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The State of the World's Human Rights; Iraq 2023

Background

On 18 December, provincial elections were held across Iraq, except in the four governorates in Kurdistan Region of Iraq (KR-I), where elections were scheduled for early 2024. The low 41% voter turnout was largely attributed to apathy and lack of faith in the authorities.

Throughout the year, Türkiye's Ministry of National Defence claimed air strikes on positions held by the Kurdistan Workers Party (PKK) in the mountains and in the KR-I, including a drone attack in October on a refugee camp that hosts over 12,000 refugees, injuring one woman and two children.

Drought, exacerbated by climate change, reduced agricultural production. Contaminated water was linked to cholera outbreaks across Iraq, and the WHO reported at least 1,302 cases and at least seven deaths by mid-November.

In July, the Iraqi government severed diplomatic relations with Sweden after reports that an Iraqi immigrant burned a copy of the Qur'an outside its embassy in Sweden's capital Stockholm. In Iraq, followers of Shia cleric Muqtada al-Sadr attacked the Swedish embassy in Baghdad. In September, a court in Baghdad sentenced 18 police officers to prison terms of between 18 months and three years for their failure to prevent the attack.

In October, Iraq's political parties, leaders of the Popular Mobilization Units (PMU) and religious clerics responded to Israel's bombardment of Gaza, calling for mass protests in support of Palestine. By the end of the year, several of the largest factions of the PMU, which later came to call themselves the Islamic Resistance in Iraq, claimed drone and rocket attacks on US bases in Iraq's western governorate of Anbar as well as in the KR-I.

Impunity

Iraqi authorities took no meaningful steps to bring to justice members of security forces and state-affiliated militias involved in the violent crackdown on the nationwide October 2019 protests (also known as the Tishreen protests), despite the establishment of several investigative and fact-finding committees.¹ During the crackdown, hundreds of people were killed, thousands were maimed and scores abducted.

Armed actors, including PMU members, continued to harass and intimidate relatives and loved ones of activists who disappeared or were killed in the context of the October 2019 protests. In an emblematic case, family members of Sajjad al-Iraqi – an activist who was forcibly disappeared in September 2020 in Nasiriya and whose fate remained unknown – said they were subjected to numerous threats and put under pressure to drop a court case related to the activist's disappearance. The family said that those making the threats are linked to the abductors and the PMU.

In April, a letter from the Prime Minister's Office to Amnesty International outlined measures taken by the Fact-Finding Committee, established in October 2020 and reactivated in November 2022, to commence reaching out to representatives of the Tishreen protesters. The office said the committee had investigated more than 215 cases obtained from a Baghdad court and reviewed thousands of medical reports, victim autopsy forms and reports of forensic experts. It added that reparations had been paid to the families of those killed, amounting to IQD 10 million (about USD 7,650) for each

victim.² However, the committee were yet to publish any findings. Activists, protesters and families of those injured or killed also raised concerns about accessing reparations, including the requirement of medical documents that most of the injured could not obtain during the protests.

Enforced disappearances

The fate of thousands of Iraqis who were forcibly disappeared during the armed conflict to regain control of territory from the Islamic State armed group, as well as during the 2019 nationwide protests, remained unknown.³ In June, Iraq's Ministry of Foreign Affairs responded to a letter from Amnesty International about the disappearance of at least 643 men and boys from the governorate of Anbar since 2016, stating that no proof had been found of the involvement of government forces and that no criminal complaints had been brought by families of the disappeared against security forces for the abductions.⁴

Iraqi security and intelligence forces, including the PMU, continued to forcibly disappear men and boys taken from checkpoints, homes and streets. Human rights organizations and activists in a number of governorates, notably Salah al-Din, Anbar, Ninewa and Basra, continued to report instances of enforced disappearances at the hands of factions of the PMU that had a presence in these areas.

In April, the UN Committee on Enforced Disappearances estimated that 250,000 to 1 million individuals had been forcibly disappeared in Iraq since 1968 and urged Iraq to criminalize the practice. In response, on 6 August Iraqi authorities presented their draft law on missing persons to parliament, which had the stated aim of helping relatives learn the fate of their missing family members and be given access to reparations, including by setting up a national commission for the missing. However, the latest draft seen by Amnesty International failed to criminalize enforced disappearances or outline penalties for perpetrators.

Freedom of expression

Iraqi authorities carried out a series of attacks on freedom of expression and attempted to introduce laws and regulations to curb this right.⁵

In January, the authorities announced a campaign to crack down on “indecent content” online. In mid-February, a judge in Baghdad's investigative court specialized in media and publishing issues, announced that the courts had already charged 14 people for publishing “indecent” or “immoral” content on social media, and sentenced six of them to prison terms ranging from six months to two years. All were charged under Article 403 of the Penal Code, which criminalizes published material that “violates public integrity or decency”. Between April and December, an additional 13 people had been charged. The majority were released on bail or after charges against them were dropped, but at least one person was convicted and sentenced to a prison term of three months and 10 days.

In July, Iraqi authorities reintroduced to parliament draft laws – the Law on Freedom of Expression and Peaceful Assembly, and the Law on Cybercrimes – that, if passed, would severely curtail the rights to freedom of expression and peaceful assembly.⁶

In the KR-I, government critics scheduled for release remained behind bars after authorities brought spurious new charges against them. They included journalists Sherwan Sherwani and Guhdar Zebari, imprisoned in the KR-I since October 2020 following a grossly unfair trial. Guhdar Zebari was informed on 16 August, the day he was scheduled for release, that he had been charged with another offence. He remained in detention at a facility of the Asayish, the KRG security and intelligence agency, until his trial on 1 October, when he was sentenced to a further six months' imprisonment for possession of an unlicensed weapon. Sherwan Sherwani was due to be released on 9 September, but on 20 July, a court sentenced him to an additional four years in prison on

charges relating to falsifying Guhdar Zebari's signature on a petition to the Erbil Adult Reform Prison, to which the latter confirmed he had consented. On 1 November, an appeals court in Erbil reduced Sherwan Sherwani's sentence to two years.⁷

LGBTI people's rights

Authorities escalated their crackdown on the rights of LGBTI people.

On 9 August, the Iraqi Communications and Media Commission issued a directive banning media outlets from using the word "gender" and requiring the term "homosexuality" to be replaced with "sexual deviance" in all published and broadcast language.⁸

On 15 August, the Iraqi parliament carried out the first reading of a law, proposed by the parliament's deputy speaker, that would impose the death penalty for people found to be in a same-sex sexual relationship, as well as punitive measures for trans people seeking gender affirmation treatment. The draft law was withdrawn in September following local and international outrage.

In the KR-I, on 6 September, the authorities in Erbil city arrested and detained two well-known beauty experts for, respectively, cross-dressing and posting "indecent" images on social media, which the prosecution deemed to be "disrupting the order of society". They were released the following week without charge.

Activists and NGO workers in the KR-I reported being threatened with arrest warrants and summoned for questioning in regard to their work and activism for LGBTI people's rights.

Violence against women and girls

The Iraqi parliament failed to criminalize domestic violence and to adequately protect women and girls from gender-based violence. In April, a court in Baghdad sentenced the father of Tiba al-Ali to six months' imprisonment for her murder on 1 February, leading to protests in Baghdad against the lenient sentence.⁹

Authorities took no steps to amend provisions of Iraq's Penal Code that allow a husband to punish his wife, and parents to discipline their children using corporal punishment, and provide for a mitigated sentence for "honour killings". The Penal Code also allows rapists to avoid prosecution by marrying their victim.

Failure by the KRG to bolster state-established protection mechanisms and services seriously undermined the ability of survivors of domestic violence to flee abuse. Slow judicial processes and difficult living conditions in shelters often left women with little choice but to drop charges against their abusers, further perpetuating impunity.

In April, Iraqi authorities announced that Yazidi survivors of violence were required to file a criminal complaint to access and receive reparation, as set out in the Yazidi Survivors Law of 2021, which seriously undermines survivors' best interests and hinders adequate, prompt and effective reparation.¹⁰

Internally displaced people's rights

At the beginning of the year, at least 1.2 million men, women and children remained internally displaced as a result of the conflict with Islamic State, with the majority still living in precarious situations almost six years after the government declared victory over the armed group.

In April, Iraqi authorities closed, without warning or coordination with humanitarian actors, the last operating camp in Ninewa governorate in north-west Iraq for those internally displaced by the conflict with Islamic State. The only remaining camps were in areas under KRG control. The closure of the Ninewa camp left hundreds of families at risk of secondary displacement without any plan for those unable to return to their areas of origin.

Security and intelligence forces operating in civil status directorates in several governorates continued to subject hundreds of families, most of them female-headed, to a process of blacklisting due to their perceived affiliation with Islamic State. They prevented families from accessing civil status documentation that is essential for accessing basic rights and left families at risk of arrest at checkpoints.

By the end of the year, at least 1.1 million Iraqis remained displaced, of whom 175,000 were in camps and the rest were in situations of secondary displacement.

Right to a healthy environment

In relation to climate change, Iraq continued to rank among the most climate-vulnerable and least-prepared countries. Despite this, actors believed to be part of the PMU intimidated and, in some cases, abducted environmental activists and experts. In February, unidentified armed actors from Al-Hilla town in Babil governorate abducted an expert who had frequently raised alarms about Iraqi marshes drying out; his fate remained unknown for two weeks. Following his release, he stated that he had been tortured and otherwise ill-treated. No investigation into the incident or arrests were made public.

Despite receiving support to develop a national adaptation plan, the government had not published anything by the end of the year.

Iraq announced plans to drill new wells and increase oil production, contrary to the UN conclusion that countries must substantially reduce production to keep global warming to less than 1.5°C. In October, Iraq reported record revenues from oil sales since the beginning of 2023, amounting to over 90% of its total revenues, but this income did not lead to any plans to diversify the economy.

Right to water

Despite its natural resources, Iraq has become one of the most water-stressed countries in the world. For the second consecutive year, Iraq's Ministry of Water Resources announced that water levels in Iraq were the lowest ever. Iraqi authorities continued to attribute the scarcity to dam building in neighbouring countries. Others, including UNICEF, attributed the increasing water scarcity to a range of factors, including poor water management, and raised concerns about over-use of non-renewable water resources.

By September at least 21,798 families remained displaced across the southern and central governorates of Iraq due to drought and water scarcity exacerbated by climate change, according to the International Organization for Migration.
