discrimination and the right to vote and guarantees social and health security. In practice, women face various forms of legal and social discrimination. Women enjoy greater legal protections in the Kurdistan Region, but conservative social norms constrain women's participation in public life throughout the country.

3.64 The Constitution stipulates that women must hold at least 25 per cent of seats in both the Council of Representatives and provincial councils (see [Political System](#)). The Kurdistan Regional Assembly reserves 30 per cent of seats for women (see [The Kurdistan Region](#)).

3.65 Women in Iraq experience economic discrimination in access to employment, credit and pay equity. DFAT understands that women routinely need permission from husbands or male relatives in order to engage in economic activities outside the home. In less developed areas of Iraq, reliance on traditional – rather than official – justice systems can lead to poor outcomes for women (see [Judiciary](#)).

3.66 No specific legislation criminalises domestic violence. Article 29 of the Constitution prohibits all forms of violence and abuse within the family, but a husband has the legal right to punish his wife under Article 41 of the *Penal Code* (2003). Attempts to amend the Penal Code to make it consistent with the Constitution have failed on the grounds that the current Penal Code reflects religious mores. Many Iraqis, including in government, consider domestic violence to be a private matter. The Penal Code recognises honour as a mitigating factor in crimes involving violence by men against women or children. Perpetrators of crimes involving sexual violence are exonerated if they marry their victim. Accurate statistics are unavailable but honour killings may number in the hundreds per year, including teenage victims.

3.67 DFAT is aware of cases of forced marriage of minors despite legislation stipulating that persons must be 18 years of age to marry. Current laws allow a judge to approve the marriage of a person between 15 and 18 in 'urgent' situations. Many marriages of minors are unregistered, which makes it difficult to register the birth of children of these marriages. Widows whose marriages were not registered can face difficulty gaining

access to financial and other forms of support, as many legal documents require a male head of family to give permission, including for overseas travel and registering a child in school.

3.68 In December 2017, the Council of Representatives rejected amendments to the Personal Status Law that would have left marriage, divorce and inheritance issues to religious rather than secular judicial authorities. The Council of Representatives had passed the amendments in principle in November 2017 and represent the second attempt to introduce significant amendments to the Personal Status Law. In 2014, the Council of Ministers approved amendments to the legislation that would have allowed parents and religious judges to approve the marriages of girls from the age of nine, and to limit the rights of women after divorce and in relation to inheritance. The amendments were not put to the legislature after international and domestic criticism.

3.69 In 2011 the Kurdistan Regional Assembly passed a Family Violence Act, which criminalises domestic violence, defined to include psychological and sexual violence and female genital mutilation.

3.70 DFAT assesses that women in Iraq face a moderate risk of official and a moderate risk of societal discrimination and violence. Women face a high risk of domestic and family violence. This risk is exacerbated for women who are members of ethnic or religious minorities.

LGBTI

3.71 The Penal Code does not prohibit same-sex relations and the courts do not defer to Islamic law on the issue. No legislation explicitly protects lesbian, gay, bisexual, transgender and intersex (LGBTI) people from discrimination. Local and international groups report that violence against people on the grounds of their sexual orientation or gender expression occurs, sometimes at the hands of state actors, and can include kidnapping and murder. NGOs and activists working on behalf of the LGBTI community may attract similar violence.

3.72 Local and international groups report that societal discrimination against LGBTI is pervasive and many individuals consequently do not publicly identify. LGBTI individuals that do identify publicly often face abuse and violence from within their families and communities. They may be denied services including health care. LGBTI individuals often do not report abuse for fear of further victimisation or acts of discrimination or violence as a result of admitting their sexuality or gender orientation.

3.73 Men perceived to be gay, or to display non-masculine behaviour may be subject to discrimination and violence. On 4 July 2017, assailants stabbed Karar Nushi, an actor, model and student, to death in Baghdad because of his perceived femininity. He had been reportedly receiving death threats for months.

3.74 The government does little to protect the LGBTI community, and officials have prosecuted people participating in same-sex sexual activity for public indecency or prostitution. The US State Department reported in 2017 that Iraq lacked legislation or criminal justice mechanisms to prosecute crimes motivated by bias against the LGBTI community. The government established an LGBTI taskforce in 2012 but disbanded it in 2014.

3.75 DFAT assesses that people who are LGBTI face a high risk of official and societal discrimination and violence on the basis of their sexual orientation and gender identity. DFAT assesses that an individual is unlikely to be able to live an open life as LGBTI in Iraq.

Children

3.76 Iraq has a very high proportion of children and young people. According to the Iraq Household Socio-Economic Survey, which analysed population trends between 2007 and 2012, about 50 per cent of Iraqis were under 18 years of age. A further 20 per cent of people were between 18 and 29 years of age. About one in four children lived in poverty. Children living in conflict affected areas and IDP children were the worst affected. Poverty rates were high for children living in southern governorates including Muthannia (52.3 per cent of children), Qadissiya (43.8 per cent of children), Maysan (42.2 per cent of children) and Dhi Qar (40.7 per cent of children). 30.4 per cent of children in rural areas lived in poverty compared with 13.4 per cent in urban areas. The child poverty rate of the Kurdistan Region was 3.5 per cent, according to the United Nations Children's Fund (UNICEF).

3.77 The conflict with ISIL and its occupation of territory particularly affected children, who continue to suffer the effects of violence. Displaced children are returning to their homes. UNICEF reported in April 2018 that over 1.8 million children had returned to their homes and a further one million remain displaced.

3.78 The loss of parents and caregivers due to conflict has left children vulnerable to harassment, exploitation and abuse. Conflict with ISIL and its occupation and administration of territory caused trauma for children in affected areas. ISIL also forcibly recruited children as scouts, lookouts and spies, to staff checkpoints, to transport explosives and equipment, to plant explosive devices and as suicide bombers. In 2017, the US State Department reported the recruitment of child soldiers in Shi'a and Yazidi militias.

3.79 Under Iraqi law, 14 years is the legal minimum age for employment. DFAT understands that between 4 and 18 per cent of children aged between 6 and 14 are engaged in child labour, with significant regional variation. Under the Personal Status Law, 18 years is the legal minimum age for marriage, although judges can approve marriages of children from 15 years in 'urgent' cases (see Women). DFAT understands that between approximately 975,000 women and girls had been married before they were aged 15, with significant regional variation.

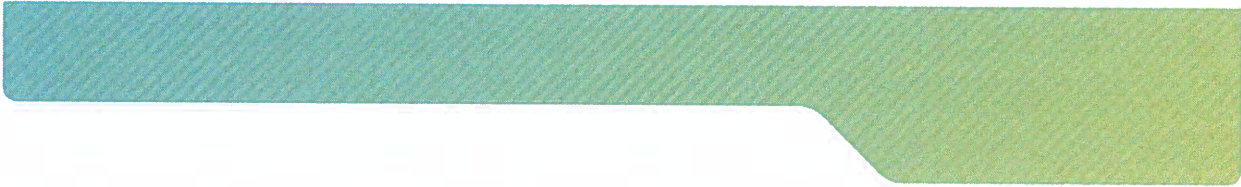
Bidoon and Stateless

3.80 The Bidoon are a group of mostly stateless people who live in Iraq and Kuwait. The transliteration from Arabic 'Bidoun' is sometimes used but is not the same as 'Bedouin', who are a larger ethnic group of desert nomads found throughout the broader region. Bidoon is an Arabic word meaning 'without' and is a shortened form of '*bidoon jinsiya*', meaning 'without nationality'.

3.81 Many Bidoon were from nomadic tribes who were in Kuwait at the time of its independence in 1961, but who may have originated in what is now Iraq or Kuwait. The majority are Sunni, with a small minority being Shi'a. More than 80 per cent of Bidoon in Iraq reportedly live in the south near the border with Kuwait, although some have moved to the north. Other ethnic and religious groups who experience statelessness are not known as 'Bidoon'.

3.82 Kuwait recruited large numbers of Bidoon into its armed forces at independence, but did not grant them citizenship. Many Bidoon fled Kuwait when Iraq invaded in 1990, as the Kuwaiti army began to see them as a security threat due to their connection with Iraq. The Kuwaiti government did not grant them re-entry after the war and many remain in Iraq.

3.83 The Iraqi government under the Ba'ath Party granted citizenship to approximately 47,000 Bidoon through an assistance package called 'makremiyah'. To obtain citizenship, Bidoon had to declare that Kuwait was not their place of birth and often needed sponsorship from a local tribal group. After 2003, Bidoon were no longer able to claim citizenship through 'makremiyah'. Bidoon who were unable or



unwilling to accept 'makremiayah' remain stateless. Local sources estimate approximately 54,000 Bidoon remain stateless. Stateless Bidoon do not have access to many services and public sector job opportunities, nor can they register land in their own names, sign rental contracts or inherit property. The government does not usually register births and deaths of stateless Bidoons.

3.84 Stateless people other than Bidoon are found in Iraq. Children born of widowed ISIL fighters who came to Iraq from overseas, the children of foreign fighters or of the foreign wives of ISIL fighters, may become stateless as their mothers face trial and they are denied documents that prove citizenship, such as birth certificates. The US State Department also lists the Roma, Baha'i, people from the southern marshlands and the Goyan and Omariya Turkish Kurdish tribes near Mosul, and migrants from South Sudan, as vulnerable to statelessness in Iraq.

3.85 DFAT assesses that stateless Bidoon are subject to moderate levels of official discrimination, as the government will not renew ID cards issued before 2003, so they are denied access to formal employment. DFAT has no evidence of targeted violence against Bidoon communities. DFAT assesses that all stateless people are subject to moderate levels of official discrimination due to their inability to obtain the identity documents required to gain access to health care and education services.

People with Disabilities

3.86 Under Iraqi legislation, five per cent of public sector jobs are reserved for people with disabilities. The requirements of people with disabilities are required to be taken into account in building design. People with disabilities and their carers are entitled to tax concessions and government welfare in the form of cash payments.

3.87 NGOs report that implementation of the above measures is inconsistent and that quotas and government assistance are not always met and are sometimes ignored. Some people may not receive the benefits they are entitled to because of an unwillingness to report their disability. In-country contacts report that war-injuries are less stigmatised while psychological and intellectual disabilities are highly stigmatised and are underreported.

3.88 DFAT assesses that people with a physical disability are at low risk of official or societal discrimination. People with psychological or intellectual disabilities face a low risk of official discrimination and a moderate risk of societal discrimination.

4. COMPLEMENTARY PROTECTION CLAIMS

ARBITRARY DEPRIVATION OF LIFE

Extra-judicial Killings

4.1 Human rights groups allege that government and government-linked forces have engaged in extrajudicial killing, especially of ISIL suspects. The government does not routinely publish reports of investigations into alleged extra-judicial killings by government agents, and local and international sources claim a pervasive culture of impunity exists.

Enforced or Involuntary Disappearances

4.2 NGOs and international organisations believe that large numbers of people have involuntarily disappeared. Human rights groups claim that men and boys accused of association with ISIL have disappeared, and that both Iraqi and PMF forces have been responsible for the disappearances. DFAT has been unable to find reliable estimates of the number of people subject to enforced or involuntary disappearance.

4.3 The US State Department 2017 Human Rights Report assesses that enforced or involuntary disappearances have financial, political or sectarian motivations, and that, outside areas formerly controlled by ISIL, criminal gangs were most often responsible. DFAT understands the deteriorating security and economic situation in Iraq has led to an increase in the number of enforced disappearances associated with criminal gangs. ISIL has been responsible for a large number of enforced or involuntary disappearances, including the abduction of members of government security forces, ethnic and religious minorities and other non-Sunni communities.

Deaths in Custody

4.4 The Committee Against Torture raised concerns in September 2015 over allegations of deaths in custody, and noted that the government failed to provide any information on cases of deaths in custody to the Committee, despite its requests. Amnesty International has reported on cases where civilians have died in the custody of government-linked forces in Anbar Province. Human Rights Watch claims security forces hold alleged ISIL collaborators in dangerous and inhumane conditions, that may be life threatening. The US State Department in 2017 described conditions in some detention centres as 'life threatening', including for pre-trial detention. Overcrowding, lack of adequate protection for vulnerable people and lack of food can lead to risk of life in gaols.

DEATH PENALTY

4.5 The Constitution permits deprivation of the right to life in accordance with the law, and based on a decision issued by a competent judicial authority. The Constitution prohibits clemency for terrorist crimes. Iraqi law provides for automatic appeal in death penalty cases, and the President must approve a death sentence. Death sentences are rarely overturned.

4.6 Accurate data on the number of executions carried out in Iraq is difficult to obtain. Public pressure on the government to respond strongly to crimes committed by ISIL is likely to lead to an increase in the number of executions. Several people have recently received death sentences for joining ISIL during the occupation, including women and children as well as foreign and local fighters. Women accused of marrying ISIL fighters or supporting their activities face execution.

4.7 In September 2017, the former UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, condemned the execution of 42 prisoners in one day at Al Hoot prison in the city of Nasiriyah. Iraqi government officials said the executed prisoners were Iraqis affiliated to ISIL or al-Qaeda, and had been convicted under anti-terrorism laws of offences including kidnapping, armed robbery, killing members of the security forces, and detonating improvised explosive devices. The UN and international NGOs criticised the lack of legal assistance available to defendants, and claimed they had been denied due process and a fair trial.

TORTURE

4.8 The Constitution prohibits all forms of torture and inhumane treatment and affords victims the right to compensation. Despite constitutional protections, US State Department and international NGOs report instances of torture and other abuses by government forces in Iraq including in the Kurdistan Region.

4.9 Since the defeat of ISIL, international NGOs claim government forces have tortured alleged ISIL fighters. Amnesty International reports that both ISF and Kurdish forces have committed torture. Human Rights Watch reports that torture of boys aged between 11 and 17 detained in the Kurdistan Region included being held in stress positions, burned with cigarettes, beaten, subjected to electric shock, and threatened with rape to make them confess allegiance to ISIL.

ARBITRARY ARREST AND DETENTION

4.10 The Constitution and the *Criminal Procedure Code* (1971) prohibit arbitrary arrest and detention, although other legislation provides the security forces with broad discretion over arrest and detention during times declared as a national emergency by the government. In practice, throughout the country, including the Kurdistan Region, government forces arrest and detain Sunni males in particular without access to legal counsel. Amnesty International reports that security forces carry out arrests without judicial warrants and without informing those arrested or their families of any charges. Detainees, particularly those arrested on suspicion of terrorism, often lack access to any external contact, including family and legal representation, for weeks or months following their arrest.

4.11 The UN Committee Against Torture has raised concerns over reports of secret detention facilities where alleged terrorists or other high-security suspects are held for extended periods of time. The US State Department 2017 Human Rights Report claims that, following the defeat of ISIL in areas it controlled, PMF groups have arrested and detained individuals, particularly Sunni male IDPs, without informing their families and without access to legal counsel or due process. The government contends that effective screening is



necessary to prevent terrorists infiltrating IDPs, and that it has taken steps since 2016 to reduce the risk of abuses by government and government-linked forces at screening points.

5. OTHER CONSIDERATIONS

STATE PROTECTION

5.1 Years of conflict, including the recent conflict with ISIL, have limited the capacity of state infrastructure, including state protection mechanisms to deliver services.

Iraqi Security Forces (ISF)

5.2 The ISF is responsible for security in Iraq and includes the Iraqi army, the federal police and provincial police forces. The army reports to the Minister of Defence, and the police forces to the Minister of Interior. The Prime Minister is commander-in-chief. The Counter-Terrorism Service reports directly to the Prime Minister, as does the PMF.

5.3 Respected NGOs have reported on human rights abuses by the ISF, including targeting of Sunnis. The ISF has failed to act on human rights abuses by other actors, such as the PMF. DFAT assesses that, while the Iraqi government is taking steps in an effort to curb human rights abuses by the ISF, its ability to assert centralised control over the actions of the ISF in the field is limited. The 2017 US State Department Human Rights Report notes the Iraqi government has rarely made public any information about investigations into human rights abuses allegedly committed by the ISF.

Popular Mobilisation Forces (PMF or *Al-Hashd Al-Sha'abi*)

5.4 The PMF is a state-sanctioned umbrella organisation comprising over 200 armed groups, mostly Shi'a. The PMF includes small numbers of Sunni tribal fighters and minority groups. Many of these groups have existed for some time and have close links to Iran. In 2016, the Council of Ministers decided to bring the PMF under centralised control as an independent military organisation and this was formalised by the Prime Minister in March 2018. However, the US State Department assesses that the central government lacks capacity to maintain consistent control over the PMF and that PMF groups have committed human rights abuses, including enforced disappearance, extortion, torture and extra-judicial killings. Many PMF groups consist of volunteers who have received limited training. It is not yet clear the extent to which the formal incorporation of the PMF into the ISF will extend the federal government's actual control over PMF activities.

Iraqi Police Force

5.5 The Iraqi police force reports to the Minister of Interior and is divided into two primary administrative groupings: the Iraqi Police Service and the Federal Police. The Iraqi Police Service operates as municipal police and the Federal Police is a paramilitary organisation that regularly conducts joint operations

with the Iraqi army and the PMF. The Iraqi Police Service and the Federal Police have an estimated 300,000 members in total.

5.6 Police are engaged in counter-terrorism activities, but their role has been overshadowed by that of various militias in the fight against ISIL. Anti-government militias, and ISIL in particular, have targeted police. The latter may pose a continuing threat to police and other law enforcement.

5.7 The US State Department assesses that Iraqi police have committed human rights abuses, including coerced confessions. Corruption is widespread at many levels, including bribery to reduce or drop charges. The Minister of Interior, Mohammed al-Ghabban, admitted to UK media in 2016 that many Iraqis do not trust police because of their 'failure to stop the bombers' and 'pervasive' corruption.

Judiciary

5.8 Iraq's judicial system has a mix of civil and Islamic law. The Constitution states that no law may contradict 'the established provisions of Islam'. Iraq's two highest courts are the Federal Supreme Court, responsible for constitutional issues, and the Court of Cassation, the court of last resort for all cases not related to security. The Court of Cassation adjudicates cases involving government officials and jurisdictional conflict between subordinate courts. Subordinate courts include the Court of Appeal, the Court of First Instance and Courts of Personal Status, Labour, Criminal, Juvenile and Religious Matters.

5.9 The Constitution guarantees judicial independence. The Higher Judicial Council has administrative authority over the judicial system. DFAT assesses that politics and sectarianism continue to influence judicial appointments and decisions, and removing or diminishing this influence has been a key demand of recent popular protests. Members of the judiciary continue to face significant pressure, including intimidation and violence, particularly in cases involving organised crime, corruption and the activities of militias. Armed groups have targeted judges with violence. Corruption is common and courts lack resources, including forensic capabilities. In the Kurdistan Region, legislation requires the Kurdish Judicial Council to be independent from the KRG Ministry for Justice, although the US State Department reported in 2017 that the KRG continued to influence politically sensitive cases.

5.10 A lack of government capacity and strong traditions mean tribal culture continues to play an important role in dispute resolution, particularly in the poorer areas of the south and west. Some Iraqi citizens have turned to local militias and religious and tribal groups to dispense justice rather than seeking redress through the official justice system. Women are particularly vulnerable, and DFAT is aware of reports of traditional and religious judicial outcomes in which women are awarded as compensation in disputes. Women often face harsh punishment for transgressing tribal customs.

INTERNAL RELOCATION

5.11 Years of conflict, including conflict with ISIL, displaced large numbers of people. The International Organization for Migration estimates 3.5 million people returned to their place of origin between January 2014 and February 2018. The UN Office for the Coordination of Humanitarian Affairs estimates that over 1.6 million people have returned to their homes since April 2017. As of July 2018, approximately two million people remain displaced, and about four million people have returned to their homes, including almost 1.5 million people who have returned to Ninevah. Disproportionately high numbers of IDPs come from minority communities, including Sunnis, Turkmen, Yazidi, Shabak and Christians. Conflict has led to previously religiously mixed areas becoming more homogenous – usually Shi'a or Sunni – thereby limiting internal relocation options. DFAT assesses that, in most cases, internal relocation for religious and ethnic



minorities is difficult. Each provincial council has its own policies regarding local entry requirements, including for other Iraqi citizens.

The Kurdistan Region

5.12 Since 2006, many people have found refuge in the Kurdistan Region. DFAT is not aware of any official regulations concerning procedures and practices at checkpoints into the region. Admission into the Kurdistan Region remains at the discretion of the KRG, which has increased restrictions, including requiring individuals wishing to enter to have a sponsor. Local sources say the implementation of this requirement is often inconsistent in practice. Individuals who were previously from the Kurdistan Region or who are ethnically Kurdish should be able to enter the Kurdistan Region with relative administrative ease, however circumstances and experiences may vary on a case-by-case basis. DFAT understands Christians, Yazidis and Shabak have been able to enter the Kurdistan Region with relative ease, but that Arab Sunnis have faced difficulties.

5.13 Upon entry into the Kurdistan Region, people (including foreigners) born in the region or with family ties in the region may obtain Kurdish identity papers, including national identity papers noting residence in the Kurdistan Region (see [Documentation](#)). Iraqis from outside the region and other foreigners require a residency card, which is issued after presentation in person at the residency office in the neighbourhood in which they would like to reside. The residency card allows the holder to move around the Kurdistan Region freely and obtain access to services. Officially, non-ethnic Kurds are unable to purchase property. Single people, especially women, are unable for cultural reasons to rent properties on their own. A lack of Kurdish language skills can be an additional barrier to gaining access to employment and services.

5.14 DFAT assesses that internal relocation to the Kurdistan Region is difficult for anyone without a sponsor or existing networks within the region. DFAT assesses that certain individuals such as single women and children, and LGBTI individuals would face similar risks of official and societal discrimination in the Kurdistan Region as they face in other parts of Iraq.

Southern Iraq

5.15 Southern Iraq (including Basrah, Karbala, Wasit, Qadisiyah, Maysan, Dhi Qar, Muthannia and Najaf provinces) is more secure than other parts of the country, although criminality and drug abuse exist in the region. Violence between different Shi'a armed groups occurs in southern Iraq and is mostly related to control of land and oil revenues. Local sources suggest that intra-Shi'a violence predominantly affects those who are actively involved in a militia or tribal group. A wide range of ethnic and religious groups live in southern Iraq. The overwhelming majority is Shi'a. Southern Iraq is also home to Iraqis of African descent, Faili Kurds, Christians and Sabeen Mandaean.

5.16 While conflict has led to previously religiously mixed areas becoming more homogenous, usually Shi'a or Sunni, local sources claim that tolerance of religious minorities remains higher in southern Iraq than in central Iraq. Sources also say that internal relocation to the south is difficult for ethnic and religious minorities, and that Shi'a without local familial, tribal or political networks would face difficulty assimilating into the community. Despite this, both Shi'a and Sunni Iraqis who have sought asylum overseas and returned to southern Iraq have done so without significant difficulty.

5.17 A person wishing to relocate to Basrah requires a relation or friend to guarantee that person 'is free from terrorism and of good character'. The guarantor must be cleared by security services and physically

attend the relevant checkpoint. If the person wanting access to the province is an IDP, that person must also register with the Ministry of Displacement and Migration.

5.18 Employment opportunities remain limited in southern Iraq despite the large oil industry. Local sources note that people from southern Iraq are internally relocating to other areas of Iraq, such as Baghdad, in search of jobs. Local governments struggle to provide basic infrastructure services such as electricity and water. The capacity, and at times willingness, of local authorities to provide protection for minority groups in southern Iraq is limited.

5.19 DFAT assesses that internal relocation to southern Iraq is possible for anyone with local familial, tribal or political networks. Relocation to southern Iraq is difficult for those lacking such connections.

TREATMENT OF RETURNEES

Exit and entry procedures

5.20 On arrival at Baghdad International Airport, all passengers irrespective of nationality have their identity information recorded. This process occurs at all international airports in Iraq, including the Kurdistan Region. Authorities will arrest an Iraqi on return if they had committed a criminal offence and a warrant had been issued for their arrest. Others, even those who had left illegally, would not be subject to arrest on arrival.

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

5.22 Iraqis who have lost, or do not have, an Iraqi passport must apply for a *laissez passer* at an Iraqi embassy or consulate abroad. To issue a *laissez passer*, the Iraqi post: verifies the identity and nationality of the returnee against source documents in Iraq; confirms the person is returning to Iraq voluntarily; and checks for outstanding criminal actions against Ministry of Interior records in Iraq.

5.23 Upon arrival in Iraq, border officials check the details of the *laissez passer* and re-confirm that the individual is entering voluntarily. Officials record the details of the *laissez passer* along with the name and date of birth of the bearer. The border officer will then inform the bearer that the *laissez passer* is not valid for further travel. According to the UK Home Office, border officials can issue a letter at Baghdad Airport in order to facilitate movement to an individual's place of origin or relocation within Iraq. *Laissez passers* are common and individuals who enter on *laissez passers* are not questioned about how they exited Iraq, nor asked to explain why they do not have other forms of documentation.

Conditions for returnees

5.24 DFAT is aware of considerable evidence that Iraqis who are granted protection return to Iraq, sometimes only months after securing residency in Australia, to reunite with families, establish and manage businesses or take up or resume employment. The practice of seeking asylum and then returning to Iraq once conditions permit is well accepted amongst Iraqis, as evidenced by the large numbers of dual nationals from the US, Western Europe and Australia who return to Iraq. DFAT has limited evidence to suggest that voluntary returnees face difficulties in assimilating back into their communities. However, local sources have said that returning to Iraq can be difficult, particularly if the individual does not return to their original

community. Integration within new communities is difficult, and complicated by the influence of patronage and nepotism on many aspects of life.

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

DOCUMENTATION

5.26 The Constitution states that citizenship is the right of every Iraqi and is the basis for nationality, noting that anyone born to an Iraqi mother or father is Iraqi. The *Nationality Law* (2006) is more progressive and inclusive than previous legislation: it removes previous distinctions between Arabs and non-Arabs for the naturalisation process and repeals legislation that revoked the citizenship of Faili Kurds. However, it continues to deny nationality to Palestinians. Individuals who are not able to obtain nationality and associated documentation lack access to services, freedom of movement and other basic rights.

5.27 Procedures for issuing documentation are antiquated. Records are kept manually and most types of documentation do not have adequate security features. People who lived in areas affected by ISIL occupation may have had documents issued by ISIL which are not recognised by the government, or may not have documents issued at all (see [Birth and death certificates](#)). Issuance and updating procedures in all cases are susceptible to bribery and corruption. Iraqi citizens have four officially-issued identity documents: a nationality certificate (*jinsiya*), a civil status identity card (*bitaka shakhsiyeh* or *bitaqa hawwiya*), a residence card and a public distribution system (food ration) card. The civil status card is the most reliable of the four.

5.28 Documents issued under religious procedures are acceptable in Iraq only for the purposes of registration with the civil status office. Civil documents must be obtained to prove marriage, divorce and custody. Due to a lack of security features, civil documents are also unreliable, except when presented with a corroborated civil status identity card.

Birth and death certificates

5.29 Birth certificates have weak security features. Hospitals, obstetricians, nurses and midwives collect data, authenticate documents and verify data concerning births, and issue birth certificates. The birth hospital and the Ministry of Health retain birth data. The Civil Affairs Department records birth data in its archives. The Ministry of Health in the Kurdistan Region has computerised records of birth certificates.

5.30 Children who were born in areas that were occupied by Islamic State before its defeat in 2017 may not have birth certificates, however this appears to be inconsistent even for children from the same area. Some residents of Mosul report that birth and marriage certificates were issued by ISIL but that they are not recognised by the Iraqi government, requiring marriages to be conducted again or birth certificates to be reissued by the Iraqi government to access government services, such as ration cards.

5.31 Some children born under ISIL rule may have their freedom of movement restricted and may be vulnerable to statelessness due to an inability to prove their identity. Parentage must be proved before a birth certificate can be issued, which can prove difficult for children of single mothers (including women who were raped during the ISIL occupation) or children who are suspected of being fathered by an ISIL fighter who was killed.

National Identity Card

5.32 In March 2016, the government began issuing new electronic identity cards, with the intention of replacing the old national civil status card and nationality certificates. The new card has an electronic chip where biometric data is stored. Data stored on the card include the owner's photo and iris information. The information will be held on a central digitised national register. The new ID card is reportedly also equipped with a range of visible and invisible features to protect against counterfeiting.

5.33 The process to obtain a new electronic ID card involves first making an appointment with the local civil status office via the website of the directorate for national ID cards. The applicant can download an application form from the same website and must complete it before meeting the local civil status office. The applicant must bring their current ID card, proof of citizenship, proof of residence, ration card, and the IQD 5000 (approximately AUD 6) fee. The civil status office will retain these documents, which will be invalidated when the new card is issued. All applicants must attend the office in person to take the photo and iris scan. The local civil status office sends the application form and biometric data to the central office in Baghdad where the information is checked and the card personalised before being returned to the local civil status office. The government reported that it has distributed the equipment necessary to issue the cards to all provinces (including the Kurdistan Region) with the exception of Anbar, Nineveh and Salah-al-Din, where military operations continue.

5.32 The validity of the new cards is unclear, as is the processing time, which can be between 15 to 90 days.

Nationality Certificate

5.34 The nationality certificate, issued by the Ministry of interior, has weak security features. The Ministry of Interior verifies nationality against supporting records (including the birth registry and civil status ID cards) and retains the data in its archives. DFAT understands that nationality certificates are more likely to be obtained through fraudulent means than civil status ID cards or passports.

Passports

5.35 The current 'A' series passports and the previous 'G' series passports are of an international standard with good security features. 'S' series passports (issued between 2003 and 2006) are more vulnerable to fraud and inexpensive counterfeit versions are available in Iraq.

5.36 While the current 'A' series passports have good security features, they can be issued based on a range of supporting documents such as nationality certificates, civil status ID cards, ration cards and birth certificates. These supporting documents can be vulnerable to fraud and counterfeit, increasing the risk of 'A' series passports being obtained on the basis of counterfeit documentation.

5.37 The Passport Department is part of the General Directorate for Nationality within the Ministry of Interior. It authenticates documentation, verifies data, issues passports and maintains records of issuance. The Ministry of Foreign Affairs also collects data, authenticates documentation and verifies data concerning applications for passports issued abroad through Iraqi embassies and consulates.



PREVALENCE OF FRAUD

5.38 Documents issued under religious procedures such as marriage, divorce and custody certificates have weak or no security features. Fraudulent documents are commonly and cheaply available. Genuine documents obtained through fraudulent means are also common, mostly obtained by paying bribes to officials. Most foreign embassies request all three of the main identification documents (passport, identity card and nationality certificate) before processing a visa application to enter their country, in order to cross check and verify information.