

IRAQ 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Iraq is a constitutional parliamentary republic. The 2018 parliamentary elections, while imperfect, generally met international standards of free and fair elections and resulted in the peaceful transition of power from Prime Minister Haider al-Abadi to Adil Abd al-Mahdi. Widespread protests that began in October 2019 led to the resignation of al-Mahdi on December 1, 2019, and triggered a five-month period of government formation. Mustafa al-Kadhimi, acting director of the Iraqi National Intelligence Service, secured confirmation as prime minister by the Iraqi Council of Representatives on May 6 after announcing commitments to hold early elections in 2021, provide judicial accountability for violence during the previous year's protests, bring all arms under state control, and address systemic and widespread corruption within Iraqi government institutions.

Numerous domestic security forces operate throughout the country. Iraqi Security Forces are organized administratively within the Ministries of Interior and Defense, as well as within the quasi-ministerial Counterterrorism Service. The Ministry of Interior is responsible for domestic law enforcement and maintenance of order; it oversees the Federal Police, Provincial Police, Facilities Protection Service, Civil Defense, and Department of Border Enforcement. Energy police, under the Ministry of Oil, are responsible for providing energy infrastructure protection. Conventional military forces under the Ministry of Defense are responsible for the defense of the country but also carry out counterterrorism and internal security operations in conjunction with the Ministry of Interior. The Counterterrorism Service reports directly to the prime minister and oversees the Counterterrorism Command, an organization that includes three brigades of special operations forces. The National Security Service intelligence agency reports directly to the prime minister.

Iraq's regular armed forces and domestic law enforcement bodies struggled to maintain order within the country, operating in parallel with the Popular Mobilization Committee, a state-sponsored umbrella military organization composed of approximately 60 militia groups, also known as Popular Mobilization

IRAQ

Forces; such units operated throughout the country, often outside government control and in opposition to government policies. Most Popular Mobilization unit members were Shia Arabs, reflecting the demographics of the country, while Sunni Arab, Yezidi, Christian, and other minority units generally operated within or near their home regions. All Popular Mobilization units officially report to the chairman of the Popular Mobilization Committee and are under the ultimate authority of the prime minister, but several units were, in practice, also responsive to Iran and its Islamic Revolutionary Guard Corps.

The two main Kurdish political parties, the Kurdistan Democratic Party and the Patriotic Union of Kurdistan, each maintain an independent security apparatus. Under the federal constitution, the Kurdistan Regional Government has the right to maintain internal security forces, but the Patriotic Union of Kurdistan and the Kurdistan Democratic Party separately control additional Peshmerga military units, as well as separate police forces under nominal Kurdish Ministry of Interior control. The constitution also allows for a centralized, separate Asayish internal security service; however, the Kurdistan Democratic Party and Patriotic Union of Kurdistan also each maintain Asayish forces. The Kurdistan Democratic Party and the Patriotic Union of Kurdistan also maintain separate intelligence services, nominally organized under the Kurdistan Region Security Council.

Federal civilian authorities did not maintain effective control over some elements of the security forces, particularly certain Iran-aligned Popular Mobilization Force units and the Popular Mobilization Committee. Poorly defined administrative boundaries and disputed territories between the Iraqi Kurdistan Region and the central government led to confusion over the jurisdiction of security forces and the courts. Members of the security forces committed numerous documented abuses.

The country experienced large-scale protests in Baghdad and several Shia-majority provinces beginning in early October 2019 and lasting through mid-2020, with reports of more than 500 civilians killed and 20,000 or more injured. The government took minimal steps to bring to justice those responsible for the violence.

Significant human rights issues included: unlawful or arbitrary killings, including extrajudicial killings; forced disappearances; torture and cases of cruel, inhuman,

IRAQ

and degrading treatment or punishment; harsh and life-threatening prison and detention center conditions; arbitrary arrest and detention; arbitrary or unlawful interference with privacy; serious restrictions on free expression, the press, and the internet, including violence against journalists, threats of violence, unjustified arrests and prosecutions against journalists, censorship, site blocking, and existence of criminal libel; substantial interference with the rights of peaceful assembly; legal restrictions on freedom of movement of women; forced returns of internally displaced persons to locations where they faced threats to their lives and freedom; threats of violence against internally displaced persons and returnee populations perceived to have been affiliated with ISIS; widespread official corruption; lack of investigation of and accountability for violence against women; crimes involving violence targeting members of ethnic minority groups; violence targeting lesbian, gay, bisexual, transgender, or intersex persons; criminalization of consensual same-sex sexual conduct between adults; and restrictions on worker rights, including restrictions on formation of independent unions; discrimination in employment of migrants, women, and those with disabilities; and the worst forms of child labor.

The government, including the Office of the Prime Minister, investigated allegations of abuses and atrocities perpetrated by the Iraqi Security Forces, including a ministerial investigation of the October 2019 protests, but rarely punished those responsible for perpetrating or authorizing human rights abuses. Impunity effectively existed for government officials and security force personnel, including the Iraqi Security Forces, Federal Police, Popular Mobilization Forces, and certain units of Kurdistan Regional Government Asayish internal security services.

Despite a reduction in numbers, ISIS continued to commit serious abuses and atrocities, including killings through suicide bombings and improvised explosive devices. The government continued investigations and was prosecuting allegations of ISIS abuses and atrocities and, in some instances, publicly noted the conviction of suspected ISIS members under the counterterrorism law.

Section 1. Respect for the Integrity of the Person, Including

IRAQ

Freedom from

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were numerous reports that the government and members of the security forces committed arbitrary or unlawful killings, and nongovernmental militias and ISIS affiliates also engaged in killings (see section 1.g.).

In August the UN Assistance Mission in Iraq (UNAMI) and the Office of the UN High Commissioner for Human Rights (OHCHR) recorded credible reports of the deaths of 487 protesters and 7,715 incidents of injury to protesters at, or in the vicinity of, demonstration sites from October 2019 to April. A comprehensive disaggregation of those injured was not possible. The casualty findings were broadly consistent with reports from various independent institutions in the country.

Human rights organizations reported that Iran-aligned Popular Mobilization Forces (PMF) militia groups engaged in killing, kidnapping, and extortion throughout the country, particularly in ethnically and religiously mixed provinces. Unlawful killings by unidentified gunmen and politically motivated violence occurred frequently throughout the country. In July historian and government advisor Hisham al-Hashemi was killed near his home in Baghdad's Ziyouna district by two gunmen firing from a motorcycle. No group claimed responsibility for the shooting, but Al-Hashemi had been threatened by the Islamic State as well as pro-Iranian militias.

In August civil society activists blamed pro-Iranian militias for the killing of prominent activist Ossama Tahseen in Basrah Province by unknown gunmen. Tahseen was shot 21 times while security forces reportedly looked on. Also in August unknown gunmen killed female activist Reham Yakob. Yakob, who had previously led all-women protests in Basrah, had harshly criticized the government and pro-Iranian militias via social media before her death.

Government security forces reportedly committed extrajudicial killings. The Iraqi Parliament announced in December 2019 that a parliamentary “fact-finding

IRAQ

committee” assigned to investigate the use of violence in the southern provinces had concluded its work and that its final report would be submitted to then caretaker prime minister Adil Abd al-Mahdi, without providing a timeline. The Dhi Qar Province portion of the investigation remained unfinished due to “incomplete statements of the officers.” Ultimately the committee did not release its final report, and apparently no significant legal action was taken against the perpetrators. The establishment of a fact-finding body to pursue accountability for violence against protesters was one of the first commitments of Prime Minister Mustafa al-Kadhimi’s government when he became prime minister in May. On July 30, al-Kadhimi stated that violence during demonstrations, as of that date, had killed at least 560 persons, including civilians and security personnel.

During the year the security situation remained unstable in many areas due to intermittent attacks by ISIS and its affiliated cells; sporadic fighting between the Iraqi Security Forces (ISF) and ISIS strongholds in remote areas; the presence of militias not fully under the control of the government, including certain PMF units; and sectarian, ethnic, and financially motivated violence.

Terrorist violence continued throughout the year, including several ISIS attacks (see section 1.g.). According to the Iraqi Security Media Cell (a component of the Defense Ministry), the number of ISF personnel killed in attacks during the year was 88, while another 174 members were wounded.

b. Disappearance

There were frequent reports of forced disappearances by or on behalf of government forces, including Federal Police and PMF units. UNAMI/OHCHR reported that from October 2019 to March, UNAMI received 154 allegations of missing protesters and human rights activists presumed to have been abducted or detained.

UNAMI/OHCHR stated in a May report that they were not aware of any official investigations conducted by law enforcement authorities to locate the missing, to identify and prosecute those responsible, or to obtain justice and redress for victims. The government also did not initiate investigations into the abduction and torture of demonstrators and did not prosecute any perpetrators in relation to such

IRAQ

acts, including those committed by nongovernment militias and criminal groups.

Local authorities in Sinjar, Ninewa Province, reported approximately 70 Yezidis were confined in secret Kurdistan Workers' Party (PKK) prisons. Local authorities alleged that since July 2019 PKK fighters had abducted more than 400 Yezidi women residents whose fates remained unclear. Kurdistan Regional Government (KRG) security forces did not have direct access to Sinjar and were unable definitively to verify reports. In July the PKK kidnapped two citizens in Duhok Province. The fate of the two abductees remained unknown.

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

Although the constitution and laws prohibit such practices, they do not define the types of conduct that constitute torture, and the law gives judges full discretion to determine whether a defendant's confession is admissible, often without regard for the manner in which it was obtained. Numerous reports indicated that government officials employed torture and other cruel, inhuman, or degrading treatment or punishment. Courts routinely accepted forced confessions as evidence, which in some ISIS-related counterterrorism cases was the only evidence considered.

As in previous years, there were credible reports that government forces, including Federal Police, the National Security Service (NSS), and the PMF, abused and tortured individuals--particularly Sunni Arabs--during arrest and pretrial detention and after conviction. Former prisoners, detainees, and international human rights organizations documented cases of torture and other cruel, inhuman, or degrading treatment or punishment in Ministry of Interior-run facilities and, to a lesser extent, in Ministry of Defense-run detention facilities.

Human rights organizations reported that both Ministry of Interior and Ministry of Defense personnel tortured detainees. UNAMI/OHCHR reported that some detained protesters were subjected to various mistreatment during interrogation, including severe beatings, electric shocks, hosing or bathing in cold water, being hung from the ceiling by the arms and legs, death threats and threats to their families, as well as degrading treatment (such as being urinated on or being photographed naked). In the same report, women interviewees described being

IRAQ

beaten and threatened with rape and sexual assault. A local NGO in June reported that dozens of torture cases were recorded in detention centers in Ninewa, Salah al-Din, Kirkuk, Anbar, Dhi Qar, and Baghdad.

Impunity effectively existed for government officials and security force personnel, including the Iraqi Security Forces, Federal Police, Popular Mobilization Forces, and certain units of Kurdistan Regional Government Asayish internal security services.

Prison and Detention Center Conditions

Prison and detention center conditions were harsh and occasionally life threatening due to food shortages, gross overcrowding, physical abuse, inadequate sanitary conditions and medical care, and the threat of COVID-19 and other communicable illnesses.

Physical Conditions: Overcrowding in government-run prisons was a systemic problem exacerbated by an increase in the number of alleged ISIS members detained during the past two years. In addition three of the 24 correctional facilities managed by the Iraqi Corrections Service--the government entity with legal authority to hold persons after conviction--remained closed due to security concerns, worsening overcrowding in the facilities that remained open.

In July the Ministry of Justice warned of an emerging health crisis during the COVID-19 pandemic due to prison overcrowding. A senior ministry official stated the juvenile prison was holding 600 inmates, despite a maximum capacity of 250. The official claimed the Justice Ministry had tracked 31 positive cases of COVID-19 among the juvenile inmate population as of July.

In June the Iraqi High Commission for Human Rights (IHCHR) echoed the Ministry of Justice's concerns reporting that the country's penal system's facilities suffered from overcrowding and a lack of infrastructure and health services, adding that maintaining social distancing among inmates was impossible, which would turn prisons into epicenters of the COVID-19 epidemic.

In April the Justice Ministry announced that 950 adult inmates and 57 juveniles received special pardons to mitigate the spread of COVID-19 in detention

IRAQ

facilities. In August the ministry also announced the opening of a new prison in Baghdad to reduce overcrowding with assurances the new prison complied with international standards.

The IHCHR estimated the number of detainees and inmates in Ninewa detention centers at 5,500 individuals, with the number of juveniles (younger than age 18) detained in terrorism cases at 1,000. Overcrowding in detention centers ranged from 150 to 200 percent of their capacity, especially in al-Faysaliah Detention Center in Mosul. The IHCHR reported the centers witnessed high death rates, including 180 deaths in 2018, 40 in 2019, and 22 as of June.

The number of detainees increased beyond the designated capacity across the Iraqi Kurdistan Region's (IKR) six correctional centers. The Independent Human Rights Commission Kurdistan Region (IHRCKR) reported the Erbil Correctional Center, built to house 900 detainees, held 1,957 inmates. The IHRCKR reported three inmates with chronic disease died without getting proper medical treatment due to overcrowding of detention centers. Limited medical staff was unable to handle all cases and provide adequate medical services to all prisoners.

Within the IKR, provinces applied parole and criminal code provisions inconsistently. Legal procedures were often delayed by administrative processing, and parole decisions were not made in a timely fashion.

According to UNAMI, the KRG's newer detention facilities in major cities were well maintained, although conditions remained poor in many smaller detention centers operated by the KRG Ministry of Interior. In some KRG Asayish detention centers and police-run jails, KRG authorities occasionally held juveniles in the same cells as adults. An IHRCKR report stated that as of September, authorities housed more than 50 minors in Erbil Women's and Children Reformatory Center with their convicted mothers. UNICEF funded a separate annex to the prison for these minors, but they continued to lack access to education.

Administration: The central government reported it took steps to address allegations of mistreatment in central government facilities, but the extent of these steps was not known. Both Iraqi and international human rights organizations asserted that judges frequently failed to investigate credible allegations that

IRAQ

security forces tortured terrorism suspects and often convicted defendants based solely on coerced confessions.

Prison and detention center authorities sometimes delayed the release of exonerated detainees or inmates due to lack of prisoner registration or other bureaucratic issues, or they extorted bribes from prisoners prior to their release at the end of their sentences. International and local human rights groups reported that authorities in numerous instances denied family visits to detainees and convicts. Guards allegedly demanded bribes or beat detainees when detainees asked to call their relatives or legal counsel.

The KRG inconsistently applied procedures to address allegations of abuse by KRG Ministry of Interior officers or the Asayish. In a September report on prison conditions across the IKR, the IHRCKR stated that some prisons failed to maintain basic standards and to safeguard the human rights of prisoners. The report emphasized the need for new buildings and for laws to protect the rights and safety of inmates.

Independent Monitoring: Iraqi Corrections Service prisons allowed regular visits by independent nongovernmental observers. In June the government complied with a request from the IHCHR to allow alternative virtual methods to monitor prisons and detention facilities after prison authorities prevented the commission's inspection teams from accessing these facilities due to the spread of COVID-19.

d. Arbitrary Arrest or Detention

The constitution and laws prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. Despite such protections, there were numerous reports of arbitrary arrests and detentions, predominantly of Sunni Arabs, including internally displaced persons (IDPs). In July security forces arrested 20 Sunni alleged suspects after an ISF brigadier general was killed during an ISIS attack in Tarmiya. The detainees were not involved in the attack, had no reported affiliation with ISIS, and were released only after the prime minister's direct intervention.

In September, ISF units arrested prominent activist Dhurgham Majid and 40 other protesters in al-Hillah, Babil Province, and detained them until the following day

IRAQ

without providing a reason for their detention.

KRG security forces detained at least 50 protesters, activists, and journalists in late August in the towns of Zakho and Duhok. Many observers called the detentions arbitrary, either because persons were detained for exercising their right to peaceful assembly, or because authorities ignored their right under law to be brought before a judge within 24 hours.

Arrest Procedures and Treatment of Detainees

The law prohibits the arrest or remand of individuals, except by order of a competent judge or court or as established by the code of criminal procedures. The law requires authorities to register the detainee's name, place of detention, reason for detention, and legal basis for arrest within 24 hours of the detention--a period that may be extended to a maximum of 72 hours in most cases. For offenses punishable by death, authorities may legally detain the defendant as long as necessary to complete the judicial process. The Ministry of Justice is responsible for updating and managing these registers. The law requires the Ministries of Defense and Interior and the NSS to establish guidelines for commanders in battlefield situations to register detainees' details in this central register. The law also prohibits any entity, other than legally competent authorities, to detain any person.

Human rights organizations reported that government forces, including the ISF (including the Federal Police), NSS, PMF, Peshmerga, and Asayish, frequently ignored the law. Local media and human rights groups reported that authorities arrested suspects in security sweeps without warrants, particularly under the antiterrorism law, and frequently held such detainees for prolonged periods without charge or registration. The government periodically released detainees, usually after concluding that it lacked sufficient evidence for the courts to convict them, but many others remained in detention pending review of other outstanding charges.

In May, Amnesty International reported that armed members of the KRG's Asayish entered the home of teacher and activist Badal Abdulbaqi Abu Bakr in the town of Duhok and arrested him without a warrant. Bakr was later charged with

IRAQ

“misuse of electronic devices” for his role in organizing peaceful protests through social media platforms.

The law allows release on bond for criminal (but not security) detainees. Authorities rarely released detainees on bail. The law provides for judges to appoint free counsel for the indigent. Attorneys appointed to represent detainees frequently complained that insufficient access to their clients hampered adequate attorney/client consultation. In many cases detainees were not able to meet their attorneys until their scheduled trial date.

Government forces held many terrorism-related suspects incommunicado without an arrest warrant and transported detainees to undisclosed detention facilities (see section 1.b.).

Arbitrary Arrest: There were numerous reports of arbitrary arrest or unlawful detention by government forces, including the ISF (including the Federal Police), NSS, PMF, Peshmerga, and Asayish. There were no reliable statistics available regarding the total number of such acts or the length of detentions. Authorities often failed to notify family members of the arrest or location of detention, resulting in incommunicado detention if not enforced disappearance (see section 1.b.). Humanitarian organizations also reported that, in many instances, federal authorities did not inform detainees of the reasons for their detention or the charges against them. Many reports of arbitrary or unlawful detention involved suspected members or supporters of ISIS and their associates and family members.

There were reports of Iran-aligned PMF groups also arbitrarily or unlawfully detaining Kurds, Turkmen, Christians, and other minorities in western Ninewa and the Ninewa Plain. There were numerous reports of 30th and 50th PMF Brigades involvement in extortion, illegal arrests, kidnappings, and detention of individuals without warrants. In July credible law-enforcement information indicated that the 30th PMF Brigade operated secret prisons in several locations in Ninewa Province, which housed 1,000 detainees arrested on sectarian-based, false pretenses. Leaders of the 30th PMF Brigade allegedly forced families of the detainees to pay large sums of money in exchange for the release of their relatives.

In October, Iraqi security forces in Basrah arbitrarily detained without warrant

IRAQ

eight human rights defenders, including human rights defender Hussam al-Khamisy, according to witnesses who spoke to the NGO Gulf Center for Human Rights and local rights groups. The eight were held for six hours and released only after being forced to sign a document, which they were not allowed to read.

Pretrial Detention: The Ministries of Justice, Defense, Interior, and Labor and Social Affairs are authorized by law to hold pretrial detainees, as is the NSS in limited circumstances, for a brief period. Lengthy pretrial detentions without due process or judicial review were a systemic problem, particularly for those accused of having ties to ISIS. There were no independently verified statistics, however, concerning the number of pretrial detainees in central government facilities, the approximate percentage of the prison and detainee population in pretrial detention, or the average length of time held.

The lack of judicial review resulted from several factors, including the large number of detainees, undocumented detentions, slow processing of criminal investigations, an insufficient number of judges and trained judicial personnel, authorities' inability or reluctance to use bail or other conditions of release, lack of information sharing, bribery, and corruption. Overcrowding of pretrial detainees remained a problem in many detention centers.

Lengthy pretrial detentions were particularly common in areas liberated from ISIS, where the large number of ISIS-related detainees and use of makeshift facilities led to significant overcrowding and inadequate services. There were reports of detention beyond judicial release dates and unlawful releases.

According to the IHCHR, 448 non-Iraqi women and 547 children were in Ministry of Justice custody as of September. Of the 547 children, 222 were placed with their mothers, while 80 were sent to the juvenile correctional department and 32 were sent to state shelters (orphanages).

Authorities reportedly held numerous detainees without trial for months or years after arrest, particularly those detained under the antiterrorism law. Authorities sometimes held detainees incommunicado, without access to defense counsel, presentation before a judge, or arraignment on formal charges within the legally mandated period. Authorities reportedly detained spouses and other family

IRAQ

members of fugitives--mostly Sunni Arabs wanted on terrorism charges--to compel their surrender.

KRG authorities also reportedly held detainees for extensive periods in pretrial detention; however, no data was available regarding the approximate percentages of prison and detainee population in pretrial detention and the average length of time held.

KRG officials noted prosecutors and defense attorneys frequently encountered obstacles in carrying out their work and trials were unnecessarily delayed for administrative reasons. COVID-19 preventive measures and closures presented additional obstacles to the resolution of judicial proceedings during 2020.

According to the IHRCKR, some detainees remained in KRG internal security service facilities for extended periods even after court orders were issued for their release. The IHRCKR reported that other detainees remained in detention centers longer than required due to lack of implementation of parole and closure of courts due to COVID-19 restrictive measures. Lawyers provided by an international NGO continued to have access to and provide representation to any juvenile without a court-appointed attorney.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: The constitution and law grant detainees the right to a prompt judicial determination on the legality of their detention and the right to prompt release. Despite the 2016 law concerning rights of detainees, NGOs widely reported that detainees had limited ability to challenge the lawfulness of detention before a court and that a bribe was often necessary to have charges dropped unlawfully or gain release from arbitrary detention. While a constitutional right, the law does not allow for compensation for a person found to have been unlawfully detained. In July an Iraqi NGO documented 10 cases of detainees forced to pay bribes to gain release from detention and cited stories of family members blackmailed by security officers who accepted bribes without releasing the detainees. The report quoted an IHCHR member who said that at least half of these detainees had been incarcerated for

IRAQ

periods ranging from six months to two years without having their cases settled.

e. Denial of Fair Public Trial

The Iraqi constitution provides for an independent judiciary, but certain articles of law restricted judicial independence and impartiality. The country's security situation and political history left the judiciary weak and dependent on other parts of the government. The Federal Supreme Court rules on issues related to federalism and the constitution, and a separate Higher Judicial Council manages and supervises the court system, including disciplinary matters.

Corruption or intimidation reportedly influenced some judges in criminal cases at the trial level and on appeal at the Court of Cassation.

Numerous threats and killings by sectarian, tribal, extremist, and criminal elements impaired judicial independence. Judges, lawyers, and their family members frequently faced death threats and attacks. In February the head of the Iraqi Bar Association, Dhia al-Saadi, announced his intention to prosecute the perpetrators who tried to assassinate protester lawyer Ali Ma'arij in Dhi Qar Province.

Judges in Mosul and Baghdad were repeatedly criticized by international NGOs for overseeing hasty trials and handing down long prison sentences for ISIS family members. Defense attorneys said they rarely had access to their clients before hearings and were threatened for defending them. According to Amnesty International, trials for terrorism-related charges lasted anywhere from one to 10 minutes, and authorities often brought groups of 50 to 80 detainees into the court to be sentenced together. Children older than age nine also were prosecuted for illegal entry into the country despite statements that their parents brought them to the country without their consent.

The Kurdistan Judicial Council is legally, financially, and administratively independent from the KRG Ministry of Justice, but KRG senior leaders reportedly influenced politically sensitive cases. Judicial appointments and rulings were

IRAQ

reportedly also influenced by the region's strongest political parties.

Trial Procedures

The constitution and law provide all citizens the right to a fair and public trial, but the judiciary did not enforce this right for all defendants. Some government officials, the United Nations, and civil society organizations (CSOs) reported trial proceedings fell short of international standards.

By law accused persons are innocent until proven guilty. Judges in ISIS-related cases, however, sometimes reportedly presumed defendants' guilt based upon presence or geographic proximity to activities of the terrorist group, or upon a spousal or familial relationship to another defendant, as indicated by international NGOs throughout the year. The law requires detainees to be informed promptly and in detail of the charges against them and of their right to a fair, timely, and public trial. Nonetheless, officials routinely failed to inform defendants promptly or in detail of the charges against them. Trials were public, except in some national security cases. Numerous defendants experienced undue delays in reaching trial.

In 2019 the government established specialized terrorism courts to prosecute accused foreign terrorist fighters repatriated from neighboring Syria. In April 2019 courts began preparing cases against nearly 900 citizens accused of joining ISIS. The IHCHR said that as of August, a total of 794 of the 900 had been found guilty of terrorism crimes and sentenced to death. By law the Court of Cassation reviews each sentence, but according to the IHCHR, it was likely that all of the death penalty sentences would be upheld.

Defendants' rights under law include the right to be present at their trial and the right to a privately retained or court-appointed counsel, at public expense, if needed. Defendants frequently did not have adequate time and facilities to prepare a defense. Insufficient access to defense attorneys was a serious defect in investigative, trial, and appellate proceedings. This scenario was typical in counterterrorism courts, where judicial officials reportedly sought to complete convictions and sentencing for thousands of suspected ISIS members quickly,

IRAQ

including through mass trials.

Defendants also have the right, under law, to free assistance of an interpreter, if needed. The qualifications of interpreters varied greatly. Some foreign missions provided translators to their citizen defendants; however, not all countries were able to provide this service. When no translator was available, judges reportedly postponed proceedings and sent the foreign defendants back to jail.

Judges assemble evidence and adjudicate guilt or innocence. Defendants and their attorneys have the right, under law, to confront witnesses against them and present witnesses and evidence. They may not be compelled to testify or confess guilt. Nevertheless, defendants and their attorneys were not always granted access to evidence, or government officials demanded a bribe in exchange for access to the case files. In numerous cases judges reportedly relied on forced or coerced confessions as the primary or sole source of evidence in convictions, without the corroboration of forensic evidence or independent witness testimony.

The public prosecution, defendant, and complainant each have the right to appeal an acquittal, conviction, or sentence in a criminal court ruling. Appeals are heard by the criminal committee, consisting of a presiding judge and a minimum of four other judges, within the Federal Court of Cassation in Baghdad. The criminal committee automatically reviews all cases with a minimum sentence of 25 years, life imprisonment, or death. The committee may uphold a decision or overrule it and return the case to the trial court for a retrial or for additional judicial investigation. The law provides for retrials of detainees convicted due to forced or coerced confessions or evidence provided by secret informants. The Ministry of Justice reported in 2019 that authorities released almost 8,800 detainees from government custody between the law's enactment in 2016 and October 2019. Updated figures were not available as of December.

Human Rights Watch (HRW) reported in September that a study of appeals court decisions indicated judges in almost two dozen cases appeared to ignore torture allegations and, in some instances, relied on uncorroborated confessions. According to HRW, judges denied these appeals even when the torture allegations were substantiated by forensic medical exams, and where the confessions were

IRAQ

unsubstantiated by any other evidence or extracted by force.

Political Prisoners and Detainees

The government did not consider any incarcerated persons to be political prisoners and argued they had violated criminal statutes. It was difficult to assess these claims due to lack of government transparency, prevalence of corruption in arrest procedures, slow case processing; and extremely limited access to detainees, especially those held in counterterrorism, intelligence, and military facilities. Political opponents of the government alleged the government imprisoned individuals for political activities or beliefs under the pretense of criminal charges ranging from corruption to terrorism and murder.

A legal advisor at an Iraqi human rights NGO noted the disappearances of at least 75 human rights and political activists who were kidnapped from protest squares and were being held by unknown parties presumed to be Iranian-backed militias.

In May, Prime Minister al-Kadhimi ordered the immediate release of all detained protesters. The Higher Judicial Council subsequently ordered courts around the country to release all protesters. In July the prime minister followed up with unannounced visits to prisons where nongovernmental organizations (NGOs) claimed protesters were being detained. According to local human rights organizations, prison officials were surprised by al-Kadhimi's visits, during which the prime minister reportedly asked detainees whether there were any protesters among them.

After al-Kadhimi's prison visits the IHCHR confirmed the release of 2,740 protester detainees. The IHCHR was allowed to visit the remaining 87 detainees, those accused of specific violent acts against government forces, while in custody.

Amnesty: A general amnesty law approved in 2016 and amended in 2017 includes amnesty for corruption crimes under the condition that the stolen money be returned. NGOs and politicians complained that authorities implemented the law selectively and in a manner that did not comply with the intended goal of the legislation, which was to provide relief for those imprisoned under false charges or

IRAQ

for sectarian reasons.

Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil remedies for, or cessation of, human rights violations through domestic courts. Administrative remedies also exist. The government did not effectively implement civil or administrative remedies for human rights violations due in part to the overwhelming security focus of the executive branch on maintenance of law and order, coupled with an understaffed judiciary.

Unlike federal law, KRG law provides for compensation to persons subject to unlawful arrest or detention and survivors of the Anfal chemical weapons campaign waged by the former Baath regime of Saddam Hussein; the KRG Ministry of Martyrs and Anfal Affairs handles such cases. The ministry approved approximately 5,127 cases (many historical) that were to receive compensation consisting of a piece of land, 10 years' salary, and college tuition for one family member, although the government could not always pay compensation due to budget constraints. The ministry stated there were 20,364 unlawful arrest claims approved but pending final compensation decisions.

Individuals in the IKR and the rest of the country who were imprisoned for political reasons under the former Baath regime of Saddam Hussein received a pension as compensation from the government. While KRG political prisoners' pensions were approximately 500,000 dinars (\$440) plus 50,000 dinars (\$44) for each year of being imprisoned, the central government paid other Iraqis a minimum of 1.2 million dinars (\$1,050).

Property Restitution

The constitution and law prohibit the expropriation of property, except for the public benefit and in return for just compensation. In previous years government forces and PMF units forced suspected ISIS members, in addition to religious and ethnic minorities, from their homes and confiscated property without restitution. Although home and property confiscations declined sharply during the year, many of those who confiscated the homes still occupied them or claimed ownership to the property. This factor, among other concerns, contributed to low rates of return

IRAQ

for IDPs to these areas. The compensation commission of Mosul, Ninewa Province, stated that families of suspected ISIS members could receive compensation if they obtained a security clearance to return home from the NSS, but HRW reported that almost all families of ISIS suspects were being denied clearance.

In Mosul, activists claimed that various PMF militia confiscated more than 5,000 private and public properties by manipulating property registration to replace the owner of record, many of whom fled the area during ISIS occupation. Similarly, NGO contacts reported a pro-Iranian militia group, Asaib Ahl al-Haq, confiscated the Abu Nawas theater building in November, one of the oldest theaters in Baghdad, to support their activities.

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

The constitution and law prohibit such actions, but there were numerous reports that the government failed to respect these prohibitions. Government forces often entered homes without judicial or other appropriate authorization.

g. Abuses in Internal Conflict

Killings: Iraq Body Count, an independent NGO that records civilian deaths in the country, reported 848 civilians killed during the year due to internal conflict, a drop from 2,392 civilian deaths reported during the preceding year. An IHCHR commissioner attributed the drop in deaths to reduced protest activity during the year, as well as to COVID-19 lockdowns.

Despite its territorial defeat in 2017, ISIS remained a major perpetrator of abuses and atrocities. The remaining fighters operated out of sleeper cells and strike teams that carried out sniper attacks, ambushes, kidnappings, and assassinations against security forces and community leaders. These abuses were particularly evident in Anbar, Baghdad, Diyala, Kirkuk, Ninewa, and Salah al-Din provinces. Salah al-Din provincial operations commander Saad Muhammed told local media on July 25 that an ISIS group attacked the house of a village leader, Khudair Abbas

IRAQ

al-Samarrai, and killed him along with five of his immediate family members.

Abductions: There were frequent reports of enforced disappearances by or on behalf of government forces, including the ISF and PMF, as well as non-PMF militias and criminal groups.

A UNAMI report released in August on enforced disappearances in Anbar Province called for independent and effective investigations to establish the fate of approximately 1,000 civilian men and boys who disappeared during military operations against ISIS in Anbar during 2015-16. The report highlighted a list of 300 names, compiled by the IHCHR, of persons allegedly kidnapped from al-Sejar, al-Saqlawia, and al-Razzazah in 2016. Despite this list's being shared with Iraqi government officials, as of August the IHCHR had not received any information about these individuals, and the Iraqi government had not added the names to their databases of known missing persons.

The KRG Office for Rescuing Kidnapped Yezidis on September 2 stated that 2,880 (1,304 females and 1,576 males) of the 6,417 Yezidis kidnapped by ISIS in 2014 remained missing. The report indicated ISIS attacks on Yezidi communities had resulted in 310,000 Yezidi IDPs, forced more than 100,000 to flee Iraq, and left 2,745 children as orphans. The statement noted that in Sinjar 83 mass graves had been discovered, in addition to dozens of individual gravesites, and that 68 holy shrines and temples were destroyed. The report noted that referenced statistics did not reflect additional human casualties or the vast material losses in residential and agricultural land, residences, businesses, livestock, cars, and other property.

Other minority populations were also victims of gross human rights violations committed by ISIS forces. A Shabak member of parliament reported that 233 Shabak men women and children had been kidnapped by ISIS and their whereabouts remained unknown. Ali Hussein, of Iraqi Turkmen Front, reported approximately 1,200 Turkmen had been kidnapped, including 446 women. Hussein estimated that 800 of the 1,200 were killed, while the rest remained missing. The KRG Ministry of Endowments and Religious Affairs estimated the total number of Christians killed by ISIS at 303, with another 150 missing. According to the KRG Ministry of Peshmerga, more than 45 Peshmerga taken

IRAQ

prisoner during the fighting with ISIS remained missing.

Physical Abuse, Punishment, and Torture: Reports from international human rights groups stated that government forces, including Federal Police, National Security Service, PMF, and Asayish, abused prisoners and detainees, particularly Sunni Arabs.

The Iraqi War Documentation Center (IWDC) released a statement in July stating that in June and July approximately 207 civilians were reportedly detained, mostly Sunnis accused of ISIS affiliation, by ISF and PMF units, from the Salah al-Din, Ninewa, Diyala, and Baghdad belt areas, including at least 10 women and three children. The IWDC added that one of these detainees, Ahmed Hadi al-Dulaimi, from Tarmiyah district north of Baghdad, died on July 6 while in PMF custody and that his body showed signs of torture.

Child Soldiers: There were no reports that the central government's Ministry of Defense conscripted or recruited children to serve in the security services. The government and Shia religious leaders expressly prohibited children younger than 18 from serving in combat.

In previous years ISIS was known to recruit and use children in combat and support functions. Due in part to ISIS' territorial defeat, little information was available on its use of children in the country during the year.

In June the UN Security Council published a report on children and armed conflict, in which the UN secretary-general commended the government for its continuing discussion with the United Nations on developing an action plan to prevent the recruitment and use of children by the Popular Mobilization Forces and noted that no new cases of recruitment and use by those forces were documented during the year.

See also the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Other Conflict-related Abuse: Conflict disrupted the lives of hundreds of thousands of persons throughout the country, particularly in Baghdad, Anbar, and

IRAQ

Ninewa provinces.

Government forces, including the ISF and PMF, established or maintained roadblocks that reportedly impeded the flow of humanitarian assistance to communities in need, particularly in disputed territories such as Sinjar, Ninewa Province. Media outlets circulated a video of an improvised explosive device (IED) attack on a UN World Food Program (WFP) vehicle in Ninewa on August 26. The Saraya Awliyaa al-Dam militia declared responsibility for the attack. A WFP worker was reportedly injured by the blast in Bartalla district between Erbil and Ninewa.

ISIS reportedly targeted religious celebrations and places of worship, civilian infrastructure, including several attacks on electricity and water infrastructure in Kirkuk and other provinces. ISIS leadership characterized the attacks as “continuous operations to drain through attrition the Iraqi army, Iraqi police, and Peshmerga.”

On August 22, ISIS militants reportedly carried out an IED attack against a Shia holy site during an Ashura religious procession in Dujail, located in southern Salah al-Din Province. The resulting clashes between ISIS and government forces responding to the attack resulted in 13 fatalities and three injuries among Iraqi Federal Police and Saraya al-Salam militiamen, as well as seven civilians wounded.

On August 25, the Iraqi Security Media Cell reported that ISIS terrorists opened fire on a police station in the Daquq area of the Kirkuk highway with four reported deaths and four wounded.

In 2017 the UN Security Council, in cooperation with the government, established the UN Investigative Team to Promote Accountability for Crimes Committed by Da’esh/ISIL (UNITAD) with a goal to bring justice and accountability to individuals who committed, or participated in, mass atrocities and serve as a deterrent to further gross violations of human rights. The investigative team-- which was tasked with collecting, preserving, and storing evidence of acts that may amount to war crimes, crimes against humanity, and genocide committed by ISIS-- formally began its work in 2018. In March 2019 UNITAD launched its first

IRAQ

exhumation at the Yezidi village of Kocho, in Ninewa Province's Sinjar district. COVID and security issues delayed much of UNITAD's work during the year, but in October a new exhumation was launched at the Solagh Institute in Ninewa, where elderly Yezidi women deemed too old to be sold by ISIS into sexual slavery were executed and buried. In November, UNITAD also announced planned exhumations in Zagroytiya village just south of the Mosul airport, where dozens of Sunni male law enforcement personnel were killed, and Mosul's Badoush Prison, where hundreds of Shia inmates were executed.

Section 2. Respect for Civil Liberties, Including

a. Freedom of Expression, Including for the Press

The constitution provides for the right of free expression, including for the press if such does not violate public order and morality, express support for the banned Baath Party, or advocate altering the country's borders through violent means. Despite this provision, media and social activists faced various forms of pressure and intimidation from authorities, making the primary limitation on freedom of expression self-censorship due to a credible fear of reprisals by the government, political parties, ethnic and sectarian forces, militias, terrorist and extremist groups, or criminal gangs. A media environment in which press outlets were closely affiliated with specific political parties and ethnic factions, an opaque judiciary, and a developing democratic political system combined to place considerable restrictions on freedom of expression, including the press.

Freedom of Speech: Individuals were able to criticize the government publicly or privately but not without fear of reprisal. Impunity in cases of violence against the press and a lack of a truly independent judiciary and press regulation body diminished the effectiveness of journalists.

Central government and KRG forces arrested and detained protesters and activists critical of the central government and of the KRG, respectively, according to statements by government officials, NGO representatives, and press reports.

Freedom of Press and Media, Including Online Media: Despite the constitutional protection for freedom of expression, central government and KRG

IRAQ

oversight and censorship sometimes interfered with media operations, at times resulting in the closure of media outlets, restrictions on reporting, denying access to public information, and interference with internet service.

Local media was active and expressed a variety of views, largely reflecting owners' political viewpoints. Media also self-censored to comply with government restrictions against "violating public order" and because of a fear of reprisal by political figures and parties, militias, terrorist groups, criminal organizations, government officials, and private individuals. Political parties strongly influenced, or controlled outright, most of the several hundred daily and weekly print publications, as well as dozens of radio and television stations.

The KRG's Kurdistan Democratic Party (KDP) and Patriotic Union of Kurdistan (PUK) prioritized access to the outlets they owned. In KDP strongholds Kurdistan Television, Rudaw, and K24 had access to all public places and information, while in PUK-dominated Sulaymaniya Province, Kurdsat News, and GK Television enjoyed the same privilege. Conversely, outlets belonging to opposition parties or lacking party affiliation had limited access to public information in the IKR.

The IKR press law does not give the KRG the authority to close media outlets, but in August the KRG closed the Kurdish Nalia Radio and Television (NRT) offices in Erbil and Duhok over the television station's coverage of protests. On September 9, KRG coordinator for international advocacy Dindar Zebari defended the move stating that NRT violated Article 2 of Law 12 of 2010, which bars encouraging a public disturbance or harming social harmony in accordance with IKR law.

Government forces sometimes prevented journalists from reporting, citing security reasons. Some media organizations reported arrests and harassment of journalists, as well as government efforts to prevent them from covering politically sensitive topics, including security issues, corruption, and government failure to provide adequate services.

Violence and Harassment: Several journalists were killed throughout the year during the course of their work, some reportedly by militia or security forces. On February 11, unknown gunmen assassinated journalist and general supervisor of al-

IRAQ

Rasheed Satellite TV, Nizar Thanoun, while he was traveling in his car in the al-Jama neighborhood of western Baghdad.

In addition to those killed, others in media reported threats, intimidation, and attacks. Istiaq Adel, a reporter for al-Sumaria satellite TV, reported she survived an attack on January 30 after receiving several threatening text messages.

HRW released a report in June that cited numerous violations of press freedom and freedom of expression amid widespread protests and during the COVID-19 outbreak. Media workers reported that politicians, government officials, security services, tribal elements, and business leaders pressured them not to publish articles critical of them. Journalists reported accounts of government or partisan violence, intimidation, death threats, and harassment.

Amnesty International continued to receive reports of activists and journalists threatened by security forces. These forces warned them that if they continued to speak out against human rights abuses committed against protesters, they would be added to a blacklist compiled by intelligence services.

Throughout the IKR there were reports of beatings, detentions, and death threats against media workers. In some cases the aggressors wore KRG military or police uniforms. In particular journalists working for NRT were frequently arrested. On August 14, the Committee to Protect Journalists (CPJ) reported that Kurdish security forces in Erbil briefly detained an NRT crew covering protests in the city and seized their equipment. Rebwar Kakay, head of NRT's office in Erbil, told the CPJ that authorities held the journalists without charge for eight hours at Erbil's Azadi police station, and that the team's cameras, live streaming devices, press badges, and cell phones were seized.

Certain KRG courts applied the more stringent Iraqi criminal code in lawsuits involving journalists instead of the IKR's own Press Law, which provides greater protection for freedom of expression and forbids the detention of journalists. KRG officials increased their use of lawsuits against journalists critical of the KRG, including applying laws such as the Law of Misuse of Electronic Devices instead of the IKR press law. In the first nine months of the year, KRG officials from various government offices filed eight independent lawsuits against freelance

IRAQ

journalist Hemn Mamand after he posted content on Facebook critical of the KRG's COVID-19 response. Mamand was arrested twice, in March and again in April, and spent 34 days in detention on charges levied under the Law of Misuse of Electronic Devices.

Reporting from areas liberated from ISIS control remained dangerous and difficult. Journalists covering armed clashes involving government forces, militias, and ISIS remnants faced serious threats to their safety. Military officials, citing safety considerations, sometimes restricted journalists' access to areas of active fighting.

Censorship or Content Restrictions: The law prohibits producing, importing, publishing, or possessing written material, drawings, photographs, or films that violate public integrity or decency. The penalties for conviction include fines and imprisonment. Fear of violent retaliation for publishing facts or opinions critical of political factions inhibited free expression. The Ministry of Culture must approve all books published in or imported into the country, thereby subjecting authors to censorship.

The Press Freedom Advocacy Association in Iraq (PFAA) released a report in July that detailed restrictions imposed by the Communication and Media Commission (CMC) on media outlets over the past 10 years, which included 128 closures of media outlets, suspension of operating licenses, fines, and forced job termination of selected employees. Since October 2019 the CMC ordered the closure of 19 local and Arab media outlets, most of which participated in the coverage of the October 2019 demonstrations.

HRW reported in April that the CMC suspended Reuters' license for three months and fined it for an article it published on April 2 alleging that the number of confirmed COVID-19 cases in the country was much higher than the official statistics. Authorities lifted the suspension on April 19 amid international pressure.

Libel/Slander Laws: Militias and government officials used arrest warrants in defamation cases to intimidate, silence, and in some instances apparently "flush out" activists and journalists from hiding. An Iranian-backed militia, Harakat al-Nujaba, targeted Middle East Eye correspondent Suadad al-Salihi with a defamation complaint over her reporting on their activities, which resulted in

IRAQ

Baghdad's Karrada Investigative Court issuing an arrest warrant against her on October 22. On November 5, the Ninewa Federal Court of Appeals issued arrest warrants against four media bloggers over their critical reporting on the province's COVID-19 response. One blogger claimed to have been directly threatened by Ninewa's provincial health services director. In similar developments in the IKR, on September 22, police detained journalist Bahroz Jaafar in Sulaymaniya following a lawsuit filed by President Barham Salih over defamation charges.

Nongovernmental Impact: Nongovernmental and quasi-governmental actors, including militias outside of state control, terrorist groups, and criminal organizations, threatened journalists with violence for reporting on sensitive subjects. On July 17, dozens of journalists expressed concerns regarding a potential escalation of violence against them by outlaw militias, particularly in the wake of the Hisham al-Hashemi killing. The PFAA reported in July it had documented specific threats by unknown militias against at least 30 journalists during the year. The PFAA also said that it had become common practice to accuse journalists responsible for antimilitia reporting of being agents of foreign governments and encourage violence against them.

Internet Freedom

The government restricted or disrupted access to the internet and censored online content, and there were reports the government monitored private online communications without appropriate legal authority. Government restrictions on access to the internet were overt, but the government denied that it monitored private online communications without appropriate legal authority. Despite restrictions, political figures and activists used the internet to criticize politicians, organize demonstrations, and campaign for candidates through social media platforms.

The government acknowledged it interfered with internet access in some areas of the country, reportedly due to the security situation and ISIS' disruptive use of social media platforms. While Wi-Fi and 3G access was largely restored, connectivity remained weak, making social media and streaming difficult. Slow speeds, or the "throttling back" of internet access, greatly limited the ability of

IRAQ

users to upload video and photographic content.

Academic Freedom and Cultural Events

There were government restrictions on academic freedom and cultural events. Social, religious, and political pressures significantly restricted the exercise of freedom of choice in academic and cultural matters. In all regions, various groups sought to control the pursuit of formal education and the granting of academic positions. Academic freedoms remained restricted in areas of active conflict with ISIS.

NGOs in the IKR reported that university president, dean, and senior professorship positions were easier to obtain for those with links to the traditional KDP and PUK ruling parties. Privilege was also given to those affiliated with political parties in the pursuit of higher degrees.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for freedom of assembly and peaceful demonstration “regulated by law.” The government sometimes limited freedom of peaceful assembly and association.

Freedom of Peaceful Assembly

Regulations require protest organizers to request permission seven days in advance of a demonstration and submit detailed information regarding the applicants, the reason for the protest, and participants. The regulations prohibit all “slogans, signs, printed materials, or drawings” involving “sectarianism, racism, or segregation” of citizens. The regulations also prohibit anything that would violate the constitution or law; encourage violence, hatred, or killing; or prove insulting to Islam, “honor, morals, religion, holy groups, or Iraqi entities in general.”

Authorities generally issued permits in accordance with the regulations. As demonstrations escalated starting in October 2019, authorities consistently failed to protect demonstrators from violence (see section 1.e.).

In February armed militias attacked protest squares in Najaf and Karbala using live bullets, batons, and knives against peaceful protesters and also burned their tents.

IRAQ

The security forces watched the attacks unfold without intervening to protect the demonstrators or stopping the militants. In May security forces in Diwaniyah Province opened fire on protesters who had gathered to demand the release of four activists arrested earlier that day.

From October 2019 to August, the al-Nama Center for Human Rights documented 39 killings targeting protesters, 31 attempted killings, 20 cases of harassment and intimidation, seven enforced disappearances, 36 kidnappings, and 35 arbitrary detentions throughout the country. Most of these attacks were carried out by unknown gunmen who observers believed were likely linked to Iranian- or Sadrist-backed militias.

Freedom of Association

The constitution provides for the right to form and join associations and political parties, with some exceptions. The government generally respected this right, except for the legal prohibitions against groups expressing support for the Baath Party or “Zionist principles.”

The government reported it took approximately one month to process NGO registration applications. NGOs must register and periodically reregister in Baghdad. According to the NGO Directorate at the Council of Ministers Secretariat, there were 4,600 registered NGOs as of September, including 168 branches of foreign organizations. There were also 900 women-focused or -chaired NGOs registered as of September. The directorate also sanctioned 700 NGOs for committing violations, such as providing cover for political parties or suspicious operations against the NGO code.

NGOs registered in Baghdad could operate in the IKR; however, NGOs registered solely in the IKR could not operate in the rest of the country. As a result some NGOs registered only in the IKR could not operate outside the IKR and KRG-controlled disputed territories.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at

IRAQ

<https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The constitution and law provide for the freedom of internal movement, foreign travel, emigration, and repatriation, but the government did not consistently respect these rights. Law and custom generally do not respect freedom of movement for women. For example, the law prevents a woman from applying for a passport without the consent of her male guardian or a legal representative. Women could not obtain the Civil Status Identification Document, required for access to public services, food assistance, health care, employment, education, and housing, without the consent of a male relative.

In some instances authorities restricted movements of displaced persons, and authorities did not allow some IDP camp residents to depart without specific permission, thereby limiting access to livelihoods, education, and services. Many parts of the country liberated from ISIS control suffered from movement restrictions due to checkpoints of PMF units and other government forces. In other instances local authorities did not always recognize security permits of returnees or comply with the central government's orders to facilitate, but not force, returns.

Despite improving security conditions in some areas, many returnees grappled with the destruction of homes, lack of services and livelihoods, and continued concerns for security due to the prevalence of PMF groups and, in Sinjar, militias aligned with the PKK. In some cases this led to secondary displacement or a return to IDP camps.

Security considerations, unexploded ordnance, destruction of infrastructure, COVID-19 curfews, and travel restrictions, as well as official and unofficial access restrictions, limited humanitarian access to IDP communities. Insecurity caused by the presence of ISIS, the PKK, and PMF groups hindered the movement of local and international staff of humanitarian organizations, restricting their ability to monitor and implement some programs for a portion of the year.

UNAMI also reported that more than 2,460 humanitarian missions had been canceled or prevented from reaching their destinations since the beginning of December 2019. An estimated 2.4 million persons in need were affected by the

IRAQ

restrictions imposed on humanitarian movements. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), in September alone more than 287,700 individuals in need were affected by these restrictions.

Humanitarian and other organizations reported improved field access beginning in September following action by the NGO Directorate to begin processing access letter requests. According to OCHA, in October the number of individuals affected by access related restrictions fell to 37,000. Humanitarian organizations reported smoother movement in the central provinces of Baghdad, Anbar, and Diyala. Access challenges continued, however, in some areas in western Ninewa, Kirkuk, and Salah al-Din provinces.

In July humanitarian partners reported 77 restrictions of access incidents across 22 districts, with Ninewa Province reporting the highest number. Across all provinces, approximately 95 percent of the incidents reported constituted administrative restrictions on humanitarian activities and movements. It was estimated that more than 231,000 persons in need were affected by access-related incidents that took place in Ninewa (71 percent), Kirkuk (27 percent), Anbar (1 percent), and Baghdad (1 percent). Most incidents reported by humanitarian organizations indicated difficulties related to lack of national-level access letter authorizations.

In-country Movement: The law permits security forces to restrict in-country movement and take other necessary security and military measures in response to security threats and attacks. There were numerous reports that government forces, including the ISF, Peshmerga, and PMF, selectively enforced regulations, including for ethnosectarian reasons, as well as criminal extortion, requiring residency permits to limit entry of persons into areas under their control.

Multiple international NGOs reported that PMF units and the Peshmerga prevented civilians, including Sunni Arabs and ethnic and religious minorities, from returning to their homes after government forces ousted ISIS (see section 6). The Office of the UN High Commissioner for Refugees (UNHCR) reported that local armed groups barred returns to certain areas of Baiji, Salah al-Din Province. Similarly, Christian CSOs reported that certain PMF groups, including the 30th and 50th PMF Brigades, prevented Christian IDP returns and harassed Christian returnees in

IRAQ

several towns in the Ninewa Plain, including Bartalla and Qaraqosh. Members of the 30th Brigade also refused to implement a decision from the prime minister to remove checkpoints, and their continued obstruction led to forced demographic change in traditionally Christian areas of the Ninewa Plain.

The KRG restricted movement across the areas it administered for nonresidents. Authorities required nonresidents to register with the local Asayish office to obtain a residence permit. These permits were generally renewable. Citizens of all ethnosectarian backgrounds, including Kurds, crossing into the IKR from central or southern regions were obligated to cross through checkpoints and undergo personal and vehicle inspection. The government imposed similar restrictions on IDPs from Ninewa Province and the disputed territories.

KRG authorities applied restrictions more stringently in some areas than in others. The United Nations and international humanitarian organizations stated that entry limitations for IDPs and refugees seeking to return to their areas of origin depended upon the ethnosectarian background of the displaced individuals and the area to which they intended to return. There were also reports that authorities sometimes closed checkpoints into the region for extended periods, leaving some returnees separated from their families and agricultural land on the other side of the line of control. Closed checkpoints forced many IDPs to wait, often resulting in secondary displacement. In other instances the closure of checkpoints forced returnees to take circuitous and dangerous routes to reach their areas of origin. KRG officials also prevented individuals whom they deemed security threats from entering the region. KRG officials generally admitted minority IDPs into the IKR, although security checks reportedly were lengthy on occasion. Entry was often more difficult for men, particularly Arab men traveling without family.

Foreign Travel: The government required exit permits for citizens leaving the country, but the requirement was not routinely enforced.

e. Status and Treatment of Internally Displaced Persons

According to the International Organization for Migration (IOM) Displacement Tracking Matrix, an estimated 1.3 million persons remained internally displaced, with more than 250,000 residing in camps and an additional 44,000 in informal

IRAQ

settlements, predominantly in Erbil, Duhok, and Ninewa provinces. According to IOM, more than 100,000 IDPs lived in critical shelters, including unsafe and abandoned buildings, religious buildings, and schools. Nearly five million persons returned to areas of origin across the country since liberation from ISIS.

The constitution and national policy on displacement address IDP rights, but few laws specifically do so. The government and international organizations, including UN agencies and local and international NGOs, provided protection and other assistance to IDPs. Humanitarian actors continued to provide support for formal IDP camps and implemented community-based services for IDPs residing outside of camps to limit strain on host community resources.

In some areas violence, insecurity, and long-standing political, tribal, and ethnosectarian tensions hampered progress on national reconciliation and political reform, complicating the protection environment for IDPs. Thousands of families faced secondary displacement due to economic and security concerns. Forced displacements strained the capacity of local authorities in areas with higher concentrations of IDPs. Families returning to their place of origin faced a lack of shelter, access to services, and livelihood opportunities. Displaced families, especially those with perceived ties to ISIS, were often unable to obtain or replace vital civil status documents, without which they were not able to work, go to school, or move about freely.

Government assistance focused on financial grants to returnees, but payments were sporadic and there was a large backlog in responding to applications. Faced with large movements of IDPs across the country, the government provided food, water, and financial assistance to some but not all IDPs, including in the IKR. Many IDPs lived in informal settlements without access to adequate water, sanitation, or other essential services.

All citizens were eligible to receive food under the Public Distribution System (PDS), but authorities implemented the PDS sporadically and irregularly, with limited access in areas that were among the last to be liberated. Authorities did not distribute all commodities each month, and not all IDPs could access the PDS in each province. Low oil prices reduced government revenues and further limited funds available for the PDS. There were reports of IDPs losing access and

IRAQ

entitlement to PDS distributions and other services due to requirements that citizens could redeem PDS rations or other services only at their registered place of residence.

Local authorities often determined whether IDPs would have access to local services. KRG officials asserted that all IDPs and refugees in the Kurdistan Region benefited from access to public services and infrastructure (such as drinking water, electricity, education, health care, roads, and irrigation system) on an equal basis with the local population, which they stated was a reflection of the KRG's commitment to safeguard fundamental human rights and human dignity under pressing circumstances.

To support humanitarian standards and serve displaced populations, KRG officials reported they had allocated land for construction of camps; contributed to the construction of camps and connecting camps to power grids and local infrastructure; introduced civil administration in the camps and provided security services; reinforced technical and legal services to combat sexual and gender-based violence in and outside the camps; opened additional shifts at local schools to make schooling in Arabic available to displaced children (58 percent of refugees' children and 91 percent of IDPs children were enrolled in formal and informal education); facilitated reunification of children with their families; granted access for all IDPs and refugees to public health services, including mobilizing emergency mobile clinics and medical teams; introduced simplified procedures for free movement of humanitarian personnel; introduced exemption from customs duty and mechanisms to fast-track customs clearance for humanitarian supplies; and publicly called on local communities and all sections of society to welcome and assist IDPs as their guests.

The KRG was host to almost two million IDPs, including a large percentage of Christian, Yazidi, Shabak, Kaka'i, and other ethnic and religious groups from the Ninewa Plain. Despite the dire economic situation and security difficulties that occurred in the region, KRG officials reported they focused on preserving the rights of these minorities as a top priority.

Households with perceived ties to ISIS faced stigma and were at increased risk of being deprived of their basic rights. Government officials frequently denied

IRAQ

security clearances for displaced households with perceived ISIS affiliation to return to areas of origin. Because of this perceived affiliation, these households faced problems obtaining civil documentation and had limited freedom of movement, including the ability to seek medical treatment, due to the risk of arrest or inability to reenter the camps where they resided. Humanitarian organizations reported that women heads of household in multiple IDP camps struggled to obtain permission to move and were subject to verbal and physical harassment, including rape, sexual assault, and exploitation, by government forces and camp residents.

IKR-based NGOs documented numerous cases of women, who, forced to marry ISIS fighters, subsequently became widows with children but lacked marriage and birth certificates required to obtain legal documentation for these children. These women and children were stigmatized because of their association with ISIS, leaving them at heightened risk of suicide, retaliation, and sexual exploitation. Although some communities issued edicts and took steps to absolve women of perceived guilt associated with their sexual exploitation by ISIS fighters, honor killings remained a risk. Communities generally did not accept children born to ISIS fighters. NGO partners reported that some Yezidi community representatives pressured women to abandon their children or place them in orphanages as a condition for being accepted back into the Yezidi community.

In October the minister of displacement and migration announced a new three-phase plan to close all of the country's IDP camps and immediately launched a series of sudden camp closures in Anbar, Baghdad, Diyala, Karbala, Kirkuk, and Ninewa provinces, affecting more than a thousand families. By late November the ministry had closed 11 displacement sites--eight formal IDP camps and three informal sites--across federal Iraq, affecting more than 25,000 IDPs. These closures were not coordinated with relevant local authorities or with humanitarian actors, not all IDPs were able or willing to return to their place of origin, and there were reports that up to 50 percent of IDPs could end up in secondary displacement as a consequence. IDP camp managers and NGOs reported government officials did not always give IDPs at closed camps the choice of where to proceed, resulting in involuntary, unsafe, and undignified returns and movements.

There were numerous reports that IDPs, particularly those suspected of ISIS affiliation, faced hostility from local government officials and populations, as well

IRAQ

as expulsion when they attempted to return to areas of origin. In liberated areas of Anbar, Duhok, Kirkuk, Ninewa, and Salah al-Din provinces, humanitarian agencies reported movement restrictions for families with relatives suspected of ISIS affiliation. An Interior Ministry official estimated the number of those with perceived ISIS affiliation at 250,000. Tribal leaders and humanitarian actors reported that fabricated accusations of ISIS affiliation led to the stigmatization of IDPs, particularly those living in camps, who were being isolated and whose movements in and out of camps were increasingly restricted. Following IDP camp closures starting in October, many IDPs with perceived ISIS affiliation reported being rejected by local communities in areas of return, forcing them either to return to their former camps or to proceed elsewhere. Tribal pacts called for punishing false accusations of ISIS affiliation, but they also prohibited legal defense for those affiliated with ISIS. IDPs were also often the targets of stigmatization or discrimination because of familial rivalries or economic reasons, rather than affiliation with ISIS.

Many Christian IDPs refused to return to the town of Tal Kayf, citing fear of the PMF 50th Brigade that occupied it and the presence of the Tesferat detention center and court, which the International Committee of the Red Cross reported could hold women and minors suspected of being ISIS family members. Prior to 2002, there were between 800,000 and 1.4 million Christians in the region, but that figure had reportedly fallen to below 150,000. Only a very small number of the country's population of 400,000 to 500,000 Yezidis had returned to their homes. Many chose to stay in camps, saying a lack of a reconstruction plans or public services, as well as insecurity, had discouraged them from returning home. In June, however, Yezidis began returning to the Sinjar district in Ninewa Province for a variety of reasons, including fear of COVID-19 in camp settings, and as of late October more than 30,000 had returned.

In October the Iraqi government and the KRG signed a comprehensive agreement that called for a new mayor and administrative committees to oversee Sinjar district, a local security force consisting of Yezidis, removal of PKK and PMF militias, and expanded reconstruction efforts to support voluntary returns of

IRAQ

Yezidis still displaced in the IKR and abroad.

f. Protection of Refugees

The government generally cooperated with UNHCR, IOM, and other humanitarian organizations in providing protection and assistance to IDPs, returning refugees, asylum seekers, stateless persons, or other persons of concern. The government did not have effective systems to assist all of these individuals, largely due to funding shortfalls and lack of capacity.

Abuse of Migrants, Refugees, and Stateless Persons: Humanitarian protection experts assessed that conditions in IDP camps were highly susceptible to sexual exploitation and abuse of residents, further exacerbated by COVID-19-related movement restrictions. Refugees and IDPs reported frequent sexual harassment, both in camps and cities in the IKR. Local NGOs reported cases in which camp management and detention employees subjected IDPs and refugees to various forms of abuse and intimidation.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Syrians made up the vast majority of the refugee population, and almost all refugees resided in the IKR. The KRG generally cooperated with UNHCR and other humanitarian organizations to provide protection and assistance to refugees in the country.

According to the KRG Ministry of Interior, 259,496 refugees resided in the IKR as of September. More than one-half of these refugees lived outside of camps. The KRG cooperated with UNHCR in allowing these individuals to seek refuge in camps and receive basic assistance. The KRG allowed Syrian refugees with family in the IKR to live outside of camps.

Freedom of Movement: Syrian refugees continued to face restrictions on residence and movement outside the IKR. KRG authorities noted IDPs and refugees had freedom of movement within the IKR. There are provisions to allow family visits to Syria. The KHRW confirmed the restrictions on residence and

IRAQ

movement outside the IKR.

Employment: Refugees and asylum seekers are legally entitled to work in the private sector. The central government does not recognize the refugee status of Palestinians. In the KRG Palestinians are allowed to work in the private sector but are required to renew their refugee status annually. Syrian refugees were able to obtain and renew residency and work permits both in refugee camps and in the IKR, although not in the rest of the country. Central government authorities arrested refugees with IKR residence permits who sought work outside the region and returned them to the IKR. A UNHCR survey of Syrian refugees in the IKR between April and June showed that 89 percent of the refugee families had at least one family member regularly employed in some form of livelihood activity.

g. Stateless Persons

UNHCR estimated there were more than 47,000 stateless individuals in the country as of August. An estimated 45,000 displaced children in camps were missing civil documentation and faced exclusion from local society, including being barred from attending school, lacking access to health care, and being deprived of basic rights. Many of these children, born under ISIS rule, were issued birth certificates that were considered invalid by the Iraqi government. They faced extreme difficulties in obtaining civil documentation due to perceived ISIS affiliation.

Absent a countrywide, consistent plan to document children of Iraqi mothers and ISIS fathers, those children were at risk of statelessness. The Yezidi community more willingly welcomed back Yezidi women who survived ISIS captivity but not children fathered through rape by ISIS fighters. The Yezidi community frequently forced women to give up such babies and minor children to orphanages under threat of expulsion from the community.

International NGOs provided shelter referrals to some Yezidi women and, in some cases, assisted mothers in finding homes for forcibly abandoned children. Those children that did not receive assistance were without parents, identification, clear country of birth, or settled nationality.

As of 2006, the latest year for which data was available, an estimated 54,500 *Bidoon* (stateless) individuals, living as nomads in the desert in or near the

IRAQ

southern provinces of Basrah, Dhi Qar, and Qadisiyah, remained undocumented and stateless descendants of individuals who never received Iraqi citizenship upon the state's founding. Prolonged drought in the south of the country forced many individuals from these communities to migrate to city centers, where most obtained identification documents and gained access to food rations and other social benefits. Other communities similarly at risk of statelessness included the country's Romani (Dom) population; the Ahwazi, who are Shia Arabs of Iranian descent; the Baha'i religious minority; inhabitants of the southern marshlands; members of the Goyan and Omariya Turkish Kurdish tribes near Mosul; and nationals of South Sudan.

A UNHCR-funded legal initiative secured nationality for hundreds of formerly stateless families, giving them access to basic rights and services. Since 2017 lawyers worked to help Bidoons and other stateless persons acquire nationality, assisting an average of 500 individuals per year.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. Despite violence and other irregularities in the conduct of previously held elections, citizens were generally able to exercise this right.

Elections and Political Participation

Recent Elections: In 2018 the Independent High Electoral Commission (IHEC) conducted elections for the Iraqi Council of Representatives (COR)--the national parliament. The 2018 elections were notable in that IHEC chose to implement new technologies, including the automated counting and tabulation of votes and the biometric identification and verification of voters. These new technologies, adopted very late in the electoral cycle, placed considerable strain on the institution. International and local observers monitored the elections. Two hundred and seventy-five out of 329 COR members lost their seats in these elections, including the speaker. Although observers declared the elections peaceful, allegations of fraud prompted parliament to order a recount of ballots in areas of Anbar, Kirkuk, Baghdad, and the IKR. Fraud allegations included repeat

IRAQ

voting, manipulation of electronic ballot tallies, ballot stuffing, and voter intimidation.

The COR ratified a new election law in November, which some analysts believed could provide political independents a better chance of winning seats in parliament. The new law effectively changed the country's elections from a proportional representation system based on party lists to a single, nontransferable vote system. Electoral experts assessed the single, nontransferable system would allow voters to choose individual candidates, offering equal chances to independent candidates and large, well-organized electoral alliances. The law allows for holding early parliamentary elections in June 2021 as called for by the prime minister. In November the government submitted a formal request to the UN Security Council for expanded UN electoral monitoring to strengthen the transparency and credibility of these anticipated elections.

Due to problems obtaining or replacing civil documents, as well as last-minute changes to IHEC identification requirements, many IDPs were disenfranchised during the 2018 elections. Although the IHEC made attempts to accommodate the various registration and voting challenges (special absentee voting stations and waiver of the biometric identification card requirement) facing IDPs, the IHEC did not sufficiently inform IDPs in camps about the registration process and the voting procedures for the different categories of IDPs. By the 2017 cut-off date for voter registration, only 293,000 of an estimated 800,000 IDPs of voting age were registered. IDPs are the only group singled out in the new election law who must have a biometric voter identification card to vote. NGOs expressed concern that this could further disenfranchise IDPs in future elections as IHEC struggled to rollout the biometric voter identification program due to capacity challenges and COVID-19.

The Kurdistan Independent High Electoral Commission held elections in 2018 for the Iraqi Kurdistan Parliament (IKP). Most observers witnessed only minor voting day irregularities, but opposition parties alleged voter intimidation and systemic fraud, such as ballot stuffing and falsification of documents. Following the 2018 national parliamentary elections, the International Crisis Group reported on allegations in Kirkuk Province, noting that the Kurdish PUK party won in several non-Kurdish areas with historically low PUK support, and turnout in Kurdish areas

IRAQ

was low compared both with past elections and with turnout in Turkmen and Arab areas.

Political Parties and Political Participation: Political parties and coalition blocs tended to organize along either religious or ethnic lines, although some parties crossed sectarian lines. Membership in some political parties conferred special privileges and advantages in employment and education. As of December there were 231 registered and approved parties for the anticipated 2021 national elections.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate. The constitution mandates that women constitute at least 25 percent of parliamentary and provincial council membership. In the 2018 parliamentary elections, 19 women received sufficient votes to win seats in the 329-seat COR without having to rely on the constitutional quota, compared with 22 in 2014. Sixty-five additional women were awarded seats based on the quota, raising the total number of seats women held to 84. Nonetheless, political discussions often reportedly marginalized women members of parliament.

In June, Prime Minister al-Kadhimi appointed Evan Faeq Yakoub Jabro as minister of migration and displacement. In this role she managed government policy regarding the migratory emergency and the relocation of IDPs. Prior to her confirmation, she held the role of adviser to the governor of Mosul on minority issues. She is a Christian and a member of the Chaldean Church.

Of the 329 seats in parliament, the law reserves nine seats for minorities: five for Christians from Baghdad, Ninewa, Kirkuk, Erbil, and Duhok provinces; one Yezidi; one Sabeen-Mandaean; one Shabak; and, following a parliamentary decision in February 2019, one for Faili Kurds in Wasit Province.

The KRG reserves 30 percent of parliamentary and provincial council membership for women. Three women held cabinet level positions as of October. The number of women who served as judges in the IKR increased during the year.

Of 111 seats in the IKP, the law reserves 11 seats for minorities along ethnic, rather than religious lines: five for (predominantly Christian) Chaldo-Assyrian

IRAQ

candidates, five for Turkmen candidates, and one for Armenian candidates. No seats are reserved for self-described groups whom the KRG considers ethnically Kurdish or Arab, such as Yezidis, Shabak, Sabeen-Mandaeans, Kaka'i, and Faili Kurds.

Major political parties partnered with, or in some cases created, affiliated minority political parties in both the central government and IKR elections and encouraged other Iraqis to vote for allied minority candidates for quota seats in the COR and IKP. Minority community activists complained this process disenfranchised them, and they advocated for electoral reform to limit voting for minority quota seats to voters of the relevant minority, as well as for additional quota seats in the COR and IKP.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government struggled to implement the laws effectively. The law allows some individuals convicted of corruption to receive amnesty upon repaying money they had obtained by corruption, which had the effect of allowing them to keep any profits from stolen funds. Officials in federal Iraq and the IKR frequently engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year.

Corruption remained a chief obstacle to effective governance at all institutional levels. The existence of armed militias, which are directly involved in corruption and provided protection for corrupt officials, made serious and sustainable anticorruption efforts difficult to enforce.

Corruption: UK-based newspaper, *The Independent*, reported in June that \$300 billion had been funneled to thousands of fake and inactive projects around the country. The report revealed that 85 percent of 50,000 industrial projects in the private sector were inactive, and 250 state factories were not operating despite receiving funds from the government. Bribery, money laundering, nepotism, and misappropriation of public funds were common at all levels and across all branches of government. Family, tribal, and ethnosectarian considerations significantly

IRAQ

influenced government decisions at all levels and across all branches of government.

Investigations of corruption were not free from political influence. Anticorruption efforts were hampered by a lack of agreement concerning institutional roles, political will, political influence, lack of transparency, and unclear governing legislation and regulatory processes. Although anticorruption institutions increasingly collaborated with civil society groups, the effect of expanded cooperation was limited. Media and NGOs attempted to expose corruption independently, but their capacity was limited. Anticorruption, law enforcement, and judicial officials, as well as members of civil society and media, faced threats, intimidation, and abuse in their efforts to combat corrupt practices.

In August, Prime Minister al-Kadhimi issued an executive order forming a “special and permanent committee” to investigate and prosecute major corruption files and high-profile crimes within government ministries and public agencies.

In September the anticorruption committee arrested 19 high-profile individuals, including Iraqi Retirement Authority director Ahmed al-Saadi, Baghdad Investment Commission chief Shaker al-Zamili, and Qi Card CEO Bahaa Abdul-Hussein, all of whom were remanded to Counterterrorism Service custody. Following the arrests friends and family of the detainees alleged the detainees had suffered physical abuse in custody and were denied access to medical and legal services. The prime minister publicly refuted the allegations.

The Central Bank leads the government’s efforts to combat money laundering and terrorist financing. The Central Bank’s Office of Anti-Money Laundering and Terrorist Financing worked with law enforcement agencies and the judiciary to identify and prosecute illicit financial transactions. The latest report released by the office in 2019 showed it investigated 400 potential cases of money laundering during that year, with 34 cases referred to the judiciary and 192 cases under review by the office’s analysts. In July the office issued a statement on the European Commission’s (EC) decision to keep Iraq on the revised list of high-risk countries regarding money laundering and terrorist financing. The statement expressed displeasure at Iraq’s inclusion on the list, asserting the EC’s decision was based

IRAQ

solely on security and lacked technical bases.

The Council of Ministers Secretariat has an anticorruption advisor, and the COR has an Integrity Committee. The Council of Ministers secretary general led the Joint Anticorruption Council, which also included agency inspectors general. In October the council dismissed approximately 1,000 civil servants after convicting them of public-integrity crimes, including wasting public money, bribery, and embezzlement.

Border corruption continued to be a problem. In July the prime minister launched a campaign to secure borders with Iran and other neighboring countries. He granted extended powers to the Iraqi military and navy to control borders with Iran and Kuwait and provided the border guards with additional reserve forces. KRG officials launched an investigation in September into corruption and smuggling at the Parwez Khan border crossing with Iran.

The KRG maintained its own Commission of Integrity (COI), which issued its first report in 2017. According to the COI's 2020 report, there were 158 corruption cases underway or completed from January to November 18, with 26 individuals convicted. The convictions came from across the IKR including Erbil (11), Duhok (7), Garmian (5), and Sulaymaniya (3).

Financial Disclosure: The law authorizes the federal COI to obtain annual financial disclosures from senior public officials, including ministers, governors, and parliamentarians, and to take legal action for nondisclosure. Penalties range from fines to imprisonment. A unified system for enforcing annual financial disclosures does not exist. The federal COI has no jurisdiction over the IKR, but Kurdish members of the central government were required to conform to the law. The law obligates the federal COI to provide public annual reports on prosecutions, transparency, accountability, and ethics of public service. The prime minister and his cabinet submitted financial disclosures for 2020. The federal COI did not issue a semiannual report during the year.

The Kurdistan COI is responsible for distributing and collecting financial disclosure forms in the IKR. There was no information available indicating that

IRAQ

public officials faced penalties for financial nondisclosure during the year.

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

A number of domestic and international human rights groups operated, in most cases with little government restriction or interference, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

Due to the ISIS-driven humanitarian crisis, many local NGOs focused on assisting refugees, IDPs, and other vulnerable communities. In some instances these NGOs worked in coordination with central government and KRG authorities. A number of NGOs also investigated and published findings on human rights cases. There were some reports of government interference with NGOs investigating human rights abuses and violations involving government actors.

There were multiple reports of international and Iraqi aid workers being harassed, threatened, arrested, and accused of false terrorism charges in some cases. The International NGO Safety Organization recorded 20 incidents against NGOs during the year. In December, Asaib Ahl al-Haq raided a community center in Mosul that belonged to the International Rescue Committee and threatened aid workers employed there, and the center remained closed.

NGOs faced capacity-related problems, did not have regular access to government officials, and, as a result, were not able to provide significant protections against failures in governance and human rights abuses. Domestic NGOs' lack of sustainable sources of funding hindered the sector's long-term development. The government rarely awarded NGOs contracts for services. While the law forbids NGOs from engaging in political activity, political parties or sects originated, funded, or substantially influenced many domestic NGOs.

NGOs were prevented from operating in certain sectors (see section 6, Women). NGOs registered in Erbil could not operate outside the IKR and KRG-controlled

IRAQ

disputed territories without additional permits from Baghdad (see section 2.b.).

The IKR had an active community of mostly Kurdish NGOs, many with close ties to and funding from political parties. Government funding of NGOs is legally contingent upon whether an NGO's programming goals conform to already identified KRG priority areas. The KRG NGO Directorate established formal procedures for awarding funds to NGOs, which included a public description of the annual budget for NGO funding, priority areas for consideration, deadlines for proposal submission, establishment of a grant committee, and the criteria for ranking proposals; however, NGOs reported the KRG had not provided funding to local NGOs since 2013.

The United Nations or Other International Bodies: The government and the KRG sometimes restricted the access of the United Nations and other international organizations to sensitive locations, such as Ministry of Interior-run detention facilities holding detainees suspected of terrorism.

Government Human Rights Bodies: The IHCHR is constitutionally mandated. The law governing the IHCHR's operation provides for 12 full-time commissioners and three reserve commissioners with four-year, nonrenewable terms; new commissioners assumed duties in 2017. The law provides for the IHCHR's financial and administrative independence and assigns it broad authority, including the right to receive and investigate human rights complaints, conduct unannounced visits to correctional facilities, and review legislation. Some observers reported the commissioners' individual and partisan political agendas largely stalled the IHCHR's work. The IHCHR actively documented human rights violations and abuses during the demonstrations in 2019 and 2020 and regularly spoke out against both government and militia violence against protesters.

The IHRCKR issued periodic reports on human rights, trafficking in persons, and religious freedom in the IKR. The commission reported KRG police and security organizations generally had been receptive to human rights training and responsive to reports of violations. The IHRCKR and KHRW conducted human rights training for the police and Asayish, as well as police trainers in the past; however,

IRAQ

training was put on hold during the year due to COVID-19.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes rape and sexual assault of women, men, and children, but not specifically spousal rape, and permits a sentence not exceeding 15 years, or life imprisonment if the victim dies. The rape provisions of the law do not define, clarify, or otherwise describe “consent,” leaving the term up to judicial interpretation. The law requires authorities to drop a rape case if the perpetrator marries the victim, with a provision protecting against divorce within the first three years of marriage. The victim’s family sometimes agreed to this arrangement to avoid the social stigma attached to rape. There were no reliable estimates of the incidence of rape or information on the effectiveness of government enforcement of the law.

During the COVID-19 pandemic, UNAMI reported a significant increase in the reports of rape, domestic violence, spousal abuse, immolation and self-immolation, self-inflicted injuries due to spousal abuse, sexual harassment of minors, and suicide due to increased household tensions because of COVID lockdowns, as well as economic hardship due to the country’s declining economy.

Although the constitution prohibits “all forms of violence and abuse in the family,” the law does not specifically prohibit domestic violence but stipulates that men may discipline their wives and children “within certain limits prescribed by law or by custom.” The law provides reduced sentences for violence or killing if the perpetrator had “honorable motives” or if the perpetrator caught his wife or female relative in the act of adultery or sex outside of marriage. Domestic violence remained a pervasive problem.

Harassment of legal personnel who sought to pursue domestic violence cases under laws criminalizing assault, as well as a lack of trained police and judicial

IRAQ

personnel, further hampered efforts to prosecute perpetrators.

The government and KRG also struggled to address the physical and mental trauma endured by women who lived under ISIS rule. *Al-Monitor* wrote in May that 10 percent of Yezidis living in the Sharya IDP camp were considering suicide. A mental health activity manager for Doctors without Borders told Voice of America in October that between April and August, her organization received 30 reports of individuals who attempted suicide.

The Ministry of Interior maintained 16 family protection units under police authority, located in separate buildings at police stations around the country, designed to resolve domestic disputes and establish safe refuges for victims of sexual or gender-based violence. These units reportedly tended to prioritize family reconciliation over victim protection and lacked the capacity to support victims. NGOs stated that victims of domestic violence feared approaching the family protection units because they suspected that police would inform their families of their testimony. Some tribal leaders in the south reportedly banned their members from seeking redress through police family protection units, claiming domestic abuse was a family matter. The family protection units in most locations did not operate shelters.

KRG law criminalizes domestic violence, including physical and psychological abuse, threats of violence, and spousal rape. The KRG implemented the provisions of the law and maintained a special police force to investigate cases of gender-based violence and a family reconciliation committee within the judicial system, but local NGOs reported these programs were not effective at combating gender-based violence.

In the IKR, two privately operated shelters and four KRG Ministry of Labor and Social Affairs-operated shelters provided some protection and assistance for female victims of gender-based violence and human trafficking. Space was limited, and NGOs reported psychological and therapeutic services were poor. NGOs played a key role in providing services, including legal aid, to victims of domestic violence, who often received no assistance from the government. Instead of using legal remedies, authorities frequently mediated between women and their families so that the women could return to their homes. Other than marrying or

IRAQ

returning to their families, which often resulted in further victimization by the family or community, there were few options for women accommodated at shelters.

Female Genital Mutilation/Cutting (FGM/C): NGOs and the KRG reported the practice of FGM/C persisted in the IKR, particularly in rural areas of Erbil, Sulaymaniya, and Kirkuk provinces, despite a ban on the practice in IKR law. Rates of FGM/C, however, reportedly continued to decline. NGOs attributed the reduction in FGM/C to the criminalization of the practice and sustained public outreach activities by civil society groups. FGM/C was not common outside the IKR.

Other Harmful Traditional Practices: The law permitted “honor” as a lawful defense in violence against women, and so-called honor killings remained a serious problem throughout the country. A provision of the law limits a sentence for conviction of murder to a maximum of three years in prison if a man is on trial for killing his wife or a female dependent due to suspicion that the victim was committing adultery or engaged in sex outside of marriage. UNAMI reported that several hundred women died each year from honor killings. Some families reportedly arranged honor killings to appear as suicides.

In September, two young women were found dead near the town of Chamechamal, Sulaymaniya, after allegedly being killed by their father. NGOs and activists issued a statement urging IKR authorities to pursue justice for the victims who were thought to be murdered due to their father’s disapproval of their dating outside of marriage.

The KRG Ministry of Interior’s Directorate General of Combating Violence against Women confirmed three cases of honor killing among 26 female homicide victims in the IKR as of September. A UN source, however, observed the number of actual honor killings was likely much higher.

There were reports that women and girls were sexually exploited through so-called temporary, or pleasure, marriages, under which a man gives the family of the girl or woman dowry money in exchange for permission to “marry” her for a specified period. Young women, widowed or orphaned by ISIS offensives, were especially

IRAQ

vulnerable to this type of exploitation. In similar cases NGOs reported some families opted to marry off their underage daughters in exchange for dowry money, believing the marriage was genuine, only to have the girl returned to them months later, sometimes pregnant.

Government officials and international and local NGOs also reported that the traditional practice of *nahwa*, where a cousin, uncle, or other male relative of any woman may forbid or terminate her marriage to someone outside the family, remained a problem, particularly in southern provinces. Grand Ayatollah Ali Sistani called for an end to *nahwas* and *fasliya* (where women are traded to settle tribal disputes), but these traditions continued, especially in areas where tribal influence outweighed government institutions.

Sexual Harassment: The law prohibits sexual harassment, including in the workplace. Penalties for sexual harassment include fines of up to only 30 dinars (2.5 cents), imprisonment, or both, not to exceed three months for a first-time offender. The law provides relief from penalties if unmarried participants marry. No information was available regarding the effectiveness of government enforcement, but penalties were very low. In most areas there were few or no publicly provided women's shelters, information, support hotlines, and little or no sensitivity training for police. Refugees and IDPs reported regular sexual harassment, both in camps and cities.

Women political candidates suffered harassment online and on social media, including posting of fake, nude, or salacious photographs and videos meant to harm their campaigns.

Reproductive Rights: Couples have the right to decide the number, timing, and spacing of their children, as well as have access to information on reproductive health, free from violence. Various methods of contraception were widely available, including in the IKR; however, women in urban areas generally had greater access than those in rural parts of the country. A married woman could not be prescribed or use contraception without the consent of her husband. Unmarried single women were also unable to obtain birth control. Divorced or widowed women, however, did not have this same restriction. Abortion is prohibited; however, a 2020 law in the IKR allows for abortion if the pregnancy endangers the

IRAQ

mother's life. In addition to consent from the mother and her husband, a committee with at least five physician must determine if the pregnancy poses a serious threat to her life.

Due to general insecurity in the country and attendant economic difficulties, many women received inadequate medical care. The UN Office of the High Commissioner for Human Rights stated that in some governorates the work of reproductive health and pregnancy care units, as well as health awareness campaigns, had ceased almost entirely because of COVID-19's impact on the health-care system.

In the IKR the KRG Ministry of Health reported that survivors of sexual violence received treatment from provincial health departments and emergency rooms. Judges, however, rarely considered forensic evidence that was collected. The government stated it provided full services for survivors of sexual violence and rape in all governorates, as the law requires that survivors receive full health care and treatment. Emergency contraceptives were available as part of the clinical management of rape through government services and in private clinics, although advocates who worked with survivors reported many barriers to women accessing those contraceptives, as well as significant gaps in service delivery.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: The Council of Ministers' Iraqi Women Empowerment Directorate is the lead government body on women's issues. Although the constitution provides for equality between men and women, the law does not provide for the same legal status and rights for women as for men. Criminal, family, religious, personal status, labor, and inheritance laws discriminate against women. Women experienced discrimination in such areas as marriage, divorce, child custody, employment, pay, owning or managing businesses or property, education, the judicial process, and housing.

For example, in a court of law, a woman's testimony is worth half that of a man in some cases and is equal in other cases. The law generally permits women to initiate divorce proceedings against their spouses, but the law does not entitle a

IRAQ

divorced woman to alimony other than child support or two years' financial maintenance in some cases; in other cases the woman must return all or part of her dowry or otherwise pay a sum of money to the husband. Under the law the father is the guardian of the children, but a divorced mother may be granted custody of her children until age 10, extendable by a court up to age 15, at which time the children may choose with which parent they wish to live.

All recognized religious groups have their own personal status courts responsible for handling marriage, divorce, and inheritance issues. Discrimination toward women on personal status issues varies depending on the religious group. The government's interpretation of sharia is the basis of inheritance law for all citizens except recognized religious minorities. In all communities male heirs must provide financial support to female relatives who inherit less. If they do not, women have the right to sue.

The law provides women and men equal rights in owning or managing land or other property, but cultural and religious norms impeded women's property rights, especially in rural areas.

Law and custom generally do not respect freedom of movement for women. For example, the law prevents a woman from applying for a passport without the consent of her male guardian or a legal representative (see section 2.d.). Women could not obtain the Civil Status Identification Document, required for access to public services, food assistance, health care, employment, education, and housing, without the consent of a male relative.

NGOs also reported cases in which courts changed the registration of Yezidi women to Muslim against their will because of their forced marriage to ISIS fighters.

The KRG provided some additional legal protections to women, maintaining a High Council of Women's Affairs and a Women's Rights Monitoring Board to enforce the law and prevent and respond to discrimination, but such protections were applied inconsistently. Other portions of KRG law continued to mirror federal law, and women faced discrimination. KRG law allows women to set as a prenuptial condition the right to divorce her husband beyond the limited

IRAQ

circumstances allowed by Iraqi law and provides a divorced wife up to five years' alimony beyond child care.

Children

Birth Registration: The constitution states that anyone born to at least one citizen parent is a citizen. Failure to register births resulted in the denial of public services such as education, food, and health care. Single women and widows often had problems registering their children, although in most cases authorities provided birth certificates after registration of the birth through the Ministries of Health and Interior; such registration was reportedly a lengthy and at times complicated process. The government was generally committed to children's rights and welfare, although it denied benefits to noncitizen children. Humanitarian organizations reported a widespread problem of children born to members of ISIS or in ISIS-held territory failing to receive a government-issued birth certificate. An estimated 45,000 displaced children living in camps lacked civil documentation, including birth certificates, and the issue also affected many IDPs living outside of IDP camps.

Education: Primary education is compulsory for citizen children for the first six years of schooling and until age 15 in the IKR; it is provided without cost to citizens. Equal access to education for girls remained a problem, particularly in rural and insecure areas. Recent, reliable statistics on enrollment, attendance, or completion were not available.

Schools continued to be closed from February onward, putting more than 10 million students out of school. UNICEF supported the Ministry of Education to broadcast lessons through education television and digital platforms. Children's access to alternative learning platforms via the internet and television, however, was hindered by limited connectivity and availability of digital devices, as well as lack of electricity. Moreover, the Ministry for Directorates of Education had not issued directives for guiding the delivery of distance learning.

Child Abuse: Although the constitution prohibits "all forms of violence and abuse in the family," the law does not specifically prohibit domestic violence but stipulates that men may discipline their wives and children "within certain limits

IRAQ

prescribed by law or by custom.” The law provides protections for children who were victims of domestic violence or were in shelters, state houses, and orphanages, including access to health care and education. Violence against children reportedly remained a significant problem, but up-to-date, reliable statistics on the extent of the problem were not available. Local NGOs reported the government made little progress in implementing its 2017 *National Child Protection Policy*.

UNICEF reported that during the year, at least 1.64 million children, half of them girls, were estimated to need at least one type of protective service. UNICEF and its implementing partners continued to deliver psychosocial support; case management and specialized protection services for children, including birth registration; civil documentation and legal assistance; and capacity development of national partners. UNICEF also worked with Ministry of Health, Ministry of Labor and Social Affairs, and NGO partners in establishing referral mechanism and alternative care arrangements for children affected by COVID-19. They purchased and distributed personal protective equipment kits for 2,511 children in detention centers and children’s homes, while continuing to advocate for the release of children from prison. A total of 440 children were released from detention since the start of the pandemic. The Country Task Force on Monitoring and Reporting verified 24 grave violations, affecting 23 children, compared with 16 verified grave violations affecting 16 children in the previous quarter.

KRG law criminalizes domestic violence, including physical and psychological abuse and threats of violence. The KRG implemented the provisions of the law, but local NGOs reported these programs were not effective at combating child abuse. The KRG’s Ministries of Labor and Social Affairs, Education, and Culture and Youth operated a toll-free hotline to report violations against, or seek advice regarding, children’s rights. Multiple reports of child abuse surfaced during the year. Activists reported sexual abuse and assault by relatives was widespread and that some victims did not report crimes due to fear of retribution by family members.

Child, Early, and Forced Marriage: The legal minimum age of marriage is 18, but the law allows a judge to permit children as young as 15 to marry if fitness and physical capacity are established and the guardian does not present a reasonable

IRAQ

objection. The law criminalizes forced marriage but does not automatically void forced marriages that have been consummated. The government reportedly made few efforts to enforce the law. Traditional early and forced marriages of girls, including temporary marriages, occurred throughout the country. UNHCR reported the continued prevalence of early marriage due to conflict and economic instability, as many families arranged for girls to marry cousins or into polygamous households. Others gave their daughters as child brides to armed groups as a means to ensure their safety, access to public services in occupied territories, or livelihood opportunities for the entire family.

In the IKR the legal minimum age of marriage is 18, but KRG law allows a judge to permit a child as young as 16 to marry if the individual is entering into the marriage voluntarily and has received permission from a legal guardian. KRG law criminalizes forced marriage and suspends, but it does not automatically void, forced marriages that have been consummated. According to the KRG High Council of Women's Affairs, refugees and IDPs in the IKR engaged in child marriage and polygamy at a higher rate than IKR residents. Some Kurdish men crossed over into federal Iraqi territory to acquire a child bride since those laws are not as strict.

The KRG assigned police and officials from the office to combat domestic violence to deter parents from forcing their children into marriages and to conduct awareness campaigns to combat sexual violence.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation, sale, offering or procuring for prostitution, and practices related to child pornography. Child prostitution was a problem, as were temporary marriages, particularly among the IDP population. Because the age of legal criminal responsibility is nine in the areas administered by the central government and 11 in the IKR, authorities often treated sexually exploited children as criminals instead of victims. Penalties for commercial exploitation of children range from fines and imprisonment to the death penalty. No information was available regarding the effectiveness of government enforcement.

Displaced Children: Insecurity and active conflict between government forces and ISIS caused the continued displacement of large numbers of children. Abuses

IRAQ

by government forces, particularly certain PMF groups, contributed to displacement. Due to the conflict in Syria, children and single mothers from Syria took refuge in the IKR. UNICEF reported that almost one-half of IDPs were children.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The federal Iraqi penal code stipulates that any person convicted of promoting Zionist principles, association with Zionist organizations, assisting such organizations through material or moral support, or working in any way to realize Zionist objectives, be subject to punishment by death. According to the code, Jews are prohibited from joining the military and cannot hold jobs in the public sector. In practice the KRG did not apply the central government's anti-Zionist laws and relied on IKR law number five, which provides protections for the rights of religious minorities, including Jews.

A very small number of Jewish citizens lived in Baghdad. According to unofficial statistics from the KRG Ministry of Endowments and Religious Affairs, there were as few as 100 to possibly as many as 300 Jewish families in the IKR. The Jewish community did not publicly worship due to fears of retribution, discrimination, or violence by extremist actors. The KRG Ministry of Endowment and Religious Affairs designated one of its seven departments to Jewish affairs. There were no reports of anti-Semitic acts in the country during the year.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at

IRAQ

<https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The constitution states the government, through law and regulations, guarantees the social and health security of persons with disabilities, including through protection against discrimination and provision of housing and special programs of care and rehabilitation. Despite constitutional guarantees, no laws prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities. Persons with disabilities had limited access to education, employment, health services, information, communications, buildings, transportation, the judicial system, or other state services.

Although a 2016 Council of Ministers decree orders access for persons with disabilities to buildings and to educational and work settings, incomplete implementation continued to limit access.

In August, following reports of serious delays in payment of social subsidies to disabled persons, the Ministry of Labor and Social Affairs (Labor Ministry) called on the government to ensure these payments within the federal budget. Local NGOs reported that despite the government adoption of a long-term strategy for sustainable development to persons with disabilities, the implementation of the program objectives remained poor throughout the year. Persons with disabilities continued to face difficulties in accessing health, education, and employment services.

The Labor Ministry leads the Independent Commission for the Care of People with Disabilities. Any Iraqi citizen applying to receive disability-related government services must first receive a commission evaluation. The KRG deputy minister of labor and social affairs leads a similar commission, administered by a special director within the ministry.

There is a 5 percent public-sector employment quota for persons with disabilities, but employment discrimination persisted (see section 7.d.). Mental health support for prisoners with mental disabilities did not exist.

The Ministry of Health provided medical care, benefits, and rehabilitation, when

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available, for persons with disabilities, who could also receive benefits from other agencies, including the Prime Minister's Office. The Ministry of Labor operated several institutions for children and young adults with disabilities. The ministry provided loan programs for persons with disabilities for vocational training.

KRG law proscribed greater protections for individuals with disabilities, including a requirement that 5 percent of persons with disabilities be employed in public-sector institutions and 3 percent with the private sector. The KRG reported 12,068 public-sector employees with disabilities during the year. The KRG provided a 100,000-dinar monthly stipend to government employees with disabilities and a 150,000-dinar stipend to those not employed by the KRG.

Disability rights advocates in the KRG reported that the IKR's disability protections lacked implementation, including the 5 percent employment requirement. Lack of accessibility remained a problem with more than 98 percent of public buildings, parks, and transportation lacking adequate facilities to assist the more than 110,000 registered persons with disabilities in the region. Disability advocates reported employment was low among members of the community and many youth with mental and physical disabilities lacked access to educational opportunity.

Members of National/Racial/Ethnic Minority Groups

The country's population included Arabs, Kurds, Turkmen, and Shabaks, as well as ethnic and religious minorities, including Chaldeans, Assyrians, Armenians, Yezidis, Sabeen-Mandaeans, Baha'is, Kaka'is, and a very small number of Jews. The country also had a small Romani (Dom) community, as well as an estimated 1.5 to 2 million citizens of African descent who reside primarily in Basrah and adjoining provinces. Because religion, politics, and ethnicity were often closely linked, it was difficult to categorize many incidents of discrimination as based solely on ethnic or religious identity.

HRW released a report on July 19 stating that the KRG had prevented thousands of Arab families from returning home in Duhok, including families from five villages in Ninewa's Rabia subdistrict who had been displaced since 2014. HRW claimed

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that the KRG was only allowing Kurdish families to return.

Ethnic and sectarian-based fighting continued in mixed provinces, although at lower rates than in 2019. In April, ISIS gunmen attacked a Kaka'i village in Kirkuk killing five persons, and in June ISIS perpetrated another attack on a village near Khanaqin in Diyala Province that killed six individuals and wounded six others.

In September local media reported that Arab tribesmen stormed Palkana, a Kurdish village in Kirkuk Province, to oust the village's Kurdish residents. The tribesmen threatened to use violence against Kurdish families if they refused to leave. Local police were notified of the violations but refused to intervene.

The law does not permit some religious groups, including Baha'i, Zoroastrian, and Kaka'i, to register under their professed religions, which, although recognized in the IKR, remained unrecognized and illegal under federal Iraqi law. The law forbids Muslims to convert to another religion. In the IKR this law was rarely enforced, and individuals were generally allowed to convert to other religious faiths without KRG interference (see sections 2.d. and section 6, Children).

Government forces, particularly certain PMF groups, and other militias targeted ethnic and religious minorities, as did remaining active ISIS fighters.

Discrimination continued to stoke ethno-sectarian tensions in the disputed territories throughout the year. Some government forces, including PMF units, forcibly displaced individuals due to perceived ISIS affiliation or for ethno-sectarian reasons.

Many persons of African descent, some stateless, lived in extreme poverty with high rates of illiteracy and unemployment. They were not represented in politics, and members held no senior government positions. Furthermore, they stated that discrimination kept them from obtaining government employment. Members of the community also struggled to obtain restitution for lands seized from them during the Iran-Iraq war.

Acts of Violence, Criminalization, and Other Abuses Based on

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Sexual Orientation and Gender Identity

The penal code criminalizes consensual same-sex conduct if those engaging in the conduct are younger than age 18, while it does not criminalize any same-sex activities among adults. Despite repeated threats and violence targeting lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals, specifically gay men, the government failed to identify, arrest, or prosecute attackers or to protect targeted individuals.

In May the Ministry of Foreign Affairs condemned foreign embassies for offending what it called the country's "norms and values" when the EU mission hoisted the rainbow flag, commonly associated with LGBTI persons, on the International Day against Homophobia, Transphobia, and Biphobia. Several Iraqi leaders from across the political spectrum also condemned the incident, with some calling for the EU mission to be closed. A few days later, media outlets reported that a young gay man was killed in Baghdad's Sadr City neighborhood, and another in Babil Province, in an apparent backlash against the flag raising.

LGBTI individuals also faced intimidation, threats, violence, and discrimination in the IKR. LGBTI individuals reported they could not live openly in the IKR without fear of violence at the hands of family members, acquaintances, or strangers. Rasan Organization for gender-based violence and LGBT awareness posted a video documentary in September 2019 about the impact of COVID-19 on LGBT individuals in the IKR. LGBTI individuals struggled to be accepted by their family members and the IKR community and disguised their identity from their families due to fear of violence, verbal abuse, and killing.

According to NGOs, Iraqis who experienced severe discrimination, torture, physical injury, and the threat of death on the basis of real or perceived sexual orientation, gender identity and expression, and sex characteristics had no recourse to challenge those actions via courts or government institutions.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution states that citizens have the right to form and join unions and

IRAQ

professional associations. The law, however, prohibits the formation of unions independent of the government-controlled General Federation of Iraqi Workers and in workplaces with fewer than 50 workers. The law does not prohibit antiunion discrimination or provide reinstatement for workers fired for union activity. The law allows workers to select representatives for collective bargaining, even if they are not members of a union, and affords workers the right to have more than one union in a workplace. In June the government ratified International Labor Organization Convention 87, Freedom of Association and Protection of the Right to Organize.

The law also considers individuals employed by state-owned enterprises (who made up approximately 10 percent of the workforce) as public-sector employees. CSOs continued to lobby for a trade union law to expand union rights.

Private-sector employees in worksites employing more than 50 workers may form workers committees--subdivisions of unions with limited rights--but most private-sector businesses employed fewer than 50 workers.

Labor courts have the authority to consider labor law violations and disputes, but no information was available concerning enforcement of the applicable law, including whether procedures were prompt or efficient or whether penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination. Strikers and union leaders reported that government officials threatened and harassed them.

The law allows for collective bargaining and the right to strike in the private sector, although government authorities sometimes violated private-sector employees' collective bargaining rights. Some unions were able to play a supportive role in labor disputes and had the right to demand government arbitration.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor--including slavery, indebtedness, and trafficking in persons--but the government did not effectively monitor or enforce the law. Penalties were not commensurate with those

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prescribed for analogous, serious crimes such as kidnapping.

Employers subjected foreign migrant workers--particularly construction workers, security guards, cleaners, repair persons, and domestic workers--to forced labor; confiscation of passports, cellphones, ATM cards, and other travel and identity documents; restrictions on movement and communications; physical abuse, sexual harassment, and rape; withholding of wages; and forced overtime. There were cases of employers stopping payment on contracts and preventing foreign employees from leaving the work site.

Employers subjected women to involuntary domestic service through forced marriages and the threat of divorce, and women who fled such marriages or whose husbands divorced them were vulnerable to social stigma and increased vulnerability to further forced labor. Female IDPs, single women, and widows were particularly vulnerable to economic exploitation and discriminatory employment conditions.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The constitution and law prohibit the worst forms of child labor. In areas under central government authority, the minimum age for employment is 15. The law limits working hours for persons younger than 18 to seven hours a day and prohibits employment in work detrimental to health, safety, or morals of anyone younger than 18. The labor code does not apply to juveniles (ages 15 to 18) who work in family-owned businesses producing goods exclusively for domestic use. Since children employed in family enterprises are exempt from some protections in the labor code with regard to employment conditions, there were reports of children performing hazardous work in family-owned businesses.

The law mandates employers bear the cost of annual medical checks for working juveniles. Children between the ages of 12 and 15 are not required to attend school, but also not permitted to work. Penalties include imprisonment for a period of 30 days to six months and a fine of up to one million dinars (\$880), to be doubled in the case of a repeated offense. Data on child labor was limited,

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particularly with regard to the worst forms of child labor, which further limited enforcement of existing legal protections. Child labor, including in its worst forms, occurred throughout the country. This included forced begging and commercial sexual exploitation, sometimes as a result of human trafficking, according to international NGOs.

The Ministry of Labor and Social Affairs is charged with enforcing the law prohibiting child labor in the private and public sectors, and labor law enforcement agencies took actions to combat child labor. The government lacked programs that focus on assisting children involved in the worst forms of child labor. Gaps existed within the authority and operations of the ministry that hindered labor law enforcement, including an insufficient number of labor inspectors and a lack of funding for inspections, authority to assess penalties, and labor inspector training. Inspections continued, and resumed in areas liberated from ISIS, but due to the large number of IDPs, as well as capacity constraints and the focus on maintaining security and fighting terrorism, law enforcement officials and labor inspectors' efforts to monitor these practices were ineffective. Penalties for violations were not commensurate with those prescribed for other serious crimes, such as kidnapping. In the IKR, education is mandatory until age 15, which is also the minimum age for legal employment.

The KRG Ministry of Labor and Social Affairs estimated several hundred children worked in the IKR, often as street vendors or beggars, making them particularly vulnerable to abuse. The ministry operated a 24-hour hotline for reporting labor abuses, including child labor, that received approximately 200 calls per month.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination with Respect to Employment and Occupation

The constitution provides that all citizens are equal before the law without discrimination based on gender, race, ethnicity, origin, color, religion, creed, belief or opinion, or economic and social status. The law prohibits discrimination based on gender, race, religion, social origin, political opinion, language, disability, or social status. It also prohibits any forms of sexual harassment in the workplace.

IRAQ

The government was ineffective in enforcing these provisions. Penalties were commensurate with laws related to civil rights, such as election interference. The labor law limits women from working during certain hours of the day and does not allow them to work in jobs deemed hazardous or arduous. Women must obtain permission from a male relative or guardian before being granted a Civil Status Identification Card for access to employment. The law does not prohibit discrimination based on age, sexual orientation or gender identity, HIV-positive status, or other communicable diseases. The law allows employers to terminate workers' contracts when they reach retirement age, which is lower by five years for women. The law gives migrant Arab workers the same status as citizens but does not provide the same rights for non-Arab migrant workers, who faced stricter residency and work visa requirements.

Refugees and asylum seekers are legally entitled to work in the private sector. The central government does not recognize the refugee status of Palestinians, but the KRG does. Palestinians are allowed to work in the private sector but are required to renew their status annually. Syrian refugees were able to obtain and renew residency and work permits both in refugee camps and in the IKR, although not in the rest of the country. Authorities arrested refugees with IKR residence permits who sought work outside the region and returned them to the IKR. A UNHCR survey of Syrian refugees in the IKR between April and June showed that 89 percent of the refugee families had at least one family member regularly employed.

Many persons of African descent lived in extreme poverty and were nearly 80 percent illiterate; more than 80 percent were reportedly unemployed. According to some sources, they constituted 15 to 20 percent of the Basrah region's 2.5 million inhabitants. They were not represented in politics, held no senior government positions, and reported that discrimination kept them from obtaining government employment.

Stateless persons faced discrimination in employment and access to education. Many stateless persons were not able to register for identity cards, which prevented them from enrolling in public school, registering marriages, and gaining access to some government services. Stateless individuals also faced difficulty obtaining

IRAQ

public-sector employment and lacked job security.

Despite constitutional guarantees, no laws prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities. Persons with disabilities had limited access to education, employment, health services, information, communications, buildings, transportation, the judicial system, or other state services.

Although a 2016 Council of Ministers decree orders access for persons with disabilities to buildings and to educational and work settings, incomplete implementation continued to limit access. There is a 5 percent public-sector employment quota for persons with disabilities, but employment discrimination persisted, and quotas were not met. The Ministry of Labor and Social Affairs maintained loan programs for persons with disabilities for vocational training.

Discrimination in employment and occupation occurred with respect to women, foreign workers, and minorities (see section 6). Media reported in February and June that the availability of foreign workers willing to accept longer hours and lower pay in unskilled positions had increased unemployment to approximately 23 percent and led foreign workers to commandeer certain undesired industries such as janitorial services and the food industry, resulting in social stigmatization.

In July the Labor Ministry reported that COVID-19 and a drop in oil prices caused the percentage of Iraqis living in poverty to increase from 22 percent in 2019 to 34 percent in the current year. NGOs reported that women and migrant workers faced the highest rates of unemployment during the pandemic. Women fared worse than men, with 40 percent of women working in the private sector losing their jobs, compared to 12 percent for men.

There were more than 15 unions, associations, and syndicates in the IKR, all led by all-male executive boards. In response the Kurdistan United Workers Union established a separate women's committee, reportedly supported by local NGOs, to support gender equality and advance women's leadership in unions in the IKR.

e. Acceptable Conditions of Work

The national minimum wage, set by federal labor law, was above the poverty line.

IRAQ

The law limits the standard workday to eight hours, with one or more rest periods totaling 30 minutes to one hour, and the standard workweek to 48 hours. The law permits up to four hours of overtime work per day and requires premium pay for overtime work. For industrial work, overtime should not exceed one hour per day. The government sets occupational health and safety standards. The law states that for hazardous or exhausting work, employers should reduce daily working hours. The law provides workers the right to remove themselves from a situation endangering health and safety without prejudice to their employment but does not extend this right to civil servants or migrant workers, who together made up the majority of the country's workforce.

The Ministry of Labor has jurisdiction over matters concerning labor law, child labor, wages, occupational safety and health topics, and labor relations. The ministry's occupational safety and health staff worked throughout the country, but the government did not effectively enforce regulations governing wages or working conditions. In June the Iraqi Communist Party criticized the Ministry of Electricity decision to reduce day workers' monthly wages from 330,000 dinars (\$290) to 205,000 dinars (\$180). The number of inspectors was not sufficient to enforce compliance. Penalties for labor violations were not commensurate with those for similar crimes such as fraud.

Occupational safety and health (OSH) standards are appropriate for the main industries. It is unclear whether responsibility for identifying unsafe situations remains with OSH experts and not the workers. Penalties for OSH violations were not commensurate with those for crimes such as negligence.

The legal and regulatory framework, combined with the country's high level of violence and insecurity, high unemployment, large informal sector, and lack of meaningful work standards, resulted in substandard conditions for many workers. Workplace injuries occurred frequently, especially among manual laborers; however, no data was available on the specific number of industrial accidents that resulted in death or serious injury.

In August the Iraqi Civil Defense Directorate reported on the death of a maintenance worker who fell into the drainage system of a residential building in the Basrah Province. The directorate attributed the incident to a lack of adherence

IRAQ

to OSH guidelines.

A lack of oversight and monitoring of employment contracts left foreign and migrant workers vulnerable to exploitative working conditions and abusive treatment. Local NGOs reported that thousands of migrant workers faced poor work conditions during the COVID-19 pandemic, including illegal layoffs, homelessness, unpaid wages, and sexual exploitation. In January the Labor Ministry announced the number of registered migrant workers was only 4,000 persons nationally but the total number of expatriate workers exceeded 750,000, highlighting the large number of persons working illegally in the country. Some observers reported these migrant workers lived in work camps, sometimes in substandard conditions.