

# **IRAQ 2018 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Iraq is a constitutional parliamentary republic. The 2018 parliamentary elections, while imperfect, generally met international standards of free and fair elections and led to the peaceful transition of power from Prime Minister Haider al-Abadi to Adil Abd al-Mahdi.

Civilian authorities did not maintain effective control over some elements of the security forces, particularly certain units of the Popular Mobilization Forces (PMF) that were aligned with Iran.

Violence continued throughout the year, largely fueled by the actions of ISIS. The government declared victory over ISIS in December 2017 after drastically reducing the group's ability to commit abuses and atrocities, but members of the group continued to carry out deadly attacks and kidnappings. The government's reassertion of federal authority in disputed areas bordering the Iraqi Kurdistan Region (IKR), after the Kurdistan Region's September 2017 independence referendum, resulted in reports of abuses and atrocities by the security forces, including those affiliated with the PMF.

Human rights issues included reports of unlawful or arbitrary killings by some members of the Iraq Security Forces (ISF), particularly Iran-aligned elements of the PMF; forced disappearances; torture; arbitrary detention; harsh and life-threatening prison and detention center conditions; arbitrary or unlawful interference with privacy; restrictions on free expression, the press, and the internet, including censorship, site blocking, and criminal libel; legal restrictions on freedom of movement of women; widespread official corruption; unlawful recruitment or use of child soldiers by Iran-aligned elements of the PMF that operate outside government control; trafficking in persons; criminalization of lesbian, gay, bisexual, transgender, and intersex (LGBTI) status or conduct; violence targeting LGBTI persons; threats of violence against internally displaced persons (IDPs) and returnee populations perceived to have been affiliated with ISIS; and restrictions on worker rights, including restrictions on formation of independent unions and reports of child labor.

The government, including the Office of the Prime Minister, investigated allegations of abuses and atrocities perpetrated by the ISF, but it rarely made the results of the investigations public or punished those responsible for human rights

abuses. The Kurdistan Regional Government (KRG) High Committee to Evaluate and Respond to International Reports reviewed charges of Peshmerga abuses, largely against IDPs, and exculpated them in public reports and commentaries, but human rights organizations questioned the credibility of those investigations. Impunity effectively existed for government officials and security force personnel, including the ISF, Federal Police, PMF, Peshmerga, and KRG Asayish internal security services.

ISIS continued to commit serious abuses and atrocities, including killings through suicide bombings and improvised explosive devices (IEDs). The government continued investigating and prosecuting allegations of ISIS abuses and atrocities and, in some instances, publicly noted the conviction of suspected ISIS members under the 2005 counterterrorism law.

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

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

There were numerous reports that some government forces, including the PMF and Asayish, committed arbitrary or unlawful killings, as did ISIS and other terrorist groups (see section 1.g.). During the year the security situation remained unstable in some areas, due to: regular raids and attacks by ISIS and their affiliated cells, particularly in remote areas; sporadic fighting between the ISF and ISIS holdouts in remote areas; the presence of militias not fully under the control of the government, including certain PMF units, in many liberated areas; and sectarian, ethnic, and financially motivated violence. From January 1 to August 31, the UN Assistance Mission for Iraq (UNAMI) reported more than 700 civilians killed in the country.

Government security forces reportedly committed extrajudicial killings. The government rarely made public its identification and prosecution of specific perpetrators of abuses and atrocities. Human rights organizations reported that both Ministry of Interior and Ministry of Defense personnel tortured detainees to death. For example, Human Rights Watch (HRW) reported in August that at least three individuals died from torture in the Mosul police station and Faisaliya Prison in east Mosul. The August report details the experiences of “Mahmoud,” who reportedly was detained and tortured at Faisaliya Prison from January to May and who recounted the death of a cousin of another detainee named “Ammar.” “Mahmoud” reportedly heard screams as prison officers beat “Ammar’s” cousin

unconscious on two consecutive nights. After the second night, “Mahmoud” recounted taking off the man’s clothes to care for him, finding he had two big bruises to his waist on either side, green bruises on his arms, and a long red burn down the length of his penis.

Security forces fired upon and beat demonstrators protesting unemployment and poor public services related to water and electricity in Basrah Governorate and elsewhere in southern Iraq between July and September. HRW reported that the security forces, largely from the Ministry of Interior, used excessive and unnecessary lethal force in controlling protests that at times turned violent. Nongovernmental organizations (NGOs) and media reported at least eight deaths related to the protests in July. On September 5, at least seven died in clashes with security forces during protests in Basrah. Some demonstrators also turned to violence and set fire to government buildings, the Iranian Consulate, and the offices of pro-Iran militias and political parties. Local and international human rights organizations accused ISF, including Asaib Ahl al-Haq (AAH) PMF units, of using excessive force, including live ammunition, against the protesters and called for the government to conduct an investigation into the deaths and violence during the protests.

In response to the protests, Prime Minister Abadi dismissed the head of Basrah’s military operations. As of October, the government had not reported any progress in investigating the killing of the protesters.

In 2017 the Office of the Prime Minister announced the establishment of a committee to investigate allegations of ISF abuse during the operation to retake Mosul from ISIS. It stated the government had arrested, and planned to prosecute, several ISF officers. HRW reported in April that the government disposed of evidence of a potential war crime committed against members of ISIS, removing an estimated 80 bodies from a damaged house in Mosul and burning the house. HRW added that at least one of the bodies appeared to have its legs bound, that there was no indication that the government was collecting evidence, and that government officials refused to tell its researchers where they were taking the bodies. As of October the government had not published specific information on judicial proceedings against any members of the security forces.

Human rights organizations reported that Iran-aligned PMF militia groups engaged in killing, kidnapping, and extortion throughout the country, particularly in ethnically and religiously mixed governorates. Media reported that in April members of the Peace Brigades PMF militia and Federal Police killed Brigadier

General Shareef Ismaeel al-Murshidi, a brigade commander whose forces were tasked with protecting the prime minister and Baghdad's Green Zone, as well as two of his guards at a PMF checkpoint in Samarra, Salah al-Din Governorate. Media reported in August that members of the Banu al-Khazraj tribe in Dujail, Salah al-Din Governorate, alleged that AAH kidnapped and killed three tribal sheikhs in August the week after clashes between the two groups.

Civil society activists said Iran-aligned militias, specifically AAH, were also responsible for several attacks against prominent women. Human rights organizations reported that militia groups and their supporters posted threats on social media against specific female activists participating in protests in Basrah in September, and on September 25, activist Suad al-Ali was shot and killed in Basrah. Human rights activists stated they believed AAH was responsible, although police were also investigating the woman's former husband. On September 27, armed gunmen shot and killed Iraqi social media star and model Tara Fares in Baghdad. Civil society groups said they believed an Iran-aligned militia, most likely AAH, killed Fares as well as the owners of three beauty centers in August and October (see section 6, Women).

Terrorist violence continued throughout the year, including ISIS attacks (see section 1.g.).

Unlawful killings by unidentified gunmen and politically motivated violence frequently occurred throughout the country. For example, in May police reported two unknown masked gunmen killed three people in a drive-by shooting in Basrah, and unidentified attackers shot and killed the mayor of Hammam al-Alil, near Mosul, as he left his home.

Ethnic and sectarian-based fighting continued in mixed governorates, although at lower rates than in 2017. While minority advocacy groups reported threats and attacks targeting their communities, it was difficult to categorize many incidents as based solely on ethnic or religious identity because religion, politics, and ethnicity were often closely linked.

On July 23, three gunmen, whom KRG authorities said had links to a terrorist group, forcibly entered a government building in central Erbil and killed a Christian employee. Authorities stated they believed the attackers, whom police eventually killed, targeted the victim because of his religion.

## **b. Disappearance**

There were frequent reports of enforced disappearances by or on behalf of government forces, including ISF, Federal Police, PMF, Peshmerga, and Asayish, as well as by nongovernment militias and criminal groups. ISIS, however, was responsible for most attributable disappearances. The International Commission on Missing Persons estimated 250,000 to a million persons remained missing from decades of conflict and human rights abuses.

Many suspected members of ISIS and individuals close to them were among those subject to forced disappearance. In April Amnesty International alleged that government forces (both central government and KRG) were responsible for the forced disappearance of thousands of men and boys since 2014. Amnesty reported that, in and around Mosul, the majority of arbitrary arrests and enforced disappearances originated at screening sites near battle front lines overseen by government forces, including the ISF, PMF, and Peshmerga, and lacked safeguards and due process. A September HRW report documented 74 specific cases of men and four additional cases of boys reportedly forcibly disappeared by government forces between April 2014 and October 2017. HRW attributed responsibility for 28 disappearances to the Iran-aligned terrorist PMF group Kata'ib Hezbollah (KH), 14 to the "Prime Minister's Special Forces," and 12 to the National Security Service (NSS).

In its September report, HRW detailed a case in which a man from al-Qaim said his sons' wives told him that KH detained his sons at al-Razzazza checkpoint in Karbala Governorate in 2016 as they were traveling with their families to Baghdad. The man said KH released the women but provided no reason for detaining the two men, who remained missing.

Individuals, militias, and organized criminal groups carried out abductions and kidnappings for personal gain or for political or sectarian reasons. Media reported that on June 8, unknown gunmen reportedly abducted a retired army officer who was working in the market in Mahaweel, Babil Governorate.

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

Although the constitution and law prohibit such practices, neither defines the types of conduct that constitute torture, and the law gives judges full discretion to determine whether a defendant's confession is admissible. There were numerous

reports that government officials employed torture and other cruel, inhuman, or degrading treatment or punishment, and that courts routinely accepted forced confessions as evidence, which was often the only evidence in ISIS-related counterterrorism cases.

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

In an August report, HRW documented details of torture and other cruel, inhuman, or degrading treatment or punishment of detainees in custody in facilities run by the Ministry of Interior in the Mosul area. These included the Mosul police office and the Intelligence and Counter-Terrorism Office's Faisaliya Prison in east Mosul as well as Qayyarah Prison, which reportedly consisted of a group of three abandoned and dilapidated houses south of Mosul. According to HRW, one interviewee reportedly witnessed or experienced repeated torture during interrogations at Faisaliya Prison from January to May, including: hanging from the hands bound behind the back; beatings with plastic and metal pipes and cables, including on the soles of the feet; burning of the penis and testicles with a hot metal ruler; hanging by a hook and tying a one-quart water bottle to the penis; and kneeling with the hands tied together behind the back. The May report also cited a man who reportedly saw other men returning from interrogations with physical signs of abuse during his year in detention at Qayyarah and Faisaliya Prisons. HRW stated the government's failure to investigate the reports properly led to a culture of impunity among security forces. In September the government reported it had started an investigation committee to look into the accusations.

Denial of access to medical treatment was also a problem. Local human rights organizations reported that government forces in Basrah Governorate prevented hospitals from treating people injured in protests against the government in September.

In May a video circulated among local human rights civil society organizations (CSOs) in which Rayan al-Kildani, leader of the Iran-aligned Babylon Brigade PMF group, cut off the ear of a handcuffed detainee.

Instances of abusive interrogation also reportedly occurred in some detention facilities of the KRG's Asayish internal security unit and the intelligence services of the major political parties--the Kurdistan Democratic Party's (KDP) Parastin, and the Patriotic Union of Kurdistan's (PUK) Zanyari. According to local and international human rights organizations, mistreatment of prisoners and detainees in the KRG typically occurred before their arrival at official detention facilities.

The Independent Human Rights Commission of the Kurdistan Region (IHRCKR) reported in September that the KRG held 56 boys in an Erbil juvenile detention facility on ISIS-related accusations, of whom 42 were convicted of crimes and 14 were still awaiting trial. Most of the boys alleged both PMF and KRG security forces subjected them to various forms of abuse, including beatings. In August, HRW reported that virtually all of the abuse alleged by these boys occurred between their arrest and their arrival at long-term detention facilities, rather than at the detention facilities themselves.

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

Prison and detention center conditions were harsh and life threatening due to food shortages, gross overcrowding, physical abuse, and inadequate sanitary conditions and medical care.

Physical Conditions: Overcrowding in government-run prisons was a systemic problem exacerbated by an increase in the number of alleged ISIS members detained during the year. In addition three of the 24 correctional facilities managed by the Iraqi Corrections Service, the government entity with legal authority to hold persons after conviction, were not operational due to the security situation.

Al-Nasiriyah Central Prison, also known as al-Hoot Prison, in Dhi Qar Governorate, was designed to hold 2,400 prisoners, but Iraq High Commission for Human Rights (IHCHR) observers reported in July that the prison held approximately 9,000 prisoners.

Overcrowding exacerbated corruption among some police officers and prison administrators, who reportedly took bribes to reduce or drop charges, cut sentences, or release prisoners early.

Authorities separated detainees from convicts in most cases. Prisoners facing terrorism charges were isolated from the general detainee population and were

more likely to remain in Ministry of Interior or Ministry of Defense detention for longer periods.

Although the government held most juvenile pretrial detainees and convicts in facilities operated by the Ministry of Labor and Social Affairs, there were reports that Ministry of Justice-administered prisons, Ministry of Interior police stations, and other Ministry of Interior detention facilities held some juveniles in separate facilities or mixed with adult prisoners.

The Ministry of Justice reported there were no accommodations for inmates with disabilities, and a previously announced ministry initiative to establish facilities for such detainees was not fully implemented as of August.

Inmates in government-run prisons and detention centers often lacked adequate food, potable water, sanitation, ventilation, lighting, and medical care. Some detention facilities did not have an onsite pharmacy or infirmary, and authorities reported that even when they existed, pharmacies were often undersupplied and government officers reportedly withheld medication or medical care from prisoners and detainees. Women's prisons often lacked adequate child-care facilities for inmates' children, whom the law permits to remain with their mothers until age four. Limited and aging infrastructure worsened sanitation, limited access to potable water, and led to preparation of poor-quality food in many prison facilities. Authorities reportedly kept prisoners confined in their cells for long periods without an opportunity for exercise or use of showers or sanitary facilities.

HRW reported in July that NSS admitted detaining more than 400 individuals (many unlawfully) in a secret detention facility in east Mosul. The facility was a two-story house next to the NSS office in al-Shurta neighborhood. There appeared to be no legal mandate for this facility, and its existence previously was denied. After being detained there in April, Faisal Jeber told HRW that he was one of almost 80 detainees in a room 13 feet by 16 and a half feet with one window and a small ventilator. According to Jeber, half the prisoners were standing and the other half sitting because there was not enough room for everyone to sit at the same time. Jeber said that on his first night, someone died from torture and another had an epileptic seizure but received no medical attention. Some bribed guards to communicate with their families indirectly, but reportedly no one was allowed a family visit even after two years in detention. HRW reported conditions in al-Shurta were similar to facilities in Qayyarah and Hammam al-Alil, facilities HRW visited in 2017.

According to UNAMI the KRG's newer detention facilities in major cities were well maintained, although conditions remained poor in many smaller detention centers operated by the KRG Ministry of Interior. In some KRG Asayish detention centers and police-run jails, KRG authorities occasionally held juveniles in the same cells as adults. An IHRCKR report stated that authorities housed more than 40 minors, with ages ranging from six months to 12 years, in Erbil prisons with their convicted mothers, as of November. UNICEF funded a separate annex to the prison for these minors, but they continued to lack access to education. After reports of poor quality food in prisons, the mayor of Erbil replaced the companies contracted to provide food services in Erbil prisons and ensured new contracts included strict quality standards.

Administration: The central government reported it took steps to address allegations of mistreatment in central government facilities, but the extent of these steps was not known. Several human rights organizations stated that the country's judges frequently failed to investigate credible allegations that security forces tortured terrorism suspects and often convicted defendants based (often solely) on allegedly coerced confessions.

Prison and detention center authorities reportedly sometimes delayed the release of exonerated detainees or inmates due to lack of prisoner registration or other bureaucratic issues, or they extorted bribes from prisoners for release at the end of their sentence. International and local human rights groups reported that authorities in numerous instances denied family visits to detainees and convicts. Guards allegedly often demanded bribes or beat detainees when detainees asked to call their relatives or legal counsel. A Ninewa Governorate official said PMF released arrestees and detainees suspected of having ISIS ties after they paid bribes.

The KRG had no uniform policy for addressing allegations of abuse by KRG Ministry of Interior officers or the Asayish. In a March report on prison conditions across the IKR, the IHRCKR stated some prisons failed to maintain basic standards and to safeguard the human rights of prisoners. The report emphasized the need for new buildings and for laws to protect the rights and safety of inmates, such as separating drug dealers and drug users. In May, seven inmates were killed and 18 injured in a fire set during a riot inside Zarka Prison in Duhok Governorate.

Independent Monitoring: Iraqi Corrections Service prisons allowed regular visits by independent nongovernmental observers. The International Committee of the Red Cross (ICRC) reported the Ministries of Justice, Interior, Defense, and Labor

and Social Affairs largely permitted them access to prisons and detention facilities. Authorities also granted UNAMI access to Ministry of Justice prisons and detention facilities in Baghdad. There were reports of some institutional interference in prison visits, and in some cases institutions required advance notification to wardens and prison officials for outside monitor visits. The government denied the existence of some secret detention centers but admitted the existence of an NSS detention center in al-Shurta, east Mosul, despite previous denials, and permitted monitoring of a replacement facility.

The KRG generally allowed international human rights NGOs and intergovernmental organizations to visit convicted prisoners and pretrial detainees, but occasionally authorities delayed or denied access to some individuals, usually in cases involving terrorism. The United Nations and the ICRC had regular access to IKR prisons and detention facilities. Local CSO Kurdistan Human Rights Watch (KHRW) reported that, although they were previously able to access any IKR prison without notice, they increasingly had to request permission in advance to gain access. They usually received permission, but typically at a higher rate and more quickly at Ministry of Social Affairs prisons than those run by the Asayish. KHRW also stated the Asayish sometimes denied holding prisoners to avoid granting independent organizations access to them. KHRW stated in July they had evidence that two Kurdish youth arrested in March on suspicion of drug trafficking remained in Asayish custody without trial, but Asayish authorities denied any knowledge of their cases.

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

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. Despite such protections, there were numerous reports of arbitrary arrests and detentions, predominantly of Sunni Arabs, including IDPs.

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

Numerous domestic security forces operated throughout the country. The regular armed forces and domestic law enforcement bodies maintained order within the country. The PMF, a state-sponsored umbrella military organization composed of approximately 60 militia groups, operated throughout the country. Some PMF groups, however, such as AAH and KH, often appeared to operate independently from Iraqi authorities and answer to Iranian authorities. They sometimes undertook operations independent of political leaders or military commanders and

discounted the authority of commanders during sanctioned operations. Most PMF units were Shia Arab, reflecting the demographics of the country. Shia Arab militia operated across the country, while Sunni Arab, Yezidi, Christian, and other minority PMF units generally operated within or near their home regions. The Peshmerga, including militias of the KDP and PUK, maintained order in the IKR.

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

In March the prime minister issued a decree formalizing inclusion of the PMF in the security forces, granting them equivalent salaries and subjecting them to military service laws. While limited by law to operations in the country, in some cases units reportedly supported the Assad regime in Syria, acting independently of the Iraqi government's authority. The government did not recognize these fighters as PMF even if their organizations were part of the PMF. All PMF units officially report to the national security advisor and are under the authority of the prime minister, but several units in practice were also responsive to Iran and Iran's Islamic Revolutionary Guard Corps. The prime minister, national security advisor, and ISF did not demonstrate consistent command and control over all PMF activities, particularly units aligned with Iran. Actions by disparate PMF units exacerbated security challenges and sectarian tensions, especially in diverse areas of the country such as Ninewa and Kirkuk Governorates.

The two main Kurdish political parties, the KDP and the PUK, each maintained an independent security apparatus. Under the federal constitution, the KRG has the right to maintain internal security forces, but the PUK and KDP separately controlled additional Peshmerga units. The KDP and PUK likewise maintained separate Asayish internal security services and separate intelligence services, nominally under the KRG Ministry of Interior.

KRG forces detained suspects in areas the regional government controlled. Poorly defined administrative boundaries and disputed territories between the IKR and the rest of the country led to confusion over the jurisdiction of security forces and the courts.

Government forces made limited efforts to prevent or respond to societal violence, including ethnosectarian violence that continued to flare in Kirkuk and Ninewa Governorates during the year.

Civilian authorities did not maintain effective control over some elements of the security forces, particularly certain Iran-aligned PMF units. Impunity was a problem. There were reports of torture and abuse throughout the country in facilities used by the Ministries of Interior and Defense, as well as PMF groups and the NSS. According to international human rights organizations, abuse took place primarily during detainee interrogations while in pretrial detention. Other problems persisted, including corruption, within the country's provincial police forces. The military and Federal Police recruited and deployed soldiers and police officers on a nationwide basis, leading to complaints from local communities that members of the army and police were abusive because of ethnosectarian differences.

Investigators in the Ministry of Interior's office of the inspector general were responsible for conducting investigations into human rights abuses by security forces, with a preliminary report due within 30 days. The minister of interior or the prime minister can also order investigations into high-profile allegations of human rights abuses, as occurred following reports of ISF abuses during September protests in Basrah. The government rarely made the results of investigations public or punished those responsible for human rights abuses.

The IHRCKR routinely notified the Kurdistan Ministry of Interior when it received credible reports of police human rights violations. The KRG High Committee to Evaluate and Respond to International Reports reviewed charges of Peshmerga abuses, largely against IDPs, and exculpated them in public reports, but human rights organizations questioned the credibility of those investigations.

### **Arrest Procedures and Treatment of Detainees**

The law prohibits the arrest or remand of individuals, except by order of a competent judge or court or as established by the code of criminal procedures. The law requires authorities to register the detainee's name, place of detention, reason

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

Human rights organizations reported that government forces, including the ISF, Federal Police, NSS, PMF, Peshmerga, and Asayish, frequently ignored the law. Local media and human rights groups reported that authorities arrested suspects in security sweeps without warrants, particularly under the antiterrorism law, and frequently held such detainees for prolonged periods without charge or registration. The government periodically released detainees, usually after concluding that it lacked sufficient evidence for the courts to convict them, but many others remained in detention pending review of other outstanding charges. In July HRW reported that the NSS admitted detaining more than 400 individuals (many arbitrarily or unlawfully) for prolonged periods up to two years, despite not having a legal mandate to do so (see section 1.c.).

According to NGOs, detainees and prisoners whom the judiciary ordered released sometimes faced delays from the Ministry of Interior or other ministries to clear their record of other pending charges and release them from prison.

The law allows release on bond for criminal (but not security) detainees. Authorities rarely released detainees on bail. The law provides for judges to appoint paid counsel for the indigent. Attorneys appointed to represent detainees frequently complained that insufficient access to their clients hampered adequate attorney-client consultation. In many cases, detainees were not able to meet their attorneys until their scheduled trial date. There were numerous reports that defendants did not have access to legal representation during the investigation phase, appointed lawyers lacked sufficient time to prepare a defense, and that courts failed to investigate claims of torture while in detention.

In a July report, private defense attorneys told HRW that in terrorism cases they never seek permission to represent their clients at the initial investigative hearing out of concern that security forces and judges at the investigative court would label them "ISIS lawyers," subjecting them to arrest. They instead wait for the court to

appoint a lawyer and only step in after the case is transferred to the felony court, where the risk of harassment and threats is significantly lower. Private defense attorneys did not represent any of the terrorism defendants in the 18 felony trials HRW observed in Baghdad and Ninewa, and the state-appointed defense attorneys reportedly did not actively mount a defense or seek investigations into torture claims. A member of Iraq's Bar Association in Baghdad told HRW that the government pays state-appointed defense attorneys 25,000 Iraqi dinars (\$21) per case, regardless of the amount of time they spend, giving lawyers no incentive to meet their client before the investigative hearing, study the case file, or continue to represent them in subsequent hearings. Lawyers said this lack of representation leaves defendants more vulnerable to abuse.

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

Arbitrary Arrest: There were numerous reports of arbitrary or unlawful detention by government forces, including ISF, Federal Police, NSS, PMF, Peshmerga, and Asayish. There were no reliable statistics available regarding the number of such acts or the length of detentions. Authorities often failed to notify family members of the arrest or location of detention, resulting in incommunicado detention if not enforced disappearance (see section 1.b.). Humanitarian organizations also reported that, in many instances, central government forces did not inform detainees of the reasons for their detention or the charges against them. Most reports of arbitrary or unlawful detention involved suspected members or supporters of ISIS and their associates and family members. Individuals arbitrarily or unlawfully detained were predominantly Sunni Arabs, including IDPs. There were reports of Iran-aligned PMF groups also arbitrarily or unlawfully detaining Kurds and Turkmen in Kirkuk and Christians and other minorities in western Ninewa and the Ninewa Plain. A Ninewa-based CSO reported that the proliferation of intelligence, police, and security agencies, including the PMF, making arrests in Mosul complicated the ability of detainees' families to determine which agencies held their relatives. There were also reports that security forces beat suspects, destroyed their houses, and confiscated property and food rations during operations to detain those with tenuous family ties to ISIS.

A September HRW report detailed the experiences of a man who reportedly was arbitrarily detained by KH for four months in 2014 and whose son remained missing. The man said that he, his son, and their taxi driver were arrested by KH at a checkpoint in Hilla and held for three days in a nearby house used as an

unofficial detention center. KH reportedly released the driver but accused the man and his son of being sympathetic to ISIS. The man described how KH frequently beat him and his son with sticks, metal cables, and their hands. KH reportedly moved the two men to a larger unofficial detention facility where they met 64 other detainees, most belonging to the same tribe. After more than four months in squalid conditions, the man said KH dumped him and two older men on a Baghdad highway after a doctor who visited them told KH the men would likely die. The man stated that, as far as he knows, the same facility still held his son.

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

The lack of judicial review resulted from several factors, including 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 use bail or other conditions of release, lack of information sharing, bribery, and corruption. Overcrowding of pretrial detainees remained a problem in many detention centers.

Lengthy pretrial detentions were particularly common in areas liberated from ISIS, where the large number of ISIS-related detainees and use of makeshift facilities led to significant overcrowding and inadequate services. There were reports of both detention beyond judicial release dates and unlawful releases. The destruction of official detention facilities in the war against ISIS led to the use of temporary facilities; for example, the Ministry of Interior reportedly held detainees in homes rented from local residents in Ninewa Governorate.

The government did not publish comprehensive statistics on the status of the more than 1,400 non-Iraqi women and children it detained during military operations in Tal Afar, Ninewa Governorate, in August 2017. In February and June HRW reported problems relating to the detention and trial of those foreign women and children.

Authorities reportedly held numerous detainees without trial for months or years after arrest, particularly those detained under the antiterrorism law. Authorities sometimes held detainees incommunicado, without access to defense counsel, presentation before a judge, or arraignment on formal charges within the legally mandated period. Authorities reportedly detained spouses and other family members of fugitives--mostly Sunni Arabs wanted on terrorism charges--to compel their surrender.

KRG authorities also reportedly held detainees for extensive periods in pretrial detention. According to IKR judicial officials, IKR law permits extension of pretrial detention of up to six months under court supervision. According to local CSOs and the IHRCKR, however, some detainees were held more than six months without trial, and the IHRCKR was tracking the cases of four detainees held for at least four years.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: The constitution and law grant detainees the right to a prompt judicial determination on the legality of their detention and the right to prompt release. Despite the 2016 reform law concerning rights of detainees, NGOs widely reported that detainees had limited ability to challenge the lawfulness of detention before a court and that a bribe was often necessary to get charges dropped unlawfully or gain release from arbitrary detention. While a constitutional right, the law does not allow for compensation for a person found to have been unlawfully detained.

Amnesty: In December 2017 the Iraqi Kurdistan Parliament (IKP) issued an amnesty reducing the sentence of prisoners on death row to 15 years in prison, except in cases of terrorism, threatening national security, or killing women in so-called honor killings. While some NGOs protested that such a crosscutting amnesty undermined the justice system, the IHRCKR said that the IKP consulted them and incorporated all of the commission's recommendations for the law.

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

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

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

Numerous threats and killings by sectarian, tribal, extremist, and criminal elements impaired judicial independence. Judges, lawyers, and their family members frequently faced death threats and attacks. For example, in April a group of armed individuals shot and wounded a judge in Maysan Governorate. The judge reportedly was overseeing the investigation of several official corruption complaints. Also in April, media reported that an IED killed the vice president of Diyala Governorate's Court of Appeals.

Lawyers participated in protests demanding better protection from the government against threats and violence. In July a group of lawyers in Basrah Governorate protested the killing of a fellow lawyer who had been defending people involved in demonstrations demanding clean water and electricity. The lawyers demanded the government provide them better protection. In September, HRW reported that government forces threatened and arrested lawyers working in and around Mosul, Ninewa Governorate, whom the government forces perceived to be providing legal assistance to suspected members or supporters of ISIS and their associates and family members.

HRW reported in February and June that the government conducted rushed trials of foreign women and children on charges of illegal entry into the country and membership in or assistance to ISIS. Defense attorneys stated they rarely had access to their clients before hearings and were threatened for defending them. HRW alleged that judicial officials did not sufficiently take into account the individual circumstances in each case or guarantee the defendants a fair trial. Many of the foreign women received the death penalty or were sentenced to life in prison, and children older than age eight in some cases received sentences of up to five years in prison for ISIS membership and up to 15 years in prison for participating in violent acts. As of August at least 23 non-Iraqi women--including 17 from Turkey, two from Kyrgyzstan, two from Azerbaijan, and two from Germany--had received death sentences during the year for violating the counterterrorism law.

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

## **Trial Procedures**

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

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

Defendants' rights under law include the right to be present at their trial and the right to a privately retained or court-appointed counsel, at public expense, if needed. Defendants' insufficient access to defense attorneys was a serious defect in investigative, trial, and appellate proceedings. Many defendants met their lawyers for the first time during the initial hearing and had limited to no access to legal counsel during pretrial detention. This was particularly true in counterterrorism courts, where judicial officials reportedly sought to complete convictions and sentencing for thousands of suspected ISIS members quickly, including through mass trials.

Defendants also had the right, under law, to free assistance of an interpreter, if needed. The qualifications of interpreters reportedly varied greatly. Sometimes foreign consulates provided translators when their nationals were on trial, HRW reported in June; in other cases, the court found an ad hoc solution, for instance by asking a journalist in attendance to interpret for a defendant from Trinidad and Tobago. When no translator was available, judges reportedly postponed proceedings and sent the foreign defendants back to jail.

Judges assemble evidence and adjudicate guilt or innocence. Defendants and their attorneys have the right, under law, to confront witnesses against them and present witnesses and evidence. They may not be compelled to testify or confess guilt. Nevertheless, defendants and their attorneys were not always granted access to evidence, or government officials demanded a bribe in exchange for access to the case files. In numerous cases judges reportedly relied on forced or coerced

confessions as the primary or sole source of evidence in convictions, without the corroboration of forensic evidence or independent witness testimony.

In a July report, HRW described how judges routinely failed to investigate and punish security forces alleged to have tortured suspects, particularly those accused of terrorism and affiliation with ISIS. Instead, judges frequently ignored allegations of torture and reportedly convicted defendants based on forced or coerced confessions. In some cases judges convicted defendants without a retrial even after medical examinations revealed signs of torture. Legal experts noted that investigative judges' and police investigators' lack of expertise in forensics and evidence management also contributed to their reliance on confessions.

The law provides the right to appeal, although there is a statute of limitations for referral; the Court of Cassation reviews criminal cases on appeal. The law provides for retrials of detainees convicted due to forced or coerced confessions or evidence provided by secret informants, and the Ministry of Justice reported authorities released almost 7,900 detainees from government custody between the law's enactment in 2016 and July 31. Appellate courts sometimes upheld convictions reportedly based solely or primarily on forced or coerced confessions.

KRG officials noted that prosecutors and defense attorneys frequently encountered obstacles in carrying out their work and that prisoners' trials were unnecessarily delayed for administrative reasons. According to the IHRCKR, detainees have remained in KRG internal security service facilities for extended periods even after court orders for their release. Lawyers provided by an international NGO continued to have access to and provide representation to any juvenile without a court-appointed attorney.

### **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 or detention centers had been either convicted or charged under criminal law or were detained and awaiting trial while under investigation. It was difficult to assess these claims due to lack of government transparency; prevalence of corruption in arrest procedures; slow case processing; and extremely limited access to detainees, especially those held in counterterrorism, intelligence, and military facilities. Political opponents of the government alleged the government imprisoned individuals for political activities or beliefs under the pretense of criminal charges ranging from corruption to terrorism and murder.

There were isolated reports of political prisoners or detainees in the KRG. According to a human rights CSO in the IKR, in May KDP-aligned Asayish arrested and held for three months a former Peshmerga commander and prominent KDP member who had defected to an opposition party. In July the former mayor of Alqosh, Ninewa Governorate, claimed the Asayish detained, beat, threatened, and then released him to prevent him from reporting to work.

Niaz Aziz Saleh, convicted in 2012 of leaking KDP party information related to electoral fraud, remained in a KRG prison, despite the completion of his sentence in 2014.

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

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

Unlike federal law, KRG law provides for compensation to persons subject to unlawful arrest or detention; the KRG Ministry of Martyrs and Anfal Affairs handles such cases. The IHRCKR reported that, while approximately 5,000 cases (many historical) received approval for compensation consisting of a piece of land, 10 years' salary, and college tuition for one family member, the government could not pay compensation due to budget constraints. The ministry stated there were 13,000 unlawful arrests pending compensation decisions.

### **Property Restitution**

The constitution and law prohibit the expropriation of property, except for the public benefit and in return for just compensation. Some government forces and officials, however, forced suspected ISIS members and supporters from their homes in several governorates, confiscating homes and property without due process or restitution.

HRW reported in April that some police and judicial officials in Ninewa Governorate believed the counterterrorism law allowed legal expropriation and transfer of a home or property if it is registered in the name of an individual ISIS

member. The compensation commission of Mosul, Ninewa Governorate, stated that families of ISIS members could receive compensation if they obtain a security clearance to return home from the NSS, but HRW reported that all families of ISIS suspects were being denied clearance. According to the April report, there were 16 expropriations of homes registered to ISIS suspects or their relatives in Mosul, Ninewa Governorate, by PMF, Federal Police, or local police, or other families; in each case, the owners or their relatives were unable to retake the property, even when they sought judicial redress. Several local officials in Ninewa Governorate admitted that government forces were occupying or confiscating homes illegally in this manner.

Some home and property confiscations appeared to have ethnic or sectarian motives. For example, the 30th Shabak Brigade, an Iran-aligned PMF group operating east of Mosul, reportedly detained and harassed Christians and Kaka'i, including a Kaka'i man who was detained in July until he agreed to sell his house to a PMF leader. NGOs reported that judges and local officials often took bribes to settle such property disputes.

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

The constitution and law prohibit such actions, but there were numerous reports that the government failed to respect these prohibitions.

Government forces often entered homes without judicial or other appropriate authorization.

There were numerous reports that government forces and local authorities punished family members of suspected ISIS members and supporters. In some instances local community leaders reportedly threatened to evict these family members from their homes forcibly, bulldoze the homes, and either injure or kill these relatives. International NGOs stated that PMF groups forcibly displaced hundreds of families, destroyed or confiscated some of their homes, forced some parents to leave their children, stole livestock, and beat some of the displaced persons. There were also regular reports of government forces, particularly the PMF but also the Federal Police and local police, refusing to allow IDPs to return to their homes, sometimes despite the IDPs having the necessary security clearances from the government allowing them to do so.

### **g. Abuses in Internal Conflict**

Killings: From January 1 to August 31, UNAMI reported more than 700 civilians killed and almost 1,300 injured, a decrease from approximately 2,800 killed and more than 3,700 injured during the same period in 2017. It was unclear how many were intentionally targeted.

Despite its territorial defeat in December 2017, ISIS remained the major perpetrator of abuses and atrocities. These abuses were particularly evident in Anbar, Baghdad, Diyala, Kirkuk, Ninewa, and Salah al-Din Governorates, where ISIS routinely killed and abducted civilians and attacked security forces. Throughout the year ISIS detonated vehicle-borne IEDs and suicide bombs.

On January 15, ISIS carried out a pair of suicide bomb attacks that killed at least 27 persons in Tayaran Square, an area in Baghdad where laborers gather to find work. ISIS also claimed responsibility for a May 23 suicide attack in Baghdad that killed at least four individuals and wounded 15. In August, ISIS suicide bombers attacked an al-Hal political party building in Heet, Anbar, killing three ISF and wounding nine civilians, including a female electoral candidate. On September 12, a suicide bomber killed at least six persons and injured 42 others at a restaurant near Tikrit, Salah al-Din; security personnel believed ISIS to be responsible. In addition, IEDs reportedly left by ISIS before its territorial defeat and other explosive remnants of war continued to cause civilian casualties.

In May the UN secretary-general appointed Karim Khan as special adviser and head of the Investigative Team for the Accountability of Daesh (ISIS), established pursuant to UN Security Council resolution 2379 to support domestic efforts to hold ISIS accountable. The Investigative Team--which was tasked with collecting, preserving, and storing evidence in Iraq of acts that may amount to war crimes, crimes against humanity and genocide committed by ISIS--formally began its work in August.

Abductions: There were frequent reports of enforced disappearances by or on behalf of government forces, including ISF, Federal Police, PMF, Peshmerga, and Asayish, as well as by nongovernment militias and criminal groups. ISIS was responsible for most attributable disappearances and abductions, and frequently targeted government forces. The Mosul Police reported approximately 11,000 civilians were still missing in the city from the time of ISIS occupation and liberation.

ISIS claimed responsibility for a March 20 attack at a fake checkpoint on the highway between Baghdad and Kirkuk in Sarha District, Diyala Governorate, in which the attackers abducted eight Federal Police officers. ISIS published a video of their execution several days later.

As of September authorities reported more than 3,200 Yezidis, mainly women and children, remained in ISIS captivity in and outside the country, where they were subject to sexual slavery and exploitation, forced marriage, and other abuses. According to the KRG Ministry of Endowments and Religious Affairs, as of October more than 3,300 additional Yezidis had escaped, been rescued, or were released from ISIS captivity. As of August the KRG Yezidi Rescue Office, established by KRG Prime Minister Nechirvan Barzani, had spent more than \$10 million since 2014 to rescue captive Yezidis from ISIS.

In July the *New York Times* reported that a 16-year-old Yezidi girl named Souhayla had recently escaped from three years of ISIS imprisonment and sexual slavery in Iraq after an airstrike killed her captor.

IKR-based CSOs reported ISIS and organized criminal gangs had trafficked some captured Yezidi women and children internationally, primarily to Syria and Turkey, but also to Egypt, Saudi Arabia, the Gulf States, Europe, Afghanistan, Pakistan, and Russia's Chechen Republic. This reportedly included organ trafficking as well.

The IHCHR reported in August that 600 Turkmen kidnapped by ISIS, including more than 120 children, remained missing, while a Turkmen CSO reported more than 1,300 Turkmen were still missing. The CSO claimed to have evidence that ISIS had trafficked Turkmen women to Turkey, Syria, and Russia's Chechen Republic.

The KRG Ministry of Endowments and Religious Affairs also reported in October that 250 Christians had escaped, been rescued, or were released by ISIS, leaving an estimated 150 missing. According to the KRG Ministry of Peshmerga, more than 60 Peshmerga taken hostage during the fighting with ISIS remained missing.

Physical Abuse, Punishment, and Torture: Reports from international human rights groups stated that government forces, including Federal Police, National Security Service, PMF, and Asayish, abused prisoners and detainees, particularly Sunni Arabs. Following its territorial defeat in December 2017, ISIS' ability to capture prisoners was dramatically reduced.

Child Soldiers: There were no reports that the central government's Ministries of Interior or Defense conscripted or recruited children to serve in the security services. The government and Shia religious leaders expressly forbid children younger than age 18 from serving in combat. Unlike in previous years, there was no evidence on social media of children serving in combat positions. The central government faced challenges, however, in exercising complete control over certain units of the PMF, limiting its ability to address and prevent the recruitment and use of children by these groups, including some units of the Iran-aligned AAH, Harakat Hezbollah al-Nujaba (HHN), and KH militias. In May the UN Task Force on Children and Armed Conflict reported concerns that in 2017 the government failed to prevent PMF units in southern Iraq, including Najaf and al-Qadisiyah Governorates, from engaging in child recruitment and sponsoring military training camps for high school students, which included some children younger than age 18. The UN Task Force on Children and Armed Conflict verified 10 incidents affecting 19 boys throughout the country during the first quarter of the year, which included five recruitments in Ninewa Governorate, four killings, and 10 other injuries resulting from explosive materials in Ninewa, Kirkuk, and Salah al-Din Governorates. Antitrafficking in persons NGOs reported that some PMF groups, including AAH and HHN, continued recruiting males younger than age 18 to fight in Syria and Yemen.

As of early 2018, multiple sources reported the Kurdistan Worker's Party (PKK) People's Defense Forces (HPG) and Shingal Resistance Units (YBS) Yezidi militia, operating in Sinjar, Ninewa Governorate, and the IKR, continued to recruit and use children. According to Yezidi NGO Yazda, of approximately 400 Yezidi children younger than age 18 recruited as child soldiers by PKK and YBS militias, an estimated 100 remained with the militias as of November, with many of the rest having subsequently returned to their families.

In previous years ISIS was known to recruit and use children. Due in part to ISIS' territorial defeat in 2017, little information was available on its use of children in the country during the year.

In February the *Washington Post* reported the experience of one boy in Ninewa Governorate who was recruited by ISIS at age 17 to cook for fighters. A few months later, an uncle in the PMF reportedly recruited him to spy on ISIS and offered him three million Iraqi dinars (\$2,514). ISIS reportedly imprisoned the boy after catching him taking photographs. The boy eventually escaped, only to be

caught by KRG forces and reportedly sentenced to detention in a juvenile reformatory, where he remained.

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

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

Government forces, including the ISF, PMF, and Peshmerga, established or maintained roadblocks that impeded the flow of humanitarian assistance to communities in need, particularly in disputed territories such as Sinjar, Ninewa Governorate. The KRG, specifically KDP-run checkpoints, also restricted the transport of food, medicines and medical supplies, and other goods into some areas.

ISIS reportedly targeted civilian infrastructure, including several attacks on electricity and water infrastructure in Kirkuk and other governorates.

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

### **a. Freedom of Expression, Including for the Press**

The constitution provides for the right of free expression, including for the press, that does not violate public order and morality, express support for the banned Baath Party, or advocate altering the country's borders through violent means. The primary limitation on the exercise of this right was self-censorship due to credible fear of reprisals by the government, political parties, ethnic and sectarian forces, terrorist and extremist groups, or criminal gangs.

**Freedom of Expression:** Despite the constitutional protection for freedom of expression, central government and KRG oversight and censorship sometimes interfered with media operations, at times resulting in the closure of media outlets, restrictions on reporting, denying access to public information, and interference with internet service. Individuals were able to criticize the government publicly or privately but not without fear of reprisal.

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

In May residents of al-Nasiriya, Dhi Qar Governorate, protested the reported May 8 disappearance of a civil society activist who had written articles highlighting alleged corruption and criticizing political parties. Protesters called on the local government and security forces to investigate and publish their findings.

In July the Iraqi Media Network (IMN) fired the editor secretary of the *IMN Magazine* after he criticized the government on his personal social media account and expressed support for protesters in Basrah. In September al-Hurra television station received threats of violence after broadcasting stories perceived to convey anti-Iranian perspectives. Some online critics of the government operated under aliases to avoid persecution from the government and armed groups affiliated with elected officials. For example, on March 26 and 27, KRG forces prevented news crews from several IKR TV news outlets from covering demonstrations by teachers and public employees over salary delays in various locations in Erbil and Duhok Governorates. On May 26, Duhok Governorate security forces detained freelance journalist Mustafa Salih Bamarnee for 10 days for criticizing the KRG on social media.

Press and Media Freedom: Media were active and expressed a variety of views, largely reflecting the owners' political viewpoints. Media also self-censored to comply with government restrictions against "violating public order" and because of a fear of reprisal by political parties, militias, terrorist groups, criminal organizations, and private individuals, including political figures. Those media outlets unable to cover operating costs through advertising revenue frequently relied upon funding from political entities, leading to biased reporting. Political parties strongly influenced, or controlled outright, most of the several hundred daily and weekly print publications, as well as dozens of radio and television stations.

Local NGOs reported that independent media outlets in the IKR decreased due to their inability to compete with the large media outlets founded and funded by political parties and officials. Party-affiliated outlets recruited and attracted journalists away from independent media, further weakening them, according to local media experts. On June 5, independent Kurdish news outlet Awene ceased printing its newspaper due to financial shortfalls.

The KDP and PUK, the IKR's main political parties, gave prioritized access to the outlets they owned. In KDP strongholds, Kurdistan Television, Rudaw, and K24 had access to all public places and information, while in PUK-dominated Sulaimaniya Governorate, Kurdsat News, and GK TV enjoyed the same privilege. Conversely, outlets belonging to opposition parties or lacking party affiliation had limited access to public information in the IKR.

On March 27, Erbil Airport security reportedly prevented Nalia Radio and Television and Payam TV crews from covering a press conference with the Erbil Airport director. On July 5, the KRG prime minister's office reportedly prevented Kurdish News Network Television from covering the prime minister's press conference in Erbil.

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

In June police arrested a reporter in Fallujah, Anbar Governorate, who was investigating the involvement of Fallujah city hall leaders in a real estate scandal. According to Reporters Without Borders (RSF), police did not inform the journalist of the reason for his arrest and released him without charge three days later.

Multiple press freedom advocacy groups reported numerous violations of press freedom by the KRG, including physically blocking journalists' access to story locations and press conferences. In March, IKR authorities shut down news outlets and detained journalists for reporting on local demonstrations calling for basic government services. On March 26 and 27, security forces reportedly detained a Payam TV crew and Speda reporter Akar Fars for several hours, allegedly for covering demonstrations. Kurdish police shut down Khakbeer TV and seized broadcasting equipment of NRT from television crews.

Violence and Harassment: According to the Committee to Protect Journalists (CPJ), as of October no journalists were killed in the country.

Reporting from areas liberated from ISIS control remained dangerous and difficult. Journalists covering armed clashes involving government forces, militias, and ISIS

remnants faced serious threats to their safety. Military officials, citing safety considerations, sometimes restricted journalists' access to areas of active fighting.

Media workers often reported that politicians, government officials, security services, tribal elements, and business leaders pressured them not to publish articles critical of them. Journalists reported accounts of government or partisan violence, intimidation, death threats, and harassment.

In July police reportedly used electroshock weapons against, threatened, and detained for three hours three journalists covering protests at the airport in Najaf Governorate. According to RSF, all three were clearly identifiable as journalists when the police attacked them. The CPJ reported that between July 14 and September 6 at least seven journalists were assaulted or detained by police and PMF while covering protests over government corruption and the lack of basic services in several cities across the country, and the offices of two local media outlets were set afire by protesters.

Throughout the IKR, there were reports of beatings, detentions, and death threats against media workers. In some cases, the aggressors wore KRG military or police uniforms. Press freedom CSOs accused IKR authorities of unlawful detention of news outlet employees, intimidation by physical violence, and torture in connection with March arrests of journalists reporting on local protests. According to a local NGO, on March 27, security forces attacked and beat a Kurdsat TV crew in Akre, Duhok Governorate, injuring reporter Dilbrin Ghazi, and detaining him for two hours. On May 24, Sarkawt Kuba, a senior official in the KRG political party Gorran, and his guards reportedly beat journalist Sabah Ali Qaraman for criticizing Gorran officials.

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

Public officials reportedly influenced content by rewarding positive reporting with bribes, providing money, land, access to venues, and other benefits to journalists, particularly to members of the progovernment Journalists' Syndicate. These

restrictions extended to privately owned television stations operating outside of the country.

During national parliamentary elections in May, the government restricted media access at polling stations and held news conferences only for state-owned media and a pan-Arab news outlet. The NGO Journalist Freedoms Observatory (JFO) criticized the Independent Higher Electoral Commission (IHEC) for its lack of transparency during the democratic process.

The KRG placed additional scrutiny on texts containing what it perceived to be religious extremism. A KRG-appointed committee that screens books for publication and printing licenses rejected several books for this reason. While in 2017 the KRG reportedly banned 200 books from around the world from sale at the Erbil International Book Fair, the KRG banned fewer than 40 books--all from the IKR--during this year's book fair.

Libel/Slander Laws: Criminal and civil law prohibits defamation. Many in media asserted that defamation laws prevented them from freely practicing their profession by creating a strong fear of prosecution, although widespread self-censorship and financial reliance on political patronage impeded journalistic performance as well. Public officials occasionally filed libel charges that sometimes resulted in punitive fines on individual media outlets and editors, often for publishing articles containing allegations of corruption. When cases went to court, judges usually found in favor of the journalists, according to local media freedom organizations. Libel is a criminal offense under KRG law, and courts may issue arrest warrants for journalists on this basis.

Nongovernmental Impact: Nongovernmental and quasi-governmental actors, including militias outside of state control, terrorist groups, and criminal organizations reportedly threatened journalists with violence for reporting on sensitive subjects. Specifically, Iran-aligned PMF groups reportedly sent death threats and other threats of violence to journalists and civil society members covering protests in Basrah Governorate in September.

## **Internet Freedom**

The government restricted or disrupted access to the internet and censored online content, and there were reports the government monitored private online communications without appropriate legal authority. Government restrictions on access to the internet were overt, but the government denied that it monitored

private online communications without appropriate legal authority. Despite restrictions, political figures and activists used the internet to criticize politicians, mobilize protesters for demonstrations, and campaign for candidates through social media platforms.

The government acknowledged it interfered with internet access in some areas of the country, reportedly due to the security situation and ISIS' disruptive use of social media platforms. There were reports government officials attempted unsuccessfully to have pages critical of the government removed from Facebook and Twitter as "hate speech."

On July 16, the JFO issued a press release criticizing the government for cutting internet services and blocking social media sites throughout the country in what JFO considered an attempt to limit protests over the lack of adequate public services that erupted in southern and central Iraq. The government denied blocking internet services during the unrest and blamed the interruption on infrastructure issues, even though virtual private networks (VPNs) continued to work properly.

In a July report, Amnesty described how government forces assaulted peaceful protesters after purposefully disabling internet access in Baghdad and the southern portion of the country. Witnesses told the NGO that the government shut off internet access at strategic times to mask the government forces' displays of excessive and unnecessary force against civilians, including the use of live ammunition, which resulted in the death of eight individuals in July (see section 2.b.).

The government sporadically instructed internet service providers to shut down the internet for two to three hours a day during school exams, reportedly to prevent cheating on standardized national exams. In September the NGO AccessNow reported that the Ministry of Communications cut online communications for 10 days for two hours per day for this reason.

According to the International Telecommunication Union, 49 percent of individuals used the internet and 59 percent of households had internet access at home in 2017.

## **Academic Freedom and Cultural Events**

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

Academic freedoms remained restricted in areas of active conflict with ISIS.

NGOs in the IKR reported that senior professorships were easier to obtain for those with links to the traditional KDP and PUK ruling parties.

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

The government sometimes limited freedoms of peaceful assembly and association.

### **Freedom of Peaceful Assembly**

The constitution provides for freedom of assembly and peaceful demonstration “regulated by law.” Regulations require protest organizers to request permission seven days in advance of a demonstration and submit detailed information regarding the applicants, the reason for the protest, and participants. The regulations prohibit all “slogans, signs, printed materials, or drawings” involving “sectarianism, racism, or segregation” of citizens. The regulations also prohibit anything that would violate the constitution or law; encourage violence, hatred, or killing; or prove insulting to Islam, “honor, morals, religion, holy groups, or Iraqi entities in general.” Provincial councils traditionally maintained authority to issue permits. Authorities generally issued permits in accordance with the regulations.

The government largely respected the right of its citizens to freedom of peaceful assembly. In July and August in Baghdad, demonstrators staged peaceful protests to demand better services, jobs, and an end to government corruption.

In some cases the government used force against protesters. During protests in Basrah Governorate and other areas of southern Iraq over corruption and poor public services related to water and electricity between July and September, at least 15 persons died in clashes with government forces, according to media reports. Local human rights organizations reported that government forces in some cases prevented the injured from receiving treatment at hospitals and detained members of civil society investigating the government’s response to the protests.

On March 28, KRG forces arrested more than 80 protesters demonstrating against poor public services and government salaries in the IKR.

### **Freedom of Association**

The constitution provides for the right to form and join associations and political parties, with some exceptions. The government generally respected this right, except for the legal prohibitions against groups expressing support for the Baath Party or Zionist principles. The penal code stipulates that any person convicted of promoting Zionist principles, association with Zionist organizations, assisting such organizations through material or moral support, or working in any way to realize Zionist objectives, be subject to punishment by death. There were no known cases of individuals charged with violating this law during the year.

The government reported it took approximately one month to process NGO registration applications. NGOs must register and periodically reregister in Baghdad. The NGO Directorate in the Council of Ministers Secretariat reported approximately 3,500 registered NGOs as of September. International organizations such as the ICRC and the International Commission on Missing Persons continued to operate in a legal gray area, given a gap in government registration regulations.

The IKR requires separate registration in Erbil. The first half of the year witnessed continuing fallout from the September 2017 KRG independence referendum in that the KRG and central government did not mutually recognize NGO registration. As a result, many NGOs that were registered only in Baghdad could not operate in the IKR for the first half of the year, while NGOs registered only in Erbil could not operate outside the IKR and KRG-controlled disputed territories until the issue was resolved.

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

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

### **d. Freedom of Movement**

The constitution and law provides for the freedom of internal movement, foreign travel, emigration, and repatriation, but the government did not consistently respect

these rights. In some instances authorities restricted movements of displaced persons, and authorities did not allow some IDP camp residents to depart without specific permission, thereby limiting access to livelihoods, education, and services. Many parts of the country liberated from ISIS control suffered from movement restrictions due to checkpoints of PMF units and other government forces. In other instances local authorities did not always recognize security permits of returnees nor comply with the central government's orders to facilitate, but not force, returns.

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, or other persons of concern. The government did not have effective systems to assist all of these individuals, largely due to funding shortfalls and lack of capacity. Successful efforts by the government to regain control of areas previously held by ISIS allowed many returns to take place. Returnees, however, grappled with the destruction of homes, lack of services and livelihoods, and continued concerns for security due to the prevalence of PMF groups that, in some cases, led to secondary displacement.

Security considerations, unexploded ordnance, destruction of infrastructure, and official and unofficial restrictions sometimes limited humanitarian access to IDP communities. Insecurity caused by the presence of ISIS and PMF groups hindered the movement of international staff of humanitarian organizations, restricting their ability to monitor programs for a portion of the year.

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

During the year the ISF decreased the number of checkpoints in many parts of the country.

Humanitarian agencies frequently reported evictions of IDPs from camps and informal displacement sites due to closures and consolidations, which reportedly

were often not coordinated with humanitarian actors and which caused some sudden, involuntary displacements. Some political actors promoted camp closures in advance of May parliamentary elections, and authorities reportedly used coercive measures during eviction notifications. IDP camp managers reported government officials did not always give IDPs at closed camps the choice of returning to their areas of origin or displacement to another site. Some families in camps near Baghdad expressed a desire to integrate locally, having found informal employment, but local government authorities reportedly denied requests.

There were numerous reports that IDPs, particularly those suspected of ISIS affiliation, faced hostility from local government officials and populations, as well as expulsion. In liberated areas of Anbar, Duhok, Kirkuk, Ninewa, and Salah al-Din Governorates, humanitarian agencies reported movement restrictions for families with relatives suspected of ISIS affiliation. In June, HRW reported government forces blocked the return of IDPs with suspected ISIS affiliation in Anbar, even though they had obtained permission from camp security forces and were returning to areas of origin with government transportation. Tribal leaders and humanitarian actors reported that fabricated accusations of ISIS affiliation led to stigmatization of IDPs and de facto restrictions on in-country movement. They also expressed concerns of collective punishment against certain communities for their perceived ties to ISIS. For example, according to UNHCR, 150 returnee families faced discrimination in Rutba, Anbar Governorate, based on their perceived ISIS affiliation. Tribal pacts called for punishing false accusations of ISIS affiliation, but they also prohibited legal defense for those affiliated with ISIS. IDPs were also often the targets of stigmatization or discrimination because of familial rivalries or economic reasons, rather than affiliation with ISIS. Anbar authorities reportedly made efforts to stop these practices and to work toward post-ISIS reconciliation.

Multiple international NGOs reported that PMF units and Peshmerga prevented civilians, including Sunni Arabs and ethnic and religious minorities, from returning to their homes after government forces ousted ISIS (see section 6, National/Racial/Ethnic Minorities and Other Societal Violence or Discrimination). For example, UNHCR reported that local armed groups barred returns to certain areas of Baiji, Salah al-Din Governorate. Similarly, Christian CSOs reported that certain PMF groups, including the 30th Shabak Brigade, prevented Christian IDP returns and harassed Christian returnees in several towns in the Ninewa Plain, including Bartalla and Qaraqosh.

There were reports some PMF groups harassed or threatened civilians fleeing conflict zones or returning to liberated areas and targeted civilians with threats, intimidation, physical violence, abduction, destruction or confiscation of property, and killing.

Syrian refugees continued to have restrictions on residence and movement outside the IKR.

KRG and central government forces closed roads and restricted movement in disputed territories between the central government and the IKR. For example, Peshmerga, ISF, and PMF checkpoints closed many roads from KRG-controlled territory to central government-controlled areas, including the roads from Erbil to Kirkuk, Duhok to Sinjar, Badria to Mosul, al-Qosh to Tal Kayf, Sheikhan to Mosul, and Hawler to Mosul. The closure of these roads hampered the return home of IDPs, slowed economic recovery in areas affected by ISIS, and separated populations from access to schools, medical facilities, and markets. By November all but the Duhok-Sinjar road had been opened for civilian traffic.

The KRG restricted movement across the areas it administered. Authorities required nonresidents to obtain permits that authorized limited stays in the IKR. These permits were generally renewable. Citizens who sought to obtain residency permits for KRG-controlled areas required sponsorship from a resident in the region. Humanitarian actors described the sponsorship program as effective in enabling the return of thousands of IDPs. Citizens of all ethnosectarian backgrounds, including Kurds, crossing into the IKR from central or southern regions were obligated to cross through checkpoints and undergo personal and vehicle inspection. The government imposed similar restrictions on IDPs from Ninewa Governorate and the disputed territories.

KRG authorities applied restrictions more stringently in some areas than in others. The United Nations and international humanitarian organizations stated that restrictiveness of entry for IDPs and refugees seeking to return depended upon the ethnosectarian background of the displaced individuals and the area to which they intended to return. There were also reports that authorities sometimes closed checkpoints into the region for extended periods, forcing IDPs to wait. Officials prevented individuals whom they deemed security threats from entering the region. KRG officials generally admitted minority IDPs into the IKR, although security checks reportedly were lengthy on occasion. Entry reportedly was often more difficult for men, particularly Arab men traveling without family.

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

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

According to the IOM Displacement Tracking Matrix, fewer than 1.9 million persons remained internally displaced in the country as of October, predominantly in Erbil, Duhok, and Ninewa Governorates. Almost 4.1 million persons had returned to areas of origin across the country since those areas were liberated from ISIS. In August the IOM reported 12 percent of IDPs lived in shelter arrangements that did not meet minimal safety or security standards, 29 percent lived in IDP camps and settlements, and 48 percent resided in private accommodations, including host family residences, hotels, motels, and rental housing.

The constitution and national policy on displacement address IDP rights, but few laws specifically do so. The government and international organizations, including UN agencies and local and international NGOs, provided protection and other assistance to IDPs. Humanitarian actors provided support for formal IDP camps and implemented community-based services for IDPs residing outside of camps to limit strain on host community resources. In December 2017 the United Nations lowered the designation of the country's humanitarian crisis from a level three to a level two emergency.

In March the government and the United Nations jointly announced the *Government's Plan for Relief, Shelter and Stabilization of Displaced People* and the *Humanitarian Response Plan (HRP)*. The government's plan strengthened the provision of legal protection to IDPs, provided relief items and services in camps, and supported safe returns. The HRP outlined the projects and funding required to meet the needs of 3.4 million of the most vulnerable persons in Iraq and included provisions for protection. It also strengthened mechanisms with government authorities to support voluntary, safe, and sustainable returns of IDPs.

In some areas violence, insecurity, and long-standing political, tribal and ethnosectarian tensions hampered progress on national reconciliation and political reform, complicating the protection environment for IDPs. The government forced large numbers of IDPs to return to their places of origin to vote in parliamentary elections in May. Thousands of families faced secondary displacement due to economic and security concerns. Forced displacements, combined with unresolved problems caused by the uprooting of millions of Iraqis in past decades, strained the capacity of local authorities.

Some government forces, including PMF, reportedly forcibly displaced individuals due to perceived ISIS affiliation or for ethnosectarian reasons. For example, HRW reported that in January government forces, including the PMF, forcibly displaced at least 235 families of people with alleged ties to ISIS and sent them to IDP camps in Kirkuk Governorate. In a report published in February, individuals interviewed by HRW said local police working in the camp confiscated their identity papers and prevented them from leaving.

Government assistance focused on financial grants, but payments were sporadic. Faced with large movements of IDPs across the country, the government provided food, water, and financial assistance to many, but not all IDPs, including in the IKR. Many IDPs lived in informal settlements without access to adequate water, sanitation, or other essential services. The UN Education Cluster reported that out-of-camp IDP populations had the poorest school attendance and highest dropout rates amongst IDPs, refugees, and host communities. The UN Education Cluster also found displaced children in out-of-camp settings lacked civil documents at higher rates than those in camps.

All citizens were eligible to receive food under the Public Distribution System (PDS), but authorities implemented the PDS sporadically and irregularly, with limited access in recently liberated areas. Authorities did not distribute all commodities each month, and not all IDPs could access the PDS in each governorate. Low oil prices reduced government revenues and further limited funds available for the PDS. There were reports of IDPs losing access and entitlement to PDS distributions and other services due to requirements that citizens could only redeem PDS rations or other services at their registered place of residence.

Throughout the year UNICEF criticized Ministry of Education decisions in January and April to close some IDP schools in the IKR. In August the IHCHR called on the central government's Ministry of Health to resume deliveries of food and medicine to the IDP camps in the IKR.

Local authorities often determined whether IDPs would have access to local services. Through the provision of legal aid, the United Nations and other humanitarian organizations assisted IDPs in obtaining documentation and registering with authorities to improve access to services and entitlements. Humanitarian agencies reported some IDPs faced difficulty with registration due to lack of required civil documentation and administrative delays. Many citizens who

previously lived in ISIS-controlled areas did not have civil documents, increasing the difficulty of obtaining identification and other personal documents.

Households with perceived ties to ISIS faced stigma and were at increased risk of being deprived of their basic rights, as reported by Amnesty in April. Government officials frequently denied security clearances for displaced households with a perceived ISIS affiliation to return to areas of origin. Because of this perceived affiliation, these households faced challenges in obtaining civil documentation and had limited freedom of movement, including to seek medical treatment, due to the risk of arrest or inability to reenter the camp. Humanitarian organizations reported that female heads of household in multiple IDP camps struggled to obtain permission to move and were subject to verbal and physical harassment, including rape and sexual assault and exploitation, by government forces and camp residents.

IKR-based NGOs documented numerous cases of women forced by ISIS to marry fighters who became widows with children, but lacked marriage and birth certificates required to obtain legal documentation for their children. These women and children were stigmatized because of their association with ISIS, leaving them at heightened risk of suicide, retaliation, and sexual exploitation. Honor killings remained a risk, although some communities issued edicts and took steps to absolve women of any perceived guilt associated with their sexual exploitation by ISIS fighters. Communities generally did not accept children born to ISIS fighters, however, and they were frequently abandoned or placed in orphanages, as reported by Yezidi NGOs and media.

Central government authorities and governors took steps to close or consolidate camps, sometimes in an effort to force IDPs to return to their areas of origin. In many cases forced returns from camps resulted in secondary or tertiary displacement, often to out-of-camp settings. Reuters reported that between November 2017 and January ISF forcibly returned between 2,400 and 5,000 IDPs from camps in Amriyat al-Falluja, Anbar Governorate. Aid workers told media that military trucks arrived at camps unannounced and commanders read out lists of people, who had one hour to pack their belongings and go. Reuters reported in January that five camp residents said they were forced to leave by ISF but had to turn back because checkpoints manned by Iranian-aligned PMF units demanded bribes of up to approximately 500,000 Iraqi dinars (\$419) to let people through, a sum none could afford.

Humanitarian organizations regularly criticized the government for returning IDPs to unsafe areas. In January, Reuters detailed the experiences of Saleh Ahmed,

whose family ISF evicted from a camp in Amriyat al-Falluja, Anbar Governorate, in November 2017 and forced to return to their home town of Betaya. Ahmed reportedly refused because contacts at home told them the area was filled with booby traps left by ISIS and that their houses had been destroyed, but a local commander assured them the area was safe. Upon return an explosive went off, killing Ahmed's wife, burning his daughter over much of her body, and injuring Ahmed.

IDPs returning to towns and areas in the Ninewa Plain reported that ISIS had destroyed temples, houses of worship, cemeteries, and schools. Local authorities reported that, as of September 18, more than 7,400 Christian families from a pre-ISIS population of 19,000 families had returned to the Ninewa Plain, compared with only 200 as of September 2017. Christian IDPs and returnees in villages and towns in the Ninewa Plain under PMF control reported the PMF imposed arbitrary checkpoints and detained civilians without legal authority to do so. West Mosul, Ninewa Governorate, along with the historically Christian town of Batnaya north of Mosul, remained in ruins and almost completely uninhabited. Most Christian IDPs refused to return to the nearby town of Tal Kayf, citing fear of the PMF 50th Babylon Brigade that occupied it. According to a June report by the Yezidi NGO Nadia's Initiative, more than 64,000 persons out of a precrisis population of more than 126,000 had returned to the eight collectives in north Sinjar, Ninewa Governorate. Southern Sinjar remained in ruins and almost uninhabited.

### **Protection of Refugees**

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

Employment: Refugees and asylum seekers are legally entitled to work in the private sector. Palestinian refugees, however, faced job insecurity in the public sector due to their ambiguous legal status; the government did not recognize their refugee status nor allow them to obtain citizenship. Syrian refugees were able to obtain and renew residency and work permits both in refugee camps and in the IKR, although not in the rest of the country. Authorities arrested refugees with IKR residence permits who sought work outside of the region and returned them to the IKR. A UNHCR survey of Syrian refugees in the IKR between April and June

showed that 83 percent of the refugee families had at least one family member regularly employed in some form of livelihood activity.

Durable Solutions: There was no large-scale resettlement or integration of refugees in central and southern Iraq. Ethnic Kurdish refugees from Syria, Turkey, and Iran generally integrated well in the IKR, although economic hardship reportedly plagued families and prevented some children, especially Syrians, from enrolling in formal school. For the 2018/19 school year, the KRG Ministry of Education began teaching all first- and second-grade classes for Syrian refugees outside refugee camps in Sorani Kurdish in Erbil and Sulaimaniya Governorates and Badini Kurdish in Duhok Governorate instead of the dialects of Kurmanji Kurdish spoken by Syrian Kurds, while offering optional instruction in Sorani and Badini to those inside refugee camps.

### **Stateless Persons**

UNHCR estimated there were more than 47,000 stateless individuals in the country as of August.

Absent a countrywide, consistent plan to document children of Iraqi mothers and ISIS fathers, some of those children are at risk of statelessness. The government enforced a law requiring any non-Muslim women who bore children of Muslim men to register children as Muslim, no matter the circumstances of the child's conception or the mother's religion. The Yezidi community frequently welcomed back Yezidi women but not Muslim children fathered by ISIS fighters. The Yezidi community frequently forced women to give up such babies and minor children to orphanages under threat of expulsion from the community. The ICRC provided shelter referrals to some Yezidi women and, in some cases, assisted mothers in finding forcibly abandoned children. As a result, some such children are without parents, identification, clear country of birth, or settled nationality.

As of 2006, the latest year for which data was available, an estimated 54,500 "Bidoun" (stateless) individuals, living as nomads in the desert in or near the southern governorates of Basrah, Dhi Qar, and Qadisiyah, remained undocumented and stateless descendants of individuals who never received Iraqi citizenship upon the state's founding. Prolonged drought in the south of the country forced many individuals from these communities to migrate to city centers, where most obtained identification documents and gained access to food rations and other social benefits. Other communities similarly at risk of statelessness included the country's Romani (Dom) population; the Ahwazi, who are Shia Arabs of Iranian

descent; the Baha'i religious minority; inhabitants of the southern marshlands; members of the Goyan and Omariya Turkish Kurdish tribes near Mosul; and nationals of South Sudan.

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

### **Section 3. Freedom to Participate in the Political Process**

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

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

Recent Elections: In May the IHEC conducted elections for the Council of Representatives (COR)--the national parliament. International and local observers monitored the elections. Although observers declared the elections peaceful, allegations of fraud prompted parliament to order a recount of ballots in areas of Anbar, Kirkuk, Baghdad, and the IKR. Allegations of fraud included manipulation of electronic ballot tallies, ballot stuffing, and voter intimidation. The International Crisis Group reported in May on allegations in Kirkuk Governorate, noting that the Kurdish PUK party won in several non-Kurdish areas with historically low PUK support, and turnout in Kurdish areas was low compared both to past elections and to turnout in Turkmen and Arab areas. After the four main KRG opposition parties rejected the results of the May election, an armed force reportedly loyal to the PUK attacked the headquarters where top officials of the four parties were meeting in Sulaimaniyah Governorate. In June authorities arrested three police officers and an IHEC employee in connection with a fire that damaged IHEC warehouses in Baghdad where ballots and equipment from the May elections were stored. IHEC concluded its recount in August with no major changes to the initial results, and the Federal Supreme Court certified the results the same month.

Due to challenges in obtaining or replacing civil documentation, as well as last-minute changes to IHEC identification requirements, many IDPs were disenfranchised during the May elections.

The Kurdistan Independent High Electoral Commission held elections in September for the Iraqi Kurdistan Parliament (IKP). Most observers witnessed only minor irregularities and saw no evidence of systemic fraud, but opposition parties alleged voter intimidation and systemic fraud, such as ballot stuffing and falsification of documents--without providing specifics--by the KDP and PUK.

Political Parties and Political Participation: Political parties and coalition blocs tended to organize along either religious or ethnic lines, although some parties crossed sectarian lines. Membership in some political parties, particularly KDP and PUK in the IKR or major parties in central government-controlled territory, conferred special privileges and advantages in employment and education.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate.

The constitution mandates that women constitute at least 25 percent of parliamentary and provincial council membership. In parliamentary elections during the year, 19 women received sufficient votes to win seats in the 329-seat COR without having to rely on the constitutional quota, compared with 22 in 2014. Sixty-five additional women were awarded seats based on the quota, raising the total number of seats women held to 84. Nonetheless, political discussions often reportedly marginalized female members of parliament. One woman was appointed to the cabinet formed during the fall.

As electoral candidates, women faced gender-based intimidation and abuse (see section 6, Women). For example, Intidhar Ahmed Jassim withdrew from the race after a sex video was circulated on social media purporting to show her in bed with a man. Local and international press reported similar social media incidents in April and May, including sex tapes and photos allegedly showing women candidates kissing, posing in underwear, or dancing in revealing outfits.

Of the 329 seats in parliament, the law reserves nine seats for minorities: five for Christian candidates from Baghdad, Ninewa, Kirkuk, Erbil, and Duhok Governorates, respectively; one Yezidi; one Sabeen-Mandaean; one Shabak; and, following a parliamentary decision in February, one for Faili Kurds in Wasit Governorate. One Christian was appointed to the new cabinet.

Following complaints by Yezidi activists, the Federal Supreme Court ruled in January that the Yezidi minority must have more seats in the country's parliament,

reflective of the size of the community, but the decision was not implemented during the year. The Yezidi member of parliament welcomed the decision, stating to local media that this meant there should be five Yezidi representatives in the parliament, as the minority numbered more than 500,000 in the country and the court ruled that there should be one seat per 100,000 population.

The KRG reserves 30 percent of parliamentary and provincial council membership for women. Female candidates won 34 of 111 seats in the IKP in the 2018 elections, compared with 33 in the 2013 IKP elections.

Of 111 seats in the IKP, the law reserves 11 seats for minorities along ethnic, rather than religious lines: five for (predominantly Christian) Chaldo-Assyrian candidates, five for Turkmen candidates, and one for Armenian candidates. No seats are reserved for self-described groups whom the KRG considers ethnically Kurdish or Arab, such as Yezidis, Shabak, Sabean-Mandaeans, Kaka'i, and Faili Kurds.

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

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

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. The law allowed some individuals convicted of corruption to receive amnesty upon repaying money they had obtained by corruption, which had the effect of allowing them to keep any profits from stolen funds. Officials frequently engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year.

Corruption: According to the parliamentary transparency commission, corruption over the past 15 years caused at least \$320 billion to go missing from the state treasury, mostly because of corrupt or phantom contracts. Bribery, money laundering, nepotism, and misappropriation of public funds were common at all levels and across all branches of government. One politician told AFP journalists in December 2017 that stolen sums of less than \$60 million “can be seen as honest;

from there upwards, we can speak of corruption.” Family, tribal, and ethnosectarian considerations significantly influenced government decisions at all levels and across all branches of government. Investigations of corruption were not free from political influence.

Anticorruption efforts were hampered by a lack of agreement concerning institutional roles and political will, political influence, lack of transparency, and unclear governing legislation and regulatory processes. Although anticorruption institutions increasingly collaborated with civil society groups the effect of expanded cooperation was limited. Media and NGOs attempted to expose corruption independently, but their capacity was limited. Anticorruption, law enforcement, and judicial officials, as well as members of civil society and media, faced threats, intimidation, and abuse in their efforts to combat corrupt practices.

In 2016 the International Monetary Fund’s Executive Board approved a three-year 6.22 trillion Iraqi dinars (\$5.34 billion) stand-by arrangement that called for the government to take measures through June 2019 to combat corruption, in addition to completing a fiscal rationalization program. The Commission of Integrity (COI) is undertaking a *National Strategy to Combat Corruption (2015-19)* that aims to increase training and development of staff of the inspectors general office and the COI. In August the COI issued a summary of the commission’s biannual report, finding the commission filed more than 4,500 corruption cases and issued more than 1,000 arrest warrants. There were almost 500 convictions, including four ministers and almost 30 senior officials, although they were not named. The report stated that the law allowed more than 400 convicts amnesty upon repaying money they had obtained by corruption.

The Central Bank leads the government’s efforts to combat money laundering and terrorist financing. Through the Offices of Banking Supervision and Financial Intelligence, the Central Bank worked with law enforcement agencies and the judiciary to identify and prosecute illicit financial transactions. The investigatory capacity of authorities remained extremely limited, although they were successful in prosecuting money-laundering cases linked to ISIS. The COI, which prosecutes money-laundering cases linked to official corruption, suffered from a lack of investigatory capacity.

The Council of Ministers Secretariat has an anticorruption advisor, and the COR has an integrity committee. The Council of Ministers secretary general led the Joint Anticorruption Council, which also included agency inspectors general.

According to IHEC, in May the previous prime minister fired five local election officials on charges of corruption during the parliamentary elections. The officials included the heads of election offices in Salah al-Din, Kirkuk, and Anbar Governorates and those who oversaw expatriate voting in Jordan and Turkey.

Border corruption was also a problem. In June the Center for International Private Enterprise reported that although the law mandates governorates receive 50 percent of border revenues, Wasit Governorate had not received its share of funding since 2011.

Between July and September, waves of largely youth-led protests occurred in Basrah and other southern governorates, with protesters condemning corruption and calling for better governance, more entry-level jobs, and reliable public services, including clean water and electricity. In August former prime minister Abadi responded by ordering the formation of a committee to investigate corruption in response to the widespread protests.

In September the Criminal Court sentenced a former deputy general secretary at the Ministry of Defense to six years in prison for fraud in procuring military equipment for the ministry during his tenure with the Iraqi Transitional Government from 2005 to 2006.

The KRG maintained its own COI, which issued its first report in 2017. The COI lacked the resources and investigators needed to pursue all potential corruption cases, according to one specialist on the issue.

In late March, KRG civil servants protested across the IKR for unpaid wages. The Carnegie Endowment for International Peace assessed in April that after three years of unpaid salaries and rising public debt to local creditors, KRG civil servants and the general Kurdish population were vocally opposing government corruption and frustration with the ruling Barzani and Talabani families.

In August the KRG formally launched *Xizmat* (“services”), a government reform program to document and provide more efficient and transparent government services to citizens in the IKR using an online portal. Elements of the overall program included taxation, payroll, budget planning, budget execution, and other economic reform priorities. The central government made limited progress implementing a similar, but narrower, program.

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 does not exist. The COI has no jurisdiction over the IKR, but Kurdish members of the central government were required to conform to the law. The law obligates the COI to provide public annual reports on prosecutions, transparency, accountability, and ethics of public service. According to the COI's semiannual report, only one third of MPs and only two of 15 governors submitted their financial information.

The Kurdistan Commission on Public Integrity is responsible for distributing and collecting financial disclosure forms in the IKR. There was no information available indicating that public officials faced penalties for financial nondisclosure.

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

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

Due to the ISIS-driven humanitarian crisis, the majority of local NGOs focused on assisting IDPs and other vulnerable communities. In some instances these NGOs worked in coordination with central government and KRG authorities. Still, a number of NGOs also investigated and published findings on human rights cases. There were some reports of government interference with NGOs investigating human rights abuses and violations involving government actors. For example, NGOs reported that police detained some of their staff in September for covering protests in Basrah Governorate; police released them several days later.

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

NGOs were prevented from operating in certain sectors (see section 6, Women).

Many NGOs registered only in Baghdad could not operate in the IKR for the first half of the year, while NGOs registered in Erbil could not operate outside the IKR and KRG-controlled disputed territories (see section 2.b.).

The IKR had an active community of mostly Kurdish NGOs, many with close ties to and funding from the PUK and KDP political parties. Government funding of NGOs legally is contingent upon whether an NGO's programming goals conform to already-identified KRG priority areas. The KRG NGO Directorate established formal procedures for awarding funds to NGOs, which included a public description of the annual budget for NGO funding, priority areas for consideration, deadlines for proposal submission, establishment of a grant committee, and the criteria for ranking proposals.

As with the central government, there were some reports of KRG interference with NGOs investigating human rights abuses and violations involving KRG actors. In January the Academy of Democratic Thoughts, an Erbil-based NGO, reported that the Asayish closed the organization's offices in Erbil Governorate and shut down the organization's cultural and anticorruption events, claiming that the themes of the events were not consistent with its status as a NGO.

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

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

The IHRCKR issued periodic reports on human rights, trafficking in persons, and religious freedom in the IKR. The commission reported KRG police and security organizations generally had been receptive to human rights training and responsive to reports of violations. Both the IHRCKR and local NGO Kurdistan Human

Rights Watch conducted human rights training for Peshmerga, although the latter group reported it was unable to obtain permission for a similar program for the Asayish.

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

### **Women**

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

Humanitarian protection experts assessed that conditions in IDP camps were highly conducive to sexual exploitation and abuse. Amnesty reported in April that women in IDP camps with alleged ties to ISIS were particularly vulnerable to abuse, including rape by government forces and other IDPs (see sections 1.c. and 2.d.).

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

The government made some progress on implementation of its 2016 joint communique with UNAMI on the Prevention and Response to Conflict-related Sexual Violence in 2016, but human rights organizations reported that the criminal justice system was often unable to provide adequate protection for women.

Likewise, NGOs reported that the government made minimal progress in implementing UN Security Council Resolution 1325 on women, peace, and

security despite an implementation plan launched in 2016. The KRG High Council of Women's Affairs reported that neither the central government nor the KRG had allocated a budget for implementing this resolution.

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

The government and KRG also struggled to address the physical and mental trauma endured by women who lived under ISIS rule. In September, UNHCR reported almost 30 suicides, most by Yezidi women, in six IDP camps in Duhok Governorate since the beginning of the year, a number UNHCR believed to be underreported.

While the law does not explicitly prohibit NGOs from running shelters for victims of gender-based crimes, the law allows the Ministry of Labor and Social Affairs to determine if a shelter may remain open, and the ministry did not do so. As a result, only the Ministry could operate shelters in central government-controlled territory. NGOs that operated unofficial shelters faced legal penalties for operating such shelters without a license (see section 5). NGOs reported that communities often viewed the shelters as brothels and asked the government to close them; on occasion, shelters were subject to attacks. In order to appease community concerns, the ministry regularly closed shelters, only to allow them to reopen in another location later.

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

In December the BBC visited secret shelters for domestic violence victims in the country, reporting a call for help from one woman who claimed to be imprisoned

in Mosul, Ninewa Governorate, by family members and physically abused on a daily basis during a three-year period.

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

In the IKR one privately operated shelter and four KRG Ministry of Labor and Social Affairs-operated shelters provided some protection and assistance for female victims of gender-based violence and human trafficking. Space reportedly was limited, and service delivery reportedly was poor. NGOs played a key role in providing services, including legal aid, to victims of domestic violence, who often received no assistance from the government. Instead of using legal remedies, authorities frequently mediated between women and their families so that the women could return to their homes. Other than marrying or returning to their families, which often resulted in further victimization by the family or community, there were few options for women accommodated at shelters.

As of September authorities reported more than 3,200 Yezidis, mainly women and children, remained in ISIS captivity, where they were subject to sexual slavery and exploitation, forced marriage, and other abuses.

Female Genital Mutilation/Cutting (FGM/C): NGOs and the KRG reported the practice of FGM/C persisted in the IKR, particularly in rural areas of Erbil, Sulaimaniyah, and Kirkuk Governorates, and among refugee communities, despite a ban on the practice in IKR law. Rates of FGM/C, however, reportedly continued to decline. FGM/C was not common outside the IKR.

A 2016 study (the most recent data available) by UNHCR, the KRG, and the international NGO Heartland Alliance, found almost 45 percent of women surveyed had been subject to FGM/C in the IKR, a decrease from previous years. NGOs attributed the reduction in FGM/C to the criminalization of the practice and sustained public outreach activities. For example, in April media reported on the efforts of activists like Kurdistan Rasul, a victim of FGM/C who encouraged men and women in IKR villages to end the practice.

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

In August media reported that a bridegroom returned his bride to her parents the day after their wedding, complaining that she was not a virgin. A family member then reportedly beat her to death. Media reported that police arrested a male relative, but the motive remained a subject of public debate as of November.

During the year the KRG began prosecuting murders of women, including by honor killings, as homicides, meaning culprits convicted of honor killings were subject to penalties up to and including the death penalty. The KRG Ministry of Interior Directorate General of Combating Violence against Women confirmed that sentences in such cases sometimes reached 20 years. The ministry reported 14 cases of honor killings occurred in the IKR during the year, as of September.

There were reports that women and girls were sexually exploited through so-called temporary marriages, under which a man gives the family of the girl or woman dowry money in exchange for permission to “marry” her for a specified period. Destitute IDP families living in camps reportedly were especially vulnerable to this type of exploitation, as detailed in an April Amnesty report. NGOs reported some families opted to marry off their underage daughters in exchange for dowry money, believing the marriage was genuine, only to have the girl returned to them, sometimes pregnant, only months later.

Government officials and international and local NGOs also reported that the traditional practice of *fasliya*, whereby family members, including women and children, are traded to settle tribal disputes, remained a problem, particularly in southern governorates.

Sexual Harassment: The law prohibits sexual relations outside marriage, including sexual harassment. Penalties include fines of up to only 30 dinars (2.5 cents) or imprisonment or both not to exceed three months for a first-time offender. The law provides relief from penalties if unmarried participants marry. The law prohibits sexual harassment in the workplace. No information was available regarding the

effectiveness of government enforcement, but penalties were very low. In most areas there were few or no publicly provided women's shelters, information, support hotlines, and little or no sensitivity training for police. Refugees and IDPs reported regular sexual harassment, both in camps and cities in the IKR.

In the absence of shelters, authorities often detained or imprisoned sexual harassment victims for their own protection. Some women, without alternatives, became homeless.

Female political candidates suffered harassment online and on social media, including posting of, often fake, nude or salacious photos and videos meant to harm their campaigns (see section 3).

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization by government authorities. Unlike previous years, there were no reports of coerced abortion by ISIS or other armed groups of pregnancies of Yezidi captive women.

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

For example, in a court of law, a woman's testimony is worth half that of a man in some cases and is equal in other cases. The law generally permits women to initiate divorce proceedings against their spouses, but the law does not entitle a divorced woman to alimony other than child support or two years financial maintenance in some cases; in other cases the woman must return all or part of her dowry or otherwise pay a sum of money to the husband. Under the law the father is the guardian of the children, but a divorced mother may be granted custody of her children until age 10, extendable by a court up to age 15, at which time the child may choose with which parent he or she wishes to live.

All recognized religious groups have their own personal status courts responsible for handling marriage, divorce, and inheritance issues, and discrimination toward women on personal status issues varies depending on the religious group. The

government's interpretation of sharia is the basis of inheritance law for all citizens except recognized religious minorities. In all communities, male heirs must provide financial support to female relatives who inherit less. If they do not, women have the right to sue.

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

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

In March media reported on the work of the Shahrazad Center to fight gender discrimination. One female journalist, Israa Tariq, went to the center for legal assistance after the television station she worked for, al-Nahar, did not pay her salary for three months. Another woman, "Houda," went to the center for legal assistance after her husband left her to raise their two children without paying legally required child support.

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

Although the KRG provided some additional protections to women, in most respects, KRG law mirrors federal law, and women faced discrimination. Beginning in May, public prosecutors in Kurdistan began accepting the testimony of women in court on an equal basis with that of men. KRG law allows women to set as a prenuptial condition the right to divorce her husband, beyond the limited circumstances allowed by Iraqi law, and provides a divorced wife up to five years alimony beyond childcare.

The KRG maintained a High Council of Women's Affairs and a Women's Rights Monitoring Board to enforce the law, and prevent and respond to discrimination.

## **Children**

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

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

In January, UNICEF reported that children comprised almost one-half of Iraqis displaced by conflict. Displacement limited access to education; at least 70 percent of displaced children missed a year of school. In February, UNICEF reported that one-half of all schools in Iraq required repairs following the territorial defeat of ISIS and that more than three million children have had their education interrupted.

Child Abuse: Although the constitution prohibits "all forms of violence and abuse in the family," the law does not specifically prohibit domestic violence but stipulates that men may discipline their wives and children "within certain limits prescribed by law or by custom." The law provides protections for children who were victims of domestic violence or were in shelters, state houses, and orphanages, including access to health care and education. Violence against children reportedly remained a significant problem, but recent, reliable statistics on the extent of the problem were not available. Local NGOs reported the government made little progress in implementing its 2017 *National Child Protection Policy*.

KRG law criminalizes domestic violence, including physical and psychological abuse and threats of violence. The KRG implemented the provisions of the law, but local NGOs reported these programs were not effective at combating child abuse. The KRG's Ministries of Labor and Social Affairs, Education, and Culture and Youth operated a toll-free hotline to report violations against, or seek advice regarding children's rights.

Early and Forced Marriage: The legal minimum age of marriage is 18, but the law allows a judge to permit children as young as age 15 to marry if fitness and physical capacity are established and the guardian does not present a reasonable objection. The law criminalizes forced marriage but does not automatically void forced marriages that have been consummated. The government reportedly made few efforts to enforce the law. Traditional early and forced marriages of girls, including temporary marriages, occurred throughout the country.

In July the Ledia Organization, a local NGO, released a report finding a significant increase in early marriage due to conflict and economic instability, as many families arranged for girls to marry cousins or into polygamous households to prevent forced marriages to ISIS fighters. Others gave their daughters as child brides to ISIS or other armed groups as a means to ensure their safety, access to public services in occupied territories, or livelihood opportunities for the entire family.

In the IKR the legal minimum age of marriage is 18, but KRG law allows a judge to permit children as young as age 16 to marry under the same conditions applied in the rest of the country. KRG law criminalizes forced marriage and suspends, but does not automatically, void forced marriages that have been consummated. According to the KRG High Council of Women's Affairs, refugees and IDPs in the IKR engaged in child marriage and polygamy at a higher rate than IKR residents.

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

Child Soldiers: Certain PMF units, including AAH, HHN, and KH, reportedly recruited and used child soldiers, despite government prohibition. The PKK HPG and YBS Yezidi militias also reportedly continued to recruit and use child soldiers. ISIS was known to recruit and use child soldiers (see section 1.g.).

Displaced Children: Insecurity and active conflict between government forces and ISIS caused the continued displacement of large numbers of children. Abuses by government forces, particularly certain PMF groups, contributed to displacement. Due to the conflict in Syria, children and single mothers from Syria took refuge in the IKR. UNICEF reported that almost one-half of IDPs were children.

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

### **Anti-Semitism**

A very small number of Jewish citizens lived in Baghdad. According to unofficial statistics from the KRG Ministry of Endowments and Religious Affairs, there were approximately 430 Jewish families in the IKR. There were no reports of anti-Semitic acts in the country during the year.

### **Trafficking in Persons**

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

### **Persons with Disabilities**

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

Although the Council of Ministers issued a decree in 2016 ordering access for persons with disabilities to buildings and to educational and work settings, incomplete implementation limited access. Local NGOs reported many children with disabilities dropped out of public school 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.

The minister of labor and social affairs leads the Independent Commission for the Care of People with Disabilities. Any Iraqi citizen applying to receive disability-related government services must first receive a commission evaluation. The KRG deputy minister of labor and social affairs leads a similar commission, administered by a special director within the ministry. In July a group of persons with disabilities burnt their wheelchairs in front of the IKP office in Sulaimaniya in protest, alleging that the KRG commission arbitrarily denied benefits to those who qualified.

There is a 5 percent public-sector employment quota for persons with disabilities, but employment discrimination persisted, and observers projected that the quota would not be met by the end of the year (see section 7.d.). Mental health support for prisoners with mental disabilities did not exist.

The Ministry of Health provided medical care, benefits, and rehabilitation, when available, for persons with disabilities, who could also 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. The ministry maintained loans programs for persons with disabilities for vocational training.

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

The country's population included Arabs, Kurds, Turkmen, and Shabaks, as well as ethnic and religious minorities, including Chaldeans, Assyrians, Armenians, Yezidis, Sabeen-Mandaeans, Baha'i, Kaka'i, and a very small number of Jews. The country also had a small Romani (Dom) community, as well as an estimated 500,000 citizens of African descent who reside primarily in Basrah and adjoining governorates. Because religion, politics, and ethnicity were often closely linked, it was difficult to categorize many incidents as based solely on ethnic or religious identity.

The law did not permit some religious groups, including Baha'i, Zoroastrian, and Kaka'i, to register under their professed religions, which, although recognized in the IKR, remain unrecognized and illegal under Iraqi law. The law forbids Muslims to convert to another religion (see sections 2.d. and section 6, Children).

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

For example, following the return of central government control in Kirkuk in October 2017, Kurds, Turkmen, Kaka'i, Christians, and other minorities faced discrimination, displacement, and in some cases, violence from government forces, particularly Iran-aligned PMF groups. Media outlets carried numerous reports of PMF groups invading, looting, and burning the houses of Kurds, Sunni Turkmen, Sunni Arabs, and other ethnic minorities in Kirkuk Governorate. Kurds faced similar violence in Khanaqin, a majority Kurdish city in Diyala Governorate that also passed from KRG to central government control in October 2017.

Discrimination continued to stoke ethnosectarian tensions in the disputed territories throughout the year. In August, four Kurds, including a Peshmerga, were beheaded by unknown attackers. The Kaka'i community in Daquq, Kirkuk Governorate, continued to suffer threats, attacks, and assassinations, which Kaka'i civil society groups claimed accelerated under PMF occupation of the area.

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

There were reports of KRG authorities discriminating against minorities, including Turkmen, Arabs, Yezidis, Shabaks, and Christians, in the disputed territories. For example, courts rarely upheld Christians' legal complaints against Kurds regarding land and property disputes.

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

While the law does not criminalize consensual same-sex sexual conduct between adults per se, authorities used public indecency or prostitution charges to prosecute such conduct. Authorities used the same charges to arrest heterosexual persons involved in sexual relations with anyone other than their spouse. The constitution and law do not extend antidiscrimination protections to LGBTI individuals based on their sexual orientation.

Despite repeated threats and violence targeting LGBTI individuals, specifically gay men, the government failed to identify, arrest, or prosecute attackers or to protect targeted individuals.

LGBTI persons often faced abuse and violence from government and nongovernmental actors that the government did not effectively investigate. In June LGBTI advocacy NGO IraQueer reported 96 percent of surveyed LGBTI individuals experienced threats or violence between 2015 and June. IraQueer reported in June that more than 220 LGBTI individuals were killed in 2017 and stated that the government had not taken steps to prosecute those responsible. In October a video circulated on social media showing a 14-year-old boy dying after being stabbed in an apparent homophobic attack in central Baghdad. In the video the attackers taunted the victim, asking who his boyfriend was and telling him his guts were coming out of his body. In addition to targeted violence, LGBTI persons remained at risk for honor crimes. For example, in July media reported that a father had killed his 12-year-old son because he was playing with his friends in Hamza al-Sharqi, al-Qadisiyah Governorate, but some commentators claimed he was killed for same-sex sexual conduct with his friends.

Local contacts reported that certain PMF groups, including specifically AAH, drafted LGBTI “kill lists” and executed men perceived as gay, bisexual, or transgender, as did ISIS when it still retained territorial control.

LGBTI individuals also faced intimidation, threats, violence, and discrimination in the IKR. In June IraQueer reported the experience of Rawa, a 26-year-old gay man from Duhok Governorate who said he was unable to keep his job because of sexual harassment and violence. Rawa told IraQueer, “I was raped by my boss when I was working as a barista. He then threatened that he would report me to the police if I said anything. I had no choice but to escape.” An IKR-based human rights NGO director reported that otherwise-dedicated members of his staff refused to advocate for LGBTI human rights based on their misperception that LGBTI persons are mentally ill.

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

Because religion, politics, and ethnicity were often closely linked, it was difficult to categorize many incidents as based solely on ethnic or religious identity.

Media reported criminal networks and some PMF groups seized Christian properties in Baghdad, as well as areas of Anbar, Babil, Basrah, Diyala, Kirkuk,

Ninewa, and Wasit Governorates, with relative impunity, despite pledges by the Prime Minister's Office to open investigations into the seizures. Yezidis likewise complained about property seizures, intimidation, threats, abuses, and discrimination by certain Iran-aligned PMF groups operating in and around Sinjar, Ninewa Governorate.

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

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

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

Labor courts have the authority to consider labor law violations and disputes, but no information was available concerning enforcement of the applicable law, including whether procedures were prompt or efficient. Strikers and union leaders reported that government officials threatened and harassed them.

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

Media reported that 3,000 contract workers in the electrical industry formed a union in late 2017 after the government failed to pay five months of wages. After the Ministry of Electricity fired 100 union leaders following initial protests in March, thousands of workers reportedly organized sit-ins at power plants. Protesters reportedly demanded the government reinstate the fired workers, include electrical contract workers in the pension and social security system with the same benefits as permanent workers, and pay them a minimum monthly wage of 400,000 dinars (\$335). In May the government acquiesced to these demands and agreed to include all 150,000 public-sector contract workers in the pension and social security system.

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

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

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

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

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

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

The constitution and law prohibit the worst forms of child labor. In areas under central government authority, the minimum age for employment is 15. The law limits working hours for persons younger than age 18 to seven hours a day and prohibits employment in work detrimental to health, safety, or morals of anyone

younger than age 18. The labor code does not apply to juveniles (ages 15 to 18) who work in family-owned businesses producing goods exclusively for domestic use. Since children employed in family enterprises are exempt from some protections in the labor code with regard to employment conditions, there were reports of children performing hazardous work in family-owned businesses.

The law mandates employers bear the cost of annual medical checks for working juveniles (ages 15-18). Children between ages 12 and 15 were not required to attend school, but also not permitted to work; thus, they were vulnerable to the worst forms of child labor. Penalties include imprisonment for a period of 30 days to six months and a fine of up to one million dinars (\$838), to be doubled in the case of a repeated offense. Data on child labor was limited, particularly with regard to the worst forms of child labor, a factor that further limited enforcement of existing legal protections.

Child labor, including in its worst forms, occurred throughout the country. For example, 12-year-old Mohammed Salem told AFP in July that, since his father was killed by ISIS, he has supported his mother and himself by selling tissues for 15 hours a day on the street in eastern Mosul. The Iraqi Observatory for Human Rights documented cases of displaced children forced to migrate with their families and subsequently engaged in child labor (see sections 2.d. and 6, Children).

The Ministry of Labor and Social Affairs was charged with enforcing the law prohibiting child labor in the private and public sectors, and labor law enforcement agencies took actions to combat child labor. Gaps existed within the authority and operations of the ministry that hindered labor law enforcement, however, including an insufficient number of labor inspectors and a lack of funding for inspections, authority to assess penalties, and labor inspector training. Inspections continued, and resumed in liberated areas, but due to the large number of IDPs, as well as capacity constraints and the focus on maintaining security and fighting terrorism, law enforcement officials and labor inspectors' efforts to monitor these practices were ineffective. Penalties for violations did not serve as a deterrent.

In the IKR education is mandatory until age 15, which is also the minimum age for legal employment.

In September a Kurdish human rights group found almost 500 children begging in Sulaimaniyah Governorate, and approximately 2,000 children begging in Erbil Governorate, with the majority of these being IDPs and refugees. The group had

no data from Duhok Governorate. The majority were from IDP or refugee families. The KRG Ministry of Labor and Social Affairs estimated that 1,700 children worked in the IKR, often as street vendors or beggars, making them particularly vulnerable to abuse. The KRG Ministry of Labor and Social Affairs operated a 24-hour hotline for reporting labor abuses, including child labor; the hotline received approximately 200 calls per month.

Local NGOs reported that organized gangs also recruited children to beg. The Ministry of Labor and Social Affairs continued a grants program to encourage low-income families to send their children to school rather than to beg in the streets.

Also, see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings](http://www.dol.gov/ilab/reports/child-labor/findings).

#### **d. Discrimination with Respect to Employment and Occupation**

The constitution provides that all citizens are equal before the law without discrimination based on gender, race, ethnicity, origin, color, religion, creed, belief or opinion, or economic and social status. The law prohibits discrimination based on gender, race, religion, social origin, political opinion, language, disability, or social status. It also prohibits any forms of sexual harassment in the workplace. The government was ineffective in enforcing these provisions. The law does not prohibit discrimination based on age, sexual orientation or gender identity, HIV-positive status, or other communicable diseases. The law allows employers to terminate workers' contracts when they reach retirement age, which is lower by five years for women. The law gives migrant Arab workers the same status as citizens but does not provide the same rights for non-Arab migrant workers, who faced stricter residency and work visa requirements.

Discrimination in employment and occupation occurred with respect to women, foreign workers, and minorities (see section 6). Media reported in February and June that the availability of foreign workers willing to accept longer hours and lower pay in unskilled positions has increased Iraqi unemployment to approximately 30 percent and led foreign workers to commandeer certain undesired industries such as janitorial services and the food industry, resulting in social stigmatization. Economic analyst Anas Morshed told media in February, "For example, Bangladeshis are most favored for cleaning work, whereas trades and shopping centers prefer to hire Syrians and other Arab nationalities."

At the beginning of this year, there were seven unions in the IKR, all led by all-male executive boards. In response, the Kurdistan United Workers Union established a separate women's committee, reportedly supported by local NGOs, to support gender equality and advance women's leadership in unions in the IKR.

#### **e. Acceptable Conditions of Work**

The national minimum wage, set by federal labor law, increased to 350,000 dinars (\$293) per month. The law limits the standard workday to eight hours, with one or more rest periods totaling 30 minutes to one hour, and the standard workweek to 48 hours. The law permits up to four hours of overtime work per day and requires premium pay for overtime work. For industrial work, overtime should not exceed one hour per day. The government sets occupational health and safety standards. The law states that for hazardous or exhausting work, employers should reduce daily working hours. The law provides workers the right to remove themselves from a situation endangering health and safety without prejudice to their employment but does not extend this right to civil servants or migrant workers, who together made up the majority of the country's workforce.

The Ministry of Labor and Social Affairs has jurisdiction over matters concerning labor law, child labor, wages, occupational safety and health topics, and labor relations. The ministry's occupational safety and health staff worked throughout the country, but the government did not effectively enforce regulations governing wages or working conditions.

The legal and regulatory framework, combined with the country's high level of violence and insecurity, high unemployment, large informal sector, and lack of meaningful work standards resulted in substandard conditions for many workers. Workplace injuries occurred frequently, especially among manual laborers. 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 in the country illegally, lived in work camps, sometimes in substandard conditions.