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Freedom in the World 2018 - Iraq

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Freedom Status: Not Free

Aggregate Score: 31 (0 = Least Free, 100 = Most Free)

Freedom Rating: 5.5 (1 = Most Free, 7 = Least Free)

Political Rights: 5 (1 = Most Free, 7 = Least Free)

Civil Liberties: 6 (1 = Most Free, 7 = Least Free)

Quick Facts

Population: 38,100,000

Capital: Baghdad

GDP/capita: \$4,974

Press Freedom Status: Not Free

OVERVIEW

Iraq holds regular, competitive elections, and the country's various partisan, religious, and ethnic groups enjoy some representation in the political system. However, democratic governance is impeded in practice by corruption and security threats, including militant groups such as the Islamic State (IS). In the Kurdistan region, democratic institutions lack the strength to contain the influence of long-standing power brokers. Civil liberties are generally respected in Iraqi law but suffer from the state's limited capacity to prevent and punish violations.

Key Developments in 2017:

- By the end of the year, the Iraqi security forces (ISF) and their allies had liberated all Iraqi territory from IS control, recapturing Mosul and a series of other cities and towns during the summer and fall.
- While terrorist attacks reportedly declined, IS maintained enough of a presence to carry out several large-scale bombings in Iraqi cities outside the main conflict zones.
- The Kurdish regional government held an unauthorized referendum that showed support for independence from Iraq in September, prompting the ISF and their allies to reassert control over the region's borders and recapture all territories occupied by Kurdish forces since 2014, including the disputed city of Kirkuk. The reversal led to the resignation of Kurdish regional president Masoud Barzani.

POLITICAL RIGHTS: 16 / 40 (+4)**A. ELECTORAL PROCESS: 8 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 2 / 4**

After national elections, the Iraqi parliament, the Council of Representatives (CoR), chooses the largely ceremonial president, who in turn appoints a prime minister nominated by the largest bloc in the parliament. The prime minister forms a government that assumes most executive power.

The CoR elected in 2014 approved a government headed by Prime Minister Haidar al-Abadi after tense and protracted negotiations that took place amid a major IS offensive and other security threats. The new leadership generally maintained the unwritten power-sharing agreements that apportion Iraq's top political jobs among the country's religious and ethnic communities. Al-Abadi belonged to the dominant Shiite party; Kurdish politician Fouad Massoum was chosen to serve as Iraqi president, and Selim al-Jabouri, a Sunni Arab, was named speaker of parliament.

The Kurdistan Regional Government (KRG), composed of Iraq's northernmost provinces, is led by a president with extensive executive powers. The draft Kurdish constitution requires presidential elections every four years and limits presidents to two terms. However, after holding the office for eight years, Barzani of the Kurdistan Democratic Party (KDP) had his term extended by two years in a 2013 political agreement with the Patriotic Union of Kurdistan (PUK), and in 2015 he extended his term by another two years unilaterally, citing a legal opinion from a KRG advisory council. That move was endorsed by the KDP but strongly rejected by the opposition party Gorran and the PUK, which called for an overhaul of KRG political institutions. Barzani remained in office until November 2017, finally resigning after he organized an unauthorized September referendum on Kurdish independence that prompted the central government to reassert control over the region's international borders and all territory occupied by Kurdish forces since the IS offensive in 2014. Barzani left the KRG executive in the hands of his nephew, Prime Minister Nechirvan Barzani, and the presidency remained vacant at year's end.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

The 328-member CoR is elected every four years from multimember open lists in each province. The balloting is generally considered to be competitive and relatively well administered given the challenge of chronic political violence. In the 2014 parliamentary elections, then prime minister Nouri al-Maliki's Shiite-led State of Law coalition won 95 seats, making it the largest grouping. A Shiite bloc associated with Moqtada al-Sadr placed second with 34 seats, followed by a third Shiite coalition, Al-Muwatin, with 31 seats. A Sunni-led bloc, Muttahidoon, took 28 seats; a secular nationalist coalition led by Ayad Allawi, Al-Wataniya, received 21; and two Kurdish parties, the KDP and the PUK, took 25 and 21 seats, respectively. The remainder was divided among several smaller parties.

In 2017, provincial council elections originally due that year were postponed until May 2018, coinciding with the next CoR elections. One province, Kirkuk, is disputed between the KRG and the central government and has not held provincial council elections since 2005.

The Kurdish region elects a 111-seat Kurdistan Parliament through closed party-list proportional representation in a single district. The 2013 elections resulted in the new opposition Gorran (Change) movement (24 seats) displacing the PUK (18) as the second-largest party after the KDP (38). Smaller factions and minority representatives made up the remainder. The Kurdistan

Parliament, led by a speaker from Gorran, was effectively suspended as a result of the 2015 dispute over Barzani's presidential mandate; although it reconvened in September 2017 to endorse the planned independence referendum, only 68 members participated, with lawmakers from Gorran and some other factions boycotting that and subsequent sessions. The next legislative elections, which should be held at least every four years, were scheduled for November 2017 but delayed amid the crisis following the independence referendum.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

Voting is monitored by the Independent High Electoral Commission (IHEC), political parties, foreign and domestic media outlets, Iraqi nongovernmental organizations (NGOs), and international observers. In 2017, critics associated with Sadr charged, without clear evidence, that the IHEC board's balanced party representation leads to bias. However, the commission generally enjoys the confidence of the international community and, according to some polls, the Iraqi public. Other factors that have historically affected the electoral process include political, sectarian, and terrorist violence and skewed seat allocations stemming from the fact that a national census has not been conducted since 1987.

The Kurdish independence referendum was administered by the Kurdistan Independent High Electoral and Referendum Commission (IHERC), which was composed of party representatives and lacked the ability to investigate fraud. Kurdish authorities proceeded with the referendum despite a suspension order from the Federal Supreme Court, which formally ruled the vote unconstitutional in November. The controversial balloting included areas occupied by Kurdish forces since 2014 and claimed by the central government. Some 93 percent of those participating reportedly voted in favor of independence, though the exercise – which was not monitored by international organizations – was allegedly marred by cases of intimidation, ballot-stuffing, and exclusion or boycotts among non-Kurdish ethnic communities.

B. POLITICAL PLURALISM AND PARTICIPATION: 7 / 16 (+2)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4 (+1)

The constitution guarantees the freedom to form and join political parties, apart from the Baath Party. A 2016 law strengthened the constitutional ban on the Baath Party, criminalizing Baathist protests and the promotion of Baathist ideas. The measure applies to any group that supports racism, terrorism, sectarianism, sectarian cleansing, and other ideas contrary to democracy or the peaceful transfer of power. Individual Iraqis' freedom to run for office is also limited by a vague "good conduct" requirement in the electoral law.

In practice, Iraqis run for office, form parties, and take part in politics in large numbers. Party membership and multiparty alliances shift frequently. By the end of 2017, the IHEC had registered roughly 140 parties with a variety of orientations and backgrounds for the 2018 elections, with more still finalizing their registration paperwork. The commission had also registered some 2 million new voters since 2015.

The threat of violence continued to obstruct Iraqi political participation during the year. IS permitted no political mobilization where it controlled territory, and the weak rule of law elsewhere in Iraq means that political activity carries risks. Prominent politicians are heavily guarded.

Score Change: The score improved from 2 to 3 due to the relatively open and active preparations for the 2018 elections, including the successful registration of large numbers of parties and candidates.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4

Iraqi elections are competitive, but most parties are dominated by one sectarian or ethnic group, meaning large and established parties representing the Shiite majority tend to govern and minority groups can only take power as part of a cross-sectarian party or bloc. In a positive sign, a number of new parties presenting themselves as secular and national in orientation applied for registration in 2017 ahead of the 2018 elections, though it remained unclear whether they would be able to compete effectively.

In the Kurdish region, the traditional dominance of the KDP and the PUK has been challenged by the rise of Gorran, but the postponement of presidential and legislative elections has allowed entrenched interests to remain in power. The damaging crisis that followed the 2017 independence referendum appeared to threaten the KDP's electoral prospects in 2018.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 1 / 4 (+1)

The ability of IS to suppress normal political activity waned significantly during 2017 as its last strongholds in Iraqi population centers – particularly Mosul, Hawija, Tal Afar, and Al-Qaim – fell to the ISF and their allies between July and November.

However, Iraq's political system remains distorted by interference from foreign powers, most notably Iran, which physically and politically threatens Iraqi policymakers who challenge its interests. Iranian influence has been bolstered since 2014 by the formation of Popular Mobilization Forces (PMF) to fight IS. Many of these largely Shiite militias are closely supported by Iran, and a number of Iranian commanders remained in the country during 2017, influencing the aftermath of the conflict with IS. Meanwhile, dozens of figures associated with the PMF were reportedly planning to run in the 2018 elections.

Grand Ayatollah Ali al-Sistani, the paramount Shiite religious authority in Iraq, generally promotes the rule of law and deference to elected officials, but his statements set parameters that politicians are rarely willing to defy.

Score Change: The score improved from 0 to 1 because the military defeats suffered by IS sharply reduced its ability to suppress normal political activity.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Members of various religious and ethnic groups generally enjoy basic political rights, but the dominant role of ethno-sectarian parties and the allocation of key offices according to informal ethno-sectarian criteria reduce the likelihood that politicians will act in the interests of the whole population.

Sunni Arabs, Iraq's largest ethno-sectarian minority, are represented in the parliament but often argue that the Shiite majority keeps them out of positions of real influence. A system of reserved

seats ensures a minimum representation in the CoR for some of Iraq's smaller religious and ethnic minorities. There are five seats for Christians and one each for Yazidis, Sabeen Mandaean, and Shabaks. The Kurdish parliament reserves five seats for Turkomans, five for Christians, and one for Armenians. The political rights of these minorities have been severely impeded by their displacement from IS-occupied areas.

The CoR and the Kurdish parliament reserve 25 percent and 30 percent of their seats for women, respectively, though such formal representation has had little obvious effect on state policies toward women, who are typically excluded from political debates and leadership positions. Openly LGBT (lesbian, gay, bisexual, and transgender) Iraqis are unable to enjoy equal political rights in practice due to harsh societal discrimination that includes the threat of violence.

C. FUNCTIONING OF GOVERNMENT: 2 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4

Elected officials' development and implementation of laws and policies has been hampered by factors including IS control over Iraqi territory, irregular Kurdish occupation of some areas, extensive Iranian influence, and pressure from unelected forces such as the Sadrist protest movement, which has advanced Sadr's agenda using sometimes violent and extralegal tactics in recent years. The United States and its allies also exert some policy influence through their support for the ISF and other state institutions.

In the KRG, Masoud Barzani effectively suspended the parliament in 2015 after the speaker and many members opposed his extended presidential mandate. Although the parliament reconvened ahead of the independence referendum in September 2017, some parties boycotted the session, and the executive governed without a legislature for most of the year. Separately, Kurdish lawmakers boycotted the CoR for several weeks in late 2017 amid the referendum crisis.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Iraq consistently ranks as one of the world's most corrupt countries. Political parties, which siphon funds from the ministries they control and take kickbacks for government contracts, resist anticorruption efforts; whistle-blowers and investigators are subject to intimidation and violence. The judicial system, itself marred by politicization and corruption, takes action on only a fraction of the cases investigated by the Integrity Commission.

The KRG suffers from similar problems, and Barzani's wealthy family remains a powerful political and economic force in the region. Among other relatives in key positions, his son serves as the KRG's intelligence chief and his nephew as prime minister.

C3. Does the government operate with openness and transparency? 1 / 4

Iraq has adopted some practices of open government, including rules on asset disclosure. The CoR debates the budget, and interest groups are often able to access draft legislation. However, security conditions make elected representatives, who usually live and work in a restricted part of the capital, relatively inaccessible to the public. The public procurement system is nontransparent and corrupt, with no recourse to the courts for unsuccessful bidders.

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION

Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group? -1 / 0 (+2)

IS's loss of territorial control during 2017 largely halted its active campaign to alter religious demography, though many Shiites and religious minorities who were displaced by the group remained unable to return to their homes, for both security and economic reasons. The ISF's return in late 2017 to territories held by Kurdish forces since 2014 resulted in another round of demographic changes for those areas, with some Kurdish residents leaving and displaced Arabs returning. There have also been reports of Sunni Arabs being displaced from areas liberated from IS by Shiite militias. Overall, as of December, about 2.84 million Iraqis displaced by the IS offensive in 2014 had since returned to their home regions, and another 2.78 million remained displaced.

Score Change: The score improved from -3 to -1 because progovernment forces dislodged IS from its last strongholds in the country, mostly ending its sectarian and religious persecution and clearing the way for the return of those who had fled mass killings, discriminatory "taxation," forced conversions, and enslavement.

CIVIL LIBERTIES: 15 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 5 / 16

D1. Are there free and independent media? 1 / 4

The constitution allows limits on free expression to preserve "public order" and "morality." Iraq's media scene appears lively and diverse, but there are few politically independent news sources. Journalists who do not self-censor can face legal repercussions or violent retaliation.

Most of the eight Iraqi journalists killed in the course of their work during 2017 died while covering dangerous military operations, but in October a group of men who identified themselves as militia members broke into the home of a Kurdish television cameraman and stabbed him to death. Also that month, journalist Samir Obeid was arrested in Baghdad and charged with spreading false information after publishing a story that was critical of the prime minister, and Iraqi authorities reportedly banned a Kurdish network from covering the ISF's effort to retake Kirkuk. In August, media regulators threatened legal action against a pro-Kurdish broadcaster for carrying a program hosted by political satirist Ahmed al-Basheer. The governor of Anbar Province ordered the closure of the local offices of Al-Sharqiya, an independent satellite television channel, in December after it carried a story accusing the governor and his allies of attempting to manipulate voter registration.

In Kurdish-controlled areas, journalists and media outlets that reported critically on the KRG leadership or the independence referendum crisis faced arrests, threats and closure orders from security forces and regulators, and attacks by partisan thugs. Kurdish security forces raided and shut down the offices of a television station in Suleymaniya that had been covering violent antigovernment demonstrations in the city in December.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

The constitution guarantees freedom of belief, but in practice many Iraqis have been subjected to violence and displacement due to their religious identity, and places of worship have often been targets for terrorist attacks. Most political leaders expressed support for religious pluralism after IS's defeat, and Sunnis living in liberated areas began returning to their preferred religious practices. However, some politicians from leading sectarian parties condemned secularism and atheism, apparently reacting to a public shift against religious extremism and political Islam in the wake of the IS conflict.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Educators in Iraq have long faced the threat of violence or other repercussions for teaching subjects or discussing topics that powerful state or nonstate actors find objectionable. IS replaced ordinary schooling with heavy indoctrination and military training in areas under its control. Many schools and universities in IS areas have remained closed after liberation, due in part to insufficient funds from the state. The country's official curriculum is often augmented in the classroom by religious or sectarian viewpoints.

Political activism by university students can result in harassment or intimidation. In May 2017, seven student anticorruption activists affiliated with left-wing groups were abducted in Baghdad and held for about three days; the perpetrators were believed to be members of a Shiite militia, and the interior minister – himself a member of the Shiite Badr Organization – reportedly negotiated their release.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

In 2017, private discussion remained limited in IS areas by intense surveillance. Elsewhere in Iraq there were instances of retribution for speech on social media. Political speech in the Kurdish region can also prompt arbitrary detentions or other reprisals from government or partisan forces, and there were reports of intimidation surrounding the September independence referendum, particularly in contested areas like Kirkuk.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 6 / 12

E1. Is there freedom of assembly? 2 / 4

The constitution guarantees freedom of assembly, and this right is increasingly respected in practice, though deadly violence still occurs. In February 2017, at least five protesters and one police officer were killed when security forces clashed with a Sadrist demonstration calling for electoral reform in Baghdad. Subsequent protests proceeded more peacefully.

Protesters in the Kurdish region faced arrests and deadly violence during the year, particularly amid antigovernment demonstrations in the aftermath of the referendum crisis that featured attacks on state and party facilities. In Suleymaniyah and Halabja in December, at least five antigovernment protesters were killed by security forces. Separately, at least one Yazidi protester was killed by Kurdish forces in March.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

NGOs enjoy societal support and a relatively hospitable regulatory environment, though they must register with the government and obtain approval from the commission responsible for

suppressing Baathism. The main obstacles to NGO operations are a lack of security and impunity for past attacks. In the Kurdish region, NGOs must renew their registration annually. KRG authorities in 2017 raided one NGO that supports Yazidis and briefly closed another.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Iraq's labor law, which took effect in 2016, allows collective bargaining even by workers without a union, improves the rights of subcontractors and migrant workers, and permits workers to strike, among other features. However, it does not permit unionization in the public sector. In practice, some state officials and private employers discourage union activity with threats, demotions, and other deterrents.

F. RULE OF LAW: 0 / 16

F1. Is there an independent judiciary? 0 / 4

The judiciary is influenced by corruption, political pressure, tribal forces, and religious interests. Due to distrust of or lack of access to the courts, many Iraqis have turned to tribal bodies to settle disputes, even those involving major crimes.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Criminal proceedings in Iraq are deeply flawed. Terrorism cases in particular have featured fundamental violations of due process, with human rights groups describing systematic denial of access to counsel and short, summary trials with little evidence that the defendants committed specific crimes other than association with IS. Hundreds of foreign wives and children of suspected IS fighters have also been arbitrarily detained.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

The use of torture to obtain confessions is widespread, including in death penalty cases. More than 100 people were executed during 2017, with dozens put to death in mass hangings. Detainees are held in harsh, overcrowded conditions, and forced disappearances have been reported.

Civilians suffered immensely during 2017 from the conflict with IS. According to the UN Assistance Mission for Iraq, at least 3,298 civilians were killed and 4,781 were wounded in armed conflict and related violence, not including casualties in Anbar in November and December. Those in conflict zones faced bombardment, cross fire, hidden bombs, direct killings by IS fighters, and mass abductions for use as human shields.

Observers of the battles against IS documented summary executions and other abuses by the ISF, PMF, and Yazidi militias. Perpetrators generally enjoyed impunity for such crimes. Both the ISF and supporting U.S. forces also killed and injured civilians in the course of battle, with one U.S. airstrike in Mosul killing more than 100 civilians. Some civilians were killed in the fighting that followed the Kurdish referendum.

Terrorist attacks reportedly declined outside conflict areas in 2017, but bombings and assaults by groups of gunmen still killed dozens of people in Baghdad, Nasiriyah, Basra, and other locations.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

Women face widespread societal discrimination and receive disparate treatment under several aspects of the law. Sexual harassment in the workplace is prohibited, but it is reportedly rare for victims to pursue formal complaints. Mistreatment of women was especially harsh in areas controlled by IS during 2017.

Members of a given ethnic or religious group tend to suffer discrimination or persecution in areas where they represent a minority, leading many to seek safety in other neighborhoods or provinces. Same-sex sexual relations are not explicitly prohibited, but LGBT people risk violence if they are open about their identity. Other disadvantaged groups in the country include Iraqis of African descent, who suffer from high rates of extreme poverty and discrimination.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 4 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4

Millions of Iraqis remained internally displaced at the end of 2017. Freedom of movement improved somewhat as IS-ruled areas and conflict zones were brought back under government control. However, large-scale destruction of housing and infrastructure, the presence of sectarian or partisan militias, and the ongoing threat of violence made it difficult for many displaced people to return home.

Women require the consent of a male guardian to obtain a passport, and freedom of movement for women in practice is more restricted than for men.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or non-state actors? 1 / 4

Iraqis are legally free to own property and establish businesses, but observance of property rights has suffered from years of corruption and conflict, most recently the IS-related fighting. Iraqi business owners continue to face demands for bribes, threats, and violent attempts to seize their enterprises. Contracts in Iraq are difficult to enforce. Women are at a disadvantage to men in terms of inheritance rights and may face pressure to yield their rights to male relatives.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Forced and early marriages are common, especially in the context of displacement and poverty. Nearly one in four Iraqi women aged 20 to 24 were married by 18, and marriage between 15 and 18 is legal with parental approval. Laws on marriage and divorce favor men over women. Domestic violence is criminalized but widespread and rarely punished. So-called honor killings are also seldom punished. Rapists can avoid prosecution if they marry their victims; spousal rape is not prohibited.

Both men and women face pressure to conform to conservative standards on personal appearance. In a high-profile case in July 2017, actor and model Karar Nushi was kidnapped, tortured, and murdered in Baghdad, allegedly because of his long hair and tight clothing.

Restrictions on personal social freedoms have been most severe in areas under IS control, where women in particular were subject to forced marriage, confinement, strict dress requirements, and sexual slavery in the case of Yazidi women and girls.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

IS's market for Yazidi slaves, both women and children, continued to operate for much of 2017. Other forms of human trafficking and exploitation remained problems elsewhere in Iraq, with vulnerable populations including displaced people, foreign migrant workers, children engaged in forced begging, and child soldiers recruited by IS and certain militias.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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