

Iraq

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Overview:

Political violence in Iraq increased sharply during 2013. Suicide attacks and car bombings at mosques and in neighborhoods left mass casualties while politicians, members of the Iraqi Security Forces, journalists, and others who dared to enter the public arena were also targeted in bombings and shootings. These attacks were not only more numerous than in the past, they were also better coordinated and more dispersed, even reaching into the normally calm Kurdish city of Erbil. The vast majority of attacks were attributed to the Islamic State in Iraq (formerly Al Qaeda in Iraq), which in July announced a merger with jihadist groups in Syria and rebranded itself the Islamic State in Iraq and Greater Syria (ISIS). But as the year progressed Shi'a militias in the south and even in Baghdad began to be active again, threatening Sunnis.

The first six months of 2013 saw mass demonstrations against the government by Sunnis. These began in Anbar and spread to Nineveh, Salaheddin, Diyala, Baghdad, and Kirkuk. Protestor demands ultimately focused on repealing Iraq's anti-terrorism and de-Ba'athification laws, both of which Sunnis feel target them, and the release of detainees. Other demonstrations against specific government policies also took place in 2013, such as a Baghdad protest against the high pensions of former parliamentarians. Although protest in 2013 was generally non-violent, it was often repressed by the state, sometimes violently. In April, the Iraqi Security Forces (ISF) attacked a protest camp in Hawija, a district in the disputed Kirkuk governorate, provoking clashes between Sunnis and the ISF there. This prompted the Kurdish government to deploy its own troops in the disputed area, a move viewed as a provocation in Baghdad.

Political Rights and Civil Liberties:

Political Rights: 12 / 40 (+1) [[Key](#)]

A. Electoral Process: 7 / 12

Although it conducts meaningful elections, the operation of democracy in Iraq remains seriously impaired by sectarian and insurgent violence, widespread corruption, and the state's limited administrative capacity. Under the constitution, the president and two vice presidents are elected by the parliament and appoint the prime minister, who is nominated by the largest parliamentary bloc. Elections are held every four years. The prime minister is tasked with forming a cabinet and running the executive functions of the state. The parliament consists of a 325-seat lower house, the Council of Representatives, and a still-unformed upper house, the Federal Council, which would represent provincial interests. Members of the Council of Representatives serve four-year terms and are elected through multi-member open lists for each province. Eight seats are reserved for minorities, and these are distributed across provinces with significant minority populations. At least one-fourth of the seats must go to women. Seven members of the current Council of Representatives received compensatory seats distributed to parties that reached a high threshold nationally. Amendments passed to Iraq's Provincial Powers Law in June significantly furthered decentralization, which most Iraqi political groups now see as a way to prevent the state's break up, avoid conflict, and improve governance. However, outside the Kurdish region, in practice most power remains at

the center.

The Maliki government was formed in 2010 after nearly nine months of intense negotiations. Ayad Allawi's Iiraqiyyah coalition had received two more seats than Maliki's State of Law coalition in the elections. However, Maliki was able to attract enough allies to form the largest parliamentary bloc after the elections and thus form the government, a move approved by Iraq's Federal Supreme Court (FSC) but one that many Iraqis viewed as illegitimate.

On April 20, Iraq held elections for its provincial councils, its first since the departure of U.S. forces. Elections were not held in the Kurdistan Regional Government, in Kirkuk, or in the two majority Sunni provinces, Nineveh and Anbar. These latter provinces were forced to postpone their elections until June due to security problems. Maliki's State of Law coalition lost ground among Shi'a to both the Sadrist and to the Islamic Supreme Council of Iraq but remained dominant. The Sunni vote was fragmented. While the election was considered fair, it was marred by sectarianism and violence. The major coalition lists and most political parties were generally either predominantly Sunni or Shi'a. Notably, Prime Minister Maliki's State of Law list, although expanded to include many more parties than it had in the provincial elections of 2009, was overwhelmingly Shi'a. A suicide bomber attacked a ballot counting center in Ramadi, killing three and mortar rounds and small bombs disrupted some polling. At least fifteen candidates were also assassinated in the run-up to elections. Security concerns and disenchantment with the performance of government resulted in a turnout of only around 50 percent nationally, with Baghdad's turnout a mere 33 percent.

Home to one-fifth of the country's population, the autonomous Kurdish region constitutes a distinct polity within Iraq, with its own flag, military, and language. The Kurds held parliamentary elections for the 111-seat regional legislature in September and the Gorran opposition unseated the powerful Patriotic Union of Kurdistan (PUK) as the second largest party, after the Kurdistan Democratic Party (KDP), in the legislature. Provincial elections scheduled for November were delayed by the Kurdistan Regional Government because of problems with voter rolls and candidate lists. The Kurds also elect their own president, but in June the Kurdish parliament extended Massoud Barzani's term for two additional years without any legal basis. Eleven seats in the legislature are reserved for minorities and at least 30 percent of the seats must go to women. Elections for the Kurdistan Parliament are based on a closed party-list proportional representation system in which all three Kurdish provinces form one district. The Kurdish region's political leaders profess their commitment to remaining part of Iraq, but Kurdish security forces maintain a de facto border for the region, Iraqi Arabs are often treated as foreigners, and the regional government frequently acts in its own interest over Baghdad's objections.

Suffrage is universal for those over 18 in Iraq. Parliamentary seats are apportioned to provinces according to population estimates. As these lines are the boundaries of historic divisions there is no gerrymandering, but Iraq has not held a census since 1987 and population figures are in dispute. Elections are held regularly and are conducted by secret ballot. Voter lists are sometimes flawed, but this is generally acknowledged and investigated by the Independent High Electoral Commission (IHEC). IHEC oversees and manages the electoral process with technical assistance from international organizations. However, the Council of Representatives nominates, confirms, and oversees the nine members of IHEC's Board of Commissioners, leaving open the possibility for political pressure. Maliki has also increased his control over the IHEC. Iraqi electoral law allows for election monitoring. The 2013 provincial elections were monitored by the media, Iraqi political party representatives, Iraqi NGOs, and international observers. The Kurdish parliamentary elections were monitored by 2,800 international observers. The large parties that have dominated Iraqi government suffered a setback with a change in the parliamentary and provincial electoral laws made this year. Now surplus seats will be allotted not on the largest-remainder formula of the past law, in which surplus seats only went to those parties and coalitions that had already won seats, but on a more proportional formula giving all groups on the list a chance at winning surplus seats. This

legal change comes three years after Iraq's FSC struck down the previous election law as insufficiently proportional and therefore undemocratic. This ruling, unpopular with the Prime Minister, supports arguments that the FSC is, in fact, independent or growing more so.

B. Political Pluralism and Participation: 5 / 16 (+1)

Article 39 of Iraq's constitution guarantees the freedom to form and join associations and political parties. However, law regulates that this exclude the Ba'ath party. Iraqis do form political parties of their choice and compete in elections, usually in large numbers. Over 250 political entities (individuals and parties, but mostly parties) and 50 coalitions competed for the 378 seats in the April provincial council elections. Many of these parties are personal vehicles, but some are programmatic.

Iraq's Justice and Accountability Commission (formerly the De-Ba'athification Commission) is still operating, limiting some individuals' ability to participate in politics. In 2013, the Justice and Accountability Commission removed nearly 150 candidates from the lists for the provincial elections. These candidates were overwhelmingly either Sunni or secular.

Iraq's ballot is secret, and Iraqis are free to make their own political choices.

C. Functioning of Government: 1 / 12

The Council of Representatives has been increasingly sidelined by the Prime Minister. Increasing violence has also encouraged Maliki's dominance, especially on issues related to security. The role of Iran in Iraq's policymaking is debated, with many believing that Iranian state preferences constrain Iraqi policymakers, especially under the current government.

Corruption is pervasive in Iraq. Transparency International's Corruption Perceptions Index ranks Iraq near the bottom of its scale, at 171 out of 177. A survey of 31,000 civil servants by Iraq's Integrity Commission found that more than 50 percent of them felt corruption was increasing. Members of the group reported paying, on average, four bribes a year. The Integrity Commission is one of several government efforts to combat corruption. In addition to conducting studies it also investigates corruption charges, and the organization was very active in 2013, issuing an arrest warrant for the Governor of Diyala province and promising to publish files on high officials. While the number of corruption cases prosecuted in Iraq is increasing, most corruption goes unpunished. This is due to the pervasive environment of fear in the country, the interference of politicians in the legal system, and the sheer number of cases to be investigated.

Discretionary Political Rights Question B: -1 / 0

Although there has been a relative decline in targeted killings, the millions of IDPs generally remained so due to the threat of sectarian violence.

D. Freedom of Expression and Belief: 5 / 16

Article 38 of the Iraqi Constitution guarantees freedom of expression and of the media, although it makes both conditional on respect for public order and morality. News publications in Iraq are numerous, though many of these are owned by political parties. Freedom of the media is limited in practice by the threat of violence. Several journalists were killed in 2013, and many more received threats. As a result, self-censorship is widespread. Government officials frequently bring criminal libel charges against journalists. Media freedom has also been eroded by the state's ability to justify silencing dissenting views in the media. For example, after the provincial elections in April, Iraq's Media and Communications Commission revoked the licenses of ten satellite stations, including Al Jazeera, for inciting violence and sectarianism. Individual journalists were also detained for minor crimes or for insulting public figures, the latter especially in the three Kurdish provinces. However, in July, the Council of Representatives decided not to take up a controversial Information Technology Crimes bill, which had been criticized by journalists and others for specifying life imprisonment and large fines for vaguely defined crimes such as using computers to undermine the country's economic, political, military, or security interests. Journalists critical of those in power continued to face arrest, threats and attacks in Kurdistan, evidenced by the December killing of journalist Kawa Garmyane, who had made allegations of corruption against leaders of the Patriotic Union of Kurdistan (PUK).

The Iraqi constitution guarantees freedom of belief. But during 2013, religious minorities suffered both from the general climate of violence and from being specifically targeted. In June, a gunman opened fire on an Assyrian Church in Baghdad, and two stores owned by Christians in the same neighborhood were bombed. In October, an attack on an ethnic minority Shabak village killed fifteen. Yezidis, Manicheans, and Sabian Mandaeans were also attacked in 2013. Baha'is and other unrecognized religious minorities also face serious persecution while converts from Islam to other religions face specific threats. Since 2003 many Christians have fled Iraq, and scores of churches have been destroyed. Religious and ethnic minorities in northern Iraq—including Turkmens, Arabs, Christians, and Shabaks—have reported instances of discrimination and harassment by Kurdish authorities, though a number have fled to the Kurdish-controlled region due to its relative security.

The Academic Freedom Monitor lists five deaths, injuries or disappearances of scholars in Iraq in 2013. Professors and teachers in Iraq may be threatened with violence if they do not give students certain grades or certificates, and they carefully censor themselves for fear of reprisals from both the government and non-state actors.

E. Associational and Organizational Rights: 4 / 12

Iraqis have a constitutional right to freedom of assembly and peaceful demonstration. However, the state limited the exercise of this right in 2013. Demonstrators must seek approval seven days prior to holding a demonstration. Permits are sometimes denied without explanation.

Sunni protests have been largely peaceful, but there have been several exceptions, especially in Hawija, Fallujah, Mosul and Ramadi. The state's response to protests, however, has often been excessively violent, especially in the attack on the Hawija protest camp in April, which killed at least 50 civilians. In July, a journalist and three others standing in Tahrir Square holding banners expressing criticism of the government were arrested for protesting without a permit, and many other protestors were also detained for this reason in 2013. The government's rationales for disbanding the peaceful August protests against ministerial pensions cited problems with permits, but also a need to protect protestors from terrorism and to prevent them from inciting hatred or violence.

Although they are required to register with the government, there are many Non-Governmental Organizations (NGOs) operating in Iraq, and both the Council of Representatives and the Kurdistan

Regional Government have passed laws supportive of their role in policymaking and implementation. NGOs in Iraq suffer less from direct state repression than from the fear of reprisals from non-state actors. NGO leaders complained in 2013 that the state became less willing to protect them.

Iraq's legislation governing trade unions dates from 1987 and prohibits the unionization of public sector workers, strikes by essential service workers, and any non-state sanctioned union. The only state-sanctioned union is the General Federation of Iraqi Workers, and this was effectively taken over by the executive branch in April. The Council of Representatives has indicated that it will soon pass a new labor law that was drafted in 2010 with input from the International Labor Organization.

F. Rule of Law: 0 / 16

Iraq's judiciary is subject to political manipulation, especially by the executive branch and in high-profile cases. In lower-profile cases tribal and religious forces also influence rulings, as does corruption. These same factors also affect judicial appointments and dismissals. The executive selectively implements judicial rulings and Iraq's judges live under the constant threat of violence.

The treatment of Iraqi detainees became a focus of the Sunni protest movement and other critics of the Iraqi government and received a great deal of attention in 2013. Iraq's controversial Counterterrorism Law has permitted the ISF to round up large numbers of people at once, typically Sunnis. Female relatives of male suspects have also been detained to encourage suspects to turn themselves in. Not only does Iraq detain individuals with almost no justification, those detained are often held without trial for long periods of time without contact with their families. Some detainees disappear, and mistreatment—probably even torture to elicit false confessions that are then accepted by the courts—is routine. Iraq executed at least 169 prisoners in 2013. There are over a thousand prisoners now being held on death row, drawing concerns from the international community over Iraq's ability to provide them with fair trials.

Statistics on the number of deaths and attacks in Iraq have varied from organization to organization since they began to be compiled after the U.S. invasion. But by every measure violence and death in Iraq accelerated rapidly this year. For 2012, Iraq Body Count recorded 4,574 civilian deaths from violence and the Government of Iraq recorded 1,317. For 2013 Iraq Body Count's preliminary data puts the number 9,571, and the Iraqi Government's number is 7,154, including security forces and militants.

Shi'a were especially targeted by suicide and vehicle bombs in their places of worship and daily lives. In October, a truck bomb exploded outside a school, killing 15, including 14 children in Tal Afar, a Turkmen Shi'a town. Baghdad continued to suffer the bulk of the violence, but there were many more attacks than in the past outside the capital, or even in multiple cities at once. In July, the Al-Qaeda affiliate Islamic State in Iraq attacked prisons in Abu Ghraib and Taji, freeing approximately 500 prisoners.

G. Personal Autonomy and Individual Rights: 4 / 16

An estimated 1.2 million Iraqis remain internally displaced, down from the 2.7 million recorded in 2008. The humanitarian assistance that many of them rely on has been stretched to meet the needs of the Syrian refugees entering Iraq's Kurdish areas and Iraqi refugees returning to Iraq to escape Syria's civil war.

Iraq has a quota system that guarantees women a quarter of the seats in the Council of Representatives, and this percentage was recently extended formally to the provincial councils. Thirty-six of the 111 members of the Kurdish legislature are women. Yet female parliamentarians feel marginalized in the Council of Representatives. Iraq has only one female minister, the Minister of Women's Affairs. Also,

religious and tribal leaders now manage issues such as marriage, divorce, inheritance, and custody that used to be dealt with by Iraq's pre-2003, more egalitarian Family Statutes Law. In December the Council of Ministers put off consideration of a Shi'a personal status law that would have permitted marriage for girls as young as nine. In 2013 one-quarter of Iraqi women in their early twenties reported having married before the age of eighteen. So-called "honor killings," human trafficking, and domestic violence are all anecdotally reported to be on the rise. Outside of the Kurdistan Regional Government the legal system allows honor killings to be dealt with more leniently than other types of murders.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

[Full Methodology](#)