

# **IRAQ 2013 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Iraq is a constitutional parliamentary republic. Prime Minister Nouri Kamal Maliki secured a second term in office after free and fair elections in 2010. While all major political parties participated in the government, significant unresolved problems continued to hamper its operation. Authorities maintained effective control over the security forces. Security forces and armed militias committed serious human rights abuses as rising levels of terrorist violence, corruption, and organizational dysfunction undermined effective protection of human rights.

Severe human rights problems persisted. The three most important were: politically motivated sectarian and ethnic killings, including by the resurgent terrorist network led by al-Qaida and its affiliate, the Islamic State of Iraq and the Levant (ISIL), formerly known as al-Qaida in Iraq (AQI); torture and abuses by government actors and illegal armed groups; and a lack of governmental transparency, exacerbated by widespread corruption at all levels of government and society.

During the year the following other significant human rights problems were also reported: disappearances; harsh and life-threatening conditions in detention and prison facilities; arbitrary arrest and lengthy pretrial detention, sometimes incommunicado; continued impunity for security forces; denial of fair public trials; insufficient judicial institutional capacity; ineffective implementation of civil judicial procedures and remedies; delays in resolving property restitution claims; arbitrary interference with privacy and home; limits on freedoms of speech, press, and assembly; violence against and harassment of journalists; limits on religious freedom due to extremist threats and violence; restrictions on freedom of movement; large numbers of internally displaced persons (IDPs) and refugees; discrimination against and societal abuses of women and ethnic, religious, and racial minorities; trafficking in persons; societal discrimination and violence against individuals based on perceived sexual orientation and gender identity; and limited exercise of labor rights.

A culture of impunity largely protected members of the security services, as well as those elsewhere in the government, from investigation and successful prosecution for human rights violations. Corruption among officials across government agencies was widespread and contributed to significant human rights abuses.

Illegally armed sectarian and ethnic groups, including terrorist groups such as AQI/ISIL, committed deadly, politically motivated acts of violence, killing with suicide bombings, improvised explosive devices, drive-by shootings, as well as kidnappings and other forms of violence. Militants and terrorists targeted fellow citizens – Shia, Sunni, as well as members of other religious groups or ethnicities – security forces, places of worship, religious pilgrims, schools, public spaces, economic infrastructure, and government officials.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

### **a. Arbitrary or Unlawful Deprivation of Life**

Estimates varied regarding the number of fatalities resulting from arbitrary and unlawful government action and from terrorist, sectarian, and ethnic violence. Civilian fatalities more than doubled from 2012 totals; police and security forces were also increasingly targeted by terrorist groups. Agence France-Presse, relying on government data, reported that 5,137 civilians, 754 police officers, 447 soldiers, and 226 militants were killed during the year, compared with 1,358 civilians, 440 police officers, and 376 soldiers in 2012. Monitoring by the UN Assistance Mission for Iraq (UNAMI), which included nonofficial sources, indicated at least 7,818 civilian fatalities during the year, compared with 3,238 in 2012.

According to multiple reports, government officials committed extrajudicial killings, although confirmation of the killers' identities was rare. Ministry of Interior officials tortured detainees to death, according to reports from multiple government officials and human rights organizations. The Human Rights Ministry concluded that 20 of the 117 deaths in custody in the first six months of the year resulted from torture; 85 resulted from medical causes; and 12 were due to unknown causes (see section 1.c.). Security forces reportedly fired on and killed protesters. The outcomes of infrequent official investigations were often unpublished, unknown, or incomplete and rarely approached credibility in high-profile cases.

For example, early in the morning on April 23, the country's Special Weapons and Tactics (SWAT) teams, elements of the 12th Division of the Iraqi Army, and the Federal Police stormed a sit-in camp of Sunni antigovernment protesters in the northern city of Hawija, reportedly in response to an attack on a nearby police checkpoint. Press reports and UN officials estimated that 44 civilians and three soldiers died in ensuing clashes between the security forces and demonstrators.

The international human rights nongovernmental organizations (NGOs) Amnesty International (AI) and Human Rights Watch (HRW) concluded that security officials used excessive and lethal force. The government convened investigatory panels to assess the violence in Hawija, as it did in prior Iraqi Security Forces killings of protesters in Fallujah and Mosul in January and March. The government did not make public the results of any investigations, and the judiciary had brought no charges by year's end. The country's independent High Commission for Human Rights (HCHR) investigated the events and condemned the loss of life. Prime Minister Maliki said the dead were "martyrs" and ordered the establishment of a special commission to provide compensation to the families of the victims, but there was no information available to confirm that the families had received compensation by year's end.

On May 3, according to HRW, the Federal Police's "Belt of Ninewa" Brigade, a unit of the Third Division, arrested 60 individuals, including at least four minors, without warrants south of Mosul as part of a crackdown on Sunni protesters. On May 11, the bodies of five of the arrested individuals, including that of a 15-year-old boy, were found in a field less than two miles from East Mustantiq village. According to HRW, witnesses said the bodies had multiple gunshot wounds. Villagers took videos with mobile phones showing decomposing bodies with the victims' arms tied behind their backs. Government forensic experts informed family members that the assailants shot the victims at close range on the day of their arrest.

On September 1, assailants attacked Camp Ashraf, which housed 100 members of the Mujahedin-e Khalq (MEK), an Iranian dissident group. The attackers killed 52 residents of the camp and abducted seven. The government maintained that the killers were unidentified and announced an investigation, which it had not concluded at year's end (see section 2.d.).

Illegal armed groups' killings of security services, government targets, and principally Shia citizens remained regular occurrences and significant problems throughout the country.

The government attributed the vast majority of attacks to AQI/ISIL based on the group's frequent use of suicide attacks and vehicle-borne improvised explosive devices (VBIEDs). AQI/ISIL claimed responsibility for the majority of attacks through the press and social media. In addition to AQI/ISIL, other militant organizations carried out attacks or targeted killings.

In March AQI/ISIL launched a coordinated attack using five suicide bombers against the Ministry of Justice building in Baghdad. In July scores of well-trained and professional fighters assaulted the Abu Ghraib prison complex, freeing hundreds of inmates, including mid-level AQI leaders. Terrorist activity throughout the country increased significantly in July, with AQI/ISIL launching attacks nearly every day that month, killing 928 civilians and wounding more than 2,000, according to UNAMI statistics. Subsequently, an average of 68 attacks per month targeted playgrounds, mosques, government sites, and markets, as well as members of the security forces, journalists, and local leaders opposed to AQI/ISIL. On average, 33 attacks a month were suicide attacks. The majority of AQI/ISIL attacks, often involving VBIEDs, occurred in Baghdad's Shia-majority neighborhoods. For example, on July 29, AQI/ISIL detonated a series of 20 coordinated VBIEDs in Shia-majority areas of Baghdad, killing more than 60 civilians.

Persons believed to have falsely presented themselves as Iraqi Security Force personnel also committed abuses. In May armed militias conducted killings and kidnappings around the country at fake Iraqi Security Force checkpoints. On July 23, militants killed 14 Shia truck drivers after checking their identity papers at a makeshift roadblock near Suleyman Bek, 100 miles north of Baghdad. Unverified amateur videos posted online showed AQI/ISIL members taking responsibility for the attack.

Throughout the year and increasingly toward the end of the year, AQI/ISIL targeted Sunni tribal leaders and Sunnis who cooperated with the government, including the Sons of Iraq, also known as the Sahwa (Awakening) movement. On November 29, authorities discovered the corpses of 18 men with gunshot wounds near the Sunni town of Mishahda, 20 miles north of Baghdad. According to eyewitnesses, an armed group "dressed in military uniforms" kidnapped the men the night before. According to press, AQI/ISIL claimed responsibility for the attack, stating that it targeted a meeting at the home of a Sunni tribal chief focused on reinvigorating the Sahwa forces.

From November 26 to November 29, authorities found at least 41 corpses with gunshot wounds to the head and body in Baghdad, Ninewa, and Diyala provinces, according to media reports. Seven of the victims were children. UNAMI noted that the rise in "execution-style" killings brought back fears of death squads during the worst days of the sectarian war in 2007-08.

Spillover from the conflict in Syria affected the country. For example, on March 5, AQI/ISIL gunmen ambushed and killed 48 Syrian Army soldiers and nine Iraqi guards near the Syrian border in Anbar Province. The Syrian soldiers allegedly had sought temporary refuge and medical treatment in Iraq, according to local and international press. On September 29, AQI/ISIL attacked the Asayish (the Kurdistan regional government's internal security force) headquarters in Erbil using VBIEDs and small arms. The attack killed at least six persons and wounded more than 60 others. AQI/ISIL stated that the attack was revenge for alleged Kurdistan regional government support for Syrian Kurds fighting the AQI-affiliated al-Nusra Front in Syria.

In Erbil, Sulaymaniyah, and Dahuk, the three Kurdistan regional government provinces referred to as the Iraqi Kurdistan Region (IKR), there were press reports that Kurdistan regional government security forces committed arbitrary or unlawful killings.

There were significantly fewer reports of killings or other sectarian violence in the majority Sunni IKR, although minority groups reported threats and attacks targeting their communities in areas where the Kurdistan regional government had effective control. On September 13, members of AQI/ISIL attacked a funeral attended primarily by ethnic Shabaks in Baashiqa, a Kurdistan regional government-controlled area, killing at least 30. In addition, on October 17, ISIL terrorists attacked the Shabak village of al-Mawafaqiah, killing 11 villagers and injuring 52.

There were no known developments in cases of arbitrary or unlawful killings reported in 2012.

## **b. Disappearance**

Disappearances and kidnappings were regular occurrences, and some kidnappers who did not receive a ransom killed their victims. Although most reported kidnappings appeared to be financially motivated, kidnappers also pressured families and associates for political reasons. On July 22, gunmen kidnapped a prominent Sahwa leader's 14-year-old daughter south of Baghdad. The kidnappers threatened to kill the hostage if the father did not end his work with the Sahwa forces, according to press reports. Many former members of the Sahwa cited this form of intimidation as a primary reason they abandoned the Sahwa movement.

The four ethnically mixed disputed internal boundaries (DIB) provinces were the locus of regular kidnappings. On February 10, the Dibis District police announced that its officers found the corpse of a young man in a valley near Dibis, 25 miles northwest of Kirkuk. According to government reports, police determined that unknown gunmen had kidnapped the Kurdish victim in Kirkuk a day before the body was discovered.

The country's Yezidi religious minority community was also a target of kidnappings by unknown assailants, particularly in the DIB provinces. Yezidi activists alleged that the central government and the Kurdistan regional government failed to protect the rights of Yezidis in the DIB provinces. According to press reports and Yezidi NGOs, on March 18, unknown assailants kidnapped Muhsan Kheder Enjo, a Yezidi man, as he worked in Goraana village. The assailants asked Muhsan's family for a ransom of \$100,000, and contacts reported that he was released after the family paid \$80,000.

On March 9, the head of the governmental Directorate of Martyrs in Karbala announced that the directorate discovered a new mass grave containing the remains of 53 persons killed during the Shabaniya (Shia) uprising in 1991. The majority of the remains belonged to women and children. In August the Kurdistan regional government's Ministry of Martyrs and Anfal Affairs, which oversees the regional government's response to the 1986-89 campaign of extermination and forcible relocation of Kurds and other minority groups by Saddam Hussein's Baath regime, announced a suspected mass grave in the Bosa desert in the south expected to contain the remains of 500 Kurds from the Barzani tribe. On August 13, the Ministry of Human Rights stated that the central government had found 134 mass graves containing the remains of 3,180 victims of the Saddam Hussein regime.

There were no known developments in cases of disappearances from prior years, but the Ministry of Human Rights reported that there had been 81 prisoner disappearances between 2008 and the end of 2012.

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

The constitution expressly prohibits torture in all its forms under all circumstances, as well as cruel, inhuman, or degrading treatment. Nonetheless, government officials as well as local and international human rights organizations documented instances of torture and other abuses by government agents and similar abuses by

illegal armed groups. Police throughout the country continued to use abusive and coerced confessions as methods of investigation.

The IKR antiterrorist law allows abusive interrogation under certain conditions, and such practices reportedly occurred in some detention facilities of the Asayish and of the Kurdistan regional government intelligence services, the Kurdistan Democratic Party's (KDP) Parastin, and the Patriotic Union of Kurdistan's (PUK) Zanyari.

Local and international human rights organizations as well as government officials documented credible cases of torture and abuse in Ministry of Interior and to a lesser extent in Ministry of Justice, Ministry of Defense, and Kurdistan regional government detention facilities, including Interior and Justice Ministry facilities that held women. HRW contended that widespread torture and systematic abuses continued in detention facilities and reported several instances of torture and rape of female detainees as well. In its May report on prisons and detention facilities, the Ministry of Human Rights recorded three allegations of rape and 13 allegations of sexual abuse of women, as well as 14 allegations of rape and 47 allegations of sexual abuse of men in Ministry of Justice facilities. The report noted that the Ministry of Human Rights lacked sufficient access to Ministry of Interior facilities to conduct a full investigation but confirmed the HRW allegation that torture and systematic abuses were pervasive among prison and detention center administrators.

As in previous years, credible accounts of abuse and torture during arrest and investigation, in pretrial detention, and after conviction, particularly by police and army, were common. According to former prisoners, detainees, and human rights groups, methods of torture and abuse included putting victims in stress positions, beatings, broken fingers, suffocation, burning, removing fingernails, suspending victims from the ceiling, overextending victims' spines, beatings on the soles of the feet with plastic and metal rods, forcing victims to drink large quantities of water while preventing urination, sexual assault, denial of medical treatment, and death threats. There were also reports during the year of detainees dying of "electric shock" torture while under interrogation, and local human rights organizations posted unconfirmed videos of electric shock torture in detention centers in Muthanna Province.

On January 13, according to the UK-based Arabic Organization for Human Rights, Hasan Mullah Ali Buktash died in the Ministry of Justice's Adala prison in Baghdad's Kadhimiya district due to severe torture. According to his family,

officials suffocated Buktash with plastic bags, subjected him to electric shock torture, and beat him with sticks and cables.

According to an April 11 AI report, government security officials severely tortured during interrogation Abdullah al-Qahtani, a Saudi national convicted under the antiterrorism law of robbery and murder to fund terrorist activities. AI reported that, while al-Qahtani was in custody, officers from an unknown element of the Iraqi Security Force beat, burned, and asphyxiated him to make him confess to being a member of AQI. According to AI, “They put a plastic bag over his head so he could not breathe. After his near asphyxiation, they pulled on his genitals and burned him with cigarettes. After they broke his sternum, his torturers put a hood over Abdullah’s head and applied his thumbprints to 80 pages of documents.”

The IKR antiterrorist law allows abusive interrogation under certain conditions, and such practices reportedly occurred in some detention facilities of the Asayish and the Kurdistan regional government’s intelligence services, KDP’s Parastin, and PUK’s Zanyari. On September 16, Khalaf Ali Mikheber, an Iraqi police officer working in Rabeea near Mosul, was detained at a Kurdistan regional government - controlled checkpoint in Sinony, Sinjar District. Kurdistan regional government security forces accused Mikheber of distributing Baathist leaflets in the regional government-controlled Sinjar District and held him in a prison for 10 hours tied to a pole in the burning sun without food or water. Authorities released Mikheber after three days without an explanation for his arrest.

Abuses by unknown actors were widespread. On August 3, police in Mosul discovered the bodies of two children in Hay al-Sumer, a village east of Mosul. According to press reports, the bodies displayed signs of severe physical abuse.

There were indications that government authorities initiated some investigations of security forces accused of committing human rights abuses, although authorities did not make public any investigation reports. The Human Rights Ministry reported that it received and investigated numerous complaints of torture inside prisons and detention centers throughout the country during the year and forwarded the complaints to its “prisons team” to follow up. The ministry noted in its May report that in some cases investigations by the prisons team confirmed severe human rights abuses and a “systematic use of torture.”

According to its May report on prison and detention facilities, the ministry investigated 313 credible allegations of torture, specifically from inmates under Interior Ministry and Defense Ministry authority. In addition, the ministry

reported 117 deaths in prisons in the first six months of the year: 92 in Justice Ministry prisons, 16 in Interior Ministry facilities, three in Defense Ministry facilities, and six in “unknown” locations. The ministry’s report demonstrated an increased governmental capacity to document credible allegations of systematic torture, deaths in prisons, forced confessions, and arbitrary detention, although there was no evidence at year’s end that the government had taken judicial action against any official in response to any of the report’s allegations.

Apart from the creation and transfer of some dossiers for possible judicial action, there were no known developments in cases of torture and abusive treatment or punishment reported in 2012.

### **Prison and Detention Center Conditions**

Conditions at some prison and detention facilities were harsh and life threatening, and there were unexplained deaths, riots, hunger strikes, and escapes. Food shortages, overcrowding, and inadequate access to sanitation facilities and medical care were significant problems. AQI/ISIL claimed responsibility for coordinated attacks on the Abu Ghraib and Taji prisons on July 21-22 that killed 71 prisoners and security guards and allowed an estimated 800 to 1,000 prisoners to escape from Abu Ghraib, including mid-level AQI/ISIL leaders. A parliamentary report blamed the Interior and Justice Ministries for failing to secure the prison. Human rights contacts alleged that corruption within the prisons assisted in facilitating the attacks.

There were also documented cases of abuse and torture in some facilities. The head of the Kurdistan regional government’s Human Rights Commission and local and international human rights organizations alleged that both the central government and the Kurdistan regional government operated secret prisons and detention facilities.

Security forces under control of the Prime Minister’s Office operated a secret detention facility in the International Zone in 2010 and formally announced its closure in 2011. In 2010, the facility contained more than 400 Sunni detainees, of whom more than 100 were reportedly tortured. Reports from local human rights contacts alleged that the secret detention facility remained in use as recently as February and contained 369 detainees, including pretrial detainees (see section 1.d.). Representatives of the Ministry of Human Rights visited the site of the alleged prison in May and reported it vacant; the ministry confirmed in November that the facility remained vacant.

According to the Kurdistan regional government's Independent Commission for Human Rights in Kurdistan, prisoners held in regional government-administered Asayish prisons sometimes remained in detention for more than six months without trial. Kurdistan regional government officials also noted that prosecutors and defense lawyers encountered obstacles in carrying out their work and that prisoners' trials were unnecessarily delayed for administrative reasons. During a visit to the Tasfirat prison in Tikrit, Salah-ad-Din Province, officials reported that they encountered at least 170 Bangladeshi citizens who illegally crossed the border from Iran. Authorities released the detainees after negotiations between the Kurdistan regional government and Iranian government officials, and the regional government returned the detainees to Iran, from which they were subsequently returned to Bangladesh.

Physical Conditions: According to the Iraqi Corrections Service (ICS) – the only government entity with the legal authority to hold persons after conviction – the total intended capacity of ICS facilities was 28,360 men, 770 women, and 110 juveniles, with 63 additional places that could be used for either women or juveniles. At year's end the ICS held 45,756 prisoners and detainees, including 308 women, according to the Ministry of Human Rights. In the IKR, Kurdistan regional government facilities held 1,934 posttrial prisoners, including 67 women, at year's end. No information on prisoners and detainees in undeclared Asayish and Kurdistan regional government intelligence-service facilities was available. Men and women were held in separate facilities, as were pretrial and convicted persons in most cases. Prisoners held on terrorism charges were isolated from general prisoners and generally held in harsher conditions by the Ministry of Interior.

The end-of-year total juvenile population in holding facilities and detention centers apart from the IKR was approximately 1,400. As required by law, the government held most juvenile pretrial detainees and posttrial prisoners in Ministry of Labor and Social Affairs facilities. International and local NGOs reported, however, that authorities held some juveniles in Justice Ministry prisons, Interior Ministry police stations, and other Interior Ministry detention facilities. In Ninewa Province, there were reports of sexual abuse of juvenile prisoners in facilities also housing adults. In the IKR, according to the Independent Human Rights Commission of Kurdistan, the total juvenile population in detention was 259. At year's end IKR juvenile prisons held 64 pretrial detainees and 195 posttrial prisoners. The IKR's juvenile reformatories and women's prisons were collocated at the same compounds, but in different corridors. Kurdistan regional government authorities sometimes held

juveniles in the same cells as adults and rarely afforded them access to education or vocational training.

Some justice, interior, and defense ministry authorities reported that conditions and treatment of detainees were generally poor. Overcrowding was a problem in most facilities. Many inmates lacked adequate food, water, exercise facilities, vocational training, and family visitation. Access to medical care was inconsistent. Some detention facilities did not have an onsite pharmacy or infirmary, and authorities reported that existing pharmacies were undersupplied. Limited infrastructure or aging physical plants in some facilities compounded marginal sanitation, limited access to potable water, and poor quality food.

There were also reports of food shortages in prisons. On September 4, the Council of Representatives Human Rights Committee released a statement condemning a food shortage in the Chamchamal Prison, located in the IKR but operated by the federal Ministry of Justice. Prison authorities left approximately 2,650 inmates without food for four days, and several inmates required hospital treatment for starvation.

Administration: The fractured penal structure continued to complicate detention and prison operations. By law the Justice Ministry retains full administrative authority over all detention facilities, including two prisons in the IKR, except for the Defense Ministry's military justice facilities and the Kurdistan regional government's Ministry of Labor and Social Affairs (KMOLSA) facilities. The government, however, had not implemented uniform oversight of detention facilities by year's end, and the Defense Ministry continued to hold civilian detainees, while the Interior Ministry continued to hold convicted prisoners.

Various entities operated IKR prison and detention facilities: the Kurdistan regional government Ministry of Interior, the KMOLSA, as well as the Kurdistan Democratic Party-affiliated Asayish, Parastin, and Zanyari. KMOLSA authorities supervised all posttrial detention facilities as well as pretrial detention facilities for women and juveniles. The Kurdistan regional government Ministry of Interior and the KMOLSA operated six prisons, one for men and another for women and juveniles in each of the three provinces in the IKR.

Recordkeeping on prisoners was reportedly inadequate and hindered the government's ability to identify the number of escaped prisoners during a July 21 prison break. According to officials at the Ministry of Interior, the justice, defense, and interior ministries and the Counterterrorism Service each maintained their own

records of detainees, although some facilities held individuals detained by several entities, making it difficult to account for all of a facility's detainees. In addition, many human rights organizations reported that prison guards or arresting officers released detainees after the detainees paid a bribe, a practice that further contributed to inaccurate detainee recordkeeping.

There were no known examples of penal or judicial authorities using alternatives to incarceration for nonviolent offenders.

ICS prisons maintained visitation programs that allowed family members regular visits, legal counsel, and independent nongovernmental observers. Human Rights Ministry representatives reported that authorities in numerous cases denied family visits to both pretrial and convicted persons. In many cases guards allegedly demanded bribes when detainees asked to telephone their relatives or legal counsel. Prison officials permitted detainees religious observance and in some cases divided detainees into cellblocks by religion or sect. The Ministry of Human Rights reported that prisoners and detainees within the Ministry of Justice system were able to submit complaints to the ministry without censorship. The Ministry of Human Rights publicly reported complaints, but there was no information available at year's end as to whether authorities investigated credible allegations of inhuman conditions.

Independent Monitoring: ICS prisons allowed regular visits by independent nongovernmental observers. The International Committee of the Red Cross (ICRC) accessed some Justice, Interior, Defense, and Labor and Social Affairs Ministry prisons and detention facilities. Authorities also granted prison and detention facility access to UNAMI, HRW, and the High Commission for Human Rights. The Ministry of Human Rights stated in its May report on prison conditions that authorities routinely denied the ministry's prison monitoring teams access to Ministry of Interior facilities. During the year the ICRC carried out 163 visits to 56 federal detention facilities. UNAMI resumed inspections of Justice Ministry prison and detention facilities during the year and conducted approximately 12 visits in Baghdad and 25 visits in the IKR. According to UNAMI, the decline in inspections from 2012 was a result of the country's deteriorating security situation.

The Kurdistan regional government generally allowed international human rights NGOs and intergovernmental organizations to observe pretrial and posttrial facilities but occasionally denied groups access to some individuals, usually in sensitive cases involving high-level officials or well-known individuals. The

UNAMI Human Rights Office inspected Kurdistan regional government prisons and detention facilities. During the year the ICRC conducted 46 visits to 18 places of detention under Kurdistan regional government authority.

Among independent organizations, only the ICRC and the UNAMI Human Rights Office had regular access to Kurdistan regional government internal security and intelligence service facilities.

Improvements: The provision of electricity, particularly at ICS facilities, continued to improve, according to the Ministry of Human Rights and UNAMI. Electricity in all ICS detention facilities exceeded the levels generally available to the public. The Justice Ministry refurbished prisons and constructed new facilities to enhance detainee conditions. According to UNAMI prison inspectors and monitors, many Justice Ministry detention facilities improved as they were brought in line with international standards. UNAMI officials reported receiving almost no claims of abuse from persons under Justice Ministry authority. In addition, UNAMI reported that the ministry expanded education and vocational training opportunities for inmates in a number of prisons.

The justice, defense, and interior, and the counterterrorism service ministries reported that employees at detention and prison facilities received human rights training provided by their respective ministry. The Ministry of Human Rights also provided human rights training to prison guards and security staff.

#### **d. Arbitrary Arrest or Detention**

The constitution provides some basic legal safeguards against arbitrary arrest and detention, although emergency laws give security forces broad discretion over arrest and detention when the government has declared a national emergency. There continued to be many arbitrary arrests and detentions. Security forces reportedly arrested without warrants civilians based on religious sect or political party. In its May report, the Ministry of Human Rights alleged that the “majority of arrests in Iraq were carried out without a legal warrant.”

According to HRW, prior to the Shia holiday of Ashura on November 14, the government detained and held thousands of Sunni males in “precautionary detention” aimed at curbing violent attacks during the holiday, previous years’ commemorations of which had been targeted by AQI. HRW stated that dozens of witnesses reported that security forces, including special weapons and tactics (SWAT) and Counterterrorism Service (CTS) agents, raided homes and arrested

individuals en masse in Baghdad's Dora and Adhamiyya neighborhoods in the week prior to Ashura. A resident of Dora told HRW that, on November 7, "a huge number" of SWAT forces dressed in black surrounded the neighborhood at 10 a.m., raided "every single house," and arrested at least 50 men in an operation that lasted until 5 p.m. CTS officials denied raiding every house and maintained that the operation targeted specific operatives who intended to attack events commemorating Ashura.

According to an April Council of Representatives Integrity Committee report, prison authorities sometimes delayed the release of exonerated inmates pending the receipt of bribes. UNAMI officials repeated these findings in June, quoting detainees who claimed that inmates had to pay bribes of 1.16 billion dinars (\$100,000) or more for release, despite having had their charges dismissed, having been found not guilty, or having completed their sentence.

### **Role of the Police and Security Apparatus**

The Iraqi Security Force consists of internal security forces administratively organized within the Interior Ministry, external security forces under the control of the Defense Ministry, and the CTS. Interior Ministry responsibilities include domestic law enforcement and maintenance of order relying on the Federal Police, Provincial Police, Facilities Protection Service, and Department of Border Enforcement. Conventional military forces under the Defense Ministry are responsible for external defense; however, they often work with elements of the Interior Ministry to carry out counterterrorism operations and internal security. The CTS reports directly to the prime minister and oversees the Counterterrorism Command, an organization that includes the three Special Operations Forces brigades.

The government rarely investigated reported human rights violations committed by Iraqi Security Force personnel and rarely punished perpetrators.

There were continued accounts of torture and abuse throughout the country in Interior Ministry police stations and Defense Ministry facilities, reportedly primarily during detainee interrogations. The Interior Ministry did not release the number of officers punished during the year, and there were no known court convictions for abuse. The government did not take widespread action to reform security forces to improve human rights protection.

Problems persisted among the country's provincial police forces, including sectarian divisions, corruption, ties to tribes, and unwillingness of some officers to serve outside the areas from which they originated. The army and federal police recruited nationwide and deployed soldiers and police to various areas, reducing the likelihood of corruption related to personal ties to tribes or militants.

Security forces made limited efforts to prevent or respond to societal violence. Local police stations in Basra and Kirkuk implemented "family protection units" in order to respond to and address claims of domestic violence by women and children. In 2011 the Council of Ministers established a lesbian, gay, bisexual, and transgender (LGBT) committee to identify victims of targeted discrimination and provide adequate protections. The committee had not made a discernible impact at year's end.

The two main Kurdish political parties, the KDP and PUK, maintained their own security apparatuses. Under the federal constitution, the Kurdistan regional government has the right to maintain regional guards brigades (RGBs), supported financially by the central government but under the regional government's control. Accordingly, the Kurdistan regional government established a Ministry of Peshmerga Affairs. There are 12 infantry RGBs under the authority of the Ministry of Peshmerga Affairs, but the PUK and the KDP control tens of thousands of additional military personnel and heavy weapons, including armor.

The KDP maintained its own internal security unit, the Asayish, and its own intelligence service, the Parastin. The PUK maintained its own internal security unit, also known as the Asayish, and its own intelligence service, the Zanyari. While the PUK and KDP took some nominal steps toward unifying their internal and external security organizations, they remained separate, as political party leaders effectively controlled these organizations through party channels.

Kurdistan regional government security forces detained suspects in areas the regional government controlled but also in the DIB provinces. The poorly defined administrative boundaries between the IKR and the rest of the country resulted in continuing confusion about the jurisdiction of security forces and the courts.

The 2011 repeal of Article 136(b) of the criminal procedure code did not lead to significant changes in the number and pattern of arrests. The article gave ministers the power to prevent the execution of arrest warrants stemming from criminal investigations of employees in their ministries.

## Arrest Procedures and Treatment of Detainees

The constitution prohibits “unlawful detention” and mandates that authorities submit preliminary documents to a competent judge within 24 hours of arrest, a period that may extend to a maximum of 72 hours. For offenses punishable by death, however, authorities can legally detain the defendant as long as necessary to complete the judicial process. According to local press, authorities arrested suspects in security sweeps without a warrant, particularly under the antiterrorism law, and held some detainees for prolonged periods without charge.

The government arbitrarily detained individuals and often did not inform detainees promptly of charges against them. The government periodically released detainees, usually after concluding that it had insufficient evidence for the courts to convict them. The law allows release on bond for criminal (but not security) detainees. Authorities rarely released detainees on bail. Kurdistan regional government internal security units held some suspects incommunicado without an arrest warrant and transported detainees to undisclosed detention facilities.

The law provides for judges to appoint paid counsel for the indigent. Attorneys appointed to represent detainees frequently complained, however, that poor access to their clients after their appointment hampered adequate attorney-client consultation. In many cases detainees were not able to meet their attorneys until their scheduled trial date. Officials at the Ministry of Human Rights added that the need for public defenders and judges far exceeded supply, resulting in delayed trials.

Arbitrary Arrest: Police and army personnel frequently arrested and detained individuals without judicial approval, although there were no reliable statistics available regarding the number of such acts. Authorities often failed to notify family members of the arrest or location of detention, resulting in incommunicado detention. For example, following the July 21 AQI/ISIL attacks on the Taji and Abu Ghraib prisons, central government security forces arrested large numbers of residents of the two districts without warrants. Residents reported that security forces targeted the relatives of escaped prisoners for arrest to pressure escapees to surrender. HRW reported that, in some cases, security forces arrested “entire families” in order to coerce the escapees’ surrender.

Pretrial Detention: Pretrial detainees represented one-half of the total population of those incarcerated in Justice Ministry ICS facilities, according to ICS data. By law other ministries, including the Defense Ministry, Interior Ministry, and

Ministry of Labor and Social Affairs, may hold pretrial detainees. In October the government reported that 13,247 pretrial detainees were in ICS custody, the Defense Ministry held 296 pretrial detainees, and the Labor and Social Affairs Ministry held 487. The Interior Ministry held 11,600 pretrial detainees, according to the Ministry of Human Rights. Although there were no independently verified statistics concerning the number of pretrial detainees in government facilities, most individuals in Interior and Defense Ministry facilities were reportedly pretrial detainees. In the IKR, there were 1,902 pretrial detainees, including 43 women in pretrial detention, at various Kurdistan regional government facilities at year's end.

Lengthy detentions without due process and without judicial action were a systemic problem. The lack of judicial review resulted from several factors, including a 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 utilize bail or other conditions of release, lack of information-sharing, bribery, and corruption. Overcrowding of pretrial detainees remained a problem in many detention facilities. There were allegations of detention beyond judicial release dates as well as unlawful releases.

Authorities held many detainees for months or years after initial arrest and detention, particularly those detained under the antiterrorism law. Authorities sometimes held detainees incommunicado, without access to defense counsel or without being formally charged before a judge within the legally mandated period. For example, during an interview in June, a detainee informed a representative of an international organization that he had been tortured and detained for six years without charge before his release. UNAMI reported in August that authorities had held some detainees for four years or more without formal charge or trial. According to HRW, security officers and judges collaborated to keep women detained on "suspicion of terrorism" charges, then demanded bribes to secure their release. Authorities at times detained spouses and other family members of fugitives, mostly Sunnis wanted on terrorism charges, as proxies to pressure the fugitives to surrender.

Kurdistan regional government authorities reportedly held detainees for extensive periods in pretrial detention. No provision allows judges to reduce sentences for time served. In one case regional authorities held a man in pretrial detention for two years for a traffic violation that carried a maximum prison sentence of one year.

Amnesty: Unlike 2012, there were reports that the central government granted amnesty during the year to several persons, but no information was available at year's end concerning the number of individuals granted amnesty. In the IKR, there was at least one reported case of amnesty during the year.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, although certain articles restricted judicial independence. In addition, the country's security situation and political history left the judiciary weak and dependent on other parts of the government. In October the Supreme Court overturned a court order mandating the separation of the Federal Supreme Court and the Higher Judicial Council, thus allowing one individual to run both. Local and international press claimed the decision was politically motivated and undermined judicial independence. There were reports during the year that corruption influenced authorities' willingness to respect court orders, except those concerning national security. For example, the Council of Representatives' Integrity Committee reported that government ministries did not consistently enforce court-issued detainee-release orders, and that Interior Ministry and Justice Ministry employees demanded payment from detainees in order to be released.

Threats and killings by sectarian, tribal, extremist, and criminal elements impaired judicial independence. Judges and their family members frequently faced death threats and attacks. For example, on August 4, a VBIED explosion killed Sajir al-Azzawi, the Salah ad-Din judge responsible for reviewing all criminal and terrorism cases in the province, and severely injured his wife. Observers suspected AQI/ISIL of having carried out the attack and of responsibility for a wider campaign of "revenge killings" of judges following the July 21 Abu Ghraib prison break.

Judges were generally vulnerable to intimidation and violence. Corruption or intimidation reportedly influenced some judges presiding over criminal cases at the trial level and on appeal to the Court of Cassation. The Commission of Integrity routinely investigated judges on corruption charges, but there were numerous reports that such investigations were often politically motivated.

By law the Kurdish Judicial Council was financially and administratively independent from the federal Ministry of Justice, but the Kurdistan regional government executive continued to influence politically sensitive cases.

## **Trial Procedures**

The constitution provides all citizens the right to a fair trial. Observers, including some government officials, the UN, and NGOs, reported that trial proceedings fell short of international standards. Although investigative, trial, and appellate judges generally sought to enforce the right to a fair trial, defendants' insufficient access to defense attorneys was a serious defect in proceedings. Many defendants met their lawyers for the first time during the initial hearing and had limited access to legal counsel during pretrial detention. Trials were public, except in some national security cases, but some faced undue delays.

The law considers an accused person innocent until proven guilty and gives detainees the right to be informed promptly and in detail of the charges as well as the right to a privately retained or court-appointed counsel, at public expense if needed. Officials routinely did not inform defendants promptly or in detail of charges against them. Judges assemble evidence and adjudicate guilt or innocence. There is no right to a trial by jury. Defendants and their attorneys have access to government-held evidence relevant to their cases before trial and have the right to confront witnesses against them and present witnesses and evidence. In many cases forced confessions served as the only source of evidence without the corroboration of forensic evidence or independent witness testimony, according to AI and other international and local human rights NGOs.

AI reported on March 10 that the Ministry of Interior uploaded footage of pretrial detainee confessions to its public YouTube portal, violating the presumption of innocence and fair trial standards.

## **Political Prisoners and Detainees**

The government did not consider any incarcerated persons to be political prisoners or detainees and stated that all individuals in prison had been either convicted or charged under criminal law or were detained and awaiting trial while under investigation.

It was difficult to assess claims that there were no political prisoners or detainees due to the lack of government transparency, prevalence of corruption in arrest procedures, slow case processing, and inaccessibility of detainees, especially those held by counterterrorism, intelligence, and military authorities. Political opponents of the government and numerous detainees asserted that the government

imprisoned or sought to imprison persons for political activities or beliefs under the pretense of criminal charges ranging from corruption to terrorism and murder.

On March 11, army officers attempted to arrest former finance minister and Sunni-based Iraqiya bloc representative Rafie' al-Issawi, allegedly for instigating Sunni protests against the government, but Issawi escaped and remained out of prison at year's end. Ministry of Interior Counterterrorism Directorate officers detained Issawi's personal security members in December 2012 on terrorism charges; they remained detained at year's end. Iraqiya's leadership claimed the arrests were politically motivated, resulting in widespread Sunni protests.

Controversy continued regarding the 2011 case of former vice president Tariq al-Hashemi and his supporters. On June 23, the Central Criminal Court imposed death sentences on three of Hashemi's fugitive bodyguards. In 2012 local television stations broadcast the bodyguards' alleged confessions, but the guards recanted their confessions in November 2012, claiming they had confessed under torture. Hashemi continued to claim that the murder and terrorism charges against him, for which a court issued multiple death sentences against him in late 2012, were politically motivated. He remained in exile in Turkey at year's end. At year's end the execution of the bodyguards had not taken place.

In the IKR, similar factors obscured a reliable assessment concerning political prisoners and detainees. For example, local and international NGOs reported that in January 2012 KDP intelligence agents arrested Niaz Aziz Saleh, a former KDP headquarters official. According to an August 20 AI report, Saleh had been held without charge since his arrest and suffered repeated beatings by Asayish officials in his first three months in detention, during which he was in solitary confinement. The Asayish accused Saleh of leaking information regarding alleged KDP vote rigging in the 2009 IKR parliamentary elections to the independent magazine *Levin*.

### **Civil Judicial Procedures and Remedies**

Individuals and organizations may seek civil remedies for or cessation of human rights violations. Administrative remedies also exist, although the overwhelming security focus of the executive branch coupled with an understaffed judiciary dependent on the executive meant that the government did not effectively implement civil or administrative remedies for human rights violations.

Kurdistan regional government law provides for compensation to persons unlawfully arrested or detained. The Kurdistan regional government's Human Rights Commission helped some individuals file complaints but did not report whether it had resolved the complaints at year's end.

### **Property Restitution**

Delays and corruption prevented the government from effectively adjudicating property restitution claims. The Property Claims Commission, an independent governmental commission, was to resolve claims for property unjustly seized by the former regime between 1968 and 2003. The commission process was intended primarily to benefit those whose land was confiscated for ethnic or political reasons as part of the former regime's Arabization program and other sectarian displacement policies. According to local human rights NGOs, the government's inability to resolve claims disproportionately affected Christian communities.

Since 2003 more than 30,000 "wafadin" (Arabs previously settled in the Kirkuk region under Saddam Hussein's anti-Kurdish policies) returned to their previous homes in the center and south of the country and applied for compensation. As the wafadin left, their claims were reviewed and paid primarily by the Article 140 Commission, which the government established to fulfill its obligation to undertake "normalization" measures as called for in the constitution's Article 140. That article mandates that the executive authority implement the Transitional Administrative Law's Article 58, which sets required measures to "remedy the injustice caused by the previous regime's practices in altering the demographic character of certain regions, including Kirkuk." These measures include restoring former residents to their homes and property while resettling and compensating newly introduced individuals. The head of the Article 140 Commission's Kirkuk office sent files of 1,500 claimants to Baghdad for compensation by the end of the year but stated that the federal government continued to procrastinate on settlement of the cases.

During the year Kirkuk Province authorities, acting on orders from the provincial governor, began detaining individuals who had moved to Kirkuk without registering with the Emigrants and Emigration Department. The governor and security officials claimed that most of the individuals were later released. Authorities transferred 19 of the detainees to officials in Diyala province on outstanding warrants alleging their involvement in terrorist attacks. At year's end two of the detainees remained in custody in Kirkuk on criminal charges unrelated to their failure to register with the Emigrants and Emigration Department.

There was no further information available concerning cases reported in section 1.e. of the 2012 Human Rights Report.

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

The constitution mandates that authorities may not enter or search homes except with a judicial order. The constitution also prohibits arbitrary interference with privacy, but security forces often entered homes without search warrants and took other measures that interfered with privacy, family, and correspondence.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Speech and Press**

The constitution broadly provides for the right of free expression if it does not violate public order and morality or express support for the banned Baath Party or for altering the country's borders by violent means. The main limitation on individual and media exercise of these rights was self-censorship due to the real fear of reprisals by the government, political parties, ethnic and sectarian forces, terrorist and extremist groups, or criminal gangs.

The Journalists' Rights Law offers some additional legal protection for journalists but qualifies many protections with the phrase "in accordance with existing law," which permits ambiguity about the actual scope of protection offered. The law fails to address the continuation of restrictive practices, including the criminalization of libel and defamation under penal law and up to seven years' imprisonment under the 1968 Publications Law for publicly insulting the government. According to international and local NGOs, the 2011 Journalists' Rights Law also enhances the power of the pro-government journalists' syndicate and reduces media independence. Many journalists were concerned that the law's requirement to provide a copy of their employment contract to the syndicate might disclose sensitive personal information that could jeopardize their and their families' lives. The Federal Supreme Court upheld the law's constitutionality in October 2012, but the government had not fully implemented it by year's end.

In the IKR, Kurdistan regional government authorities continued to try, convict, and imprison journalists under penal law, despite a 2008 media freedom law that decriminalizes publication-related offenses. According to syndicate officials, the 2008 law is the sole basis for prosecution of journalists for publication offenses,

but penal law allows prosecution for offense to public morals and other crimes. Public officials regularly resorted to libel charges under criminal law, resulting in punitive fines against individual media outlets and editors, often for publishing articles on alleged corruption. The Kurdistan Journalists' Syndicate documented 37 lawsuits against journalists during the first six months of the year in the region. On October 29, a court fined the former editor in chief of the *Awene* newspaper, Shwan Mohammed, one million dinars (\$860) and fined the newspaper five million dinars (\$4,300) for *Awene's* 2009 publication of a photo of an Islamist politician at a London nightclub.

Public officials also reportedly rewarded positive reporting by providing money, land, access to venues, and other benefits to journalists, particularly members of the pro-government Journalists' Syndicate.

Freedom of Speech: Despite the constitutional protection for freedom of expression, the 1968 Publications Law provides, if authorized by the prime minister, for fines or a prison sentence of up to seven years for any person convicted of publicly insulting the Council of Representatives, the government, or public authorities. Individuals were able to criticize the government publicly or privately, but not without fear of reprisal. On July 24, the Communications and Media Commission (CMC), a nominally independent but government-run media regulator, demanded 70 million dinars (\$60,100) in new licensing fees from at least three independent radio stations in order to remain on the air. Representatives of Radio al-Mahaba, established in 2005 with the support of the UN Development Fund for Women, announced that its coverage of political issues from a women's perspective routinely resulted in closure threats and claimed that the licensing fees were a renewed attempt to shut it down. The CMC was reportedly reconsidering imposing the fees at year's end.

Press Freedoms: Political parties strongly influenced, or controlled outright, most of the several hundred daily and weekly print media publications as well as dozens of radio and television stations. The active media expressed a variety of views largely reflecting political party positions and also practiced self-censorship. Media organizations complied with the government's interpretation of reporting that violates legal restrictions against violating public order and self-censored accordingly.

On April 28, according to press reports, the CMC suspended the licenses of 10 satellite television channels for "unprofessional news coverage" of the clashes in Hawija (which resulted in government security forces reportedly killing 44 Sunni

protesters), accusing the networks of “disturbing the civil and democratic process” and providing “support for terrorist groups.” Most of the suspended stations were domestic with ties to Sunni politicians but also included Qatar-based al-Jazeera, which officials frequently accused of anti-government (and anti-Shia) bias. While all of the channels remained available on satellite, their reporters were restricted from gathering news in the country. By June the government lifted the suspension of licenses for the satellite television channels but, according to the National Union of Iraqi Journalists, the government continued to harass the stations and limit their newsgathering activities.

On September 13, Ministry of Interior officials reportedly raided the offices of al-Baghdadiya news station and confiscated its satellite transmitter, effectively taking the station off the air. The CMC claimed that it had not issued orders to take the station off the air and that the Interior Ministry had acted independently. Iraqi Journalists’ Union members alleged that the Ministry of Interior sought to take the station off the air due to a program that had portrayed the interior minister unfavorably. Al-Baghdadiya resumed operations shortly after the Interior Ministry raid on its facilities.

During the year the government continued to prosecute journalists for allegedly defaming public figures and reporting on politically sensitive topics. According to HRW, the government often prosecuted journalists under Article 314 of the penal code, which criminalizes defamation and provides penalties of up to one month in prison or a fine of 50,000 to 250,000 dinars (\$43 to \$215). The Center for the Legal Protection of Journalists reported that more than 10 journalists faced criminal charges for defamation at year’s end. On October 27, the Court for Media and Publications sentenced Zohair Fatlawi to three days in prison on criminal defamation charges for writing an article accusing authorities in the central government’s housing fund, which finances housing projects and provides mortgages, of corruption and failing to provide services.

Violence and Harassment: Journalists were targets of government security forces, corrupt officials, terrorists, religious groups that rejected media independence, and unknown actors who wished to affect the flow of news. In August the Journalistic Freedom Observatory, a domestic media advocacy organization, recorded 259 cases of killings of Iraqi and foreign journalists since 2003. The report added that kidnappers abducted 64 activists, most of whom they killed, while 14 remained missing. The Journalistic Freedom Observatory reported that during the year militants or terrorist groups killed 21 journalists. In addition, the Press Freedom Advocacy Association registered 286 cases of harassment against journalists

during the year. The government had not investigated any of the crimes at year's end.

On April 1, an armed militia group allegedly affiliated with Shia cleric Mahmud al-Sarkhi attacked and destroyed the offices of independent domestic newspapers *al-Dustour*, *al-Parliament*, *al-Mustaqbal*, and *al-Nas* and stabbed five employees. The assailants, some of whom wore military uniforms, also damaged computers and office furniture. According to local media, the attack was an apparent retaliation for articles critical of Sarkhi. The Interior Ministry confirmed that it had security camera footage that could assist in identifying the attackers, but the government had made no arrests in connection with the attacks by year's end.

Media workers often reported that politicians, government officials, security services, tribal elements, and business leaders pressured them to not publish or broadcast stories perceived as critical. They offered accounts of violence, intimidation, death threats, and harassment by government or partisan officials. For example, on August 2, press reports noted that security forces detained and abused two journalists for attempting to cover a demonstration in Baghdad's Tahrir Square against Prime Minister Maliki's handling of the country's deteriorating security situation. According to the journalists, security forces confiscated their still and video cameras, and authorities detained them overnight and subjected them to intimidation for attempting to report on the protests, despite having Ministry of Interior licenses to cover the events. The National Union of Iraqi Journalists publicly condemned the incident.

Throughout the year military officials, sometimes claiming safety considerations, prevented journalists from entering public protest spaces. On March 3, Lieutenant General Mardhi al-Mahlawi al-Dulaime, chief of Anbar Operations Command, released a statement asserting, "We have received instructions from higher authorities not to allow any non-Iraqi journalists to enter Anbar Province." In April authorities prevented journalists from traveling near the city of Hawija, the site of security forces' violent suppression of large demonstrations.

Throughout the IKR there were numerous instances of attempted killings, beatings, detention, and property destruction against media workers. In many cases the aggressors wore military or police uniforms. With few exceptions attacks targeted independent and opposition media, mainly the Kurdish News Network Television (affiliated with the Goran (Change) Movement) and the independent Nalia Radio and Television, rather than media controlled by ruling parties. Following controversy over a call-in show during which a caller used profanity to criticize a

historical KDP leader, a gathering of KDP supporters on February 12 threatened to close or burn down the Nalia Radio and Television station during a protest in front of the station. Unknown assailants attacked the station later that night, throwing a grenade onto the building's roof. The local Asayish branch stated it would investigate the incident, but it had not announced investigation results by year's end. On December 5, unknown assailants shot and killed journalist Kawa Garmiani in Sulaimaniyah Province. Kurdistan regional government authorities arrested seven persons in connection with the crime and issued an arrest warrant for an eighth suspect, politician Mahmood Sangawi. In 2012 Sangawi threatened Garmiani's life in a video that was widely circulated on social media. As of year's end, authorities had released six of the arrested individuals, and trials in the case had not started. Sangawi ignored a summons to appear in the court with jurisdiction over the case.

Kurdistan regional government authorities occasionally detained journalists for long periods before bringing them to trial. On August 28, KDP-affiliated Asayish security forces arrested Nizar Bejan, a reporter for *Bashur* magazine in Zahko, Dahuk Province. Authorities released Bejan on September 28.

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 violating public integrity or decency include fines and imprisonment.

The censorship process relied substantially on self-censorship. Publications reflected the owner's views, and writers understood the "acceptable" limits of reporting. The fear of violent retaliation for publishing facts or opinions displeasing to political factions also inhibited free expression.

The government used its authority to suppress potentially unfavorable media coverage. On several occasions, security officials prevented reporters from covering stories by denying journalists access to venues, particularly sites of ongoing protests or demonstrations. There were also reports that local governments selected journalists to receive tracts of land for their personal use in exchange for favorable media coverage. In addition, according to the local NGO Journalistic Freedom Observatory, in some instances security forces threatened detention of correspondents if they did not sign a pledge to stop practicing their profession. For example, on November 22, security forces detained al-Baghdadiya Television correspondent Rasha al-Abadi while she interviewed residents of Najaf on their reaction to a flood. According to the Journalistic Freedom Observatory,

security vehicles cordoned a residential property in which she was conducting an interview, requested that al-Abadi sign a pledge that she would no longer practice journalism, and, after she refused to sign, detained her for several hours until local political figures secured her release.

All books published in the country as well as imported books required the Ministry of Culture's approval and were therefore subject to censorship. According to the ministry, the purpose of the vetting was to suppress literature that promotes sectarianism.

The Kurdistan regional government Ministry of Culture and Youth Affairs refused to issue a publishing permit for a second book by writer Suzan Jamal, whose first book, *One Million Questions and Answers About Sex*, resulted in anonymous threats against her life.

Libel Laws/National Security: Criminal law prohibits reporters from publishing stories that defame public officials. Many in the media complained that these provisions prevented them from freely practicing their profession by creating strong fears of prosecution, although widespread self-censorship impeded journalistic performance as well.

Libel is a criminal offense under Kurdistan regional government law as well, and judges may issue arrest warrants for journalists on this basis. Police typically detained journalists, when named in a lawsuit, until they posted bail. Police often kept journalists in custody during investigations.

On May 30, officials released Karzan Karim from prison after he completed a two-year sentence following his October 2012 conviction for "endangering national security." Security forces arrested Karim, a former Asayish member, in 2011 for writing several opinion pieces on corruption at the Erbil International Airport.

Nongovernmental Impact: Opposition, criminal, and terrorist groups sought to inhibit freedom of expression, including through threats to and attacks on members of the press. AQI/ISIL attacks routinely targeted journalists, particularly in Ninewa Province. In October gunmen killed four journalists in Mosul. On November 24, unidentified assailants shot and killed Alaa Edward Butros, a Christian journalist for al-Rashid television news service, in a coffee shop near Mosul. Authorities had not released any information about possible arrests or investigations in connection with the killings by year's end.

## **Internet Freedom**

There were no overt government restrictions on access to the internet or official acknowledgement that the government monitored e-mail or internet chat rooms without appropriate legal authority.

According to the International Telecommunication Union, an estimated 7.1 percent of the country's citizens regularly accessed the internet during the year, compared with 4.7 percent in 2012.

## **Academic Freedom and Cultural Events**

Social, religious, and political pressures restricted the exercise of freedom of choice in academic and cultural matters. In all regions various groups reportedly sought to control the pursuit of formal education and granting of academic positions. Religious extremists and armed groups also targeted artists, poets, writers, and musicians, limiting cultural expression.

On August 28, the international press reported that illegal al-Mahdi militias attacked and severely beat 28-year-old artist Bassim al-Shaker for painting a portrait of a nude woman as practice for the entrance exam at Baghdad University's College of Fine Arts. Al-Shaker, who also ran a barbershop, kept the sketches on a notepad next to the shop's water cooler, where the militiamen found them when they stopped for haircuts. The militants reportedly spat on him, blindfolded him, and punched him as they took him through a busy neighborhood market in Baghdad. The militants beat al-Shaker so severely that he spent two weeks recovering in the hospital and then went into hiding.

On August 25, the Ministry of Education banned male teachers from teaching in girls' secondary schools and females from teaching in male secondary schools. Schools had not fully implemented the decision by year's end.

There is no gender-segregation policy in the country's universities, and there were no reported incidents of forced segregation during the year. There were reports of societal pressures on female students in Basra and Ninewa to wear the hijab (headscarf).

Kurdistan regional government authorities limited academic freedom. Supervisors with political connections disciplined teachers and other members of the academic community for criticizing the government. For example, in February the president

of Salah-ad-Din University dismissed Professor Rabwn Rafik from the university's College of Arts for expressing political views and criticizing the Kurdistan regional government in media interviews. According to press, the university threatened six additional professors with dismissal for "criticizing the authority." The dismissal was met with widespread condemnation and student boycotts, prompting the president to reverse the dismissal.

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

The constitution provides for freedom of assembly and peaceful demonstration "regulated by law." Regulations require protest organizers to seek permission seven days in advance of a demonstration and to submit detailed information about the applicants, 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 laws or constitution; encourage violence, hatred, or killing; or prove insulting to Islam, "honor, morals, religion, holy groups, or Iraqi entities in general."

Provincial councils traditionally maintained authority to issue permits. During the year, however, the Ministry of Interior assumed authority to issue permits in Baghdad, stripping the local governor of authority to do so.

In some instances authorities denied authorization to planned protests against the prime minister or the central government, although protests supportive of the prime minister's Da'wa Party were permitted. On July 19, officers from the intelligence unit of the Federal Police arrested Jaafer Abdelamir Mohammed, a journalist, for "protesting without an official permit" when he and three other men stood peacefully in Tahrir Square holding banners critical of the government. On August 22, HRW condemned the minister of interior's decision to prohibit protests scheduled for August 31, stating, "Permit denials appear to be part of a continuing campaign by the Interior Ministry to undermine the right to freedom of assembly and to stifle antigovernment protest."

During the year protesters demonstrated in several major cities, demanding better government services and an end to corruption. Many protests were peaceful, and the government provided appropriate security. On other occasions the government suppressed demonstrations, arrested organizers, used excessive force against protesters, and harassed protesters attempting to reach demonstration sites,

including after the deaths of 44 demonstrators in Hawija (see section 1.a.). Security forces blocked access to protest sites in Baghdad; beat and arrested peaceful demonstrators; and detained, beat, and confiscated equipment of journalists attempting to cover protests. On August 2, security forces detained a group of journalists and activists who gathered to demonstrate in Baghdad's Tahrir Square against deteriorating security conditions. Local press widely reported that a "pre-staged" security force intercepted demonstrators marching down a road leading to Tahrir Square and detained them overnight for demonstrating without a license. Military forces reportedly beat the activists and journalists at the protest site and confiscated their cameras, according to local press freedom NGOs.

There were similar occurrences in the IKR. On the anniversary of demonstrations in 2011 in which 12 persons died and 47 were injured, Kurdistan regional government authorities deployed security forces throughout Sulaymaniyah. The forces beat and arrested several journalists and activists. During the year the regional government retroactively paid for the medical treatment of individuals injured in the protests. A Kurdistan regional government presidential decree issued in 2011 had called for "bringing to justice those who had a role in the shootings." On October 1, authorities released on bail a police chief less than a week after charging him with shooting into the crowd at the 2011 demonstrations. The police chief awaited trial at year's end.

### **Freedom of Association**

The constitution provides for, and specifically mandates the law regulate, the right to form and join associations and political parties. The government generally respected this right, except for the legal prohibitions on groups expressing support for the Baath Party or Zionist principles.

Many Sunni Muslims alleged that the country's Shia majority waged a continuing campaign of revenge for Sunnis' alleged affiliation with the Baath Party's abuses against Shias during Saddam Hussein's rule. Complaints included allegations of discrimination in public sector employment due to the continuing campaign of de-Baathification. The government intended the de-Baathification process to target loyalists of the former regime, but Sunnis and NGOs claimed the government implemented the Accountability and Justice Law (de-Baathification law) selectively to render many Sunnis ineligible for government employment.

Due to a requirement that the Supreme National Council for Accountability and Justice vet founders and directors of NGOs for prohibited past affiliation or

membership in the Baath Party, delays continued in the NGO registration process. The slow verification process impeded development and legal protection of NGOs. The NGO Directorate in the Council of Ministers Secretariat accepted applications for registration but did not process registrations without the council's approval. A 2010 law designed to facilitate NGO registration and operations while providing extra protections from onerous and arbitrary government actions provided limited assistance. The NGO Directorate issued registration certificates to 330 NGOs during the year, compared with 864 in 2012. On March 18, the Council of Ministers announced that it had licensed more than 1,300 NGOs, including 290 women's rights organizations, throughout the country between 2010 and September 2013.

The criminal code stipulates that any person who promotes Zionist principles, associates with Zionist organizations, assists such organizations by giving material or moral support, or works in any way towards the realization of Zionist objectives is subject to punishment by death. There were no applications of this law since the fall of the regime of Saddam Hussein.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt/](http://www.state.gov/j/drl/irf/rpt/).

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

The government generally respected the constitutional provisions for freedom of movement in all parts of the country as well as the right to travel abroad and return freely. The government imposed some limitations on refugees in the central provinces due to security concerns and limited refugees' travel into and residence in the IKR, although it generally allowed internally displaced families to reside there.

The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern, although the government had not fully established effective systems to assist these individuals by year's end.

In-country Movement: The law permits security forces to restrict in-country movement pursuant to a warrant, impose a curfew, cordon off and search an area, and take other necessary security and military measures in response to security threats and attacks. There were reports that security forces in the disputed areas, including Peshmerga and Iraqi Army forces, selectively enforced regulations requiring residency permits in order to remove persons from the areas under their control. The Kurdistan regional government restricted movement across the areas it administered due to what it claimed were administrative and security procedures. Nonresidents of the IKR were required to obtain permits that authorized limited stays in the IKR. Residency permits were generally renewable. Citizens not from the IKR who sought to move permanently to areas controlled by the Kurdistan regional government required a Kurdish sponsor. Citizens (of any ethnicity, including Kurds) crossing into the region from the south were obligated to enter at checkpoints and undergo personal and vehicle inspections. Officials prevented individuals whom they deemed security threats from entering the region. Entry for male Arabs was reportedly more difficult than for others. The officers in charge of the checkpoints could decline entry into the region.

An estimated 225,000 Syrian refugees registered with the UNHCR in the country. Most resided in the IKR and generally were issued IKR residency permits and allowed to travel freely in the IKR. There were reports that Kurdistan regional government authorities discouraged non-Kurd refugees from residing in the IKR.

The Kurdistan regional government took steps during the year to ease the entry process into the IKR. It instituted a preclearance process for visitors to the IKR, reducing wait times at checkpoints. Tens of thousands of families from the central and southern provinces of Iraq reportedly visited the IKR during the Eid (holiday) and summer seasons. Kurdistan regional authorities reported that 316,000 tourists had visited the IKR during the year up to September, a 21 percent increase from 2012.

In July, due to increased violence and bombing attacks by illegal militias, central government security forces increased the number of checkpoints and erected makeshift roadblocks in each province. Press reports claimed that armed groups took advantage of the heightened security situation to create fake checkpoints to facilitate attacks on targeted individuals (see section 1.a.). In addition, authorities imposed curfews on cities after violence or prison escapes to restrict movement. Local human rights NGOs alleged that curfews and movement restrictions on the towns of Abu Ghraib and Taji following a July 21 prison break amounted to collective punishment.

Foreign Travel: Exit permits were required for citizens leaving the country, but the requirement was not routinely enforced.

Exile: The constitution permits forced exile only of naturalized citizens and only if a judicial decision establishes that the citizenship was granted based on material falsifications. There were no reported cases of forced exile.

### **Internally Displaced Persons (IDPs)**

Sectarian violence continued to displace Shia, Sunni, Christian, and Sabean-Mandean families. According to the Ministry of Migration and Displacement, formerly known as the Ministry of Displacement and Migration, in June approximately 800,000 persons remained internally displaced due to sectarian violence. UNHCR officials stated that, by the end of the year, 993,188 persons remained internally displaced.

The UNHCR reported that 35,151 refugees and 24,100 IDPs returned to their places of origin in the country from January to December. Authorities recorded 82,260 refugee returns and 218,800 IDP returns in 2012. The UNHCR's end-of-year reporting noted an increasing number of returnees from Syria because of unrest in that country. Many returnees received the Ministry of Migration and Displacement's returnee grant of four million dinars (\$3,430).

While some refugees returned, high unemployment, lack of shelter, and an unstable political environment created significant challenges. Many displaced persons reported that they remained unwilling or unable to return to their homes because they feared their religious affiliation would make them an unsafe minority in neighborhoods segregated along religious lines in the aftermath of recent years' violence. Violence between 2006 and 2008 caused households to flee areas where they were members of a religious or ethnic minority and resettle in areas where their religious or ethnic identity was in the majority. As a result, 78 percent of IDPs expressed a preference to integrate permanently into their new areas rather than return home, according to the IOM. Social and geographic integration of communities displaced before 2003 made it difficult to distinguish between those who remained displaced and those who chose to remain where they were. Most international organizations focused on persons displaced since 2006.

The majority of those displaced before 2003 were Kurds forcibly moved under the previous regime's policy of settling Arabs in ethnically mixed areas. Many of

those Arabs had returned to their areas of origin but were considered displaced because they were unable to regain their original property and residences, generally in central and southern Iraq. Both Arabs and Kurds displaced in this way have a legal right to compensation, which the government was slow to provide.

The government engaged in efforts to promote the safe, voluntary return or local integration of IDPs. While the constitution and the 2008 national policy on displacement address IDPs' rights, these rights remained largely unaddressed in specific laws. The Migration and Displacement Ministry's comprehensive strategy recognized local integration as a legal option for IDPs. The government attempted to integrate IDPs into local populations but also continued to encourage families to return to their original homes.

Government assistance for returnees focused on the provision of one-time initial financial grants. Although the government promised to provide essential services to support returnees in Baghdad, these promises remained largely unfulfilled. In Diyala the government provided some essential services to returnees. The Migration and Displacement Ministry generally allowed IDPs access to domestic and international humanitarian organizations, collected information about IDPs, and provided some protection and assistance in the form of humanitarian supplies.

The ICRC provided food rations, water and sanitation projects, and health care to many IDPs unable to access the public food distribution system or public schools in the provinces where they lived. In other instances the IOM, UNHCR, and World Food Program organized income generation projects and quick-impact projects, providing adults with paid public work and training opportunities. In coordination with implementing partners, the UNHCR implemented a variety of projects for IDP communities, including protection monitoring, legal assistance, shelter projects, a media campaign on IDPs, an NGO empowerment project, and access to technology. An IDP's habitual place of residence determined his or her access to services. IDPs who did not register as IDPs in their current places of residence had limited access to services, such as schools, and to food rations from the public distribution system. Local authorities often determined whether IDPs would have access to local services. Through the provision of legal aid, the UNHCR assisted IDPs in obtaining documentation and registering with authorities to improve their access to services and entitlements.

Many IDPs lived in rented accommodation or informal settlements throughout the country, on public land or in public buildings. They faced harsh living conditions, with limited access to utilities, adequate sanitation, education, and employment

opportunities. Residents of informal settlements were at constant risk of eviction. According to UNHCR statistics, there were 165 informal settlements in the central governorates and 123 in Baghdad where IDPs, refugee returnees, economic migrants, as well as vulnerable families resided. Eviction orders gradually increased during the year, and 26 informal settlements (16 in Baghdad) came under threat of eviction, affecting 3,639 families. Authorities enforced one eviction order in Baghdad during the year, evicting and eventually relocating 219 families following advocacy by the concerned agencies.

Security concerns displaced many Kurdish as well as some Arab and Turkmen families in Diyala Province. Some local officials blamed the continuing displacement in Diyala Province on the government's lack of implementation of Article 140 of the constitution, which seeks to repatriate families displaced by Saddam Hussein's "Arabization" policy and relocate or compensate families brought to the area under the policy (see section 1.e.). Between January and September, sectarian violence resulted in the displacement of 773 families – more than 4,400 individuals – from Baghdad, Babil, Salah-ad-Din, Kirkuk, Diyala, and Mosul provinces. Humanitarian agencies provided shelter, food, and other assistance to displaced individuals.

### **Protection of Refugees**

Access to Asylum: The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees, but with flaws. According to the UNHCR, more than 260,000 individuals had sought asylum in the country, mainly by the end of the year, with most asylum seekers arriving from Iran, Syria, and Turkey. The government generally cooperated with the UNHCR and other humanitarian organizations to provide protection and assistance to the more than 1.6 million refugees, IDPs, asylum seekers, and stateless residents in the country. An estimated 185,000 of the 220,000 Syrian refugees who by year's end had registered with the UNHCR or were awaiting registration were Syrian Kurds who found shelter in the IKR.

Many Iraqi refugees in Syria returned to the country because of continuing violence in Syria. An estimated 50,000 citizens returned to the country between June 2012 and June 2013. The Ministry of Migration and Displacement registered 7,111 returnee households (approximately 35,000 individuals) by September. The ministry provided one-time financial grants of four million dinars (\$3,430) each to

the registered returnees through smart cards. By year's end, 3,821 returnee households had received the grants.

The UNHCR reported in September that 53,807 Iraqi refugees remained in Syria. The closure of al-Qaim and Rabiaa border crossings, continuous security incidents, and a lack of safety along the Anbar-to-Baghdad highway, which most returnees traveled, limited the number of cross-border movements.

From January to June, 1,135 Iraqi refugees returned to the country under a voluntary repatriation program, mainly from Syria, Iran, Jordan, and Egypt.

Refoulement: International NGOs reported that the government forced some Iranian asylum seekers to repatriate, despite credible risk of their torture upon their return. The UNHCR documented one case of refoulement, but the government otherwise cooperated with the UNHCR and stopped the deportation of several refugees, most of whom were Syrian. On these occasions, the UNHCR relocated the refugees at risk of deportation to refugee camps or attempted to resettle them.

The al-Qaim border crossing in Anbar Province largely remained closed to Syrian refugees and asylum seekers during the year. The Kurdistan regional government closed the Fishkhabur and Sehela border crossings from Syria to the IKR between May 18 and August 15. The regional government temporarily reopened the border crossings in August but closed the border again on September 29 due to security concerns and, except for a limited number of individuals with medical emergencies and family reunification cases, did not permit new Syrian refugees to enter the IKR after that date.

Refugee Abuse: Sectarian groups, extremists, criminals, and, in some cases, government forces reportedly attacked and arrested refugees, such as Palestinians, Ahwazis, and Syrian Arabs. As the country's security situation deteriorated during the year, several refugees, in particular Palestinians in Baghdad, reported an increasing number of security incidents, including two kidnappings.

According to the UNHCR, Syrian refugees in al-Qaim refugee camp in Anbar Province had no freedom of movement and extremely limited access to employment, increasing their vulnerability to exploitation. The UNHCR reported that 6,018 Syrian Arabs, more than one-half of all UNHCR-registered Syrian Arabs in the country, chose to return voluntarily to Syria, citing their poor living conditions at al-Qaim, lack of freedom of movement, and continuing family separation.

After the Kurdistan regional government temporarily reopened border crossings from Syria on August 17, the UNHCR reported that 10,000 to 14,000 refugees crossed from Syria into the IKR, resulting in chaos and long waits in extreme heat. By August 20, approximately 45,000 Syrians had entered the IKR through the Sehela and Peshkhabour crossings. By the end of the year, the UNHCR recorded 212,181 Syrian refugees in the country.

A 2011 memorandum of understanding (MOU) between the government and the UN provided for the peaceful and orderly closure of Camp Ashraf in Diyala Province, the MEK's former paramilitary base housing approximately 3,200 predominantly Iranian MEK members. Approximately 100 residents remained at Camp Ashraf to finalize the sale of MEK-owned property after most MEK members relocated to Camp Hurriya in 2012.

On February 9, April 29, June 15, and December 27, Iranian-backed militants attacked Camp Hurriya with rockets, resulting in 14 residents' deaths. MEK leadership called for a return to Camp Ashraf and for additional protection around the camps. By year's end, the government had provided an additional 354 bunkers and 696 protective walls to Camp Hurriya as well as more than 1,488 large T-walls, according to UNAMI.

On September 1, assailants attacked Camp Ashraf, killed 52 of its remaining residents, and abducted seven. The majority of those killed suffered gunshot wounds to the head and upper body and several had their hands tied, according to a UN representative who visited the site on September 2 (see sections 1.a. and 2). On September 12, the government transferred the surviving Camp Ashraf residents to Camp Hurriya.

Under the terms of the government's 2011 MOU with the UN, the UNHCR assessed Camp Hurriya residents' international protection needs through interviews with residents. As of December 26, the UNHCR had conducted 236 interviews with 641 residents identified as needing international protection. Dozens of former MEK members who had disassociated themselves from the organization testified in protection interviews and in separate conversations with UN human rights monitors that they faced considerable pressure from MEK leaders not to cooperate with the UNHCR. Since September 2012, authorities relocated 311 residents of Camp Hurriya to third countries.

Employment: By law, refugees and asylum seekers had the right to work in the private sector. Palestinian refugees faced job insecurity when working in the public sector due to their refugee status. Approximately 7,000 Palestinians sought employment in the formal sector, and the Ministries of Education, Health, and Interior employed many Palestinians. Other Palestinians worked in the informal sector due to their refugee status and difficulty in obtaining work permits. In the IKR, authorities issued six-month residence and work permits to Kurdish Syrian refugees, and many Syrian Kurds found work in the construction and services industries. In April some Kurdistan regional government provincial authorities began restricting the issuance and renewal of residency and work permits. In Dahuk and Erbil provinces, local authorities did not issue or renew residency permits for Syrian refugees who did not live in a refugee camp. IKR authorities imposed few restrictions on Syrian Kurds' movement within the IKR and allowed refugees to enter and leave refugee camps freely.

Durable Solutions: Syrian, Turkish, and Iranian Kurdish refugees in the IKR generally integrated well. Local integration remained the best and most likely option for the majority of Iranian Kurds. Although the Kurdistan regional government established several new refugee camps after reopening border crossings with Syria on August 15, it classified an estimated 40,000 Syrian Kurd refugees as "non-camp refugees." Many non-camp refugees worked in Erbil or found shelter with relatives in the IKR.

### **Stateless Persons**

An estimated 560 stateless Syrian Kurds lived in the IKR as registered asylum seekers, but this underrepresented the true number of asylum seekers due to the prevalence of statelessness among Syrian refugees. UN field research indicated that almost 10 percent of residents in Domiz refugee camp were stateless, and refugee experts believed this percentage was likely consistent among all Syrian refugees in the IKR.

Palestinian refugees, residing mostly in Baghdad, remained long-time stateless residents of the country. In addition, the UNHCR estimated that 120,000 stateless, non-refugee Faily Kurds and Bidoun Arabs (literally meaning "without") lived in the country. Many of these non-refugee stateless individuals had already begun the process of reacquiring Iraqi nationality. The government granted 2,446 persons citizenship under a 1975 law pertaining to stateless individuals.

In February the Ministry of Migration and Displacement reported that 97 percent of all Faily Kurds had re-acquired their citizenship, although community leaders disputed this statement. Since 2003 more than 25,000 persons regained their nationality, some in accordance with Articles 17 and 18 of the 2006 nationality law. As of 2006, the latest year for which data was available, an estimated 54,500 Bidoun individuals living as nomads in the desert near or in the southern provinces of Basra, Dhi-Qar, and al-Qadisiyah remained undocumented and stateless. Other communities similarly at risk of statelessness included the country's Romani population, the Baha'i religious minority community, inhabitants of the southern Marshlands, members of the Goyan and Omariya Turkish Kurdish tribes near Mosul, and nationals of newly independent South Sudan, which had not yet established a diplomatic presence in the country.

Stateless persons faced discrimination in employment and access to education. Stateless persons, particularly Baha'i, were not able to register for identity cards, which prevented them from registering for school. Stateless persons also faced difficulty obtaining public-sector employment and lacked job security.

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

The constitution provides the right for citizens peacefully to change their government and, despite flaws in the conduct of elections, citizens generally exercised this right through periodic, free, and fair elections based on universal suffrage and free from widespread or systemic fraud.

#### **Elections and Political Participation**

Recent Elections: The Independent High Electoral Commission (IHEC) certified 265 political entities and 50 coalitions to participate in provincial council elections in April. Nomination papers were submitted by 8,302 candidates, including 2,205 women, and the Accountability and Justice Commission ordered 117 candidates excluded based on their former association with the Baath Party. Nearly seven million persons voted from a pool of more than 13.5 million registered voters, and IHEC reported voter participation at 51 percent. Voting took place at 5,370 polling centers in 12 provinces. IHEC opened 25 polling stations in the IKR, allowing approximately 53,000 IDPs to cast absentee ballots. Security concerns delayed provincial council elections in Anbar and Ninewa provinces, but officials held elections in those provinces on June 20.

International and local observer missions, including the Council of Representatives-appointed independent High Commission for Human Rights, declared the elections free from widespread or systemic fraud, and there were no credible reports of widespread abuse or irregularities.

In several cases, terrorist groups directly targeted candidates in violent attacks during the April provincial council elections. Terrorists killed 17 candidates, including two women. According to UNAMI figures, election-related violence killed an additional 17 persons and injured 73. Terrorists targeted polling stations in Salah-ad-Din, Qadissiya, Babil, Baghdad, Anbar, and Ninewa provinces.

On June 30, the KDP-PUK ruling coalition in the Iraqi Kurdistan Parliament (IKP) extended President Masoud Barzani's term by two years with a simple majority vote in the 111-seat IKP. The vote delayed indefinitely IKR presidential elections, originally scheduled for November. Several opposition parties declared the decision illegal and a serious setback for democracy.

Political Parties: Political parties and coalition blocs tended to organize along either religious or ethnic lines. Membership in some political parties conferred special privileges and advantages in employment and education. In the IKR, the KDP and PUK gave preference in employment training opportunities and higher education to members of their respective parties. The PUK and KDP controlled all high-level government positions in the Kurdistan regional government.

Participation of Women and Minorities: The constitution mandates that women constitute at least 25 percent of parliamentary and provincial council membership. In 2010, 81 women were elected to the 325-seat Council of Representatives. The provincial council election allocated 117 seats out of 447 to women. Female parliamentarians were often marginalized in political discussions and at the highest levels of government, and women were generally not included in high-level delegations representing the country abroad, including its delegation to the Commission on the Status of Women. There was one female minister among the 29 cabinet members.

Of the 325 seats in parliament, the law reserves eight seats for minorities: five for Christian candidates from Baghdad, Ninewa, Kirkuk, Erbil, and Dahuk; one Yezidi; one Sabean-Mandaean; and one Shabak. The law allocates minority groups nine provincial council seats. Four cabinet members represented the country's minority communities, including one member each from the Christian, Yezidi, Sabean-Mandaean, and Shabak minority groups.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for official corruption, but the government did not implement the law effectively. Officials in all parts of the government often engaged in corrupt practices with impunity, and investigation of corruption was not free of political influence. Family, tribal, and religious considerations significantly influenced government decisions at all levels. Bribery, money laundering, nepotism, and misappropriation of public funds were common.

According to Commission of Integrity (COI) and UN reports released in January, 35 percent of civil servants that the government hired since 2009 did not undergo formal interviews or written examinations prior to their selection. A June 20 UN Development Program study reported that 60 percent of state employees in the country received bribes and that members of the general public were compelled to pay a bribe an average of four times a year. According to the COI, 1,138 government officials were found guilty of misappropriating public funds during the first 10 months of the year, and 2,541 suspects in 1,778 corruption cases totaling 131 billion dinars (\$112 million) were referred to the judiciary for further investigation and prosecution during the first 10 months of the year.

Corruption: On July 22, the Council of Representatives Public Integrity Committee reported that the level of bribery had dropped with respect to junior government employees but had risen for senior employees. The report alleged that senior officials involved in bribery schemes held illicit funds in overseas accounts, making bribery more difficult to detect. The committee noted that bribery and corruption were most widespread in the Ministry of Interior, followed by the Ministries of Defense, Oil, and Electricity.

In January the deputy director of the Interior Ministry's Prisons Rehabilitation Directorate fled the country, having allegedly embezzled nine billion dinars (eight million dollars), and remained out of the country at year's end.

On August 28, the COI launched an investigation into its former chairman, Judge Rahim al-Ugaili, for alleged ties to the Baath Party and providing a foreign entity weekly reports and statistics. Al-Ugaili had launched corruption investigations of high-ranking officials and parliamentarians during his tenure, and local NGOs alleged that the charges against al-Ugaili were retribution for those investigations.

Several government agencies are responsible for combating corruption and financial crimes. The COI is responsible for preventing and investigating official corruption nationwide (except in the IKR, where the Office of Governance and Integrity holds responsibility). The COI refers cases of corruption involving public officials to the judiciary. The Federal Board of Supreme Audit serves as the auditing agency for all government (except for cabinet ministries) and private institutions. The board is responsible for oversight of contracts in the extractive industry and forwards all corruption findings to the judiciary. The inspectors general (IGs), under the jurisdiction of the prime minister's Office of Regulatory Affairs, inspect and report on corruption cases in all of the 30 cabinet ministries and in seven commissions – government press and media, property claims, political prisoners, national intelligence, haj and omrah, the Sunni endowment, and the Shia endowment – providing internal but independent oversight. The IGs may render administrative decisions and refer cases to the COI. The Financial Intelligence Unit of the Central Bank of Iraq's Money Laundering Reporting Office compiles and disseminates information on money laundering to law enforcement agencies.

In addition, the Council of Ministers Secretariat has an anticorruption advisor, and the Council of Representatives has an Integrity Committee. The Joint Anticorruption Council reporting to the Council of Ministers oversees and monitors compliance with the government's 2010-14 anticorruption strategy. The Joint Anticorruption Council includes religious and community leaders, civil society representatives, and journalists, but the public generally regarded the council as having little impact due to the scale of official corruption.

Lack of agreement about institutional roles, insufficient political will, political influence, poor transparency, and unclear governing legislation and regulatory processes exacerbated a lack of organizational accountability among anticorruption institutions and hampered joint efforts to combat corruption. Anticorruption institutions rarely collaborated with civil society groups. The media and NGOs continued to attempt to expose corruption, although their capacity to do so was limited. Anticorruption, law enforcement, and judicial officials, as well as members of civil society and the media, faced threats and intimidation in their efforts to combat corrupt practices (see section 2.a.).

Government officials and IGs frequently contended that corruption investigations were highly politicized. Human rights NGOs alleged that government officials sought to influence the outcome of corruption investigations or stifled anticorruption efforts altogether. Ministers ordered major corruption investigations

dropped. As in previous years, ministries effectively stalled investigations by failing to comply with requests for information or for officials to appear in court. IGs claimed that some ministers stifled their oversight efforts or openly threatened IG staff with dismissal for performing basic oversight functions. Some government officials stated that politically motivated corruption investigations hindered public administration because they reportedly feared corruption allegations from political opponents.

The law requires the prime minister's approval before a corruption case can proceed against members of the presidency or the Council of Ministers; there was no information available regarding specific instances of the prime minister or ministers withholding approval during the year. The constitution provides members of the Council of Representatives immunity from prosecution, which the council may lift by a majority vote.

IGs and other anticorruption officials lacked sufficient resources, especially adequate personal security. High turnover among IGs left positions unfilled for long periods. IGs reported that these deficiencies were key factors in determining whether to report instances of corruption. The executive branch's failure to seek legislative confirmation of the appointment of key anticorruption officials further weakened the independence of the Federal Board of Supreme Audit, the COI, and IGs by leaving many officials in an "acting" capacity, subject to removal by the prime minister at any time.

Widespread and pervasive corruption and lack of government transparency were major problems as well in the IKR. According to the Kurdistan Commission on Public Integrity, corruption in the IKR was so widespread that the agency could not fight it effectively.

Amendments to the 2012 Federal Board of Supreme Audit law increased its investigative authority to include fiscal and regulatory oversight of all publicly funded bodies in the country, including in the IKR. In addition the Kurdistan regional government Office of Governance and Integrity reports directly to the Kurdistan regional government prime minister. In 2011 the IKP established the Kurdistan Commission on Public Integrity, but the commission remained ineffective at combating corruption during the year.

Whistleblower Protection: There was no evidence of laws pertaining to whistleblower protection. Authorities frequently arrested or investigated officials for revealing human rights abuses or corruption by other government officials.

Financial Disclosure: The law authorizes the 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 did not exist.

The COI has no jurisdiction over the IKR, but Kurdish members of the central government are required to conform to the law. The law obligates the COI to provide public annual reports on a range of problems, including prosecutions, transparency, accountability, and ethical public service. The COI's annual report on financial disclosures indicated that, by year's end, a majority of government officials had filed financial disclosure reports.

The Kurdistan regional government did not enforce the law requiring certain government officials to file financial disclosure reports with the Kurdistan regional government Ministry of Finance. Mechanisms for reporting or monitoring financial disclosures in the IKR did not exist. There was no information available indicating that public officials were penalized for financial nondisclosure.

Public Access to Information: The law does not provide public access to government information. In June the IKR parliament and the Kurdistan regional government approved a new Information Law, which expands citizens' rights to request information from the regional government, the IKP, and the regional government's court system, but it also limits access in cases of national security or classified information.

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

A number of domestic and international NGOs focused on humanitarian problems and operated with little or no government interference. NGOs investigating and publishing findings on human rights cases encountered government interference when alleged abuses concerned government actions or actions of ethnic or religious groups allied with the government. NGOs faced numerous challenges, did not meet regularly with government officials, and did not systematically serve as bulwarks against failures in governance and human rights abuses. Political parties or sects were the originators of, funders of, or substantially influenced many, although not all, domestic human rights NGOs, which acted as proxies in the political arena. International NGOs that abstained from involvement in

domestic politics reported forced evictions, difficulty obtaining visas and government passes, repeated and intrusive inspections, significant delays in registration and renewal of registration, and arrest and torture of local staff members.

According to the 2010 NGO law, international NGOs that seek to register in the country must provide a copy of the nationality certificates and civil status identity cards of their Iraqi staff and copies of the passports and residence documents of their foreign staff. International NGOs criticized this provision as a barrier to registration.

In 2012 the Council of Ministers required all NGOs, except those with public benefit status, to pay taxes at the same rate as corporations as required by law. The NGO community criticized the provision in the law, as well as the Council of Minister's order. They successfully lobbied the NGO Directorate in the Council of Ministers Secretariat to issue a request to the Council of Representatives to amend the NGO law in order for the tax to apply only to NGOs that have for-profit contracts and projects with the government. The Council of Representatives had not amended the law by year's end, nor had the Council of Ministers fully implemented its 2012 order.

The government's lack of cooperation with nongovernmental investigations of alleged human rights violations, a policy that it attributed to the requirements of the security situation, was a problem for NGOs' effectiveness and safety. There were reports of attacks aimed at NGOs.

Police conducted unannounced and intimidating visits to some NGOs in violation of a 2010 law. Tactics used to suppress criticism by NGOs included office raids, confiscation of equipment, and arbitrary arrests. Local human rights groups and press reported that following August 31 protests against the government regarding Council of Representatives members' pension benefits, authorities raided several of the protest organizers' homes and offices.

In the IKR, several NGOs reported that security forces heavily monitored their conferences or events and harassed attendees. In July the Alliance for Iraqi Minorities, a domestic NGO, reported that Kurdistan regional government security officials had intimidated the owner of a hotel in Erbil and requested that he deny the NGO approval to host its annual conference at the hotel.

Areas administered by the Kurdistan regional government had an active community of mostly Kurdish NGOs closely linked to and funded by the ruling PUK and KDP parties. The Kurdistan regional government and Kurdish political parties generally supported humanitarian NGO activities and programs that contributed to society and enhanced the party's reputation. Independent (not party-affiliated) NGOs reported receiving less government funding. On April 6, the IKP passed a law making government funding of NGOs contingent upon whether an NGO's programming goals conform to those of the Kurdistan regional government. As a result, many independent NGOs lost regional government funding.

UN and Other International Bodies: The government sometimes restricted the UN and other international bodies' access to sensitive locations, including Ministry of Interior detention facilities.

Government Human Rights Bodies: The Ministry of Human Rights is responsible for monitoring human rights abuses and for advocating on behalf of and assisting victims. The ministry received and investigated more than 2,500 complaints from citizens alleging violations of human rights and 14 public reports addressing violations during the year. It issued public reports on prisons and detention centers; women's civil, economic, and political rights; minorities; and victims of terrorism. Lack of political independence, poor cooperation from other ministries, and limited resources hindered the ministry's effectiveness.

Article 102 of the constitution mandates the creation of an independent High Commission for Human Rights (HCHR). In 2008 parliament approved a law governing the HCHR's operations. The law stipulates four-year nonrenewable terms. No less than one-third of the 11 full and three reserve commissioners must be women, and minorities must be represented by at least one full member and one reserve member. The law provides that the HCHR be financially and administratively independent and have broad authority, including the right to receive and investigate human rights complaints, conduct unannounced visits to correctional facilities, and review legislation. On March 7, the Council of Representatives approved a 20 billion dinar (\$17 million) budget for the commission. By year's end the commission had not elected a president, filled a vacancy left by the death of a female commissioner in 2011, or established an office.

On April 23, in the immediate aftermath of the events in Hawija (section 1.a.), the HCHR issued a press release condemning the killings and calling for calm. The

HCHR investigated the protester deaths in Hawija and issued a final report on the events, but it did not hold anyone responsible.

A 2010 law established the Kurdistan regional government's Human Rights Commission (HRC). The regional government transferred almost all personnel from the human rights ministry to other regional government ministries, leading to a critical lack of qualified personnel for the HRC. HRC personnel lacked human rights experience and were often assigned due to party affiliation. In December 2012 the IKP elected Diya Patruz, secretary general of the Chaldean National Congress (an umbrella group of 14 Christian political parties), as the first head of the HRC.

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

The constitution provides that all citizens are equal before the law without regard to gender, sect, opinion, belief, nationality, or origin. The law prohibits discrimination based on race, disability, or social status. The government was ineffective in enforcing these provisions.

### **Women**

Rape and Domestic Violence: Domestic violence remained a pervasive problem, and the law did not always adequately protect rape victims. The penal law criminalizes rape (but not spousal rape) and permits a maximum sentence of life imprisonment if the victim dies. The law allows a rape case to be dropped if the offender marries the victim. There were no reliable estimates of the incidence of rape or information on the effectiveness of government enforcement of the law. Due to social conventions and retribution against both the victim and perpetrator, victims of sexual crimes did not usually pursue legal remedies. The UN Development Program documented cases of families of rape victims sometimes demanding that the victim marry her perpetrator in order to maintain the family's honor, noting that in some cases when the victim refused the marriage, families asked judges to intervene and force the marriage between victim and perpetrator.

Domestic violence is not a prosecutable offense. Local and international NGOs and media reported that domestic violence often went unreported and unpunished, with abuses customarily addressed within the family and tribal structure. Harassment of legal personnel working on domestic violence cases, which were criminalized as assault, and a lack of trained police and judicial personnel further hampered efforts to bring perpetrators to justice. According to UNAMI's *Women*

*in Iraq Factsheet* published in March, 46 percent of married women reported spousal violence, and 38 percent of women reported experiencing sexual violence by their husband at least once per month.

On March 5, the Council of Ministers approved a National Strategy for Combating Violence against Women to raise awareness about violence against women and provide better access to services and remedies. The strategy focuses on drafting and enacting legislation to make violence against women a prosecutable offense and prioritizes engagement with the Ministry of Interior to ensure federal police are involved in the effort to combat violence against women.

A 2011 Kurdistan regional government family violence law criminalizes domestic violence, including physical and psychological abuse, threats of violence, and spousal rape. Despite a Kurdistan regional government campaign to raise awareness of the law, NGO surveys indicated that awareness of the new Family Violence Law was low and that underreporting of domestic and gender-based violence was prevalent in the IKR. As of year's end, the Kurdistan regional government had not implemented provisions of the law creating a special police force to investigate cases of gender-based violence and a family reconciliation committee within the judicial system.

The Federal Ministry of Interior maintained 16 family protection units around the country, which focused on family reconciliation rather than victim protection. Hotlines went directly to the male commander of the unit, and the units did not follow a regular referral system to provide victims with services, such as legal aid or safe shelter. The units referred women with physical injuries to hospitals as an investigation component. In the first six months of the year, the unit in Basra registered 382 complaints, 45 percent of which involved incidents of domestic violence. The unit reportedly referred 6 percent of cases to a court for resolution. UNAMI reported that a hospital admitted at least 22 domestic violence victims with severe burns on their bodies.

In the IKR, four women's shelters operated by the Kurdistan regional government Ministry of Labor and Social Affairs and one private shelter provided some protection and assistance. Space was limited, and service delivery was poor, with the private shelter providing a slightly higher level of service. In areas outside the IKR, NGOs ran shelters without official approval. Some NGOs assisted victims through community mental health workers. Other NGOs provided legal assistance to victims. NGOs played a key role in providing services to victims of domestic violence who received no assistance from the central government. Instead of

utilizing legal remedies, authorities frequently attempted to mediate between women and their families so that the women could return to their homes. Other than marrying or returning to their families (which often resulted in the family or community victimizing the shelter resident again), there were few options for women housed at shelters.

According to the local NGO Warvin Foundation, between January and June in the IKR, there were 60 murders and 27 suicides of women, 184 incidents of women burned, 120 incidents of self-immolation, and more than 160 incidents of domestic abuse, torture, or sexual violence against women. Warvin believed the number was much higher and that many cases went unreported. In addition, there were 3,644 cases of women complaining to police about abuse and harassment between January and June. On December 25, the local press reported that, in the period 2003-13, there were 494 female suicides, 2,031 incidents of self-immolation, 16,199 court cases alleging violence against women, and 868 cases of sexual harassment in the IKR.

Harmful Traditional Practices: Honor killings remained a serious problem throughout all parts of the country, and some families arranged honor killings to appear as suicides. In the IKR, suicidal women used self-immolation as a method of killing themselves, and authorities dismissed certain cases as “accidents.” The penal law permits honor considerations to mitigate sentences; for example, a provision limits murder sentences to a maximum of three years in prison if a man suspects his wife or female dependents of committing adultery.

On January 3, press reported that Ahmed al-Jabouri of Anbar Province killed his daughter for allegedly speaking to a man on Skype. The victim’s brother informed police that al-Jabouri strangled his daughter.

Extremist groups and religiously motivated militias targeted women in violent attacks throughout the country. In June, according to UN reports, unknown militants killed seven women in Basra after threatening the women and alleging they were sex workers. On November 29, six women were killed by gunshot wounds to the head in the al-Ghareeb district of Baghdad after militants accused them of being prostitutes.

Government officials and international and local NGOs reported that the traditional practice of “fasl” – whereby family members, including women and children, are traded to settle tribal disputes – remained a problem, particularly in southern provinces.

According to multiple press reports, court-ordered virginity testing took place in Baghdad. Men who accused their wives of not being virgins the day after marriage could request a virginity test through courts. The Medical Legal Institute reportedly conducted the tests and provided results directly to the courts.

Female Genital Mutilation/Cutting (FGM/C): According to the UN Children's Fund (UNICEF) July report, 1.3 million women between the ages of 15 and 49 had suffered some form of FGM/C. The practice occurred throughout the country but was most prevalent in Erbil and Sulaymaniyah provinces where, according to the study, 58 percent of women acknowledged having undergone some form of FGM/C. The law bans FGM/C in the IKR; the central government did not have a similar law. While the Kurdistan regional government did little to enforce the FGM/C provisions of the law, it conducted advocacy campaigns against FGM/C in collaboration with civil society during the year. The UN and NGOs reported that some advocacy initiatives decreased the occurrence of FGM/C in the IKR.

Sexual Harassment: The law prohibits sexual relations outside marriage, including rape or sexual solicitation that may occur during sexual harassment. The penalties include fines and imprisonment. The criminal code provides relief from penalties if unmarried participants marry. No information was available regarding the effectiveness of government enforcement. Due to social conventions and retribution against both the victim and perpetrator of sexual harassment, victims of sexual harassment did not usually pursue legal remedies. Because of the unequal social status of women, their fear of telling close relatives, and distrust of the criminal justice process, victims rarely filed police complaints against their offenders.

Reproductive Rights: The government generally respected the basic rights of couples and individuals to decide the number, timing, and spacing of children free from discrimination, coercion, and violence. There were no legal impediments to access to information on family planning, contraception, and maternal health services, including skilled attendance during childbirth, prenatal care, and essential obstetric and postpartum care. Nonetheless, due to general insecurity in the country and attendant economic difficulties, many women received inadequate medical care.

Discrimination: Although the constitution forbids discrimination based on gender, conservative societal standards impeded women's abilities to enjoy the same legal status and rights as men in all aspects of the judicial system. Throughout the

country, women reported increasing social pressure to adhere to conservative social norms. Female employees were often pressured to wear, or questioned about not wearing, headscarves. In July militias attacked several cafes in Baghdad's Karradah neighborhood for violating Islamic morals during Ramadan by employing female servers. According to local government officials and press reports, the militias accused the female employees of being prostitutes. Armed groups targeted cafes employing young women throughout Ramadan.

Women experienced economic discrimination in access to similar work as men and generally did not receive equal pay for equal work. Deteriorating security throughout the year limited women's ability to work outside their homes. Weak labor laws and the lack of an equal opportunity employment law left women vulnerable to arbitrary dismissal. Government efforts to combat economic discrimination against women were minimal and unsystematic. Despite the existence of a widow-stipend program through the Ministry of Labor and Social Affairs, confusing bureaucratic procedures and significant processing delays, compounded by illiteracy, hindered an estimated 900,000 widows from accessing social support. Some NGOs believed that the number of widows greatly exceeded the Ministry of Planning's estimate of 900,000. According to a July UNICEF report, between one and three million widows lived in the country.

On June 3, the Supreme Judicial Council voted unanimously to begin accepting female candidates for the council

The Ministry of State for Women's Affairs, with 23 professional staff members, functioned primarily as an advisory office without an independent budget or the ability to expand. Civil society and women's rights groups continued to express concern regarding the ministry's commitment to advancing solutions to women's problems. NGO leaders alleged during the year that the ministry was not committed to principles of women as equal members of society and female economic empowerment but rather focused only on security and protection for women.

## **Children**

Birth Registration: The constitution states that anyone born to at least one citizen parent is a citizen. Failure to register births results in the denial of public services such as education, food, and health care. To register a birth, authorities require a marriage certificate and identification from both parents and a death certificate if a parent is deceased. Single women and widows often had problems registering their

children. The government was generally committed to children's rights and welfare, although it denied benefits to noncitizen children. Families of noncitizen children had to pay for services, such as public schools and health services that were otherwise free. Except for several hundred Palestinian families displaced during the 1948 or 1967 wars, noncitizens were not eligible for the national food-rationing program.

Education: Primary education is compulsory for citizen children for the first six years of schooling and is neither free nor compulsory for noncitizen children. Equal access to education for girls remained a challenge, particularly in rural and insecure areas, and nearly 30 percent of women between the ages of 12 and 24 were illiterate, compared with 13 percent of men. UNICEF estimated in July that net primary school enrollment was 87 percent overall, 91 percent for boys and 82 percent for girls. The net overall rate for primary school completion was 44 percent. Many schools lacked access to drinking water or sanitation facilities. A lack of identifying documents; limited income with which to purchase required uniforms, books, and other supplies; and a lack of transportation to schools often prevented IDP children from attending schools.

On July 8, the government, with the support of UNICEF, adopted a new set of standards for children's education. Among the new standards were key provisions to support inclusiveness and participation in schools.

Child Abuse: Violence against children remained a significant problem. UNICEF reported that 46 percent of girls between the ages of 10 and 14 were exposed to family violence. On May 7, the Council of Representatives passed an amendment to the 1980 Social Care Law No. 126 to increase protection for children who were victims of domestic violence. The amendment also calls for protection and care of children in shelters, state houses, and orphanages. Implementation of the law continued at year's end.

In January 2012 the Kurdistan regional government Ministries of Labor and Social Affairs, Education, and Culture and Youth established a toll-free hotline to report violations against, or seek advice regarding, children's rights. The hotline received 11,435 calls between January 2012 and July 2013, according to government data. Most calls were unrelated to child abuse. The regional government did not investigate any child abuse allegations.

Forced and Early Marriage: The minimum age of marriage is 14 with parental permission and 18 without. The government made few efforts to enforce the law.

Traditional forced marriages of girls as young as age 11 continued, particularly in rural areas. A 2012 study by UNICEF and the government found that 21 percent of women between the ages of 15 and 19 were married.

Local and international NGOs reported that forced divorce – the practice of husbands or their families threatening divorce from primarily early-married girls (ages 12 to 16) to pressure the girl’s family to provide additional money to the girl’s husband and his family – also occurred, particularly in the southern provinces. Victims of forced divorce were forced to leave their husbands and their husbands’ family, and social customs regarding family honor often prevented victims from returning to their families, leaving some adolescent girls abandoned.

Kurdistan regional government law bans child marriage and forcing children to drop out of school. According to the regional government Ministry of Labor and Social Affairs, forced marriages noticeably declined after the passage of the law. IKR residents reportedly traveled to the provinces of Diyala, Kirkuk, and Ninewa, where there are no laws criminalizing child marriage, to circumvent the IKR’s ban on child marriage.

Harmful Traditional Practices: Despite being a violation of Kurdistan regional government law, FGM/C among Kurdish girls remained a common practice, particularly in rural communities. The type of FGM/C commonly utilized was the most severe – partial or total removal of the clitoris and excision of the labia. The UN and NGOs reported that anecdotal evidence suggested the practice had decreased in the last several years, but a joint 2013 study by UNICEF and the government found that one in two girls in Erbil and Sulaymaniyah provinces had experienced FGM/C. The Kurdistan regional government conducted public education campaigns to prevent FGM/C, but there was no information on the campaign’s effectiveness at year’s end.

The traditional practice of “fasl” – whereby family members, including women and children, are traded to settle tribal disputes – reportedly remained a problem, particularly in the southern provinces.

Sexual Exploitation of Children: The law prohibits sexual relations outside of marriage for any reason. Because sex outside marriage is always illegal, the age of consensual sex is de facto the minimum marriage age. The law prohibits pornography of any kind, including child pornography. Girls were sometimes sexually exploited through temporary marriages, by which the family of the girl received dowry money in exchange for permission to marry the girl for a specified,

limited period. Child prostitution was a problem, and anecdotal evidence suggested that the problem increased with recent influx of Syrian Kurd refugees in the IKR. Because the age of legal responsibility was nine in the central region and 11 in the IKR, authorities often treated sexually exploited children as criminals instead of as victims. Penalties for the commercial exploitation of children range from fines and imprisonment to the death penalty. No information was available regarding the effectiveness of government enforcement.

Child Soldiers: UNICEF reported more than 400 cases of child soldiers or children engaging in armed violence on behalf of nongovernmental militias. At year's end 800 minors remained in detention, many for assisting armed groups.

Displaced Children: There were large numbers of children living within the IDP and refugee populations. Particularly because of the conflict in Syria, many children and single mothers took refuge in the IKR (see section 2.d.).

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information see the Department of State's report at [travel.state.gov/content/childabduction/english/country/iraq.html](http://travel.state.gov/content/childabduction/english/country/iraq.html).

### **Anti-Semitism**

Fewer than 10 Jewish citizens lived in Baghdad, and there were unconfirmed reports that very small Jewish communities existed in other parts of the country. There were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/](http://www.state.gov/j/tip/).

### **Persons with Disabilities**

The constitution states that the government, through laws and regulations, should care for and rehabilitate persons with disabilities and special needs in order to reintegrate them into society. No laws prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services. There were reports of continuing discrimination due to social stigma

against persons with disabilities in these areas. Although the Council of Ministers issued a decree ordering access for persons with disabilities to buildings and to educational and work settings, incomplete implementation limited access. Local NGOs reported that many children with disabilities dropped out of public schools due to insufficient physical access to school buildings, a lack of appropriate learning materials in schools, and a shortage of teachers qualified to work with children with developmental or intellectual disabilities. Local NGOs, such as the Union for the Rights of the Disabled, reported that land mines and explosive remnants had a disproportionate impact on children, and approximately 25 percent of all victims were children under the age of 14.

On September 5, the Council of Representatives passed a law establishing a Commission for Persons with Disabilities and Special Needs, headed by the minister of labor and social affairs but independent of the government. The commission was in the process of organizing itself at year's end. The Kurdistan regional government has a similar law, and in 2012 it formed an inter-ministerial council including civil society representatives to oversee the law's implementation.

In July the Council of Ministers approved a 3 percent public sector employment quota for persons with disabilities.

Central government and Kurdistan regional government officials reported that they had few resources to accommodate individuals with disabilities in prisons, detention centers, and temporary holding facilities. Mental health support for prisoners with mental health disabilities did not exist.

The Ministry of Health provided medical care, benefits, and rehabilitation, when available, and persons with disabilities could receive benefits from other agencies, including the prime minister's office. The Ministry of Labor and Social Affairs operated several institutions for children and young adults with disabilities.

According to UNAMI, the Kurdistan regional government Ministry of Health established a committee in 2012 to assess the eligibility of persons with disabilities for special pensions. The committee eliminated 10,000 potential beneficiaries, including several persons considered blind or having other vision disabilities, whom the committee no longer considered eligible for special pensions.

In December 2012 disability organizations sponsored a hunger strike in front of IKP offices in Erbil and Sulaymaniyah to protest inadequate government benefits for persons with disabilities. Among other demands the organizations requested an

increase from 150,000 dinars (\$129) to 600,000 dinars (\$515) per month for persons with disabilities in the IKR and the disputed territories administered by the Kurdistan regional government who did not receive government stipends during the year. Regional government officials met with the group in Erbil and Sulaimaniyah and promised to consider their demands but had taken no action by year's end.

### **National/Racial/Ethnic Minorities**

The country's population included Arabs, Kurds, Turkmen, and Shabak as well as religious minorities including Chaldeans, Assyrians, Armenian Orthodox, Yezidis, Sabeen-Mandaeans, Baha'i, Kakai, and a very small number of Jews. The country also had a small Romani community as well as citizens of African descent, "black Iraqis," which international NGO reports estimated to number one million, residing mostly in Basra and the south. In November 2012 a new law rescinded a Saddam-era law that forced Kurds and Turkmen to change their ethnic affiliation to Arab. The new law also banned any act that would force a citizen to change his or her ethnic affiliation.

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

During the year targeted violence and discrimination against ethnic minorities was a significant problem. Activists from religious and ethnic minority communities faced the greatest risk, prompting many to avoid activism. On April 26, unknown gunmen assassinated prominent human rights activist Jalal Thiyab, a "black Iraqi" of African descent, drawing wide condemnation from the UN and human rights organizations. Thiyab was head of Advocates of Humane Freedom and one of the founders of the Free Iraqi Movement. The gunmen killed Thiyab while he was campaigning for a local council election in Basra. The government had not completed an investigation of the killing by year's end.

"Black Iraqis" continued to face systemic discrimination. The Institute for International Law and Human Rights, an international NGO, reported in March that, although the government directly or indirectly employed as many as 70 percent of the country's citizens working in the formal economy, no black Iraqi held a high-level position in government or served in an elected body.

During Ramadan in July, according to press reports, militia groups, with municipal officials' tacit support, raided dozens of Baghdad businesses, including restaurants, bars, social clubs, and nightclubs the militias considered un-Islamic. The raids affected many Yezidi liquor storeowners, including a May 14 execution-style killing in one store of 10 Yezidi employees. Unknown militias also reportedly killed other alcohol sellers during the month. The government had not investigated the killings by year's end.

Terrorists and illegal armed groups increasingly targeted other ethnic minority communities during the year, including the Turkmen and Shabak communities. On April 14, AQI/ISIL distributed a notice warning the Shabak population of Mosul that if they did not leave the city in 72 hours they would be killed. By April 19, more than 1,500 families had departed Mosul, according to the UN. On April 19, press reported that gunmen stormed the house of a Shabak family in Mosul, killed three family members, and severely injured four others, including children.

There were numerous reports of Kurdistan regional government authorities discriminating against minorities, including Turkmen, Arabs, Yezidis, and Assyrian Christians, in the disputed territories. According to these reports, authorities denied services to some villages, arrested members of minority groups without due process and detained them in undisclosed locations, and pressured schools administered by minority groups to teach in the Kurdish language. Yezidis in Al-Qosh, Bashiqa, and Bahzani in the Kurdistan regional government-controlled areas of the Ninewa Plain claimed that they were not offered the option to study their own language and were offered only Kurdish language in school. Yezidis were also subject to inflammatory speech by radical Islamic scholars. Some Yezidi figures reported systematic threats and violence from Kurdish security forces.

In mid-October, Yezidi students at Mosul University reported receiving anonymous warnings to leave the university or be killed. Many of the nearly 1,000 Yezidi students at the university discontinued their studies because of the threats. On October 28, the IKR minister of higher education, Ali Said, approved a request from Yezidi leaders in Ninewa Province to allow Yezidi university students to study at schools in the IKR.

Although Arabs are the majority in most of the country, Arabs are a minority in Kirkuk and frequently charged that Kurdish security forces targeted Arab communities. Arab residents of Kirkuk alleged that provincial authorities used the

pretext of terrorist attacks during the year to arrest Arabs without legal resident permits in predominantly Arab neighborhoods of the city and to conduct raids on their villages. On three occasions, the predominantly Kurdish security apparatus in Kirkuk arrested many Arabs who purportedly violated a Kurdistan regional government-imposed curfew. Authorities arrested 1,000 Arabs in one raid, 140 in a second raid, and 50 in a third. Many Arab IDPs were unable to work because they were not registered according to the 1957 census, which the Kirkuk provincial government used as a basis for legal employment. Arabs in Kirkuk also alleged discrimination by Kurdish and Turkmen officials in filling senior positions in the provincial government.

A 2006 law prevents Palestinians from obtaining citizenship. According to press reports, authorities continued to detain, harass, and abuse Palestinians for their stateless status. The UNHCR also reported that Palestinians who were compelled to leave Iraq for Syria without proper exit documentation during past periods of sectarian violence faced prosecution upon their forced return from Syria during civil unrest in Syria.

Local and international NGOs reported that the Romani population of approximately 120,000 lived in the provinces of Baghdad, Mosul, Dhi Qar, and Muthanna. Roma experienced poor access to state services as well as economic and social discrimination.

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

No law specifically prohibits consensual same-sex sexual activity, although the penal law prohibits sodomy, irrespective of gender. There was no data on prosecutions for sodomy. Due to social conventions and retribution against both victim and perpetrator of nonconsensual same-sex sexual conduct and violence against participants in consensual same-sex sexual conduct, this activity was generally unreported.

In light of the law, authorities relied on public indecency charges or confessions of monetary exchange (i.e., prostitution, which is illegal) to prosecute same-sex sexual activity. Authorities used the same charges to arrest heterosexual persons involved in sexual relations with persons other than their spouses.

LGBT persons often faced abuse and violence from family and nongovernmental actors. There were no reports of attacks against LGBT individuals during the year,

but LGBT rights groups attributed this to members of the LGBT community going into hiding or altering their public dress and lifestyle. NGOs established shelters for individuals who feared attacks and continued to take in victims throughout the year.

During the year the Ministry of Interior halted investigations into the violent February-April 2012 attacks in several cities against perceived LGBT persons and young people adopting an unconventional appearance referred to as “emo.” The ministry announced that reports of attacks on those suspected of homosexual conduct or who appeared emo were “fabricated” and “groundless.” The ministry took no steps to identify, arrest, or prosecute attackers, or to protect targeted individuals from 2012 or 2011. In February the Ministry of Interior stated on its website that emos were Satanists who posed a danger to society. The statement added that the ministry was working with the Ministry of Education to combat the spread of “emo culture” in schools.

In late 2012, the Council of Ministers established an inter-ministerial committee in response to attacks on LGBT persons whose actual or perceived gender or sexual orientation could make them a target. The committee established a charter to provide for the baseline protection owed to members of the LGBT community and issued a statement declaring that LGBT individuals were “no different” from other citizens, with the hope of countering incitement against the community. The committee’s work was underway at year’s end.

Due to stigma, intimidation, and potential harm, including violent attacks, LGBT organizations did not operate openly, nor were gay pride marches or gay rights advocacy events held.

The law prohibits discrimination based on race, disability, or social status, but it does not address discrimination based on sexual orientation or gender identity. Societal discrimination in employment, occupation, and housing based on sexual orientation, gender identity, and unconventional appearance was common. Information was not available regarding discrimination in access to education or health care due to sexual orientation or gender identity, although media reported that students were harassed at school for not adopting conventional clothing or hairstyles. There were minimal government efforts to address this discrimination.

### **Other Societal Violence or Discrimination**

There were no reports of physical violence against persons with HIV/AIDS, but the topic was socially sensitive and not discussed publicly. There were HIV/AIDS travel restrictions for all visitors to the country. Unknown actors, neighbors, and even family members sometimes harassed and threatened persons with HIV/AIDS, alleging that being infected was “evidence of sin.” The government worked to decrease discrimination through public education campaigns and provided medical care and government stipends to persons with HIV/AIDS.

According to press reports and health worker unions, tribal groups and armed militias occasionally subjected doctors and health workers to violent attacks and blackmail if they were unable to save the life of relatives or members of their tribe. On July 10, militants killed Dr. Ahmed Shakir by placing an explosive charge on his vehicle, which detonated near his medical clinic in Baghdad. On July 11, the Council of Representatives passed the Law on the Protection of Doctors to protect them from attacks based on their practice.

## **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 professional associations, but it does not prohibit antiunion discrimination or provide reinstatement for workers fired for union activity. Contradictory laws still in place from the Saddam Hussein-era prohibit collective bargaining and formal labor unions outside the General Federation of Iraqi Workers and bar unions from holding funds, collecting dues, and maintaining assets. Public Law 150, banning all public sector trade union activity, remains in force. The Saddam Hussein-era law designates public sector employees as “government officials” and, as such, denies public sector workers the right to organize and the right to strike.

The law allows private sector employees in worksites employing more than 50 workers to form workers’ committees – subdivisions of unions with limited rights – but most private sector businesses employed fewer than 50 workers. Private sector unions have the right to seek government arbitration for labor disputes.

The labor law gives migrant Arab workers the same status as citizens but does not provide the same rights for non-Arab migrant workers, who face stricter residency and work visa requirements.

Labor courts have the authority to consider alleged labor code violations and disputes, but no information was available regarding courts' enforcement of applicable laws or whether procedures were subject to lengthy appeals.

Strikers and union leaders reported threats and harassment by government actors during the year. They also noted that ministries and state-owned enterprises used fines, demotions, suspension from work, and forced transfers to punish labor activists and discourage union activity. The Ministry of Interior continued to charge unions under the antiterrorism law if they attempted to organize a strike, and unions reported that authorities arrested labor leaders and activists for their activities. One union leader called the government "the biggest enemy of the labor force," accusing it of continuing to violate health, safety, and security rights of workers. Union leaders also cited corruption within the government as a continuous problem, with government officials imposing arbitrary fines on workers for activities such as calling for demonstrations and traveling outside the country on union business without prior approval. Security forces prevented journalists from covering union activity.

Government authorities sometimes violated private sector employees' collective bargaining rights. Because unions had no legal power to negotiate with employers, protection of workers' rights through collective bargaining was not possible. The absence of collective bargaining and collective contracts at national and local levels significantly diminished unions' ability to defend worker rights and their access to social protection. Some unions were able to play a supportive role in labor disputes, and they had the right to demand government arbitration.

Anti-union discrimination occurred in the private sector. Employers interfered in union functions and threatened or punished workers for union activity.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, but the government did not effectively monitor or enforce the law.

Forced labor occurred. Foreign migrant workers, particularly those working as construction workers, security guards, cleaners, handymen, or domestic workers, were subjected to forced labor or conditions indicative of forced labor, including confiscation of travel and identity documents, restrictions on movement and communication, physical abuse, sexual harassment and rape, withholding of wages, and forced overtime. Women were also subjected to forced domestic

service through forced marriages and the threat of forced divorce, and women who fled such marriages or whose husbands divorced them were vulnerable to further forced labor.

An international NGO reported in October that local police had assisted in resolving a case of forced labor in Kirkuk province. Four foreign workers reported to police that their employer had withheld their passports and travel documents, preventing them from returning to their home countries. The Kirkuk police provided shelter to the laborers and arrested the employer until he released the travel documents to the foreign workers. Police did not open a judicial case against the employer.

Forced child labor also occurred (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/](http://www.state.gov/j/tip/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The constitution and law prohibit child labor. 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 16 years of age. The minimum age for employment is 15. Children between the ages 12 and 14 are not required to attend school but are not permitted to work and thus were vulnerable to the worst forms of child labor. Children employed in family enterprises are exempt from some protections with regard to employment conditions.

The government did not monitor or enforce child labor laws effectively. In 2012 the Ministry of Labor and Social Affairs established an inspection service to ensure compliance with the law as it relates to prohibitions on child labor in the private and public sectors and claimed to have shut down 88 firms for violations in 2012. A director general in the Kurdistan regional government's Human Rights Commission estimated that approximately 14,000 children were involved in illegal labor activities in the three IKR provinces between 2007 and 2010. Following the UNICEF and Kurdistan regional government-funded 2010 Kurdistan Save the Children survey, the director general claimed that child labor decreased 47 percent in Dahuk and 33 percent in Sulaimaniyah. In Erbil there was an increase of 1.9 percent, according to the same survey. No survey since 2010 has assessed the

child labor situation, but anecdotal evidence suggested that child labor increased because of the influx of Syrian Kurd refugees.

Child labor occurred, including in its worst forms. A joint study by UNICEF and the government in 2012 found that 500,000 children between the ages of five and 14 were involved in child labor, mostly in rural areas. Local NGOs reported that 15 percent of children under the age of 14 were involved in child labor. According to the Ministry of Labor, 1,500 children worked on the streets and in factories in Baghdad. There were also reports that criminal gangs subjected children to forced begging and other types of forced labor. Children often worked illegally on farms as seasonal agricultural labor or in street commerce such as begging or peddling. Poor families routinely used child labor to augment their income. There were anecdotal reports of children performing hazardous work in family-owned businesses, such as in brick making and working in auto repair shops.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

On May 7, the Council of Ministers increased the minimum wage for unskilled workers from 120,000 dinars (\$103) per month to 250,000 dinars (\$215) per month. The wage increase took effect July 1. Wages were set by contract in the private sector and by the government in the public sector. On August 20, the Council of Ministers approved changes to the public sector pay scale, which were scheduled to take effect on January 1, 2014. The changes will reduce the pay gap between low- and high-level employees. The changes will also reduce wage disparities among government ministries and cancel extra wages issued to employees in Baghdad's International Zone.

The Central Organization of Statistics and Information Technology reported that the average salary in 2009 – the latest year for which information was available – was approximately 2.4 million dinars (\$2,060) per year, an increase over the previous year's figure of 1.78 million dinars (\$1,528). These earnings remained two to three times the poverty level, defined in the 2009 Central Organization of Statistics and Information Technology report as 923,000 dinars (\$792) per person per year.

The law limits the standard workday to eight hours, with one or more rest periods totaling 30 minutes to one hour. The law permits up to four hours of overtime

work per day and requires premium pay for overtime work. The government sets occupational health and safety standards. The law provides workers the right to remove themselves from a situation endangering health and safety without prejudice to their employment, but the law did not extend this right to civil servants or migrant workers, who made up the majority of the country's workforce.

The Ministry of Labor and Social Affairs' Labor Directorate has jurisdiction over the labor code, child labor, wages, occupational safety and health issues, and labor relations. The government did not enforce working conditions regulations. The ministry's occupational safety and health component staff worked throughout the country; however, the lack of a law governing these inspections hindered compliance and enforcement efforts. There were no significant government efforts to address violations or improve working conditions during the year.

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 unacceptable conditions for many workers. Workplace injuries occurred frequently, especially among manual laborers.

A lack of oversight and monitoring of employment contracts left foreign and migrant workers vulnerable to exploitative working conditions and abusive treatment. Little information was available on the total number of foreign workers in the country, although some observers reported that large groups of migrant workers, many of them illegal, lived in work camps, sometimes in substandard conditions. For example, UNAMI reported that many South Asian workers without appropriate work permits and visas lived in work camps and lacked freedom of movement, since they could be subject to arrest outside of the camps for residing and working in the country illegally. On several occasions during the year, authorities arrested migrant workers in mass security sweeps and deported them for lacking appropriate visas and work permits. According to UNAMI, authorities arrested and deported 247 migrant workers for lacking proper documentation in the first six months of the year.