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2010 Country Reports on Human Rights Practices - Iraq

Bureau of Democracy, Human Rights, and Labor
April 8, 2011

Iraq, with a population of approximately 29 million, is a republic with a freely elected government led by Prime Minister Nouri Kamal al-Maliki. On December 22, the new government was sworn in after the parliament, the Council of Representatives (COR), approved a power-sharing agreement reached by all of the country's major political blocs on November 11, approximately nine months after the March 7 elections. Despite the controversy surrounding the January 15 decision by Iraq's Independent High Electoral Commission (IHEC) to ban approximately 500 candidates for alleged ties to the banned Ba'ath Party, and violence before and on election day, the COR elections met internationally recognized standards for free and fair elections, and the results of these legislative elections reflected the general will of the voters.

Iraqi security forces (ISF) reported to civilian authorities, but continuing violence, corruption, and organizational dysfunction undermined the government's ability to protect human rights. During the year the following significant human rights problems were reported: arbitrary or unlawful deprivation of life; extremist and terrorist bombings and executions; disappearances; torture and other cruel, inhuman, or degrading treatment or punishment; poor conditions in pretrial detention and prison facilities; arbitrary arrest and detention; impunity; denial of fair public trials; delays in resolving property restitution claims; insufficient judicial institutional capacity; arbitrary interference with privacy and home; limits on freedoms of speech, press, and assembly and extremist threats and violence; limits on religious freedom due to extremist threats and violence; restrictions on freedom of movement; large numbers of internally displaced persons (IDPs) and refugees; lack of transparency and significant, widespread corruption at all levels of government; constraints on international organizations and nongovernmental organizations' (NGOs) investigations of alleged violations of human rights; discrimination against and societal abuses of women and ethnic, religious, and racial minorities; human trafficking; societal discrimination and violence against individuals based on sexual orientation; and limited exercise of labor rights.

Extremist violence, coupled with weak government performance in upholding the rule of law, resulted in widespread and severe human rights abuses. Terrorist groups, such as al-Qaida in Iraq (AQI), and other extremist elements continued to launch highly destructive attacks, attempting to influence the elections and government formation process, fuel sectarian tensions, and undermine the government's ability to maintain law and order. Extremist and AQI attacks continued against ISF and government officials. AQI and other extremists also conducted high-profile bombings targeting urban areas, Shia markets, and mosques, and Shia religious pilgrims. Religious minorities, sometimes labeled "anti-Islamic," were often targeted in the violence.

During the year, despite some reconciliation and easing of tensions in several provinces, the government's human rights performance consistently fell short of according citizens the protections the law provides. However, the credible and legitimate national parliamentary elections in all 18 provinces on March 7 reflected a significant achievement in advancing the free exercise of human rights.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

During the year there were press reports and personal accounts that the government or its agents committed numerous arbitrary or unlawful killings connected to its security operations. These numerous accounts and press reports accused government security forces of being responsible for unlawful deprivation of life. The outcome of official investigations was often unpublished, unknown or incomplete.

With the increased exercise of central government authority over security forces, widespread and confirmed unauthorized government agent involvement in extrajudicial killings largely ceased, although there were reports of individuals using their security positions to settle personal grievances and grudges. In addition, there were reports of attacks by individuals posing as ISF. On January 17, a group of approximately 30 men dressed in military uniforms executed three brothers from the Mjamma'i tribe. On April 2, 16 gunmen in ISF uniforms killed 24 persons in the Sunni village of Albusaifi. Victims of this attack included former members of the Sons of Iraq (SOI), government-paid security forces who turned against al-Qaida. On October 11, gunmen wearing military uniforms killed four members of a government-supported Sunni militia in Yusufiya. In response, beginning in January the government ordered tailors to sign pledges promising not to make or sell uniforms to nonsecurity personnel and imposed fines, business closures, and possible jail sentences for noncompliance.

Violence against the civilian population perpetrated by terrorist groups remained a problem during the year, and bombings, executions, and killings were regular occurrences throughout all regions and sectors of society. For example, on January 25, suicide bombers attacked several hotels in Baghdad, killing 37 persons. On March 26, two bombs exploded in a restaurant, killing 57 persons. On May 10, coordinated bombings and shootings across the country resulted in at least 119 fatalities, including ISF and law enforcement personnel. On August 17, a suicide bomber blew himself up in a crowd of army recruits in Baghdad, killing 61 persons.

Incidents of terrorist attacks by female suicide bombers continued to occur throughout the year. On February 1, a female suicide bomber killed 54 Shiite pilgrims in Baghdad. On July 4, a female suicide bomber killed at least four persons at the entrance to the provincial government offices in Ramadi.

From January 1 through December 31, an estimated 652 ISF personnel were killed in combat (noncriminal) actions and 2,204 were wounded. During the year 962 Ministry of Interior (MOI) personnel were killed and 1,347 were injured. Police officers, in particular, were targeted. For example, in the week beginning August 1, gunmen or explosives killed at least five traffic officers and wounded 19 in Baghdad, forcing the authorities to arm some of the traffic officers with AK-47 assault rifles. On August 25, coordinated attacks targeting security forces throughout the country killed at least 56 individuals. On November 2, a roadside bomb in Sa'diyah exploded near a police convoy, killing three officers. On December 29, an attack by three suicide bombers in Mosul killed a prominent police commander and caused the collapse of the police station. The police commander who was killed, Lt. Col. Shamel Ahmed al-Jabouri, had been recognized for confronting terrorist groups in the area. The attack was the sixth attempt on his life and the second in the previous three months. An AQI-affiliated group, Islamic State of Iraq, claimed responsibility for the attack.

Terrorists also targeted government institutions and leaders. Terrorists subjected the International Zone, where many government institutions and foreign embassies are located, to rocket and mortar attacks throughout the year. On February 18, a suicide car bomber killed 13 individuals outside the main government complex in Ramadi. Suicide attackers targeted the same Ramadi government complex in Anbar province twice, on December 12 and 27, killing at least 13 in the first attack and at least 17 in the second attack. On April 4, suicide attackers detonated car bombs near embassies in Baghdad, resulting in 42 fatalities. On October 19, the UN special representative to Iraq, Ad Melkert, escaped unharmed when a roadside bomb struck his convoy; one ISF member died from the attack.

Terrorists also targeted religious institutions and minority groups (see section 2.c.).

There was an increase in AQI attacks against Sunnis cooperating with the government – the SOI and Sunni tribal leaders. On April 20, gunmen killed five family members, beheading three, of the local anti-AQI militia in Tarmiyah. On June 17, gunmen killed Khudair Hamad al-Issawi, his wife, and two sons in a village outside Falluja. On July 18, a suicide bomber killed at least 45 anti-al-Qaida Sunni fighters waiting for their paychecks. On August 18, gunmen killed an SOI member at an official checkpoint in Madaen; a bomb attached to a vehicle killed another SOI member in Baquba. On December 18, Sheik Ahmed Abu Risha, head of the Anbar Awakening Council, survived an assassination attempt when police defused a bomb concealed in a laptop.

In Erbil, Sulaymaniyah, and Dohuk, the three provinces under the authority of the Kurdistan Regional Government (KRG), there were significantly fewer reports of extremist violence than elsewhere in the country.

There were press reports and credible accounts of KRG security forces committing arbitrary or unlawful killings and arrests.

Although violence levels were lower in the KRG as compared with the rest of the country, there were incidents of terrorist attacks. For example, on September 29, in Qaladiza district, northeast of Sulamaniyah, a suicide bomber wearing a Peshmerga uniform attempted to detonate explosives among the Kurdish Peshmerga forces but was intercepted before gaining access to the facility and chose to detonate the explosives instead of surrendering to the security forces.

On November 1, in Erbil, a vehicle-borne improvised explosive device was discovered at a checkpoint approximately three miles south of the inner city. Two passengers in the vehicle at the checkpoint were killed.

On May 4, Sardasht Osman, a contributor to the independent news outlets, was abducted and killed. He was known for his articles alleging nepotism and corruption in the leadership of the Kurdish region, including President Massoud Barzani and his immediate family. His body was found on May 5 in Mosul.

On several occasions throughout the year, the Turkish government used military aircraft to attack areas where the Kurdistan Workers' Party (PKK), a terrorist organization, were active in the north. According to press reports, one civilian was killed and two others were injured by artillery fire in Iraq on June 18.

Iranian forces occasionally bombarded areas along the Iran-Iraq border, targeting members of the Party of Free Life of Kurdistan, an Iranian Kurdish separatist group. According to press reports on September 25, Iranian forces killed 30 Kurdish insurgents in the Qandil Mountains in northeastern Iraq as a reprisal for a bombing in the Iranian city of Mahabad, which killed 12 persons and wounded 80.

There were no known developments in killings that were reported in 2008 or 2009.

Other parts of this report contain related information (see sections 2.a., 2.c., and 2.d.).

b. Disappearance

The majority of reported cases of disappearances or kidnappings appeared to be financially motivated. Religious minorities and children were often the target of such kidnappings. Kidnappers who did not receive a ransom often killed their victims.

Police believed that the majority of these cases went unreported.

As in 2009, there were fewer reports that police arrested civilians without an arrest warrant and held them for ransom. However, there were numerous reports of the police releasing legally arrested persons from custody after receiving monetary payment.

New mass graves of thousands of persons who went missing under the Saddam Hussein-regime were found during the year. On January 5, the Karbala Provincial Council Human Rights Committee announced the discovery of a mass grave containing the remains of 23 persons killed during the al-Shabaniyah (Shiite uprising of 1991). On January 24, the Ministry of Human Rights (MOHR) in Karbala announced finding a mass grave also with the remains of victims from the al-Shabaniyah. On January 24, police found the remains of eight persons, believed to have died after 2003, at a grave site outside Fallujah. On March 17, the MOHR announced the discovery of three mass graves containing the remains of 255 persons killed in the 1980s and 1990s in Wasit Province. On March 23, the MOHR announced the discovery of a mass grave containing the remains dating to 1991 of 20 persons in Maysan Province. On June 20, police discovered the remains of eight persons in Baghdad, presumed to be victims of sectarian violence during 2006-07. On June 25, police found a mass grave near Samarra containing the remains of 11 persons presumed to be victims of 2006-07 sectarian violence following the attacks on a revered Shiite shrine during both years. In July the KRG Ministry of Martyrs Affairs discovered two mass graves in Sorya village in Dohuk Province: the first containing the remains of 28 persons, mostly children and women; the second, the remains of 14 persons. In October the MOHR in Ramadi announced the finding of a mass grave with the remains of victims of at least 69 persons who died in the 1980s.

Reports indicated KRG authorities arrested some minorities without due process in Iraq's disputed internal boundary region, taking them to undisclosed locations for detention.

Other parts of this report contain related information (see sections 1.b. and 2.a.).

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

The constitution expressly prohibits torture in all its forms under all circumstances, as well as cruel, inhuman, or degrading treatment. During the year there were documented instances of torture and other abuses by government agents and similar abuses by illegal armed groups. The government's effectiveness in adhering to the rule of law in these circumstances faced obstacles from continuing large-scale violence, corruption, sectarian bias, and lack of civilian oversight and accountability, particularly in the security forces and detention facilities.

Local and international human rights organizations, the MOHR, and the human rights directorates of the MOI and Ministry of Defense (MOD) continued to report allegations of torture and abuse in several MOI and MOD detention facilities, as well as in KRG security forces' detention facilities. A MOHR prisons report for 2009 indicated that there were 326 documented cases of torture and mistreatment at MOI facilities, 152 cases at MOD facilities, 14 cases at Ministry of Labor and Social Affairs (MOLSA) facilities, one case at Ministry of Justice (MOJ) facilities, and 12 in Peshmerga facilities in the Kurdistan region during that year.

As in previous years, reports of abuse at the point of arrest and investigation, particularly by the MOI's Federal Police and MOD battalion-level forces, continued to be common. Allegations of abuse included use of stress positions, beatings, electric shocks, sexual assault, denial of medical treatment, death threats, and death.

On April 19, the local and international media reported the discovery of a secret prison operated by security forces under control of the Prime Minister's Office containing more than 400 Sunni detainees, of which over 100 were reportedly tortured. The detainees were arrested by the ISF during October 2009 security sweeps in Ninewa Province and then transferred to a prison in Baghdad. One prisoner reportedly died in January from the abuse, while others were allegedly beaten, raped, suffocated with plastic bags, and had electricity applied to them. Authorities initially arrested three officers, but they were later released without charge. There were no prosecutions of any officer or judge associated with the event. Subsequently, 75 of the prisoners were released and 200 were transferred to other jails, according to government officials.

In May 2009 three detainees at the MOI's Al Forsan detention facility in Ramadi were allegedly tortured, and in June 2009 prison guards allegedly tortured and raped female detainees at an MOI detention facility in the Adamiya neighborhood of Baghdad. Charges were brought against the officers involved; no further updates were available. In June 2009, in response to three COR members' allegations that 11 detainees had been subjected to abuse and torture by MOI officials, the government established a committee that charged 40 police officers with abuse. According to government reports, one general, two colonels, two majors, and two lieutenants were suspended pending additional investigation into charges of detainee abuse; no further updates were available.

Impunity for security forces continued, although there were indications that some disciplinary action was taken against security forces accused of having committed human rights abuses and judicial follow-up in some torture cases, but little information was publicly available. The MOI Human Rights Directorate, charged with investigating human rights allegations within the police force, had a staff of 90 investigators based in Baghdad and 14 others, one in each province excluding the KRG. During 2009 the MOI Human Rights Directorate opened 55 investigations into human rights abuse cases and sent 15 cases to court for further investigation, nine of which had substantiated allegations of torture against 14 officers, including one general, five colonels, and three majors. There was no comparable information available for 2010 at year's end.

There were fewer reports of torture or abuse in the MOJ's pretrial detention facilities than in the MOI or MOD facilities.

The KRG's Antiterrorist Law allows abusive interrogation under certain conditions, and such practices reportedly occurred in some detention facilities run by the KRG internal security forces, Asayish, and the party-affiliated intelligence services Parastin of the Kurdistan Democratic Party (KDP) and Zaniyari of the Patriotic Union of Kurdistan (PUK). Allegations of abuse included stress positions, broken fingers, and application of electric shocks. A 2009 MOHR report on prison conditions in the Kurdistan region noted that inspectors had observed signs of "systemic torture" in Asayish detention facilities, although cases in prisons run by KRG Ministry of Labor and Social Affairs were limited to isolated instances.

Prison and Detention Center Conditions

By law the MOJ has full control and authority over all detention facilities, except for those administered by the MOD for military justice purposes. This law was not fully implemented, however, and four separate ministries – the MOJ, MOI, MOD, and MOLSA – continued to operate detention facilities. KRG social welfare authorities operated prisons in the KRG, and KRG security authorities operated pretrial detention facilities. KRG internal security forces and KRG intelligence services operated separate detention facilities as well. Kurdish authorities operated eight detention facilities that combined pretrial and postconviction housing and eight additional internal security pretrial detention facilities.

Although the government had not yet provided adequate resources (personnel, supplies, equipment, and facilities) to the MOJ for it to assume complete control over all detention operations throughout the country, there was progress in transferring MOD

detainees to MOJ detention facilities. The country's fractured penal structure, in which the MOJ held convicts and the MOJ, MOI, and to a lesser extent the MOD, hold detainees complicated detention and prison operations. For example, the MOJ oversaw day-to-day operations in the Baghdad prison formerly known as Camp Honor, but another agency controlled outside access to the facility, resulting in the denial of family member access to detainees.

At year's end, there were 12 MOJ prisons and 11 MOJ pretrial detention facilities.

MOI detention facilities comprise an estimated six Federal Police facilities and 294 Iraqi Police facilities. There are an estimated 1,200 smaller MOI police holding stations throughout the country managed, staffed, and operated by the Federal Police, Iraqi Police Services, Criminal Investigations Division, and the National Investigative and Information Agency. Although there were no independently verified statistics, it was estimated that the MOI facilities held as many as 8,000 pretrial detainees.

The MOD operated 27 Iraqi army pretrial detention centers for detainees captured during military raids and operations. There were reports of unofficial detention centers throughout the country. The MOD lacked the legal authority to detain civilians and was required to transfer detainees to MOI or MOJ facilities within 24 hours. In May 2009 the MOD began transferring its civilian detainees to MOJ custody. Approximately 325 civilian detainees remained in MOD custody at year's end (650 at the end of 2009), the majority located in a detention facility in the International Zone in Baghdad. After reports of systematic abuse in this facility, the government closed it and transferred the detainees to MOJ facilities.

The majority of individuals in MOI and MOD facilities were pretrial detainees. Overcrowding of pretrial detainees remained a problem in all detention facilities throughout the country due to slow case processing and lack of information sharing among relevant agencies.

The MOJ is the only government entity with the legal authority to hold, care for, and guard posttrial detainees. The total capacity of MOJ's Iraqi Corrections Service (ICS) facilities was 26,469 beds for men (not including emergency capacity) and 553 beds for women. The total number of prisoners in the ICS was 25,020, 43 percent of whom were pretrial detainees.

In MOI and MOD detention facilities, conditions and treatment of detainees were generally reported as poor. The MOI Human Rights Directorate reported conducting 1,020 inspections during the year, a significant increase from 270 inspections in 2009, and noted that overcrowding remained widespread. Many lacked adequate food, exercise facilities, medical care, and family visitation. Limited infrastructure or aging physical plants in some facilities resulted in marginal sanitation, limited access to water and electricity, and poor quality food. Medical care in MOI and MOD detention facilities was not provided consistently, and there continued to be allegations of abuse and torture in some facilities.

Despite limited resources and funds, MOJ detention facilities provided detainees with better treatment and living conditions than MOI and MOD detention facilities. Medical care in MOJ's ICS prisons in some locations exceeded the community standard. ICS personnel made significant progress in meeting internationally accepted standards for prisoner needs. The MOJ is responsible for training ICS guards and correctional executive management staff, providing the facilities with necessary supplies and equipment, addressing overcrowding, facilitating case processing, and providing prison rehabilitation programs.

The ICS internal affairs department monitored abuse or violations of prisoners' human rights. Allegations of abuse resulted in the disciplining of ICS officers in some cases. During the year there were seven allegations that ICS staff abused detainees. There was no information available on the disposition of these cases at year's end.

The law mandates that women and juveniles be held separately from male adults. Although this law was generally observed, in some cases women were held in the same detention facility as men but in segregated quarters and cellblocks. A MOD inspection of a facility in Baghdad's International Zone found women at the facility, albeit in separate cells. Juveniles were also occasionally held with adults. MOD inspections of its International Zone facility and Old Muthanna detention facilities found juveniles living in the same cells as adult detainees. Additionally pretrial detainees and convicted prisoners were sometimes held in the same facility due to space limitations.

During the year MOLSA's juvenile facilities improved. The end-of-year population of the Tobschi juvenile facility in Baghdad was 297 pretrial juveniles, while the facility's capacity was 327. Legal, medical, educational, and social services were available on site. The Karada female juvenile facility, which had a population within its capacity, had medical services on site. The Shalchiya facility also had a population within its capacity. The Kharq juvenile facility remained overcrowded, with a capacity of 245 and a total population of 490 posttrial juveniles. There were no reported instances of abuse or mistreatment in MOLSA facilities. Small numbers of juveniles were also held at some MOJ and police stations; for example, 167 juveniles were at MOJ facilities at year's end.

KRG security authorities operated male pretrial detention facilities, and KRG social welfare authorities operated male posttrial and female and juvenile pretrial and posttrial detention facilities in the Kurdistan region. The KRG internal security forces and the KRG intelligence services operated separate detention facilities. Domestic and international human rights NGOs and intergovernmental organizations generally had access to pretrial and posttrial facilities. Access by independent organizations to the facilities of the KRG internal security and intelligence services was limited to the MOHR, the International Committee of the Red Cross (ICRC), and the UN.

Until the April media reports of an extrajudicial detention facility appeared, the national detention facilities occasionally permitted visits by representatives of the national MOHR and members of parliament. After the press coverage, MOHR officials reported encountering resistance at some detention facilities to MOHR visits. KRG detention facilities permitted visits by the national MOHR and KRG human rights authorities. The MOHR's annual report covering 2009 was generally critical of prison standards across the country and addressed general conditions and populations of detention facilities, judicial processes, and torture allegations.

Domestic and international human rights NGOs and intergovernmental organizations generally did not have access to national MOI detention and pretrial facilities, although the MOHR initiated a program in 2009 to train NGOs in how to conduct prison inspections. Some intergovernmental organizations had access to similar facilities of the KRG internal security and intelligence forces, which were separate from the national facilities.

The ICRC had access in accordance with its standard modalities to MOJ detention facilities, together with access to places of detention under other ministries, although at times with difficulties. The ICRC did not have access to the Counterterrorism Center detention facility. During the year the ICRC carried out 118 visits to 39 central government detention facilities. The ICRC also regularly visited 40 KRG detention facilities.

The ICRC had a separate agreement with the KRG for access, although not full unrestricted access, to KRG detention facilities. They formally renewed the agreement in December 2009.

Other parts of this report contain related information (see sections 1.d. and 5).

d. Arbitrary Arrest or Detention

The constitution provides for protection against arbitrary arrest and detention without a warrant, except in extreme exigent circumstances as provided for in a state of

emergency. In practice there were many instances of arbitrary arrest and detention.

Role of the Police and Security Apparatus

The ISF consists of MOI security forces and MOD military forces and amounted to approximately 793,000 persons at the end of October, consisting of 259,910 military and 4,120 special forces personnel. The MOI exercised its responsibilities throughout the country, except in the KRG area. These responsibilities included providing internal security through police and domestic intelligence capabilities, facilities protection, and regulating all domestic and foreign private security companies. The MOI was also responsible for emergency response, border enforcement, dignitary protection, firefighting, and internal monitoring of the conduct of MOI personnel. The army, under direction of the MOD, also played a part in providing domestic security. Official impunity was a serious problem.

The MOI security forces included several components: the 301,286-member Iraqi Police Service primarily deployed to police stations; the majority Shia 43,957-member Federal Police, organized into commandos and public order police; the 60,605-member Border Enforcement Police; and the 94,000 Facilities Protection Service security guards deployed at MOI direction at individual ministries. The MOI was responsible for approximately 529,000 employees, almost 10 percent of the country's male labor force as of the end of October.

During the year the security services grappled with the problem of integrating the SOI into the ISF, strengthened chain of command and control, and promoted force modernization, enabling the ISF to improve operations against extremists. Although oversight by MOI and MOD internal affairs increased, problems continued with all security services arising from sectarian divisions, corruption, and unwillingness to serve outside the areas in which personnel were recruited. The effort of the head of the largely Shia Federal Police to have police serve in provinces other than their home provinces to reduce corruption was only partially successful.

Government efforts to pay the approximately 94,000 SOI personnel, predominately Sunnis, and integrate them into long-term employment (20 percent with state security agencies and 80 percent with civil ministries) were stalled in late 2009 in advance of the March 2010 parliamentary elections. Prior to this period, the government had transitioned 43 percent of the approximately 95,000 SOI members into the ISF or various civil ministries. During the elections the government put the transition of the SOI into civilian and Iraqi security forces jobs on hold to afford extra security during and after the elections. Security needs during government formation extended this pause in SOI transition.

A history of pay problems and slow transition to other employment, although coincidental, contribute to negative perceptions among the SOI. Despite these delays the government continued to support the Sons of Iraq. Since May 2009 the government has been responsible for paying all SOI salaries, and timeliness continued to improve. In two of the last four months of the year (September and December), the SOI were paid early, with only minor delays in four provinces in October and November. Other recent government actions to address the problem included establishing a joint interagency coordination center for the SOI, more timely payments, and the creation by the prime minister of a committee focused on how best to promote successful SOI integration. In addition, the government's draft 2011 budget included \$195 million for salaries and other payments for the SOI. Suspected government targeting and arrest of SOI personnel for alleged previous terrorist activity continued to be a point of tension between the Sunni population and the government.

The KRG maintained its own regional security forces, the Peshmerga, as set forth in the constitution. The two main parties of the Kurdish region maintained ties to these Peshmerga units, which remained separated in practice along party lines, as well as to other security and intelligence units currently outside KRG or central government control. KRG security forces and intelligence services detained suspects in KRG-

controlled areas. The poorly defined borders between the KRG and the central government and contested areas of authority remained a cause of confusion, and therefore concern, with regard to the jurisdiction of security and courts. In April 2009 the chief judge of Sulaymaniyah Province and the head of the PUK branch of the KRG internal security forces signed a memorandum of understanding, acknowledging the supremacy of the civilian court system in all security matters. KRG internal security forces pledged not to carry out arrests and other actions without court authority in the memorandum. Due to a lack of progress in the integration of security forces, effective control by political leaders continued through political party channels.

The MOI established the internal security forces disciplinary and criminal court system in 2008. By year's end, the courts had heard more than 6,000 cases and returned 2,000 convictions for violations and crimes committed by MOI police.

A significant number of allegations of MOI and MOD abuses were raised during the year, although few of these allegations led to convictions. There were continued reports of torture and abuse throughout the country in many MOI police stations and MOD facilities; the incidents generally occurred during the interrogation phases. The MOI Internal Affairs Division did not release the number of officers punished during the year.

Security force officials were rarely pursued for suspected crimes because ministers, responsible for the suspect, have the legal ability block an arrest warrant. Section 136 (b) of the criminal procedure code gives ministers the opportunity to review and prevent the execution of arrest warrants that sitting judges presiding over criminal investigations have issued against members of the security forces. Permission was rarely given during the year to prosecute higher-level officials.

Arrest Procedures and Treatment While in Detention

The constitution prohibits "unlawful detention" and mandates that preliminary investigative documents be submitted to an investigative judge within 24 hours from time of arrest, a period that can be extended by one day. For offenses punishable by death, the defendant can be detained for as long as necessary to complete the judicial process. Law enforcement authorities reportedly continued to detain and search individuals without an arrest warrant after the state of emergency law expired in 2007, although there were no reliable statistics available on such incidents.

In practice many detainees were held for months or years without access to defense counsel or without being formally charged or brought before a judge. Police and army personnel frequently arrested and detained suspects without judicial approval. MOHR and MOD Human Rights Directorate inspections of the MOD detention facilities in the International Zone and at Old Muthanna Airfield found many detainees without case files or valid detention orders. Police often failed to notify family members of the arrest or location of detention, resulting in incommunicado detention. Unlike in the previous year, fewer security sweeps were conducted throughout entire neighborhoods or provinces.

At year's end, the number of detainees in government hands was estimated at 21,000, not including those in central government facilities in the KRG or Asayish and KRG intelligence service facilities. At year's end, the ICS held 11,063; the MOI, an unverified number estimated at 8,000; the MOD, 325; and MOLSA, approximately 350. The KRG total was reported to be approximately 338, not including central government facilities in the KRG or Asayish and KRG intelligence service facilities.

In practice few detainees saw an investigative judge within the legally mandated time period. Many complained they did not see the investigative judge until months or sometimes years after arrest and detention. Incommunicado detention took place. Lengthy detention periods without judicial action were a systemic problem. The lack of judicial review was due to a number of factors that included undocumented detentions, backlogs in the judiciary, slow processing of criminal investigations, and an insufficient number of judges. There were allegations of detention beyond judicial release dates as

well as unlawful releases.

The government periodically released detainees, usually after concluding it had insufficient evidence for the courts to convict them. During the year the government released approximately 560 detainees.

Detainees initiated hunger strikes to protest either poor detention conditions or slow case processing. It was unclear if the hunger strikes resulted in any improvement in detention conditions or case processing. On February 19, detainees at al-Minaa detention facility in Basrah went on a hunger strike to protest detention conditions "not fit for animals." On May 31, the media reported detainees at al-Rusafah facility in Baghdad initiated a hunger strike to protest conditions there. On October 30, the media reported detainees at al-Miqdadiyah facility in Diyala Province embarked on a hunger strike to protest conditions there and the slow processing of their cases. This was the second time during the year that al-Miqdadiyah detainees launched a hunger strike.

There were reports that KRG internal security units detained suspects incommunicado and without an arrest warrant and that they transported detainees to undisclosed detention facilities.

Police across the country continued to use coerced confessions and abuse as methods of investigation.

The law allows release on bond, and in practice criminal (but not security) detainees were considered for release on bail.

Judges are authorized to appoint paid counsel for the indigent and did so in practice. Attorneys appointed to represent detainees frequently complained that poor access to their clients after their appointment hampered adequate attorney-client consultation.

Other sections of this report contain related information (see sections 2.a. and 2.d.).

Amnesty

During the year the government granted amnesty to 72 persons.

e. Denial of Fair Public Trial

The law provides for an independent judiciary. Although the judicial system was credited with efforts to maintain an independent stance, the security situation in the country rendered the judiciary weak and dependent on other parts of the government. Threats and killings by sectarian, tribal, extremist, and criminal elements impaired judicial independence in many places. The Central Criminal Court of Iraq (CCC-I), Kharkh and the Felony Court, Rusafa (formerly the Rusafa CCC-I), which operated in heavily guarded locations in Baghdad, were notable exceptions. The MOI agreed to supplement security for judges and allowed judges to select which police officers would be assigned to their security detail. Approximately 2,000 police officers under MOI authority were assigned to protect judges.

Judges frequently faced death threats and attacks. Judges' family members also faced death threats and attacks. On June 6, an appeal judge survived an assassination attempt when a roadside bomb exploded near his convoy. On July 14, Judge Hassan Aziz of the Cassation Court was assassinated after an adhesive bomb was placed in his car in western Baghdad. Between August 10 and September 7, there were 12 assassination attempts on judges throughout the country.

Although individual judges were generally viewed as objective and courageous, judges were vulnerable to intimidation and violence. There were reports that criminal cases at the trial level or on appeal to the Court of Cassation were decided by corruption or intimidation. There were reports that court-issued detainee release orders were not

consistently enforced.

The law restricted the free investigation of wrongdoing. As referenced above, section 136(b) of the criminal procedure code gives ministers the opportunity to review and prevent the execution of arrest warrants that sitting judges presiding over criminal investigations have issued against ministry employees. This provision provided immunity to selected government employees and enabled a component of the executive branch to terminate proceedings initiated by the judicial branch. During the year permission was given to arrest only lower-level ministry employees under Section 136(b).

The constitution provides for an independent judiciary in all regions.

The KRG 2007 Judicial Power Law attempted to create a more independent judiciary. The Kurdish Judicial Council, which had been part of the executive branch's MOJ, became legally independent and took responsibility for its own budget, human resource management, and reporting. KRG judicial authorities no longer have direct operational control over the judiciary, the KRG financial authorities relinquished control of the council's budget, and the chief justice was appointed by other judges and not by the executive branch. Nonetheless, the KRG executive continued to influence cases in politically sensitive areas, such as freedom of speech and the press (see section 2.a.).

The NGO Human Rights Watch claimed in a 2008 report that the CCC-I seriously failed to ensure detainees' rights to due process and fair trial. The reported failures included long periods of pretrial detention without judicial review, inability to pursue a meaningful defense or challenge evidence, and abuse in detention to extract confessions. The lack of judicial review was due to a number of factors, whose relative weight was difficult to assess, including a large number of pretrial detainees, undocumented detentions, backlogs in the judiciary, slow processing of criminal investigations, and an insufficient number of judges.

The Iraqi High Tribunal (IHT), formerly the Iraqi Special Tribunal, tried persons accused of committing war crimes, genocide, crimes against humanity, and specified offenses from July 1968, through May 2003.

In the 2007 Anfal trial, Ali Hassan al-Majid, widely referred to as "Chemical Ali," and two codefendants, Sultan Hashem Ahmed and Hussein Rashid Muhamad, were convicted of genocide and related charges and sentenced to death. The sentences were upheld on appeal. The Anfal trial concerned the deaths of an estimated 182,000 Kurdish men, women, and children, caused in part by the use of chemical weapons by the former Ba'athist regime in a 1986-89 campaign against the Kurds. In 2008 the Presidency Council ratified the death sentence of Ali Hassan Al Majid, who was executed on January 25. At year's end, the death sentence for Sultan Hashem Ahmed has not been carried out. No further information was available regarding Hussein Rashid Muhammad.

Two additional cases were referred to the trial chamber. The Halabja case, which included five defendants and began in 2008, involved chemical attacks on the Kurdish town of Halabja in March 1988 that resulted in the death of more than 5,000 civilians. On January 17, Ali Hassan al-Majid was convicted of genocide and executed on January 25. The remaining defendants were acquitted on genocide charges but received 15 year sentences for crimes against humanity. In 2008 the trial began of 24 defendants who were part of the former regime and were allegedly involved in the persecution of Dawa party members (religious parties case). During the year there were nine acquittals and five death sentences (including for former foreign minister and former deputy prime minister Tariq Aziz, issued on October 26) in the religious parties case.

In April 2009 the IHT began the "ethnic cleansing" case, in which 13 defendants were charged with involvement in forcibly relocating Kurds from Kirkuk to other areas of the country. The case ended with a verdict on August 2009 acquitting five defendants and convicting the remaining eight. All prison sentences in the case ranged from six to seven years. The prosecutor appealed three of the acquittals. The case remained under consideration by the appeals court at year's end.

In September 2009 the IHT issued a warrant for the arrest of Abdel Basit Turki, now in self-exile, who was the former head of the Board of Supreme Audit responsible for auditing the financial records of all central government institutions. Turki was charged with "wasting national wealth" during his time as a senior government official under Saddam Hussein's regime, in particular for the transfer of billions of dollars in cash out of the country prior to Saddam's removal. Turki claimed that the allegations resulted from his exposure of corruption after the fall of Saddam Hussein. The allegations against Turki fell under the jurisdiction of the IHT due to their nature and the time period in which the offenses were allegedly committed.

On October 25, the IHT sentenced Tariq Aziz to death for crimes against humanity, specifically for torture and murder of Shia political opponents. President Jalal Talabani publicly stated he would not sign the execution order. At year's end, Aziz remained in prison, serving sentences for other crimes for which he was convicted.

During the year the IHT continued to investigate a number of crimes allegedly committed by members of the former regime, including other atrocities following the 1991 uprising, the draining of the southern marshes, and the invasion of Kuwait. The IHT also dropped charges against some detainees.

Trial Procedures

The constitution provides for the right to a fair trial, and judges – investigative, trial, and appellate – generally sought to enforce that right, which is extended to all citizens. An accused person is considered innocent until proven guilty and has the right to privately retained or court-appointed counsel. One of the significant challenges facing the criminal trial courts was insufficient access to defense attorneys. Many defendants met their lawyers for the first time during the initial hearing. Defense attorneys were provided at public expense if needed. Trials, except in some national security cases were public, and judges assembled evidence and adjudicated guilt or innocence. Defendants and their attorneys had access to government-held evidence relevant to their cases before trial. Criminal judgments of conviction and acquittal may be appealed to the Court of Cassation, a judicial panel that reviews the evidence assembled in the investigative and trial stages and renders a decision. There is the right of appeal also in civil cases.

The constitution provides for the establishment of military courts, but only military crimes committed by the armed forces and the security forces may come before such courts. The MOI courts investigate and try crimes committed by MOI employees related to their employment.

Political Prisoners and Detainees

Some detainees alleged political reasons motivating their arrests, which authorities countered with criminal charges ranging from corruption to facilitating terrorism and murder. The prevalence of corruption, slow case processing, and inaccessibility to detainees, especially those held by counterterrorism, intelligence, and military authorities, made most claims hard to assess.

In 2009 there appeared to be an orchestrated political campaign against Sunni politicians from Diyala Province with arrest warrants issued for four members of the provincial council, the deputy governor, and a member of the parliament from Diyala. In May 2009 Iraqi special forces affiliated with the prime minister arrested Abdel Jabbar Ali Ibrahim on terrorism-related charges; he remained in custody at year's end. In November 2009 the deputy governor, Muhamad Hassayn Jasim, was arrested on charges related to terrorism financing. He was being held in a MOD detention facility at year's end. A former Sunni provincial council member, Hussayn al-Zubaydi, was convicted in October of terrorism-related charges and given a life sentence.

There was little information available concerning persons detained in Kurdish Asayish facilities.

Civil Judicial Procedures and Remedies

The country has a legal framework, as well as an independent and impartial judiciary, for dealing with civil issues in lawsuits seeking damages for or cessation of human rights violations. Administrative remedies also exist. However, during the year the priorities of an understaffed judiciary and government administration focused on issues more directly related to security, and these procedures as well as administrative remedies were not effectively implemented.

Property Restitution

There was a problem with serious delays and corruption in adjudicating claims for property restitution. The Property Claims Commission (PCC), formerly the Commission for the Resolution of Real Property Disputes and originally called the Iraq Property Claims Commission, is an independent governmental commission. Its purpose is to resolve claims for real property confiscated, forcibly acquired, or otherwise taken for less than fair value by the former regime between 1968 and 2003 for reasons other than land reform or lawfully applied eminent domain. The PCC process was intended primarily to benefit those whose land was confiscated for ethnic or political reasons as part of the former regime's "Arabization" program and other policies of sectarian displacements. In response to the delays and corruption in adjudicating claims, in June the prime minister installed new management, which initiated a claim verification process and extended the deadline for filing claims to June 2011.

As of year's end, the PCC had received more than 165,000 claims nationwide since its founding. At year's end, more than 25,000 claims had reportedly been reviewed, of which approximately 13,500 were approved and 11,500 rejected. Of the total claims filed, more than 47,000 were from Kirkuk; of the claims approved, more than 1,780 were from Kirkuk. The Higher Judicial Council appointed 39 judges and the KRG appointed five, for a total of 44 judges hearing cases.

Since 2003 a number of wafadin, Arabs previously settled in the Kirkuk region under Saddam Hussein's anti-Kurdish policies, returned to their previous homes in the center and south of the country and applied for compensation. Since the PCC was established, more than 28,000 wafadin have applied for compensation to the Article 140 Committee, which resolves claims for wafadin who seek compensation for returning to their original provinces. At the end of 2009, approval for compensation had been given to 16,500, and 10,917 wafadin had received compensation and in theory have returned to their original provinces.

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

The constitution mandates that authorities not enter or search homes except with a judicial order. The constitution also prohibits arbitrary interference with privacy. In practice security forces often entered homes without search warrants and took other measures interfering with privacy, family, and correspondence, although this happened less than in previous years.

In the KRG-controlled provinces, there was pressure on citizens to join the PUK party in the province of Sulaymaniyah and the KDP party in the provinces of Erbil and Dohuk.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution broadly provides for the right of free expression, provided it does not violate public order and morality, and the government restricted that right in some circumstances.

Despite this constitutional protection of freedom of expression, the law provides, if

authorized by the prime minister, for fines or a term of imprisonment not to exceed seven years for any person who publicly insults the COR, the government, or public authorities. The law also restricts media organizations from expressing support for the banned Ba'ath Party or for "alterations to Iraq's borders by violent means." In practice the main limitation on the exercise of these rights was self-censorship due to fear of reprisals by the government, political parties, criminal gangs, insurgent and sectarian forces, or tribes.

Individuals could criticize the government publicly or privately, but not without concern of reprisal if the criticism was seen as "crossing the line" by challenging one's personal sense of honor. Individuals exercised self-censorship accordingly. There was no evidence that the government attempted to impede criticism by monitoring political meetings.

Concerning freedom of the press, the independent media were active and expressed a wide variety of views subject to the government's interpretation of lawful restrictions on violations of public order and morality. Political parties strongly influenced most of the several hundred daily and weekly publications, as well as dozens of radio and television stations.

Journalists were subject to violence and harassment. Eight journalists and media workers were killed during the year in Mosul, Baghdad, East Fallujah, and Ramadi. At least 12 others were targets of attacks, nine of whom suffered injuries from bombings of cars or offices. Journalists were targets of government security forces, corrupt officials, terrorists, religious groups that were unwilling to accept media independence, and unknown actors who, for whatever reason, wished to affect the flow of news. Despite multiple killings of journalists during the year, there were no convictions for these or previous killings of journalists.

For example, on April 14, the Iraqi Army's Baghdad Operations Command allegedly arrested Saad Al-Aossi, the editor in chief of the independent newspaper *Al-Shahed*. Baghdad Operations Command denied any involvement with the disappearance of Al-Aossi, whose fate remained unknown at year's end. On September 7, gunmen assassinated Riad al-Sary, a journalist and presenter of political and religious programs for Al-Iraqiya state-run television, in a Baghdad drive-by shooting. Al-Saray hosted religious-based programs that promoted reconciliation between Shia and Sunni. A day later, on September 8, gunmen fired from a speeding car and killed Safa al-Din Abdel Hamid in front of his home in Mosul. Abdel Hamid had worked at Al-Mosuliya, a private channel that covers Ninewa Province in the north. Abdel Hamid's program *Our Mosques* detailed the history of religious sites in Ninewa.

Security forces harassed local journalists. On January 15, the domestic NGO Journalistic Freedoms Observatory (JFO) reported that Najaf police assaulted journalists and damaged their equipment as they tried to complete a follow-up report on recent bombings. On January 31, security forces detained eight journalists in Maysan Province when the journalists, who were part of the media corps covering a local story, protested when the security forces attempted to prevent them from covering the story and confiscated their equipment. On September 21, police beat several journalists at a Baghdad checkpoint, even though the journalists had shown their press cards and were lying face down on the ground.

The government acted to restrict media freedom in some circumstances by penalizing those who published items counter to government guidelines. On February 28, security forces raided three publishers and confiscated copies of the 16-page booklet, *Where has Iraq's Money Gone?*, which accused the government of financial corruption. On July 6, a media report alleged that the Baghdad Operations Command discharged firearms to prevent a crew of the Beladi satellite channel from covering a Shiite anniversary celebration, even though the crew possessed the necessary documents to access the area.

On October 31, the Baghdad Operations Command accused and arrested two Al-Baghdadia television employees, who were released two days later, for assisting the

terrorists who attacked Our Lady of Salvation Church. The employees received the terrorists' calls, resulting in the station announcing their demands on television. On November 1, the media commission ordered the Baghdad Operations Command to close Al-Baghdadia's Baghdad office, which it did by disconnecting the station's power and ordering everyone to leave the premises. The station continued broadcasting into Iraq from Egypt. On December 23, COR members formed a fact-finding committee to inquire into the closing of the station's Baghdad office, about which some members expressed freedom of press/media/speech concerns.

The law prohibits reporters from publishing stories that defame public officials. Many in the media complained that these provisions prevented them from freely practicing their trade by creating strong fears of prosecution. There was widespread self-censorship.

In July the chief justice established a special court (the Court of Publication and Media) in Baghdad to adjudicate civil and criminal claims against the press and media, which some media organizations, journalists, and NGOs fear may have a negative impact on freedom of speech and press. The court heard a lawsuit against an independent newspaper that reported irregularities at a construction site in Basra. In October the court ruled in favor of the newspaper.

On November 12, a court ordered the United Kingdom newspaper *The Guardian* to pay damages to the prime minister in a 2008 suit for 1.1 billion dinars (approximately \$940,000) for describing Prime Minister Maliki as "authoritarian"; the suit also called for the closure of the paper's Baghdad bureau. The news organization, which continued operating in the country, appealed the ruling, which the appellate court overturned on December 28.

Media workers often reported that politicians pressured them to not publish articles criticizing the government. They offered accounts of intimidation, threats, and harassment of the media by government or partisan officials. The government frequently used the threat of legal action against media workers. The government used its authority to deny journalists permits to impede potentially unfavorable media coverage.

In compliance with regulations introduced in July 2009, all book imports were subject to inspection by the Ministry of Culture. Books produced and published within the country required the ministry's approval before going on sale. According to the ministry, new vetting procedures applying to imports were established to stop the entry of literature promoting sectarianism.

In the Kurdistan region, a 2008 law provides for media freedom, and imprisonment is no longer a penalty for publication-related offenses. However, journalists continued to be tried, convicted, and imprisoned under the 1969 penal code. The Kurdistan Journalists Syndicate (KJS) documented 44 lawsuits against journalists during the year in the Kurdistan region, approximately one-third under the penal code. According to syndicate officials, the 2008 law is the sole basis for prosecution of journalists for publication offenses, but the law allows prosecution on the basis of offending public morals and other crimes. Public officials regularly resorted to punitive fines through legal actions against individual media outlets and editors, often for publishing articles on alleged corruption.

During the year political parties filed lawsuits against media organizations and journalists in Kurdistan "in self-defense." For example, on August 2, Fadhil Mirani, the KDP politburo secretary, filed a one billion dinar (approximately \$860,000) suit against the opposition (Goran) newspaper *Rozhnama*. The suit was in response to a July 20 report that accused the KDP of receiving money from oil smuggling deals with Iran. On September 23, the Kurdiu.org news service reported that the KDP filed a lawsuit against the chief editor of the Kurdonia news agency regarding an article about the KDP's views towards the PKK and Kirkuk.

Regarding prosecution for offending public morals, on February 1, KRG authorities used paragraph 372 of the 1969 penal code to arrest the editor in chief of *Chavder*, a Dohuk-

based newspaper, and a journalist-poet for publishing a poem that allegedly compared features of mosque architecture to parts of the human body. The authorities released the editor and journalist after 48 hours; however, the director general of (religious) endowments in Dohuk filed a lawsuit against them. On December 12, a Dohuk court fined both the editor and poet one million dinar (\$860,000) each for publishing the poem.

On April 2009 KRG minister for martyrs and victims of Anfal Chnar Sa'ad filed four defamation lawsuits against *Jihan* magazine editor in chief Nabaz Goran seeking damages of one billion dinars (\$860,000) and imposition of a travel ban following an article reporting on the minister's two-month trip to London. On December 7, the court ruled on two of the cases and permanently blocked Goran from traveling abroad and, in a decision which Goran appealed, fined him seven million dinars (\$6,000). Government and party officials filed five other defamation lawsuits against Goran during the year.

The KDP subsequently dropped all lawsuits as a gesture of goodwill to media and journalists.

Libel remains a criminal offense in the Kurdistan region, and judges may issue pretrial arrest warrants for journalists on this basis. Journalists were sometimes imprisoned while police investigated the veracity of published information. When named in a lawsuit, journalists were typically detained at police stations and were not released until they posted bail. Police often kept journalists in custody during investigations.

Journalists in the Kurdistan region asserted that they routinely encountered personal intimidation by KRG officials, security services, tribal elements, and business leaders. The KJS documented more than 300 incidents (threats, suits, and attacks) in 2009. In a report that covered the period from July 1 to December 25, the KJS documented 52 court subpoenas.

On January 19, freelance journalist Sabah Ali Qaraman alleged that persons affiliated with the PUK tried to abduct him because of his articles criticizing alleged PUK corruption. On February 24, *Hawlati*, an independent Kurdish newspaper, printed a blank front page containing only the headline, "You have the guns ... and we have the pens" in response to alleged abuse and attacks from the intelligence agency Asayish affiliated with the PUK. The newspaper linked the persecution with authorities trying to influence press coverage of the elections. Political parties owned or had significant influence over all but a few newspapers based in the region. According to the Office of the UN High Commissioner for Refugees (UNHCR), in April 2009 criticism of the ruling PUK and KDP in the Kurdish region resulted in intimidation, beatings, arrest and detention, and extrajudicial killings, with journalists particularly at risk.

On May 4 in Erbil, men abducted and killed Sardasht Osman, a contributor to the independent newspaper *Ashtiname* and news Web sites Sbei, Awene, Hawlati, and Lvinpress, who was known for his articles alleging nepotism and corruption in the leadership of the Kurdistan region, including President Massoud Barzani. In the month preceding his killing, Osman had written an article appearing in the Sweden-based *Kurdistan Post* that accused a high-ranking official of corruption. His body was found the next day 50 miles away in Mosul; he had been shot in the head. Even though the Kurdistan Regional Government officially condemned the crime and launched an investigation, many persons protested the killing, suspecting that Osman had been silenced by the leadership he criticized in his articles. After launching an investigation, Kurdish authorities in September issued a 430-word report claiming that Osman had been killed by a member of Ansar al-Islam, a Sunni terrorist group, for not carrying out work he had promised to do. The report provided no evidence for the assertion. The Committee to Protect Journalists and other press groups said the report lacked credibility.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the

government monitored e-mail or Internet chat rooms. According to International Telecommunications Union June data, there were an estimated 325,000 (1.1 percent of the population) Internet users. Individuals and groups could engage in the peaceful expression of views via the Internet, including e-mail. Direct Internet access was generally low due to a lack of infrastructure in homes; however, the prevalence of Internet cafes contributed to usage among youth.

In January the Babylon City Council referred to investigators a media employee at the council after he published on a Web site the proceedings from an open, public council meeting. The JFO reported that the council claimed the media report could hurt the reputations of members planning to run for parliament seats.

Academic Freedom and Cultural Events

Social, religious, and political pressures restricted the exercise of freedom of choice in academic and cultural matters. In all regions, various groups reportedly sought to control the pursuit of formal education and granting of academic positions. During the year extremists and terrorists targeted cultural figures. In the central and southern parts of the country, there were a number of reports of threats by extremists and sectarian militants against schools and universities, urging them to modify activities, favor certain students, or face violence. Educational institutions at times complied with the threats, and academics practiced self-censorship to comply with them.

There was a report of a government attempt to restrict academic freedom. On December 7, Al-Arabiya television reported that the Ministry of Education banned theater and music classes in Baghdad's Fine Arts Institute and ordered the removal of statues at the institute's entrance, all of which the ministry denied. The ministry said it closed the music and theater department but that the subjects were still being taught. The Education Ministry did not provide a reason for its actions, although the demonstrating students and professors speculated that religious reasons were behind the actions. At year's end, the subjects continued to be taught at the school.

Unlike in 2009, there was one report of a government effort to restrict a cultural event for political reasons. On October 1, the deputy governor of Babil Province banned music and dance, ostensibly in observance of the birthday of Shia Islam's sixth imam, Jaafar ibn Muhammad al-Sadiq. Media sources, however, suggested political motives behind the deputy governor's action, which effectively cancelled the Ministry of Culture's Babylon Festival.

Other parts of this report contain related information (see sections 1.b. and 1.d.).

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly and peaceful demonstration, and the government generally respected this right in practice, although there were reports of abusive practices against protesters.

The government refused permits for demonstrations on electricity shortages in the summer and also intimidated, arrested, and used excessive force against protesters. On June 19, police in Basra killed two persons when it opened fire on demonstrators demanding more electricity and the resignation of the electricity minister. Following the incident, police used more traditional nonlethal means to disperse violent protests, such as water cannons during an August 22 electricity protest in Nasiriyah.

On November 3, the Iraqi Kurdistan Parliament approved a new law, which the KRG president approved in early December, designed to regulate demonstrations throughout the region. The law mandates that protestors obtain permission in advance before demonstrating and that the local authority has the right to deny the request. Civil

society and opposition parties opposed the law, believing the authorities would use the requirement to limit their freedom of assembly. There were demonstrations, both authorized and unauthorized, against the law, all without incident. There were no reports that KRG security forces killed or detained demonstrators protesting government acts.

Freedom of Association

The constitution provides for the right to form and join associations and political parties and specifically mandates that this right be regulated by law. The government generally respected this right in practice, except for the legal prohibition on expressing support for the Ba'ath Party.

c. Freedom of Religion

For a complete description of religious freedom, please see the Department of State's [2010 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of movement in all parts of the country and the right to travel abroad and return freely. The government generally respected these rights. There were some limitations in practice, particularly regarding travel into and residence in the Kurdistan region, but the KRG allowed Christian families displaced from Baghdad to Erbil to enter without restriction. Approximately 1,400 Christian families moved from Baghdad to Erbil and from Mosul to the Ninewa Plains seeking better security in the months following the bombing of a church in Baghdad on October 31. Restrictions by provinces on the entry of new internally displaced persons (IDPs) had little impact because there was little new displacement during the year.

The government generally cooperated with the UNHCR, the International Organization for Migration, and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern, although effective systems to assist these individuals were not fully established by year's end. For example, some IDPs were unable to access the public distribution system in the governorate to which they were displaced. In some instances the World Food Program and the ICRC delivered food rations to these IDPs.

Under the state of emergency, the prime minister can restrict movement pursuant to a warrant, impose a curfew, cordon off and search an area, and take other necessary security and military measures (in the Kurdistan region, only in coordination with the KRG). In practice the security authorities have recourse to the same powers in response to security threats and attacks. The security forces tended not to abuse these powers since they were unpopular with residents.

There are no KRG laws that restrict movement across the areas administered by the KRG, but due to security procedures in practice movement was restricted. Citizens (of any ethnicity, including Kurds) crossing into the region from the south were obliged to stop at checkpoints, undergo personal and vehicle inspection, and receive permission to proceed. Officials prevented individuals from entering into the region if deemed a security threat. Entry for male Arabs was reportedly more difficult than for others. The officer in charge at the checkpoint was empowered to decline entry into the region.

To accommodate increasing numbers of summer and holiday visitors, the KRG security authorities worked out agreements with other provinces whereby tourist agencies submitted names of visitors in advance for preclearance. Visitors must show where they are lodging and how long they intend to stay.

The MOI Passport Office maintained a policy of requiring women to obtain the approval

of a close male relative before receiving a passport. In the KRG, unlike in the rest of the country, women over the age of 18 obtained passports without such approval.

The constitution expressly prohibits forced exile of all native-born citizens. The injunction also applies to naturalized citizens, unless a judicial decision establishes that the naturalized citizen was granted citizenship on the basis of material falsifications. Forced exile did not occur.

There were no known government restrictions on emigration. There were few reports of citizens having difficulty obtaining passports. Exit permits were required for citizens leaving the country, but the requirement was not enforced.

Members of the Mujahedin-e-Khalq (MEK), a terrorist organization, who were invited to the country under the Saddam Hussein regime and who are not considered refugees, stateless persons, or IDPs, reported allegations during the year that MEK leaders attempted to prevent defection of some of the 3,400 residents at the MEK's Camp Ashraf in Diyala Province, under threat of reprisal. MEK leaders denied such allegations. In the past individuals claimed to have been subjected to psychological and physical abuse, including threats of reprisal against family members and solitary confinement in Ashraf, to discourage defections.

The government, which assumed security responsibility for Ashraf in January 2009, engaged in provocative acts against MEK residents. Such acts included the placement of high-powered loudspeakers that broadcast anti-MEK propaganda and refusal of entry for some consumer and industrial goods. In response MEK residents conducted provocative protests of their own, which reflected the continuing contentious relations between the MEK and the government. There were numerous protests and reaction throughout the year.

Internally Displaced Persons (IDPs)

The government officially estimated at year's end that there were 2.56 million IDPs, including 166,664 post-2003 IDPs present in the KRG. An estimated 1.3 million were displaced following sectarian violence that began in 2006, approximately 200,000 were displaced between 2003 and 2005, and approximately a million were displaced prior to 2003, according to the UNHCR. The official government estimate was revised down toward the end of the year to reflect both IDP returns and clarifications in the database.

The majority of those displaced pre-2003 were moved under the prior regime's policy of Arabization; many of them had returned to their areas of origin but were included in the displaced population because they were unable to regain their original property and residences. Both Arabs and Kurds displaced in this way had access to compensation under a process outlined in article 58 of the Transitional Administration Law, which was further confirmed in article 140 of the constitution. A structure to implement this process was in place, albeit moving at a very slow pace.

Throughout the country most IDPs occupied abandoned buildings, public buildings, or homes other displaced families had abandoned. Approximately 500,000 lived in ad hoc "clusters" or settlements located throughout the country with limited water, sanitation, and electricity. The UNHCR identified 116 settlements in Baghdad, with an estimated 226,118 residents. Other IDPs rented homes at increasingly high cost or lived with friends or family members. Lack of registration limited IDPs' access to basic services and legal documentation to receive food rations from the public distribution system.

Hygiene and sanitation for IDPs were generally better in the KRG than in other areas, but education, livelihoods, and other concerns remained critical. Kurds whose villages were destroyed during the Iran-Iraq war remained without adequate housing. In October the representative of the UN secretary general on the human rights of internally displaced persons called on the KRG to assist those IDPs who have no access to education, shelter, and health care. Access to education was a particular challenge for

Arabic-speaking IDPs in the KRG. In Kirkuk the representative reported that IDPs had been targets of harassment and detention, particularly during the run-up to the anticipated census exercise.

Targeted attacks and threats against Christians in Baghdad, Mosul, and other cities resulted in the displacement of 1,380 Christian families to the KRG and Ninewa Plains by year's end. According to the UNHCR, more than half of the Christian population has left the country since 2003 and Christian families are disproportionately represented in the Iraqi refugee population.

Overall, only a small number of the country's displaced persons had returned to their places of origin. A significant number of IDPs, 420,000, and a smaller number of refugees, nearly 80,000, moved back to their places of origin, particularly in Baghdad and Diyala provinces, during the period 2008-09.

During the year there was a significant decline in both IDP and refugee returns; by the end of October, IDP and refugee return levels were only 51 percent of returns in 2009. The UNHCR reported that 61 percent of refugees surveyed who returned to Baghdad in the past four years regretted their return because of terrorism and insecurity, and 87 percent of the total number interviewed said their income was insufficient to cover their family needs. (The UNHCR does not promote refugee returns because of insecurity.) Returning refugees also expressed concerns regarding insufficient health care, poor educational opportunities, and housing shortages. Of those returning, 77 percent of refugees did not return to their original residences because of insecurity or a fear of being targeted. Others reported it was not possible to return because their homes were damaged or occupied by others.

There is a legal and administrative process for restitution of property and eviction of squatters, along with a system of grants and stipends for returnees and evictees. The government offered stipends of 1.5 million dinars (\$1,290) to returning families who deregistered as IDPs or refugees. As of mid-November, according to the Ministry of Displacement and Migration (MoDM), 52,967 families had received the grant and another 3,856 claims were in process. There were six returnee assistance centers, although one Baghdad center was inoperable for a period of several months beginning in April due to lack of MoDM support. In general the IDP housing assistance program was burdensome bureaucratically and did not produce satisfactory results.

Prime Minister's Order 440 from mid-2008, which authorized eviction of IDPs from government buildings, was again not implemented. This stay expired in mid-year, and evictions rose during the second half of the year. During the period May to December, 18 verbal and eight written eviction orders were delivered to IDP settlements in Baghdad; the IDP communities of Al Ameen and Air Force Camp were evicted. In November, 2,000 IDP families were evicted in Hillah. Two hundred IDP families were evicted from Furat, and, according to Karbala provincial council officials, 34 IDP settlements in the province were put under eviction orders in May. Some communities were able to negotiate with authorities to postpone their evictions. Communities particularly at risk included those living in abandoned public buildings that the relevant ministry wanted to reclaim and those living near oil pipelines. In some provinces those evicted were provided with land grants in alternate locations, but in many cases evictions took place without viable alternatives.

The government has no comprehensive policy for undoing sectarian cleansing, but it encouraged returns to secure areas where violence had occurred previously. The government promised to provide essential services to support returnees in Baghdad and Diyala provinces upon their return home; however, delivery on these promises has remained largely unfulfilled. Many humanitarian organizations and Sunni leaders cited the lack of steps to reverse the worst of sectarian cleansing, claiming that the government wished to discourage Sunni Arab refugees and IDPs from returning. Government officials vigorously denied these charges. In its view practical obstacles often discouraged greater numbers of returns. For example, the government's property restitution policy depended on individual requests for restitution from property owners,

and these requests often became bogged down in an overburdened legal system. Many property owners did not file claims due to fears of retribution from those evicted. In addition, the restitution system was unduly complex to navigate.

A 2008 national policy to address displacement led to some positive measures for the displaced, including property restitution, but a plan for a durable solution remained to be agreed upon at year's end. On September 29, during his visit the representative of the secretary general for the human rights of IDPs urged the government, as well as the international community, to make stronger efforts to meet the human rights, humanitarian, and longer-term development needs of IDPs in accordance with international human rights standards.

The government, through the MoDM, allowed IDPs access to domestic and international humanitarian organizations, collected information about IDPs, and provided some protection and assistance in the form of humanitarian supplies. The government did not target IDPs or forcibly return them under dangerous conditions.

Protection of Refugees

The country is not a party to the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol. Its laws do not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. In practice the government provided protection against the expulsion or return of persons to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

The government generally cooperated with the UNHCR and other humanitarian organizations to provide protection and assistance to the approximately 40,000 refugees living in the country. Reports of attacks and arrests of refugees in the central and southern parts of the country declined during the year, although they continued to be targeted periodically in attacks by sectarian groups, extremists, and criminals.

Generally, refugee groups of Turkish and Iranian Kurds in the KRG achieved a high level of integration. For the majority of the 7,825 Iranian Kurds whom the UNHCR registered as refugees in the north, local integration remained the best and most likely option. Refugee groups in central and southern regions, particularly refugees who were perceived to have been privileged by the former regime, such as Palestinians, Ahwazis in the south, and Syrian Arabs in Baghdad and Mosul, had less chance of integration and continued to face discrimination and require protection.

The government began a registration of the 15,626 UNHCR-recognized Kurdish refugees from Turkey in November, most of whom had resided since 1998 in a UNHCR-administered camp in Makhmour, Erbil Province. The registration included the issuance of an identification card that provided greater mobility, employment opportunities, and access to civil documentation. It was hoped that the registration would lead to greater possibility for voluntary return and de facto local integration for the group.

According to the UNHCR, general violence in the central region and targeted attacks against Palestinians decreased. Notwithstanding improvements in security, Palestinian refugees continued to experience a deep level of uncertainty with regard to their place within the fabric of society. Economic challenges placed Palestinian refugees in the lowest socioeconomic rankings; their declining economic situation was in part attributable to a loss of employment opportunities due to discrimination. The UNHCR reported that it worked with the MoDM to provide identification cards to the 11,500 Palestinians remaining in the country. The MOI, in coordination with the UNHCR, issued approximately 10,000 identification cards to Palestinians, and approximately 2,000 more were in process at year's end. The cards facilitate increased mobility within Iraq by the Palestinians.

Stateless Persons

The UNHCR estimated the total number of stateless persons in the country as less than 120,000, most of whom had already commenced the process of reacquiring nationality. The MOI Nationality Department anticipated resolving all such cases over the course of the next two years. Since 2003 more than 25,000 persons have regained their nationality, 4,000 of them during the year, in accordance with articles 17 and 18 of the nationality law of 2006. However, approximately 54,500 Bidoun (literally "without nationality") individuals living as nomads in the desert near Basra, Thi-Qar, and Samawa southern governorates remained stateless at year's end. In the north an estimated 560 stateless Syrian Kurds were registered as asylum seekers.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides for the right of citizens to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

In March 7 parliamentary elections, nearly 12 million votes were cast, drawing from a pool of more than 18.9 million registered voters. The majority Sunni Iraqi National Movement (known popularly as Iraqiyya), led by former prime minister Ayad Allawi, won a plurality with 91 seats in the 325-member body. Prime Minister Nouri Al-Maliki's largely Shia State of Law Coalition was close behind with 89 seats, while the Iraqi National Alliance and Kurdistan Alliance followed with 70 and 57 seats, respectively, with the Kurdistan Alliance retaining 47 seats after the Goran party left the alliance in November. Small minority blocs and independent candidates won the remainder of the seats. International observer missions and indigenous observer networks declared the elections free from widespread or systemic fraud.

The IHEC announced preliminary election results on March 27, based on 100 percent of the vote tabulation and resolution of approximately 200 complaints. The Federal Supreme Court certified the election results on June 1. Following the procedural calendar requirements, the new COR convened on June 14 but adjourned less than 20 minutes later to allow political blocs more time to negotiate the formation of a government. Following eight months of negotiations, the COR finally reconvened on November 11 and elected a speaker and deputy speakers. On November 25, President Talabani charged Maliki with forming a new government. The COR gave unanimous approval to this new government on December 21.

The number of votes cast exceeded that in the 2005 COR elections by 100,000; the turnout of registered voters was 62 percent compared with 76 percent in 2005, attributable in large part to the much higher number of registered voters that resulted from concerted voter registration campaigns by IHEC, political parties, and civil society organizations. IHEC instituted antifraud measures and procedures to handle complaints in compliance with an April 19 order issued by the Electoral Judicial Panel. The results of the Baghdad recount closely mirrored the original tally, dispelling lingering concerns about electoral irregularities.

A series of terrorist bombings, most targeting Sunni and Iraqiyya candidates but also Assyrians and Christians, marred the final three weeks of the election campaign. On election day, 42 persons were killed and 110 wounded in attacks in Baghdad, while several more were killed or injured in other cities around the country. According to reports, 228 persons died in election-related violence during the three-week campaign period prior to March 7, while another 178 were killed in postelection violence before official results were announced on March 27. Levels of violence were considerably lower than in the 2005 national elections.

IHEC, with nine COR-appointed commissioners, had sole responsibility for administering the elections, including the 49,640 official polling stations. IHEC welcomed strong civil society participation and technical assistance and observers from other countries and

international organizations. IHEC credentialed 114,500 domestic monitors from more than 492 national monitoring organizations, 657 observers from 35 international organizations, and 476,366 representatives of political entities.

Political parties and candidates had the right to propose themselves or be nominated by other groups, including the innovation of a select number of political parties holding primaries to develop their respective slates. The government did not restrict political opponents, nor did it interfere with their right to organize, seek votes, or publicize their views, apart from the legal prohibition on supporting the Ba'ath Party.

A number of candidates were disqualified. The 2008 Accountability and Justice (de-Ba'athification) Law prevented active Ba'athists and high-level former Ba'athists from running for elected office. On January 14, the Accountability and Justice Commission (AJC) disqualified approximately 500 candidates due to alleged Ba'ath Party ties. Sixty-three candidates were later reinstated under the auspices of an ad hoc COR committee. Approximately half of the remaining disqualifications affected secular nationalists including those from the Iraqiyya bloc. Sunni parties with affected slates could voluntarily name replacement candidates. Candidates on the disqualified list could avail themselves of an appeals process through a special cassation chamber empowered to review AJC decisions.

Because the cassation chamber could not complete its review of 210 appeals prior to the deadline for ballot printing, it issued a legal opinion on February 3 allowing candidates who formally appealed to run in the March election, with the proviso that candidates who won seats during their appeal would be subject to postelection vetting. Ultimately the cassation chamber completed its vetting process prior to the elections, reinstating 26 candidates.

The country's political parties tended to be organized along either religious or ethnic lines. Shia Islamist parties, such as the Islamic Supreme Council of Iraq, al-Dawa al-Islamiyya Party, and Sadrist Trend, as well as Kurdish nationalist parties such as the KDP and PUK, were the predominant political forces. Other political players included the secular Iraqiyya, Sunni Iraqi Islamic Party, and ethnic minority parties, such as the Assyrian Democratic Movement. Membership in some political parties conferred special privileges and advantages in employment and education. The KDP and PUK reportedly give preference in government employment to their respective members. In all, 160 regular parties, 36 independents, and 10 minority parties and candidates participated in the elections. In the month prior to the elections, the five major political party coalitions signed an electoral code of conduct pledging to refrain from inciting sectarian or ethnic tensions and promising to accept the results of the election.

The 2009 election law calls for an open list election in multiple districts. The open list measure contributed to enhanced transparency of electoral politics and accountability of elected officials, but it created additional challenges for voter education, ballot design, and related electoral preparations necessitating a postponement from a January 21 to March 7 polling day for most voters. Polling procedures included special voting periods for security personnel as well as citizens who were hospitalized and incarcerated. The law expanded the number of seats in the parliament from 275 to 325. Of those seats, the law reserves eight compensatory seats for minorities: five for Christian candidates from Baghdad, Ninewa, Kirkuk, Erbil, and Dohuk; one Yazidi representing Ninewa; one Sabeian-Mandaean representing Baghdad; and one Shabak representing Ninewa. The law also harmonized language defining internally displaced persons and opened the process to out-of-country voting for refugees and citizens abroad.

The constitution mandates that female members of parliament constitute 25 percent of the COR. There were 81 women elected to the COR, including candidates elected through the open list system. In the previous COR, women chaired two of the 24 standing committees. In the previous government, there were five female ministers of 37 in the cabinet: the ministers of state for women's affairs and for provincial affairs, and the ministers of human rights, environment, and housing and construction. Three

cabinet members were from religious and ethnic minority groups: the minister of human rights, the minister of industry and minerals, and the minister of youth and sports. In the current government, there were two female ministers of 44 in the cabinet (minister of state for women's affairs and minister of state without portfolio), and three cabinet members from religious and ethnic minority groups: minister of environment, minister of youth and sports, and minister of state for provincial affairs. In the current COR, there were two women chairing a standing committee.

The KRG had planned provincial elections for November for the provincial councils in Sulaymaniyah, Erbil, and Dohuk, but the KRG postponed the elections. At year's end, the Kurdish parliament had not set a new date for the elections. Press reports suggested that the KRG postponed the elections in order to avoid anticipated electoral losses by the PUK party in Sulaymaniyah, where the opposition Goran party was expected to gain electoral votes.

Section 4 Official Corruption and Government Transparency

Although the law provides criminal penalties for official corruption, the government did not implement the law effectively. Large-scale corruption pervaded the government, and public perception of government corruption and impunity continued to be strong. Intimidation and political influence were factors in some allegations of corruption, and officials sometimes used the "de-Ba'athification" process to pursue political and personal agendas. The World Bank's worldwide governance indicators reflected that corruption was a serious problem. In July the United Nations Office on Drugs and Crime, the United Nations Development Program, and the Central Organization for Statistics and Technology within the Ministry of Planning and Cooperation Development released a report on the working conditions and integrity of civil servants within four ministries. Among the findings, 24 percent of the staff that had daily contacts with private business within the Ministry of Trade received at least one bribe offer, and 72 percent of all civil servants would not feel adequately protected if they reported corruption within their ministries, of whom 73 percent would not feel adequately protected from physical harm. Government anticorruption officials and the media consistently commented on the pervasive corruption in society.

During the first six months of the year, prosecution of corruption cases increased, but officials combating corruption faced persistent political, social, and capacity restraints. They also faced physical threats and attacks. One inspector general reported that those involved in investigating corruption "are facing serious risks without personal security details and other protective measures to do their jobs and stay alive at the same time." On September 26, Laieh Muhammed, who executed arrest warrants for the Commission on Integrity (COI), was killed on his way to work at a checkpoint into the International Zone. He was the second COI employee killed by a silenced pistol. According to the COI, 40 personnel had been murdered in the line of duty since 2004. Credible information on the nature and extent of corruption in the judiciary was lacking, but such corruption was widely believed to exist.

Anticorruption institutions were fragmented, and their interaction was hampered by a lack of consensus about their role, partly due to a lack of effective legislation as well as to insufficient political will to eliminate widespread corruption. Lack of accountability continued to be widespread, reinforced by several statutory provisions, unclear regulatory processes, and limited transparency.

The law does not provide public access to government information for citizens or noncitizens, including foreign media. Certain government officials, such as ministers, governors, and parliamentarians, are required by law to file financial disclosure reports, but the government did not enforce the requirement. The COI reported that only 24 percent of new COR members had complied with the law, while 76 percent of former (pre-March 7 elections) COR members had complied. Ten of the 18 provincial governors had complied. The Council of Ministers had a 100 percent response rate.

The COI, established in 2004 as the Commission on Public Integrity, is the government

body charged with preventing and investigating cases of corruption in all ministries and other components of the government nationwide (except for the KRG). The COI, with a staff of approximately 1,300, reports to the commissioner of integrity, and the COR and has the authority to refer cases to the judicial investigators for possible criminal prosecution. The commissioner was appointed by the prime minister in 2007. He has never been confirmed by the COR and was therefore subject to replacement at the prime minister's discretion. The same was true of most investigators general (IG).

According to a prime ministerial order, the COI does not initiate cases and has instructed the ministerial IGs to perform all initial investigations. Although the order remains in effect with the IGs initiating 95 percent of all investigations, the COI initiated several high-profile investigations with the knowledge of the Prime Minister's Office. Each ministry has an IG charged with performing audits, inspections, and investigations to reduce fraud, waste, and corruption. In practice this order placed the ministers in control of any investigation of corruption within their own ministry and permitted them to halt corruption proceedings against their employees. There were documented instances where the ministers have ordered major corruption investigations to be dropped. As in previous years, ministries effectively stalled investigations by failing to provide information or not complying with requests for officials to appear in court.

The prime minister's approval is required before corruption cases proceed against members of the presidency or the Council of Ministers. Information on specific instances of the prime minister and ministers using these tactics during the year was not available. Judicial authorities reported that the practice constituted a significant obstacle to the prosecution of corruption cases.

Under a section of the criminal code (136[b]), prosecutors must receive permission from the relevant minister before an official can be brought to trial for an offense related to official duties. In 2009, 54 persons were shielded from prosecution by the use of the provision. In the first half of the year, ministers halted 96 investigations. The threat of invoking 136[b] or failing to provide information was usually effective in stopping investigations. For example, the interior minister terminated an investigation into the ministry's purchase of fraudulent bomb detectors from a British company, although the ministry's IG determined that 75 percent of the contract value was given to government officials in bribes.

While the COI remained undeveloped as an institution, especially in the provinces, it steadily increased the number of corruption-related arrests. For the first six months of the year, 982 cases were sent to court, compared with 972 during 2009. For the first six months of the year, there were 181 convictions, compared with 285 in 2009. According to the COI, by October 31, approximately 2,300 defendants were referred to the courts during the year, resulting in 600 individuals receiving jail sentences. An estimated 10 percent of the persons convicted were government officials with the rank of general director or higher. The Ministry of Defense had the largest number of employees referred to the judicial system, followed by the Ministry of Interior and Ministry of Municipalities. On May 30, the COI arrested three state-owned bank managers and issued arrest warrants for four merchants and an owner of an Iraqi company for using government funds to fund a private business.

The addition to the ministry IGs and the IGs for the municipality of Baghdad, the Property Resolution Commission, the Hajj and Umrah Pilgrimage Commission, the Commission of Political Prisoners, and the country's multiple religious endowments, and the Board of Supreme Audits (BSA), which is the country's oldest anticorruption agency, perform external audits of government ministries and agencies. The BSA also audits the offices of the prime minister, the Presidency Council, and the presidency of the COR, as well as expenses claimed by members of the COR.

Aside from the core institutions of the COI, the inspector general, and the audit board, the COR maintains an Integrity Committee charged with oversight of executive branch and anticorruption agencies. By executive order the prime minister created the Joint Anticorruption Council in 2007 to integrate anticorruption initiatives; it includes

representatives of the COI, IGs, the BSA, COR's Integrity Committee, and the Higher Judicial Council and is chaired by the Council of Ministers secretary general.

The media and NGOs continued to expose corruption, although their capacity to do so was limited.

Published on March 24, the government's *Anticorruption Strategy for 2010-14* identifies more than 200 specific anticorruption challenges, along with an action plan for addressing each. The Joint Anticorruption Council, with the COI acting as the lead, has responsibility for supervising compliance with the strategy, which also seeks participation from religious and community leaders, civil society representatives, and journalists. At the end of the year, 29 of the 34 ministries had complied with the strategy's requirement to submit an anticorruption plan for COI review.

In 2008 the KRG established a corruption committee, composed of government officials, to review levels of corruption and make recommendations on how to prevent corruption. The KRG contracted an international accounting firm to study KRG institutions and make recommendations on anticorruption measures. In July 2009 KRG Prime Minister Nechirvan Barzani announced the summary results of the accounting firm's report, including a recommended anticorruption strategy. In December, KRG parliamentarians established the Kurdistan Integrity Committee with the objective to create a centralized BSA and a Commission of Integrity in the KRG. As of year's end, the separate BSAs in Erbil and Suleymaniyah had yet to merge, and the Iraqi COI had not received permission to operate officially in the KRG.

On April 21, former minister of trade Abd Falah al-Sudani was acquitted for lack of evidence on certain charges of corruption and mismanagement within his ministry which oversees the country's vast public food ration program. Sudani remained at large, and the Commission of Integrity continued to pursue other corruption charges against him at year's end, while others indicated an intent to repeal the acquittal. Al-Sudani resigned from his post in May 2009 and was then charged with corruption and arrested while fleeing the country. The court released al-Sudani's brother, Sabah al-Sudani, who was also arrested after he was stopped with 170 million dinars (\$150,000) and attempted to bribe a police officer. Three Ministry of Trade officials involved in the case, including the director general of the Grain Import Board, were convicted of negligence; one received a two-year prison sentence, and the other two received one-year sentences.

In November 2009 authorities discovered that the head of the Baghdad Amanat's Accounting Department and 13 other persons, several of them her relatives, had stolen more than 23 billion dinars (\$20 million). The authorities arrested the 13 suspects, but the department head fled the country. Government authorities worked in coordination with neighboring countries to arrest her on June 19 as well as recover a substantial portion of the stolen funds. The suspects remained in custody at year's end.

As of year's end, the commissioner of integrity and several IGs lacked full authority because their names had not been submitted for parliamentary confirmation, as required by law.

The constitution provides COR members immunity from arrest unless the member was caught in a criminal act or charged with a felony and the COR overturned immunity by a majority vote.

The central government and the KRG maintained inflated public payrolls. Ministries and public sector institutions employed nonexistent "ghost" employees, and political patronage was common at all levels of government. Ministries were beginning to establish automated payroll deposits and conduct workplace audits with the BSA to cut back on "ghost" employees. Rates of absenteeism and desertion among the ISF continued to decrease. During the year in the KRG there were an estimated one million employees on the government payroll of a total population of approximately 3.9 million.

Political parties subjected the COI to a number of high-level attempts to influence

prosecutions. Members of the legislature also reportedly attempted to pressure the court on numerous occasions.

There were reports in all 18 provinces, at the national and regional levels, of opaque public tender processes, favoritism in contracting, and excessive discretion of public officials in procurement decisions.

Corruption along the country's borders existed as well. A September 22 media report detailed a security operation against trucks smuggling oil outside the country. The government worked independently and with the international community to address structural and capacity issues in this area.

Local and foreign business organizations in the KRG complained that the KRG did not publicly tender contracts in sufficient time to allow local business owners to compete, and that political and personal favoritism determined the results.

Anticorruption, law enforcement, and judicial officials, along with members of civil society and the media, continued to face threats and intimidation for vigorous pursuit of corrupt practices.

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

During the year the government had a mixed record cooperating with NGOs. Although the government expressed a willingness to cooperate with the UN and its agencies on human rights issues, as seen in its participation in the Universal Periodic Review, practical cooperation was limited, with the government citing security restrictions. Government cooperation with NGOs was evident during the election, with tens of thousands of independent election observers deployed throughout the country.

During the year activity and advocacy by the country's NGOs contributed to democratic governance. While domestic human rights NGOs remained affiliated with a political party or with a particular sect, space for independent NGOs was opening. Branches of international NGOs and NGOs serving women remained the most forward leaning. Overall, NGOs still faced numerous challenges and did not systematically serve as bulwarks against failures in governance and human rights abuses.

On January 25, the government passed a law on NGOs that was designed to facilitate NGO registration and operations while providing extra protections from onerous and arbitrary government actions. Provisions in the new law included the following: NGOs are permitted to receive foreign funding and affiliate with foreign entities (including the UN and ICRC, for example) without prior approval from the government; the government cannot deny NGO registration without attributing the denial to a specific provision of law; criminal penalties (including imprisonment) were removed for membership in an improperly registered NGO; the government can only audit or inspect an NGO office with cause; and the government must obtain a court order to suspend an NGO or confiscate its property. The new law became effective on April 7. The Council of Ministers Secretariat NGO Assistance Office was in the process of implementing regulations consistent with the new law. One office in the country located in Baghdad accepted registrations for NGOs.

During the year there were reports that the police conducted unannounced and intimidating visits to some NGOs, demanding photographs, passport details, names, and addresses of all staff and their family members. NGOs reported that the new law aimed to remedy this situation.

The poor security situation continued to limit the work of NGOs. On January 18, gunmen killed five persons of a domestic humanitarian NGO in its Baghdad office and afterwards detonated a car bomb, wounding two police responders. However, such direct attacks specifically aimed at NGOs remained rare. The government did not take special steps to

protect NGOs from targeting or harassment.

The Kurdish areas had an active NGO community, although local Kurdish NGOs generally were closely linked to and funded by the PUK and KDP political parties. The KRG and Kurdish political parties generally supported humanitarian NGO activities and programs.

The central government's attitude toward international human rights and humanitarian NGOs was one of moderate cooperation. The government did not mandate additional registration requirements for international human rights and humanitarian NGOs outside visa requirements for international staff. Information was not available regarding the existence of any government efforts to refuse visas for international NGO staff or restrict access into the country. Due to security concerns and the costs of addressing those concerns, many international NGOs established offices in Erbil in the KRG and then hired local staff for activities outside the KRG.

The government generally cooperated with the UN Assistance Mission for Iraq (UNAMI) and the international governmental organizations associated with it. For example, Security Council Resolution 1883 (2009) mandated the UNAMI to advise, support, and assist the government and IHEC with the March 7 COR elections, which international observer missions and Iraqi observer networks declared were free from widespread or systemic fraud. The government permitted visits by various UN representatives of all levels; for example, by the UN representative of the secretary general on the human rights of internally displaced persons, Walter Kalin, in late September and the UN secretary general's high-level coordinator who handles Iraq-Kuwait issues, Ambassador Gennady Tarasov. UNAMI and its affiliated organizations regularly release reports on a wide range of issues. There have been no reports of any government efforts to block release or distribution of UNAMI publications.

In 2008 the government signed a headquarters agreement with the ICRC, granting it legal status and permanent representation in the country. The COR had not ratified the agreement by year's end, but the ICRC benefited nonetheless from its provisions.

All nongovernmental investigations of alleged human rights violations continued to be restricted. The government attributed restrictions to the security situation and its policy of allowing only the MOHR and the ICRC restricted access to detention facilities. The government generally did not permit detention center or prison visits by NGOs. The MOHR met with domestic NGO monitors and responded to their inquiries by opening MOHR investigations into alleged violations. In 2009 the MOHR also initiated a program to train representatives of 32 domestic NGOs to visit and monitor prison conditions.

The MOHR attempted to monitor human rights abuses and advocate for and assist victims, and it issued public reports on prisons and detention centers, minorities, and victims of terrorism. Limited resources and poor cooperation from other ministries limited the ministry's effectiveness. The effectiveness of KRG human rights authorities was limited by a lack of trained personnel and effective follow-up throughout the government on human rights issues.

In 2008 the COR's Committee on Human Rights passed legislation establishing an Independent High Commission on Human Rights. In December 2009 a Committee of Experts to select the commission's directors was formed, but the COR had not ratified its membership at year's end. The government had not contributed any funds, and support from the international donor community was limited. The COR committee advocated publicly for raising standards in government detention facilities and prisons, and credible human rights organizations considered that to be valuable. The KRG's legislature formed a special committee to deal with human rights and detainee issues, but did not issue any public reports.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides that all citizens are equal before the law without regard to gender, sect, opinion, belief, nationality, religion, or origin. The law prohibits

discrimination on the basis of race, disability, or social status. The government did not effectively enforce these provisions.

Women

The constitution provides for equal treatment before the law without discrimination based on gender; in practice, discrimination existed, and enforcement of equal treatment was uneven. The general lack of security in the country and increasingly conservative societal tendencies had a serious negative impact on women.

The penal code criminalizes rape, does not address spousal rape, and permits a maximum sentence of life imprisonment for rapists. There was no reliable estimate of the incidence of rape or the effectiveness of government enforcement of the law.

The constitution prohibits all forms of violence and abuse in the family, school, and society. Local NGOs and media reporting indicated that domestic violence often went unreported and unpunished with abuses customarily addressed within the family and tribal structure. Harassment of legal personnel working on domestic violence cases, as well as a lack of police and judicial personnel, further hampered efforts to bring perpetrators to justice.

There are no specific laws that concern domestic violence. Under the penal code, a husband is legally entitled to punish his wife "within certain limits prescribed by law or custom." Existing laws were widely unenforced, including those on domestic violence.

During the year NGOs reported that domestic violence against women remained a serious problem, although no reliable statistics existed.

Domestic violence was also widespread in the Kurdistan region, including beatings, shootings, and burnings. Women have an unequal role in the family and in the social structure of the region. Although technology has made it easier for women to contact others outside their immediate family, this has led to sometimes violent disputes over who a woman can talk to or what she can do outside the home. For the first eight months of 2009, the domestic NGO Human Rights Data Bank recorded 363 incidents of battery against women, 295 reported threats, 40 murders, and 32 sexual assaults in the KRG.

Honor killings remained a serious problem. Legislation in force permits honor considerations to mitigate sentences.

According to a 2009 UNHCR report, honor killings were prevalent in all parts of the country. For the first nine months of 2009, the domestic NGO Human Rights Data Bank recorded 314 burn victims (125 instances of self-immolation and 189 cases of burning), compared with 234 burn victim during the same period in 2008.

A KRG human rights official reported in 2008 that the KRG does not consider an honor killing legally different from murder, thus making punishment for an honor killing equal to punishment for murder. The nature of the crime made it difficult for authorities to find sufficient evidence to prosecute cases. KRG human rights authorities reported that 117 women died in honor killings in 2008; the KRG reported a total of 528 honor killings in 2009. UNAMI and civil society observers considered both figures to be low. KRG human rights authorities and the KRG's Honor Killing Monitoring Commission were active on women's issues, particularly on steps to end honor killings.

Both public and private shelters for women existed, but space was limited and service delivery was poor, with private shelters providing a slightly higher level of service. Shelters closely protected information regarding their locations. Some NGOs worked with local community mental health workers, employed by the Ministry of Health, who provided assistance to victims of gender-based violence. Other NGOs worked to provide legal assistance to these victims. NGOs played a role in providing services to victims of

domestic violence who received no assistance from the government. Authorities frequently attempted to mediate between women and their families to work out a peaceful solution for the women to return home. Other than marrying or returning to their families (which often resulted in the family or community revictimizing the shelter resident), there were few options for women who were housed at shelters.

Sexual relations outside of marriage for any reason are prohibited by law, including sexual solicitation often present in sexual harassment situations. The penalties include fines and detention. The criminal code provides relief from penalties if unmarried participants marry. No information was available regarding the effectiveness of government enforcement. Due to social conventions and retribution against both the victim and perpetrator of sexual harassment, victims of sexual harassment did not usually come forward to pursue legal remedies.

The government generally respected the basic rights of couples and individuals to decide freely and responsibly the number, timing, and spacing of children and to have the means to do so free from discrimination, coercion, and violence. Apart from the general insecurity in the country and attendant economic difficulties, there were no impediments to access to information on family planning, contraception, and maternal health services, including skilled attendance during childbirth, prenatal care, and essential obstetric care and postpartum care. Many women received inadequate medical care due to a lack of essential drugs, transport to referral institutions, and medical personnel lacking training in emergency obstetric care. Women were at increased risk of poor birth outcomes with high rates of anemia, short birth intervals, early marriage, and early pregnancy.

Although the constitution forbids discrimination on the basis of gender, in practice conservative societal standards impeded women's abilities to exercise their rights equally to men. Throughout the country women reported pressure to wear veils. Islamic extremists targeted women for undertaking normal activities, such as driving a car and wearing trousers, in an effort to force them to remain at home, wear veils, and adhere to a conservative interpretation of Islam. Islamic extremists also reportedly continued to target women in a number of cities, demanding they stop wearing Western-style clothing and cover their heads while in public.

The Ministry of State for Women's Affairs, with an approximately 18-person professional staff, functioned primarily as a policy office without an independent budget or the ability to hire more employees.

Women experienced economic discrimination in access to, and in terms of, employment and occupation, credit, and pay equity for performing similar work or managing similar businesses as men. The security situation disproportionately affected women's ability to work outside the home. Weak labor laws and the lack of an equal opportunity employment law left women vulnerable to arbitrary dismissal. Government efforts to combat economic discrimination against women are minimal and unsystematic.

Children

The constitution states that anyone born with at least one Iraqi parent shall be considered a citizen. The government in general was committed to children's rights and welfare, although it denied benefits to noncitizen children. Their families had to pay for services that were otherwise free, such as public schools and health services. Except for several hundred Palestinian families, they were not eligible for the national food rationing program.

Primary education is compulsory for citizen children for six years, and 89 percent of students reached the fifth grade. Education is free for children at all levels.

Helping street children remained a challenge for the government, NGOs, and international organizations. Many street children remained from the war and the ensuing sectarian fighting. Extremists' attacks also resulted in orphaned children. There is no

adoption under the law, only guardianship for extended family or friends who can provide for the child in Iraq. The law does not permit foreigners to obtain legal guardianship of Iraqi children. Although orphanages existed, there was little evidence of an established culture of informal adoption for nonrelated children.

Female genital mutilation (FGM) is not illegal and is a common practice particularly in the rural areas of the Kurdistan region and other areas of the country where Kurdish communities live. Several NGOs that worked to halt FGM had anecdotal evidence that in rural villages as many as 90 percent of women had undergone the procedure, and in urban areas as many as 30 percent. The government offered no substantive assistance for victims of FGM.

On February 6, the Association for Crisis Assistance and Development Cooperation (WADI) released the findings of a representative empirical study on FGM in the Kurdistan region which noted that the majority of women in the region had undergone FGM. On June 16, Human Rights Watch released a report describing the experiences of girls and women who had undergone FGM. On July 6, the High Committee for Issuing Fatwas at the Kurdistan Islamic Scholars Union issued a fatwa declaring that "female circumcision" was a pre-Islamic practice that should be avoided for health reasons. On July 12, the Ministry for Endowments and Religious Affairs in the KRG asked clerics to note in sermons and Friday prayers that FGM was not an Islamic practice.

Although there were no statistics, a tradition of marrying young girls (as young as 14 years old) continued, particularly in rural areas.

Sexual relations outside of marriage for any reason, including rape, are prohibited by law. Producing, importing, publishing, or possessing written material, drawings, photographs, or films that violates public integrity or decency (including pornography of any kind) is prohibited. Rape is a serious offense, which can result in long prison terms, including life imprisonment. The penalties for violating public integrity or decency include fines and detention. No information was available regarding the effectiveness of government enforcement. Due to social conventions and retribution against both the victim and perpetrator of sexual relations outside marriage, victims of sexual crimes did not usually come forward to pursue legal remedies.

Individuals do not need parental permission for marriage upon reaching 18 years old. Consequently, the minimum age of consensual sex is 18.

Despite laws against child labor, children often worked illegally on farms or in street commerce. In accordance with the labor law, MOLSA established an inspection service to ensure compliance with the law as it relates to prohibitions on child labor in the private and public sector.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

The majority of the Jewish community, which was estimated to number 117,000 in 1947, left in the years immediately following the creation of the state of Israel in 1948. Virtually all of the remaining Jews left the country over the passage of the following decades. Fewer than 10 Jews remained in Baghdad, and none were known to live in other parts of the country.

The criminal code stipulates that any person promoting Zionist principles, or who associates himself with Zionist organizations or assists them by giving material or moral support or works in any way towards the realization of Zionist objectives, is subject to punishment by death.

There were no reports of anti-Semitic acts.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual [*Trafficking in Persons Report*](#).

Persons with Disabilities

The law prohibits discrimination in employment, education, access to health care, and other state services against persons with physical disabilities. The government enforced the law in the government sector but not in the private sector. The government made efforts to ensure access by persons with disabilities during the March 7 election.

The constitution states that the government, through laws and regulations, should care and rehabilitate persons with disabilities and special needs to reintegrate them into society. There are no laws prohibiting discrimination against persons with physical, sensory, intellectual and mental disabilities in employment, education, access to health care, or the provision of other state services. Access for persons with disabilities to buildings remained inconsistent.

The government has programs aimed to help persons with disabilities; however, numerous media reports documented the challenges these programs faced, namely in the lack of qualified, trained personnel and large special needs populations. Amputees, persons with other major physical injuries, and persons suffering from mental/psychological trauma were the focus of most media reports. The Health Ministry provides medical care, benefits, and rehabilitation, when available, and persons with disabilities may qualify for benefits from other agencies, including the Prime Minister's Office. The Ministry of Labor and Social Affairs operates several institutions for children and young adults with disabilities. The Ministry of Health's most recent estimate of the number of persons with physical and mental disabilities was two to three million, approximately 10 percent of the population.

National/Racial/Ethnic Minorities

The country's population includes Arabs, Kurds, Turkmen, Chaldeans, Assyrians, and Armenians. The religious mix is likewise varied. Many consider the Assyrians and Chaldeans to be a distinct ethnic group. These communities speak a different language, preserve Christian traditions, and do not define themselves as Arabs. The country also has citizens of African descent, "Black Iraqis," a population that community representatives estimated to number more than one million. According to Minority Rights Group International, the largest Black Iraqi community is in Basra; a significant number reside in Sadr City in Baghdad as well.

The constitution identifies Arabic and Kurdish as the two official languages of the state. It also provides the right of citizens to educate their children in their mother tongue, such as Turkmen, Syriac, or Armenian, in government educational institutions in accordance with educational guidelines or in any other language in private educational institutions.

During the year discrimination against ethnic minorities was a problem. There were numerous reports of Kurdish authorities discriminating against minorities in the disputed territories under the de facto control of the KRG, including Turkmen, Arabs, Yazidis, and Assyrians. According to these reports, authorities denied services to some villages, arrested minorities without due process, took them to undisclosed locations for detention, and pressured minority schools to teach in the Kurdish language. Ethnic and religious minorities in Tameem (Kirkuk) frequently charged that Kurdish security forces targeted Arabs and Turkmen. Within the three provinces of the KRG, there was little evidence of KRG discrimination against religious and ethnic minorities. Minority communities operated their own schools and were represented both in the parliament

and executive branch of the KRG.

Palestinians reportedly experienced arrest, detention, harassment, and abuse by police, by individuals pretending to be police, and by the general public. A 2006 citizenship law prevents Palestinians from obtaining citizenship or Jews who emigrated to other countries from reclaiming citizenship.

A population of 1.5 to 2 million Black Iraqis reported economic and social discrimination. UNAMI estimated in October 2009 that more than 80 percent of the Black Iraqi population was unemployed. Minority Rights Group International reported that many were laborers or worked as domestic workers.

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

There was no law specifically prohibiting homosexual relationships, although the penal code prohibits the act of "buggery," or sodomy, irrespective of gender. The law calls for imprisonment only if the "victim" is under the age of 18. There was no data on how often, if ever, persons were prosecuted for sodomy. Due to social conventions and retribution against both victim and perpetrator of nonconsensual homosexual acts and persecution against participants in consensual homosexual relations, this activity was unreported.

In light of the law, the authorities rely on public indecency charges or confessions of monetary exchange, (i.e., prostitution, which is illegal) to prosecute homosexual acts. Homosexual persons often faced persecution and violence from family and nongovernmental actors. The procedures used to arrest such persons were also used to arrest indiscreet heterosexuals who may be in sexual relations with persons other than their spouses.

Due to social conventions and potential persecution, including violent attacks, lesbian, gay, bisexual, and transgender (LGBT) organizations did not operate openly, nor were gay pride marches or gay rights advocacy events held. Societal discrimination based on sexual orientation and gender identity in employment, occupation, and housing was common. Information was not available regarding discrimination in access to education or health care due to sexual orientation or gender identity. There were no government efforts to address this discrimination.

While there were fewer reports of discrimination and violence against gay men and lesbians than in 2009, discrimination and violence against such persons continued. On June 23, the London newspaper *the Guardian* reported that police in Karbala attacked and detained six persons, of whom two were gay men, one lesbian, and two transgender persons. The article reported that one of the men went to a hospital two days later with a throat wound and allegations of police torture. On June 29, the newspaper *Al-Bayyna Al-Jadidah* reported the arrest of college-age, gay men who allegedly confessed to committing "unethical" acts. The article, which highlighted the legal steps taken to secure a judicial order prior to the search and arrest, ended with "greetings to those awake eyes (security/informant forces) that pursue all homosexuals."

As of year's end, authorities had not announced any arrests or prosecutions of any persons for abusing, killing, torturing, or detaining any LGBT individuals.

Other parts of this report contain related information (see sections 1.c, 2.c., and 6.d.).

Section 7 Worker Rights

a. The Right of Association

The constitution states that citizens have the right to form and join unions and professional associations with certain restrictions. The Saddam-era labor codes, which

are still in effect, place limitations and conditions on these rights. Public sector workers who are not executives can legally form or join unions, but regulation classified most public sector workers as executives. Workers in state-owned enterprises can form or join unions. Unions in the public sector and state-owned enterprises are not independent; they are sponsored by the state. Private-sector employees who work at establishments employing more than 50 persons may form and join unions that have limited rights. Private-sector unions have the right to seek government arbitration for labor disputes, but not the right to strike.

Labor Law 150 of 1987 is still in effect and states that trade union organizations should "play an effective role in the organization of labor relations, in the protection of workers' rights, and in the development of their personalities." However, it declares virtually all public sector workers to be government "executives," and therefore legally ineligible to form or to join unions. The rights of migrant workers are not covered under this law. The provision in effect eliminated unions and the right of association from the large public sector. Although the number of formal unions and associations remains undefined, workers in state-owned enterprises have generally been organized along sectoral lines stemming largely from state employment. The largest sectors with the most active unions or associations are oil/petrochemical, industrial and defense manufacturing, and education.

In the private sector, the 1987 Trade Union Organization Law states that employees can form workers' committees, with limited rights of association, in private-sector work sites employing more than 50 workers. Originally, this was also intended to remove the right of association from a majority of private-sector workers because most private-sector businesses employ fewer than 50 workers. Decree 8750 of 2005, which cancelled unions' leadership boards, froze their assets, and formed an interministerial committee to administer unions' assets and assess their capacity to resume activity, also inhibited union activity.

The legal and regulatory framework, combined with violence, insecurity, high unemployment, and lack of decent work standards provided for unacceptable conditions for working people. Nevertheless, labor organizations in state-owned enterprises were active during the year despite threats and harassment to union leaders. In January the government imprisoned the president of Basra's Iraqi Teachers Union. In March the president of the Iraqi Federation of Oil Unions was charged with accusations that he was endangering the economy through union activity. On March 18, workers of the Southern Refinery Company held a three-hour strike. On April 1, the company transferred four leaders of the Refinery Workers Union in Basra. On July 21, the government expelled the Electrical Utility Workers Union from its Basra offices.

The MOLSA Labor Directorate has jurisdiction over the labor code, child labor, wages, occupational safety and health issues, and labor relations. Although the private sector expanded only modestly during the year, workers in the private sector continued to enjoy the right to form workers' committees at work sites employing fewer than 50 persons.

The constitution states that every citizen has the right to demonstrate and strike peacefully in accordance with the law; however the 1987 labor code rules out the existence of public sector labor unions capable of carrying out industrial action and prohibits striking in the public and private sectors. Strikers were harassed and threatened for striking during the year. In March the media reported that security forces (army and police) dispersed an oil worker demonstration in Basra and arrested two demonstrators. According to October 10 press reports, Hassan Juma'a and Fali'h Abood, the president and general secretary, respectively, of the Federation of Oil Employees of Iraq were banned from travel outside the country. In June the authorities surrounded protesting longshoremen in Basra and transferred union leaders hundreds of miles from their homes.

The government was the largest employer in the country; reliable estimates indicated the public sector accounted for approximately 30 to 35 percent of the total workforce.

There were no government-sponsored prosecutions or attacks on trade union activists during the year, although the government appeared to use transfers to remove troublesome union leaders from active union activity.

b. The Right to Organize and Bargain Collectively

The 1987 labor code in practice ruled out the existence of labor unions able to carry out free and independent union activity and therefore effectively prohibited independent organizing and collective bargaining in the public and private sectors.

Because unions have no legal power to negotiate with employers, proactive protection of workers' rights through collective bargaining and written collective contracts is not possible. Unions were able to play a supportive role in labor disputes, and they had the right to demand government arbitration, a process the government only recently began to address in its commercial courts and judicial training. The 1987 Trade Union Organization Law defined "labor disputes" as collective conflicts arising between workers and employers over the provisions of the labor code and/or individual employment contracts. Government labor courts were empowered to rule on labor code violations and disagreements. MOLSA officials, who were also charged with ensuring that public- and private-sector employers provided workers government-mandated social security, pension, health care, and other benefits regardless of company size, readily acknowledged that enforcing these social safety net laws was more difficult without the partnership and cooperation of strong unions.

Migrant workers are prohibited from collective bargaining rights and are not allowed to join unions. The absence of collective bargaining and collective contracts at national and local levels significantly diminished unions' power to defend workers' rights pertaining to their access to social protection.

The laws and decrees did not prohibit antiunion discrimination by employers or others.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however this is not monitored or enforced. Migrant workers were sometimes subjected to abusive forced labor. The MOI, in coordination with MOLSA, reviewed applications for special worker status. According to MOLSA, most migrant applications were denied to protect domestic workers and industry. When the government uncovered cases of exploitation of foreign workers, it worked in conjunction with international organizations to repatriate the victims. The government did not have an effective means of monitoring or enforcing decent work standards for the workforce, both citizens and migrant workers.

Also see the Department of State's annual [Trafficking in Persons Report](#).

d. Prohibition of Child Labor and Minimum Age for Employment

The constitution and law prohibit the worst forms of child labor. The government was not able to monitor or enforce these laws effectively. The law limits working hours for workers younger than 18 and prohibits their employment in dangerous occupations. The minimum age for employment is 15. Employment of anyone younger than 16 in work that is detrimental to health, safety, or morals is prohibited. The MOLSA Child Labor Unit continued to enforce child labor standards, but its work suffered from insufficient personnel and budget resources. The ISF continued to make slow but steady progress in its ability to pursue and interdict nonviolent crimes such as child labor violations.

Poor families routinely used children to augment their income-earning potential. This work often took the form of seasonal labor in rural areas or begging or peddling in urban settings. There were anecdotal reports of children working in hazardous family-owned

automobile shops or on construction sites. Unconfirmed reports alleged the sale of children for indentured servitude.

The government introduced a targeted, means-tested social safety network program in 2005 to reduce poverty and protect children against deteriorating living conditions in their households. Millions of families received benefits and services administered by MOLSA, but child labor remained problematic. The package included a child allowance, conditional upon school attendance; the government also funded programs to assist former and current street children. International organizations and NGOs funded additional projects to enhance the protection of children.

e. Acceptable Conditions of Work

Wages are set by contract in the private sector and set by the government in the public sector. The national minimum wage for a skilled worker was less than 12,000 dinars (approximately \$10) per day and for an unskilled worker less than 5,250 dinars (\$4.50) per day. The standard workday is eight hours with one or more rest periods. Up to four hours of overtime work per day is permitted, and premium pay for overtime is required. These regulations were almost entirely unenforced. The Central Organization of Statistics and Information Technology reported that the average salary in 2009 – the latest year for which information was available – was approximately 2.4 million dinars (\$2,100) per year, an increase over the previous year's figure of 1.78 million dinars (\$1,500). These earnings remained only marginally above poverty level and did not provide an adequate standard of living for a worker and family.

According to international governmental organizations, NGOs, and press reports, some foreign workers in the country were subjected to abusive treatment, including confiscation of travel and identity documents, restrictions on movement and communication, physical abuse, sexual harassment and rape, withholding of wages, forced overtime, and hazardous working conditions. Migrant workers have no legal protections and were not allowed to form or join unions.

The MOLSA occupational safety and health component had staff located throughout the country. The law provides that workers have the right to remove themselves from a situation endangering health and safety without prejudice to their employment; however, this right is not afforded to civil servants or migrant workers, who make up the majority of the country's workforce.
