

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	1248
Land:	Irak
Kilde:	MADRE m.fl.
Titel:	Violence and Discrimination based on Sexual orientation and Gender Identity in Iraq
Udgivet:	september 2019
Optaget på baggrundsmaterialet:	22. januar 2020

Violence and Discrimination Based on Sexual Orientation and Gender Identity in Iraq

A Report for the United Nations Committee on
the Elimination of Discrimination against Women

Submitted for the review of Iraq's compliance with the
Convention on the Elimination of All Forms of Discrimination against Women
at the October – November 2019 74th Session

September 2019

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I. Introduction

This report¹ addresses urgent areas of concern related to the status of human rights of lesbian, bisexual, transgender, and intersex (LBTI)² people in Iraq and is intended to supplement information the Government of Iraq provided in its fifth periodic report to the Committee on the Elimination of Discrimination against Women (the Committee) for its review at the 74th Session to be held in October – November 2019. Violence and discrimination against LBTI individuals in Iraq continues to flourish, and victims are guaranteed virtually no protection or redress. Despite the rampant violence, the Iraqi Government's report to this Committee makes no mention of the rights of LBTI people. The Government of Iraq has failed in its obligations under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) to promote and protect the human rights of those who face violence and discrimination based on their real or perceived sexual orientation, gender identity and expression, and sex characteristics (SOGIESC).

Faced with the ever-present possibility of discrimination, extreme violence, torture, and murder, being perceived as LBTI in Iraq places one in immediate danger. The state-sanctioned culture of anti-LBTI discrimination permeates Iraq's institutions and society. Perpetrators of egregious anti-LBTI human rights violations include victims' family members, militia fighters and religious militants from various groups, as well as government officials. Members of the security forces and police are, at best, non-responsive to human rights violations committed on the basis of SOGIESC, and at worst, active participants in them. People in Iraq can count on virtually no protection or recourse for anti-LBTI violence and discrimination.

Iraqi community service providers and human rights activists, including victims of anti-LBTI discrimination and violence, take great risks to record human rights violations committed on the basis of SOGIESC. The shared hope of these individuals and their international allies is that these stories will spur immediate action on the part of the Iraqi government to ensure greater safety and protections for Iraqi LBTI people. Even in times of conflict, the Iraqi government is obligated to adhere to CEDAW, and there are basic steps it can take now to help protect LBTI people from human rights violations, namely by acknowledging that LBTI people, like all people, have human rights that must be respected.

Our organizations wish to further the work of the Committee on the Elimination of Discrimination against Women by providing independent information concerning the rights protected by CEDAW. We respectfully request that the Committee's review cover areas of concern related to the status of the rights of LBTI persons in Iraq.

¹ The report was not translated to Arabic for security reasons.

² To date, there have not been any documented cases of crimes committed against intersex persons by ISIL or by other actors within Iraq. This does not however mean that the strategies for prosecuting gender-based crimes committed by ISIL and by other actors should not or could not apply to cases of gendered crimes committed against real or perceived intersex persons.

II. Violence and Discrimination on the Basis of Sexual Orientation and Gender Identity (Articles 2, 3, 4 & 15)

The Government of Iraq is obligated to promote, defend, and protect the rights of its LGBTI citizens under human rights law, including under CEDAW. This Committee has previously made clear that sexual orientation and gender identity are grounds for protection under the Convention, such as in General Recommendation No. 28 which states: “The discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as...sexual orientation and gender identity.”³ Additionally, General Recommendation No. 33 regarding access to justice states that, “Grounds for intersectional or compounded discrimination may include...being lesbian, bisexual, transgender women or intersex persons” and that these “intersecting factors make it more difficult for women from those groups to gain access to justice.”⁴

General Recommendation No. 35 on gender-based violence further affirms the inclusion of sexual orientation and gender identity under the Convention and calls on States to repeal all legal provisions that discriminate against or encourage gender-based violence against women, including lesbian, bisexual, and transgender women.⁵

A. Violence and discrimination faced by LGBTI Iraqis

The mere perception of being LGBTI is extremely dangerous in Iraq and living openly as an LGBTI person is nearly impossible. For victims of anti-LBT discrimination, including violence, there is no viable recourse in the Iraqi State.⁶ Government security forces not only fail to investigate acts of discrimination and violence against LGBTI people, but they also stand by and allow violence to occur, fully aware of what is happening.⁷ Furthermore, security forces and government officials themselves commit anti-LBTI discrimination and violence.⁸ The government’s denial of access to justice for victims of these human rights violations encourages further discrimination and acts of violence, including those committed by health professionals and others who capitalize on LGBTI peoples’ vulnerable status.⁹ In addition, LGBTI survivors of violence often do not report incidents due to fear of additional violence or discrimination from state officials or of their

³ UN Committee on the Elimination of Discrimination against Women, *General Recommendation No. 28 on the Core Obligations of States Parties Under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women*, para. 18, U.N. Doc. CEDAW/C/GC/28 (December 16, 2010).

⁴ UN Committee on the Elimination of Discrimination against Women, *General Recommendation No. 33 on Women’s Access to Justice*, para. 8, U.N. Doc. CEDAW/C/GC/33 (July 23, 2015).

⁵ UN Committee on the Elimination of Discrimination against Women, *General Recommendation No. 35 on Gender-based Violence against Women, Updating General Recommendation No. 19*, para. 31(a), U.N. Doc. CEDAW/C/GC/35 (July 14, 2017).

⁶ IraQueer, OutRight Action International, MADRE, Organization of Women’s Freedom in Iraq (OWFI), *LGBT Human Rights Violations in Iraq, in Response to the Fifth Periodic Report of the Republic of Iraq*, p. 8 (2015).

⁷ IraQueer, OutRight Action International, MADRE, OWFI, *LGBT Human Rights Violations in Iraq, in Response to the Fifth Periodic Report of the Republic of Iraq*, p. 8 (2015).

⁸ IraQueer, OutRight Action International, MADRE, OWFI, *LGBT Human Rights Violations in Iraq, in Response to the Fifth Periodic Report of the Republic of Iraq*, p. 8 (2015).

⁹ IraQueer, OutRight Action International, MADRE, OWFI, *LGBT Human Rights Violations in Iraq, in Response to the Fifth Periodic Report of the Republic of Iraq*, p. 8 (2015).

orientation or identity being disclosed to family or their community, leading to wider impunity.¹⁰

IraQueer and its partners estimate that more than 220 killings of actual or perceived LGBT Iraqis occurred in 2017.¹¹ In 2018, IraQueer documented killings of Iraqis based on sexual orientation and gender identity and expression, including the killing of 15 year-old boy who was filmed on camera while dying.¹² Of 257 LGBT individuals interviewed between 2015-2018, 96% stated that they have faced verbal and/or physical violence.¹³ Verbal bullying and abuse are extremely common against LGBT people because they are viewed as not conforming to prescribed societal gender norms. Expressions of identity that are seen as not conforming to these norms and roles, such as wearing skinny jeans, having long hair, and having a more “feminine” gender expression, often lead to instances of verbal abuse or bullying because the individual is perceived to identify as LGBT, even if they would not identify as LGBT themselves.¹⁴ In many cases, LGBT people have faced physical violence, rape, and in extreme cases, death.¹⁵ Data compiled by IraQueer indicate that, from 2015 – 2018, the Islamic State of Iraq and the Levant (ISIL) was responsible for 10% of crimes against LGBT people, while government authorities and affiliated armed groups are responsible for 53% of crimes and violations against LGBT people.¹⁶

IraQueer has received reports from several individuals who have experienced instances of verbal, physical, and sexual abuse at various checkpoints across Baghdad and other cities. IraQueer is also in possession of several videos showing the police humiliating and physically abusing trans people, while filming the injustices themselves. Similarly, LGBT individuals, especially “masculine” women, “feminine” men, and trans people, have faced physical abuse in Northern Iraq under the Kurdistan Regional Government. Many of those individuals have been detained without being informed about their rights, or without access to legal representation.¹⁷ A lesbian living in Slemani reported that she was detained by the police several times. She told IraQueer, “A police officer threatened to rape me and said that it might make me a real woman.”¹⁸

Lesbians face double discrimination for being women and queer. They are often forced into marriage, and end up being controlled by their husbands and families without the ability to express their identities.¹⁹ Lesbians also face difficulties connecting with each other due to the lack of online and offline safe spaces.²⁰ Mara,²¹ a lesbian living in the Kurdistan Region of Iraq said, “Every day I spend with my husband, another part of me dies. My father forced me to

¹⁰ UN High Commissioner for Refugees (UNCHR), *International Protection Considerations with Regard to People Fleeing the Republic of Iraq*, p. 103, (2019).

¹¹ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 6 (2018).

¹² IraQueer, Press Release (October 10, 2018), <https://www.iraqueer.org/blog/iraqueer-s-statement/>.

¹³ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 9 (2018).

¹⁴ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 8 (2018).

¹⁵ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 9 (2018).

¹⁶ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 13 (2018).

¹⁷ Mari Shibata, *How One Man is Trying to Make it Safer to be LGBTQ in Iraq*, The Washington Post (July 27, 2016), https://www.washingtonpost.com/news/soloish/wp/2016/07/27/how-one-man-is-trying-to-make-it-safer-to-be-lgbtq-in-iraq/?utm_term=.d6db88cdf15b

¹⁸ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 13 (2018).

¹⁹ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 10 (2018).

²⁰ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 10 (2018).

²¹ All names of victims have been changed for safety reasons.

marry my cousin. I no longer recognize myself in the mirror.”²² Stories like Mara’s are very common amongst the lesbian community, which is forced to face these abuses while being isolated from each other and the rest of the LGBTI community.²³

Local activists have received reports from the Kurdish region of women being arrested in recent months because police suspected they were lesbians.²⁴ Apparently none of the women have received formal hearings or legal representation, despite months in detention.²⁵

Trans women face violence and discrimination, including sexual abuse, at the hands of law enforcement, families, neighbors, and even strangers.²⁶ Trans women are not able to obtain identification or official documents with a gender marker that reflects their gender identity,²⁷ which can limit their access to services and lead to discrimination when presenting their identification to officials across sectors.

Two recent murders illustrate the severe danger faced by transgender women, in Iraq. Local activists report that a trans woman was killed by her extended family in a so-called “honor” crime in Basra in April 2019.²⁸ The woman was confronted by her family after finding her hormone drugs. After learning she was transgender, her family announced that she had died, and sources close to the victim report that she was killed because of her gender identity.

In late August 2019, a different trans woman was found dead in the outskirts of Baghdad. Her clothes were ripped and she was shot twice.²⁹ The victim had originally gone missing in late April 2019 after receiving numerous death threats. Since the victim had not expressed plans to flee the area to escape these threats, her friends searched for her in morgues and hospitals around Baghdad since they suspected that she was a victim of a crime. Her date of death is unknown, but activists report that she likely was killed between early May and mid-August 2019.

B. The Government of Iraq's Failure to Prevent, Investigate, Punish and Provide Redress for Violence and Discrimination against LGBTI Persons

According to human rights testimonials and interviews with Iraqi community-based human rights advocates, the most basic rights and fundamental freedoms of LGBTI persons are regularly violated in Iraq with impunity.³⁰ People who experience severe discrimination, torture, physical injury, and even murder on the basis of real or perceived SOGIESC have no recourse in the

²² IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 10 (2018) (name changed for safety reasons).

²³ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 13 (2018).

²⁴ Interview with anonymous Iraqi activist (September 13, 2019) (on file with MADRE).

²⁵ Interview with anonymous Iraqi activist (September 13, 2019) (on file with MADRE).

²⁶ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 10 (2018).

²⁷ UNHCR, *International Protection Considerations with Regard to People Fleeing the Republic of Iraq*, p. 102, (2019).

²⁸ Interview with anonymous Iraqi activist (September 13, 2019) (on file with MADRE).

²⁹ Interview with anonymous Iraqi activist (September 13, 2019) (on file with MADRE).

³⁰ IraQueer, OutRight Action International, MADRE, OWFI, *Dying to Be Free: LGBT Human Rights Violations in Iraq, in Response to the Fifth Periodic Report of the Republic of Iraq*, p. 3 (2015).

institutions that should provide protection and support, such as government police and security forces, or medical facilities.³¹ Multiple sectors of society are implicated in these human rights violations, including civilians, militia members, religious leaders, police and security forces, government officials, healthcare workers and others.³²

Faced with continued armed conflict, militia violence, and the weakening of government institutions since 2003, LGBTI people in Iraq are especially vulnerable to violence from these various actors. Since 2003, Iraq has also experienced a number of organized, deadly campaigns targeting large numbers of people based on their real or perceived SOGIESC.³³ Government actors and militias instigate, inspire, and tolerate violent persecution.³⁴

The killing campaigns organized by groups like Asa'ib Ahl Al-Haq (the League of the Righteous), have been a regular occurrence for more than a decade.³⁵ The latest campaign was reported to have taken place in January of 2017 when more than a hundred names were put on a list that was distributed around neighborhoods in Baghdad, warning those listed to either change or be killed.³⁶ Instead of holding perpetrators of these threats and killings accountable, the Government appears to have granted them a form of unwritten legitimacy. When fighting against the Islamic State began in 2014, Iraqi government forces aligned with militias, including Asa'ib Ahl al Haq,³⁷ and evidence pointed to collusion between government forces and militia in revenge killings.³⁸

³¹ Doctors at hospitals in Iraq regularly deny LGBT people healthcare, or charge them double or triple the rate for treatment. Three of the many hospitals that have engaged in extortion and denial of treatment based on real or perceived sexual orientation or gender identity include Al Yarmouk Hospital, Al Kindi Hospital, and Al Samir Hospital. Interview with Iraqi activists (January 24, 2015) (on file with MADRE); Email with Iraqi service provider and advocate (May 24, 2015) (on file with MADRE).

³² IraQueer, OutRight Action International, MADRE, OWFI, *Dying to Be Free: LGBT Human Rights Violations in Iraq, in Response to the Fifth Periodic Report of the Republic of Iraq*, p. 3 (2015).

³³ IraQueer, OutRight Action International, MADRE, OWFI, *Dying to Be Free: LGBT Human Rights Violations in Iraq, in Response to the Fifth Periodic Report of the Republic of Iraq*, p. 3 (2015).

³⁴ IraQueer, OutRight Action International, MADRE, OWFI, *Dying to Be Free: LGBT Human Rights Violations in Iraq, in Response to the Fifth Periodic Report of the Republic of Iraq*, p. 3 (2015).

³⁵ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 8 (2018).

³⁶ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 8 (2018).

³⁷ David D. Kirkpatrick, *Shiite Militias Pose Challenge for U.S. in Iraq*, The New York Times (September 16, 2014), http://www.nytimes.com/2014/09/17/world/middleeast/shiite-militias-pose-challenge-for-us-in-iraq.html?_r=0.

³⁸ Amnesty International, *Iraq: Testimonies Point to Dozens of Revenge Killings of Sunni Detainees* (June 27, 2014), <http://www.amnesty.org/en/for-media/press-releases/iraq-testimonies-point-to-dozens-revengekillings-sunni-detainees-2014-06-27>; Human Rights Watch documented “the extrajudicial killings of hundreds of prisoners in June and July of this year by Iraqi army, police and special forces [and] a pattern of government-backed Shi’a militias kidnapping and killing Sunni men in Baghdad, Diyala and Babel provinces.... [T]he government has significantly increased its use of militias and sectarian volunteers in its fight against ISIS.” Human Rights Watch, *Iraq: 22nd Special Session of the UN Human Rights Council* (September 1, 2014), <http://www.hrw.org/news/2014/09/01/iraq-22nd-special-session-unhuman-rights-council>

III. Lack of Accountability for Sexual Violence and Gender-Based Crimes Committed by Islamic State of Iraq and the Levant (ISIL) (Articles 2, 3, 5, 6, & 15)

A. Sexual and Gender-Based Crimes Committed by ISIL against LGBTI Persons

Wartime abuses against people who are marginalized within their societies are rarely documented. As a result, such violations are excluded from human rights discourse and from future justice processes. In effect, they are left out of history. For this reason, Iraqi activists, at great personal risk, have been documenting such crimes, and not only those committed by the ISIL but also by other militias and government forces. They have preserved critical information about perpetrators and larger criminal networks. Many of these same documenters have also provided safe passage and shelter to people at imminent risk of sexual slavery or murder.

For this reason, in the fall of 2017, advocates filed a communication³⁹—the first of its kind—to the International Criminal Court (ICC), to advance protection of the rights of women including real or perceived LGBTI people. The petition argues that the international community should prosecute ISIL fighters for crimes committed on the basis of gender, including discrimination based on real or perceived SOGIESC. These crimes are all forms of gender-based persecution.

While knowledge of egregious crimes committed against women and real or perceived LGBTI persons in armed conflict itself is not new, this is the first time the world has seen robust documentation of crimes against women including real or perceived LGBTI persons for transgressing gender norms during an armed conflict. The petition therefore offers a new opportunity to challenge this type of violence.

Under ISIL occupation in Iraq, women, girls, men and boys including real or perceived LGBTI persons, and those otherwise perceived as stepping outside of traditional gender roles were targeted for violence on a staggering scale.⁴⁰ For example, in June 2015, ISIL executed two women by shooting them in the head after finding messages on the women's phones that ISIL claimed proved they were lesbians.⁴¹ In June 2016, ISIL executed two women by shooting them in the head after accusing them of being lesbians. Again, ISIL claimed that conversations and photos on the victims' phones proved their homosexuality.⁴² However there remains complete impunity for these crimes.

³⁹ See Human Rights and Gender Justice (HRGJ) Clinic, City University of New York (CUNY) Law School, MADRE & the Organization of Women's Freedom in Iraq (OWFI), *Communication to the ICC Prosecutor Pursuant to Article 15 of the Rome Statute Requesting a Preliminary Examination into the Situation of: Gender-Based Persecution and Torture as Crimes against Humanity and War Crimes Committed by the Islamic State of Iraq and the Levant (ISIL) in Iraq* (November 2017), <https://www.madre.org/sites/default/files/PDFs/CUNY%20MADRE%20OWFI%20Article%2015%20Communication%20Submission%20Gender%20Crimes%20in%20Iraq%20PDF.pdf> [http://perma.cc/9S4X-4BR2] [hereinafter HRGJ Clinic et al., Article 15 Communication].

⁴⁰ See HRGJ Clinic et al., Article 15 Communication; See also, Lisa Davis, *Reimagining Justice for Gender-Based Crimes at the Margins: New Legal Strategies for Prosecuting ISIS Crimes against Women and LGBTIQ Persons*, 24 Wm. & Mary J. Women & L. 513 (2018).

⁴¹ HRGJ Clinic et al., Article 15 Communication, para. 63.

⁴² HRGJ Clinic et al., Article 15 Communication, para. 73.

B. The Government of Iraq's Failure to Prosecute Sexual and Gender-Based Crimes Committed by ISIL

Prosecutions of ISIL fighters are fast-tracked under Iraq's counter-terrorism law, which carries a death penalty sentence. Sentencing hearings last on average about 10 or 20 minutes.⁴³ Convictions are often based on ties to ISIL, rather than on the specific nature and type of crimes committed.⁴⁴ This low bar for mass conviction means that courts are not investigating the most egregious crimes. Justice actors are also not distinguishing between the guilty and the victims in some situations, with some perpetrators going free and some victims—including women forced into marriages with ISIL fighters—receiving the death penalty. No effort is being made to inform victims of when or where alleged perpetrators are being brought to trial, giving victims no opportunity to participate.⁴⁵ Local Iraqi civil society organizations, as well as the international community, are calling for transparent and fair trials that acknowledge the sexual and gender-based crimes committed by ISIL and the impacts they have on victims.⁴⁶ Thousands of sentences have been handed down in Iraq to members of ISIL, but not one has included sexual or gender-based crimes.⁴⁷

In its report to this Committee, the Iraqi government generally acknowledges the sexual and gender-based violence that some women faced under ISIL, particularly the targeting of Yazidi women.⁴⁸ However, the government has failed to acknowledge and provide accountability for ISIL crimes amounting to gender-based persecution and targeting women who transgressed the rigid gender roles prescribed by ISIL ideology, including such crimes committed against real or perceived LGBTI persons.

Without acknowledgement and accountability for the full range of crimes and the gender discriminatory basis on which many of them were committed, justice cannot be obtained for victims and communities cannot rebuild. For this reason Iraqi activists have called for the international community to support a symbolic tribunal on LGBTI crimes committed by ISIL to be held in a third country, and for the Government of Iraq to acknowledge these crimes and hold perpetrators accountable.

⁴³ *Open Letter to the U.N. Security Council on the Government of Iraq's Prosecutions of ISIS Fighters* (June 2018), <https://www.madre.org/press-publications/human-rights-report/open-letter-un-security-council-government-iraqs-prosecutions>; Margaret Coker and Falih Hassan, *A 10-Minute Trial, a Death Sentence: Iraqi Justice for ISIS Suspects*, *The New York Times* (April 17, 2018).

⁴⁴ *Open Letter to the U.N. Security Council on the Government of Iraq's Prosecutions of ISIS fighters* (June 2018), <https://www.madre.org/press-publications/human-rights-report/open-letter-un-security-council-government-iraqs-prosecutions>

⁴⁵ *Open Letter to the U.N. Security Council on the Government of Iraq's Prosecutions of ISIS fighters* (June 2018), <https://www.madre.org/press-publications/human-rights-report/open-letter-un-security-council-government-iraqs-prosecutions>; Human Rights Watch, *Flawed Justice: Accountability for ISIS Crimes in Iraq*, p. 54 (2017).

⁴⁶ *Open Letter to the U.N. Security Council on the Government of Iraq's Prosecutions of ISIS Fighters* (June 2018), <https://www.madre.org/press-publications/human-rights-report/open-letter-un-security-council-government-iraqs-prosecutions>.

⁴⁷ UN Secretary-General, *Conflict-related Sexual Violence*, para. 25, UN Doc. S/2019/280 (March 29, 2019).

⁴⁸ Government of Iraq, *Seventh Periodic Report Submitted by Iraq under Article 18 of the Convention, Due in 2018*, para. 11, UN Doc. CEDAW/C/IRQ/7 (August 15, 2018).

IV. Lack of Access to Safe Employment and Necessary Health Services for LGBTI People in Iraq (Articles 11 &12)

Discrimination in employment and healthcare dramatically impact the lives of LGBTI individuals in Iraq. Several have reported to human rights documenters that they were denied employment or fired for looking “too feminine” or for refusing to engage in sexual practices with their employers.⁴⁹ They also state that sexual advances from employers occur very often, and are always unreported. LGBTI individuals not only lack legal protection, but also fear the possibility of being legally persecuted for redefining social norms and “damaging the public honor.”⁵⁰

In particular, trans women face extreme danger simply by existing, especially those who choose to undergo hormone treatment and show physical changes, and Iraqi law denies them gender-affirming healthcare. Hormone treatments are not legal and make transitioning even more dangerous.⁵¹ In addition, the law does not permit gender affirming operations.⁵² People who manage to undergo the surgery outside of Iraq face difficulties in obtaining legal documents that reflect their gender identity. In an interview with IraQueer, a trans women stated: “Accessing hormones that I can use is life-threatening, but every day I wasn’t a girl was a day I thought of committing suicide. I know I will face even more danger when my body starts to change, but I rather die looking like who I really am than to die looking like what the society wanted me to be.”⁵³

V. Discriminatory Media Portrayal of LGBTI People in Iraq (Articles 2, 3, & 5)

The media has played a significant role in promoting violence against LGBTI people in Iraq and the Kurdish Region, and the Government, which controls most media outlets, has failed to address the abusive coverage.⁵⁴ By using homophobic, biphobic, and transphobic language and propagating inaccurate information about LGBTI people, the media has been instrumental in agitating and perpetuating discriminatory sentiments towards LGBTI people.⁵⁵ The use of words like “faggot”, “abnormal” and other offensive terms are commonplace in the Iraqi media when referring to LGBTI individuals.⁵⁶ The LGBTI community is often discussed on TV by guests and talking head “experts” who have never worked on matters related to LGBTI rights and do not have a background that qualifies them to share informed opinions about LGBTI people before a mass audience.⁵⁷ Religious leaders and psychiatrists often use personal beliefs and values as the basis for “expert opinions” instead of relying on facts.⁵⁸ They influence the public by making

⁴⁹ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 8-9 (2018).

⁵⁰ Iraqi Penal Code Articles 403, 430 and 431; IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 10 (2018).

⁵¹ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 9 (2018).

⁵² IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 9 (2018).

⁵³ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 9-10 (2018).

⁵⁴ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 16 (2018).

⁵⁵ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 16 (2018).

⁵⁶ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 16 (2018).

⁵⁷ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 16 (2018).

⁵⁸ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 16 (2018).

sweeping homophobic and transphobic claims that lack factual basis, such as the idea that being LGBTI is the result of rape and needs to be treated, or that LGBTI people represent a threat to the institute of marriage and the safety of children.

Media, namely television, plays a major role in shaping views across the Iraqi society. According to the 2017 Report by The Broadcasting Board of Governors (BBG), 91% of adults in Iraq get their news and information from TV.⁵⁹ The lack of accurate sources of information about SOGIESC sexual orientation and gender identity for television media viewers is a source of great danger to LGBTI people.

While media outlets' programs and publications help mobilize violent campaigns and campaigners against LGBTI individuals, the government's Communication and Media Commission, which regulates and monitors media outlets, has not taken any noteworthy steps to hold media outlets accountable for unethical reporting and bias.⁶⁰ Because most media outlets are controlled by the government, it must be held all the more accountable for addressing the media's biased, homophobic, transphobic, and biphobic coverage and reporting, and it must be called on to promote positive, non-discriminatory coverage of LGBTI people and issues.

VI. Recommendations:

We ask the Committee to make the following recommendations to the Government of Iraq.

- Reiterating the recommendation of the Committee against Torture's 2015 review of Iraq, the government "should take effective measures to prevent violence based on real or perceived sexual orientation and gender identity and ensure that all acts of violence are investigated and prosecuted promptly, effectively and impartially, perpetrators brought to justice and victims provided redress."⁶¹
- Reiterating the recommendation of the Human Rights Committee's 2015 review of Iraq, the government should enact "comprehensive anti-discrimination legislation that provides full and effective protection against discrimination in all spheres and contains a comprehensive list of prohibited grounds for discrimination, including sexual orientation and gender identity."⁶²
- Reiterating the recommendation of the Human Rights Committee's 2015 review of Iraq, the government should "collect comprehensive data on cases of violence against persons on the basis of their sexual orientation or gender identity."⁶³

⁵⁹ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 17 (2018).

⁶⁰ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 17 (2018).

⁶¹ UN Committee against Torture, *Concluding Observations on the Initial Report of Iraq*, para. 25, UN Doc. CAT/C/IRQ/CO/1 (September 7, 2015).

⁶² UN Human Rights Committee, *Concluding Observations on the Fifth Periodic Report of Iraq*, para. 12(d), UN Doc. CCPR/C/IRQ/CO/5 (December 3, 2015).

⁶³ UN Human Rights Committee, *Concluding Observations on the Fifth Periodic Report of Iraq*, para. 12(c), UN Doc. CCPR/C/IRQ/CO/5 (December 3, 2015).

- The Government of Iraq should take meaningful efforts to hold ISIL fighters accountable for sexual and gender-based crimes, including crimes committed against persons based on their real or perceived SOGIESC, and should support the inclusion of sexual and gender-based crimes and other internationally recognized crimes in prosecutions of ISIL fighters.
- Reiterating the recommendation of the Human Rights Committee's 2015 review of Iraq, the government should "[v]igorously combat stereotypes about and negative attitudes towards persons on the basis of their sexual orientation or gender identity,"⁶⁴ including by developing and implementing public awareness and sensitivity campaigns directed at changing harmful attitudes towards LGBTI individuals.
- Reiterating the recommendation of the CEDAW Committee's 2014 review of Iraq, the government should "adopt a comprehensive strategy to eliminate all harmful practices and stereotypes, in particular...crimes committed in the name of "honour", in conformity with articles 2 and 5 of the Convention, that includes awareness-raising efforts targeting the general public, the media and religious and community leaders, in collaboration with civil society."⁶⁵
- Reiterating the recommendation of the Committee on Economic, Social and Cultural Rights' 2015 review of Iraq, the government should "take all measures necessary to ensure that lesbian, gay, bisexual, transgender and intersex persons fully enjoy their economic, social and cultural rights without discrimination,"⁶⁶ and should develop a strategic plan to guarantee that all LGBTI people have access to safe and stable employment opportunities, as well as full and equal access to health services.

⁶⁴ UN Human Rights Committee, *Concluding Observations on the Fifth Periodic Report of Iraq*, para. 12(a), UN Doc. CCPR/C/IRQ/CO/5 (December 3, 2015).

⁶⁵ UN Committee on the Elimination of Discrimination against Women, *Concluding Observations on the Combined Fourth to Sixth Periodic Reports of Iraq*, para. 26(a), UN Doc. CEDAW/C/IRQ/CO/4-6 (March 10, 2014).

⁶⁶ UN Committee on Economic, Social and Cultural Rights, *Concluding Observations on the Fourth Periodic Report of Iraq*, para. 20, UN Doc. E/C.12/IRQ/CO/4 (October 27, 2015).