

# **IRAQ 2017 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Iraq is a constitutional parliamentary republic. The outcome of the 2014 parliamentary elections generally met international standards of free and fair elections and led to the peaceful transition of power from former prime minister Nuri al-Maliki to Prime Minister Haider al-Abadi.

Civilian authorities were not always able to exercise control of all 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 the Islamic State in Iraq and Syria (ISIS). Government forces successfully fought to liberate territory taken earlier by ISIS, including Mosul, while ISIS sought to demonstrate its viability through targeted attacks. Armed clashes between ISIS and government forces caused civilian deaths and hardship. By year's end Iraqi Security Forces (ISF) had liberated all territory from ISIS, drastically reducing ISIS's ability to commit abuses and atrocities.

The most significant human rights issues included allegations of unlawful killings by some members of the ISF, particularly some elements of the PMF; disappearance and extortion by PMF elements; torture; harsh and life-threatening conditions in detention and prison facilities; arbitrary arrest and detention; arbitrary interference with privacy; criminalization of libel and other limits on freedom of expression, including press freedoms; violence against journalists; widespread official corruption; greatly reduced penalties for so-called "honor killings"; coerced or forced abortions imposed by ISIS on its victims; legal restrictions on freedom of movement of women; and trafficking in persons. Militant groups killed LGBTI persons. There were also limitations on worker rights, including restrictions on formation of independent unions.

The government, including by the Office of the Prime Minister, investigated allegations of abuses and atrocities perpetrated by the ISF; by year's end the results of some of these investigations were made public. The Kurdistan Regional Government (KRG) High Committee to Evaluate and Respond to International Reports reviewed charges of Peshmerga abuse, largely against IDPs, and exculpated them in public reports and commentaries. Impunity effectively existed

for government officials and security force personnel, including the Peshmerga and PMF.

ISIS committed the majority of serious abuses and atrocities. ISIS members committed acts of violence on a mass scale, including killings through suicide bombings and improvised explosive devices (IEDs); executions including shootings and public beheadings; use of civilians as human shields; as well as use of chemical weapons. They also engaged in kidnapping, rape, enslavement, forced marriage, and sexual violence, committing such acts against civilians from a wide variety of religious and ethnic backgrounds, including Shia, Sunnis, Kurds, Christians, Yezidis, and members of other religious and ethnic groups. Reports of ISIS perpetrating gender-based violence, recruiting child soldiers, trafficking in persons, and destroying civilian infrastructure and cultural heritage sites were credible and common. On August 15, Secretary Tillerson stated that, “ISIS is clearly responsible for genocide against Yezidis, Christians, and Shia Muslims in areas it controls or has controlled. ISIS is also responsible for crimes against humanity and ethnic cleansing directed at these same groups, and in some cases against Sunni Muslims, Kurds, and other minorities.”

The government investigated allegations of ISIS abuses and atrocities, and in some instances, publicly noted the conviction of suspected ISIS members under the 2005 counterterrorism law.

The government’s reassertion of federal authority in disputed areas bordering the Iraqi Kurdistan Region (IKR), after the Kurdistan Region’s September 25 independence referendum, resulted in reports of abuses and atrocities by the security forces, including those affiliated with the PMF.

## **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 ISIS and other terrorist groups, as well as some government forces, including the PMF, committed arbitrary or unlawful killings (see section 1.g.). During the year the security situation remained unstable due to widespread fighting between the ISF and ISIS; periodic clashes between the ISF, including the PMF, and Peshmerga; and the presence of militias in many liberated areas, as well as sectarian, ethnic, and financially motivated violence. From

January 1 to June 30, the UN Assistance Mission for Iraq (UNAMI) reported at least 2,429 civilians killed and 3,277 injured in the country.

Some government security forces allegedly 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. Human Rights Watch (HRW) stated that the Iraqi Army's 16th division summarily executed suspected ISIS members it had detained.

During the year frequent unlawful killings by unidentified gunmen occurred throughout the country. For example, in May local police reported the killing of a member of a Sunni tribal militia operating under the umbrella of the PMF, and another injured, in an attack carried out by unknown gunmen in Baghdad. In August local police reported unknown gunmen killed a police officer stationed northwest of Kirkuk.

Terrorist and politically motivated violence continued throughout the year, including ISIS attacks on cities. Baghdad was particularly affected. UNAMI reported that from January to October Baghdad experienced IED attacks on a nearly daily basis. According to UNAMI, some attacks targeted government buildings or checkpoints staffed by security forces, while many others targeted civilians. ISIS carried out attacks against Baghdad's civilian population, including car bomb and suicide bomber attacks on May 30 that killed at least 20 civilians; two IED attacks in the Muqdadia District on July 27, killing two and injuring three; and an August 28 IED attack on a Sadr City market that reportedly killed 12 and injured 30.

During the year authorities discovered numerous mass graves, including in Anbar, Babil, and Ninewa Governorates. On February 9, the ISF uncovered two mass graves in Rutba, Anbar Governorate, reportedly containing the remains of as many as 25 ISF soldiers and civilians killed by ISIS in 2014. On February 15, Shlomo Organization for Documentation reported the discovery of a mass grave west of Mosul containing 150 remains, possibly of Christian civilians from the area. On August 25, the Iraqi Army announced it found two mass gravesites at Badoush prison and formed an investigative committee to exhume and investigate the remains; but the continuing strike of the forensic investigators of the Martyr's Foundation, the government's unit to investigate mass graves, prevented further action by year's end.

Ethnic and sectarian-based fighting escalated in mixed governorates after liberation operations. For example, Arab residents reported that Shia Turkomen PMF units arrested, kidnapped, or killed Sunni Turkomen Arabs in Tal Afar after the ISF liberated the city from ISIS rule in August. None of those responsible within PMF units were brought to justice by year's end. Additionally, media reported allegations that unknown groups kidnapped or threatened Arabs in Kirkuk, particularly in the weeks prior to the September 25 Kurdish independence referendum. For example, unknown gunmen reportedly abducted and killed two relatives of a Hawija-based ISIS leader in Daquq, south of Kirkuk August 23. On September 12, unidentified gunmen reportedly killed three persons from a family associated with an ISIS member in Mosul.

In June the Prime Minister's Office established an investigative committee to review allegations the ISF committed abuses and atrocities. Regarding May 2016 torture allegations against the Ministry of Interior's Emergency Response Division (ERD), on August 17, the Prime Minister's Office stated, "The committee has concluded...that clear abuses and violations were committed by members of the ERD," adding that the perpetrators of the abuses would face prosecution. At year's end the investigative committee continued its work but had not yet publicly released its findings.

There were also reports of killings or other sectarian violence in the IKR. Minority groups reported threats and attacks targeting their communities in non-IKR areas that the KRG effectively controlled.

## **b. Disappearance**

There was no publicly available comprehensive account of the extent of the problem of disappeared persons.

Although officially under the command of the prime minister, some PMF units operated with limited government oversight or accountability. According to multiple nongovernmental organizations (NGOs), the 643 men and boys whom PMF units intercepted at ad hoc security screening sites following the liberation of Fallujah in June 2016 remained missing and feared dead at year's end.

ISIS carried out most abductions that targeted members of various ethnic and religious communities. ISIS frequently abducted members of the security or police forces, members of ethnic and religious minorities, and other non-Sunni communities in areas under its control.

According to the KRG Ministry of Endowments and Religious Affairs, authorities rescued more than 3,100 kidnapped Yezidi men, women, and children from ISIS; however, authorities believed another 3,293 Yezidis, mainly women and children, remained in ISIS captivity. IKR-based civil society organizations (CSOs) reported some ISIS-kidnapped Yezidi children had been trafficked into Turkey. Authorities located four such children in Turkey by year's end, but efforts to establish their identity and repatriate them moved slowly through Turkish courts. According to the Turkmen Women's Association, ISIS militants kidnapped an estimated 500 Turkmen Shia women and children from Ninewa Governorate in 2014, and 495 remained in captivity at year's end.

Individuals, militias, and organized criminal groups carried out abductions and kidnappings for personal gain or for political or sectarian reasons. For example, in September security forces rescued four Christian youths, kidnapped for several days as they traveled from Baghdad to Basrah for a national soccer team match. The kidnappers reportedly planned to extort ransom from the families of the kidnapped.

HRW reported that in June Yezidi fighters from the Ezidkhan Brigades, associated with the PMF, disappeared 52 civilians (22 men, 20 women, and 10 children) from the Sunni Imteywit tribe. Yezidi officials alleged that Imteywit and Jahaysh tribal members participated in ISIS atrocities against Yezidis in 2014, allegations that the tribal members denied.

Journalist and political activist Afrah Shawqi al-Qaisi, who was abducted by gunmen in Baghdad in December 2016, was released in January. Members of a Qatari hunting party, abducted in Muthanna in 2015, were released in April.

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

Although the constitution expressly prohibits torture in all its forms and under all circumstances, including cruel, inhuman, or degrading treatment, government officials, as well as local and international human rights organizations, documented instances of government agents committing torture and other abuses. There were reports police sometimes used abusive methods and coerced confessions for investigations, and courts accepted forced confessions as evidence. ISIS, however, committed most of such abuses.

As in previous years, there were credible reports that government security forces, to include militia units associated with the PMF, abused and tortured individuals during arrest, pretrial detention, and after conviction. International human rights organizations documented cases of torture and abuse 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 particular human rights organizations alleged torture or other abuse of detainees by Ministry of Interior and Ministry of Defense forces during the final stages of liberating Mosul and other areas from ISIS rule.

Former prisoners, detainees, and human rights groups reported a wide range of torture and abuse.

Abusive interrogation, under certain conditions, reportedly occurred in some detention facilities of the KRG's internal security unit, the Asayish, 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. During monitoring visits to KRG prisons and places of detention between January 2015 and June 2016, UNAMI reported 70 detainees raised allegations of torture or other mistreatment during interrogation.

On January 29, HRW reported that KRG authorities tortured boys between ages 11 and 17, who authorities had arrested because of alleged links to ISIS, and prevented them from accessing counsel. According to the KRG Independent Human Rights Commission there were 215 boys held by the KRG in an Erbil juvenile detention facility on ISIS-related accusations. The commission interviewed 165 boys. Most of the juveniles alleged both PMF and KRG security forces subjected them to various forms of abuse, including beatings. Lawyers provided by an international NGO were reportedly granted access and provided representation to any juvenile without a court-appointed attorney.

Torture and abuse by terrorist groups was widespread. CSOs, humanitarian organizations, and former ISIS captives reported numerous cases of torture, rape, forced labor, forced marriage, forced religious conversion, material deprivation, and battery by ISIS members. There were numerous reports of ISIS torturing and killing civilians for attempting to flee areas under ISIS control. For example, on August 28, local media reported that ISIS burned alive eight civilians, including an infant, who had tried to flee ISIS-held Hawija.

## **Prison and Detention Center Conditions**

Conditions at some prison and detention facilities remained harsh and life threatening due to overcrowding, physical abuse, and inadequate access to sanitation facilities and medical care.

The Ministry of Justice reported that there were no accommodations for inmates with disabilities, and a previously announced ministry initiative to establish facilities for such detainees had not been fully implemented by year's end.

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. Physical conditions in government-run detention facilities and prisons were often poor, according to international observers. 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.

For example the sole prison in Muthanna governorate was designed to hold no more than 50 prisoners in each cell; however, observers reported more than 120 persons in one cell. Basrah Central Prison, with a capacity of 1,900, held more than 3,000 inmates; Ma'aqal Prison in Basrah, with a capacity of 250, held 500 prisoners. Overcrowding exacerbated corruption among some police officers and prison administrators in southern governorates, who reportedly took bribes to reduce or drop charges, cut sentences, or release prisoners early.

Inmates in government-run detention and prison facilities sometimes lacked adequate food and water. Access to medical care was inconsistent. Some detention facilities did not have an onsite pharmacy or infirmary, and authorities reported that even when they existed, pharmacies were often undersupplied. 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 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 March the Iraqi Army and the PMF took control of Badoush Prison, the site where ISIS formerly held hundreds of women in captivity, near Mosul.

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. A Kurdistan Independent Human Rights Commission report stated that authorities housed 37 minors in Erbil prisons with their convicted mothers as of the middle of the year.

Administration: The central government reported it took credible steps to address allegations of mistreatment in central government facilities; however, the extent of these steps was not fully known. According to the Higher Judicial Council, the judicial system dealt promptly with abuse allegations, and authorities sentenced to one- to three-years' imprisonment at least five Ministry of Interior officials for committing abuses in Ministry of Interior facilities. The KRG had no uniform policy for addressing allegations of abuse by the KRG Ministry of Interior or the Asayish.

Human rights organizations reported that prison guards or arresting officers released detainees only after the detainees paid a bribe. International and local human rights groups reported that authorities in numerous instances denied family visits to detainees and convicts. Guards allegedly often demanded bribes when detainees asked to call their relatives or legal counsel.

Independent Monitoring: Iraqi Corrections Service prisons allowed regular visits by independent nongovernmental observers. The International Committee of the Red Cross 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 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 International Committee of the Red Cross had regular access to IKR prisons and detention facilities. In July the Kurdistan Independent Human Rights Commission reported the commission often faced obstacles accessing Asayish facilities.

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

The constitution provides legal safeguards against arbitrary arrest and detention. During the year, however, there were numerous reports of arbitrary arrests and detentions.

A 2014 prime ministerial executive order 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 executive order requires authorities within 24 hours of the detention to register the detainee's name, place of detention, reason for detention, and legal basis for detention. The Ministry of Justice is responsible for updating and managing these registers. The order requires the Ministries of Defense and Interior and the National Security Service to establish guidelines for commanders in battlefield situations to register detainees' details in this central register. The executive order also prohibits any entity, other than legally competent authorities, to detain any person.

In 2016 the Council of Representatives (COR) passed an amended amnesty law that provides for retrials of detainees convicted based on forced confessions or evidence provided by secret informants. The Ministry of Justice reported authorities released nearly 4,500 detainees from government custody between the law's enactment in 2016 and May 31.

There were numerous reports of arrests and temporary detention by government forces, including the PMF and Peshmerga, of predominantly Sunni Arab IDPs throughout the year. On June 3, HRW reported that KRG authorities detained incommunicado three men and two boys from IDP camps for suspicion of ISIS affiliation.

Prison authorities sometimes delayed the release of exonerated inmates or extorted bribes from prisoners to vacate detention facilities at the end of their sentence terms. According to NGO contacts, inmates whom the judiciary ordered released

sometimes faced delays from the Ministry of Interior or other ministries to clear their record of other pending charges.

There were some reports of PMF forces detaining Sunnis following the liberation of ISIS-dominated areas; as well as Kurds and Turkmen in Kirkuk; and Christians in the Ninewa Plains. In a May 22 article, HRW reported that PMF fighters arbitrarily detained men who had fled fighting in their Mosul-area village in April. PMF fighters interrogated the detainees regarding their ISIS affiliation and in some cases beat and tortured them before releasing them.

ISIS also detained individuals for a wide variety of reasons, including silencing critics, punishing those accused of insurrection, or preventing residents from fleeing ISIS-held territory. For example, on August 24, ISIS reportedly abducted five families fleeing ISIS-held al-Qa'im, Anbar Governorate.

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

Civilian authorities did not maintain effective control over some of the security forces.

Numerous domestic security forces operate throughout the country. The regular armed forces and domestic law enforcement bodies maintain order within the country. The Peshmerga, including militias of the KDP and PUK, maintain order in the IKR. The PMF, a state-sponsored umbrella military organization composed of approximately 60 groups, operates throughout the country. The plurality of PMF units were Shia, reflecting the demographics of the country, while Sunni, Yezidi, Christian, and other minority PMF units also operate within their home regions. A law and prime ministerial decree in 2016 established prime ministerial authority over the PMF. While limited by law to operations in Iraq, in some cases units reportedly supported the Assad regime in Syria independently of the Iraqi government's authority. The Iraqi government does not recognize these fighters as PMF even if their organizations are part of the PMF. All PMF units officially report to the National Security Advisor, but several units in practice are also responsive to Iran and the Islamic Revolutionary Guard Corps (IRGC). At year's end the prime minister and the ISF did not demonstrate consistent command and control over all of the PMF's activities, particularly those units aligned with Iran. The government's efforts to formalize the PMF as a governmental security entity continued at year's end, but portions of the PMF remained Iranian-aligned. Actions of these disparate units at times exacerbated security challenges, especially but not only in ethnically and religiously diverse areas of the country.

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.

Impunity was a problem. There were reports of torture and abuse throughout the country in facilities used by the Ministries of Interior and Defense. According to international human rights organizations, abuse took place primarily during detainee interrogations while in pretrial detention.

Problems persisted, including corruption, within the country's provincial police forces. The army and federal police recruited and deployed soldiers and police officers on a nationwide basis. This practice led to complaints from local communities that members of the army and police were abusive because of ethnosectarian differences.

Security forces made limited efforts to prevent or respond to societal violence. Although 16 family protection units, located in separate buildings at police stations around the country, operated under police authority to respond to claims of domestic violence made by women and children, they lacked sufficient capacity. The most recent report detailing the units' work is from 2014.

Additionally, some tribal leaders in the south reportedly banned their members from seeking redress through these police units, claiming domestic abuse was a family matter in which police should not become involved.

The two main Kurdish political parties, the KDP and the PUK, had their own security apparatuses. Under the federal constitution, the KRG has the right to maintain internal security forces, supported financially by the federal government but under the KRG's operational control. Accordingly, the KRG's Ministry of Peshmerga Affairs oversees 14 infantry brigades and two support brigades, but the

PUK and KDP controlled tens of thousands of additional military personnel, including militia forces generally referred to as the Peshmerga 70s and 80s brigades.

The KDP and PUK maintained separate security and intelligence services, the KDP's Asayish and Parastin, and the PUK's Asayish and Zanyari, respectively. The KRG Independent Human Rights Commission routinely notified the Kurdistan Ministry of Interior when it received credible reports of police human rights violations.

KRG security services detained suspects in areas the regional government controlled. The poorly defined administrative boundaries between these areas and the rest of the country resulted in continuing confusion regarding the jurisdiction of security forces and the courts, an issue exacerbated by ISIS control of parts of these areas.

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

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

The government arbitrarily detained individuals and often did not inform them promptly of the nature of the charges against them. The government periodically released detainees, usually after concluding that it lacked sufficient evidence for the courts to convict them. Many others remained in detention pending review of other outstanding charges. The law allows release on bond for criminal (but not security) detainees. Authorities rarely released detainees on bail. KRG internal security units held some suspects incommunicado without an arrest warrant and transported detainees to undisclosed detention facilities.

The law provides for judges to appoint paid counsel for the indigent. Attorneys appointed to represent detainees frequently complained 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 reports that defendants did not have access to legal representation during the investigation phase, appointed lawyers lacked sufficient time to prepare a defense, and courts failed to investigate claims of torture while in detention.

Arbitrary Arrest: Police and military personnel sometimes arrested and detained individuals without judicial approval, although 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.

There were reports that central government security forces, including the PMF and Peshmerga, detained and arrested individuals, including IDPs, following the liberation of areas from ISIS rule. For example, in September the Ninewa Provincial Council reportedly filed a complaint to the central government and the United Nations stating the PMF routinely detained local Sunni men under suspicion of supporting ISIS. Humanitarian organizations also reported that in many instances central government security forces did not inform detainees of the reason for their detention or the charges filed against them. Humanitarian agencies similarly reported central government security forces detained IDPs suspected of ISIS membership or support.

HRW accused KRG forces of arresting 2,000 men and boys in IDP camps in February. On February 28, the KRG's High Committee to Evaluate and Respond to International Reports confirmed the majority of the detainees were suspected ISIS members. The committee claimed it informed detainees' families of their detention and that authorities released suspects within 24 hours thereafter unless they were found to have terrorist affiliation.

KRG police and internal security service officers arrested and detained protesters and activists critical of the KRG, according to NGO contacts and local press reporting. On March 18, HRW accused KRG security authorities of detaining 32 unarmed protesters in Erbil on March 4 and allegedly using threats of retaliation to discourage future protests.

Pretrial Detention: The Ministries of Justice, Defense, Interior, and Labor and Social Affairs are legally authorized to hold pretrial detainees. Lengthy detentions without due process and without judicial action were a systemic problem, particularly during and immediately after ISF campaigns to liberate areas from ISIS. 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 facilities.

Lengthy pretrial detentions were particularly common in areas liberated from ISIS. For example, the Ministry of Interior reportedly placed detainees in homes rented from local residents in Ninewa, rather than in proper detention facilities, because the fight against ISIS had mostly destroyed the latter. Use of makeshift facilities led to significant overcrowding and inadequate services. There were allegations of detention beyond judicial release dates as well as of unlawful releases.

There were no independently verified statistics concerning the number of pretrial detainees in central government facilities.

In August the ISF detained more than 1,400 non-Iraqi women and children who fled military operations in Tal Afar. The group included nationals primarily from Turkey, Azerbaijan, Russia, and China. Security forces held the group at a transit facility for two weeks before moving them to a detention facility north of Mosul and later to a facility near Baghdad. Authorities provided residents' basic needs, but the facility lacked sufficient medical care or shower facilities. Authorities noted that the seclusion of this population protected the group from revenge attacks expected due to their alleged affiliation with ISIS. As of November nearly the entire group remained in central government custody, with some having been repatriated to their countries of origin. Several hundred faced possible charges of violating the counterterrorism law, while the remainder allegedly awaited repatriation.

According to some observers, authorities held some 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 or without formal charge before a judge within the legally mandated period. Authorities at times detained spouses and other family members of fugitives--mostly Sunnis wanted on terrorism charges--to compel their surrender.

KRG authorities also reportedly held detainees for extensive periods in pretrial detention. According to local NGOs and the IKR Independent Human Rights Commission, prisoners held in regional government-administered Asayish prisons sometimes remained in detention for more than six months without trial. According to IKR judicial officials, IKR law permits extension of pretrial

detention of up to six months under court supervision. As of September there were an estimated 1,700 pretrial detainees, including 71 women, in various KRG facilities, according to the KRG Ministry of Labor and Social Affairs.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: The constitution grants detainees the right to a prompt judicial determination on the legality of their detention and the right to prompt release and compensation if found to have been unlawfully detained. In practice individuals faced lengthy detentions without the possibility of prompt release, regardless of guilt. 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 a bribe was often necessary to gain release. While a constitutional right, the law does not allow for compensation for a person found to have been unlawfully detained.

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

The constitution provides for an independent judiciary, although 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. One individual heads both the Federal Supreme Court that rules on issues related to federalism and constitutionality and the Higher Judicial Council that manages and supervises the court system, including disciplinary matters. Local and international media claimed this arrangement was politically motivated and undermined judicial independence.

Corruption or intimidation reportedly influenced some judges in criminal cases at the trial level and on appeal at the Court of Cassation. The Commission of Integrity routinely investigated judges on corruption charges, but some investigations were reportedly politically motivated.

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. Lawyers participated in protests demanding better protection from the government against threats and violence. Judges were also vulnerable to intimidation and violence. For example, in June gunmen attempted to kill a judge hearing terrorism-related cases in Basrah.

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

### **Trial Procedures**

The constitution provides all citizens the right to a fair and public trial.

By law accused persons are innocent until proven guilty. The law requires detainees to be informed promptly and in detail of the charges against them and the right to a fair, timely, and public trial. Defendants have the right to be present at their trial, the right to a privately retained or court-appointed counsel, at public expense if needed, and the right to an interpreter without a fee. Nonetheless, officials routinely failed to inform defendants promptly or in detail of charges against them. Judges assemble evidence and adjudicate guilt or innocence. Defendants and their attorneys have the right to confront witnesses against them and present witnesses and evidence. They may not be compelled to testify or confess guilt. Nevertheless, in numerous cases, forced confessions served as the primary source of evidence without the corroboration of forensic evidence or independent witness testimony. 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.

Observers, including some government officials, the United Nations, and NGOs, reported trial proceedings fell short of international standards. Although investigative, trial, and appellate judges generally sought to enforce the right to a fair trial, defendants' insufficient access to defense attorneys was a serious defect in proceedings. Many defendants met their lawyers for the first time during the initial hearing and had limited access to legal counsel during pretrial detention. This was particularly true in counterterrorism courts, where judicial staff reportedly sought to complete convictions and sentencing for thousands of suspected ISIS members in short periods of time. Trials were public, except in some national security cases, but some faced undue delays.

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 IKR's Independent Human Rights Commission, detainees have remained in KRG internal security service facilities for extended periods even after court orders for their release.



## **Political Prisoners and Detainees**

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

It was difficult to assess claims that there were no political prisoners or detainees due to the lack of government transparency, prevalence of corruption in arrest procedures, slow case processing, and inaccessibility to detainees, especially those held in counterterrorism, intelligence, and military facilities. Political opponents of the government asserted the government imprisoned or sought to imprison persons for political activities or beliefs under the pretense of criminal charges ranging from corruption to terrorism and murder.

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. Administrative remedies also exist, although due to the overwhelming security focus of the executive branch, coupled with an understaffed judiciary dependent on the executive, the government did not effectively implement civil or administrative remedies for human rights violations.

KRG law provides for compensation to persons subject to unlawful arrest or detention. The KRG's Ministry of Martyrs and Anfal Affairs handles compensation for unlawful arrests or detentions, and its Human Rights Commission reported that while approximately 5,000 cases (including many historical cases) received approval for compensation 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.

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

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

Some government forces and militia groups forced alleged ISIS sympathizers from their homes in several governorates. For example, there were reports that PMF militia group Kata'ib Hizballah kidnapped and intimidated local Arab Sunni residents in Diyala and Babil Governorates and prevented Arab Sunni IDPs from returning to their places of origin. There were credible reports that local authorities punished family members of suspected ISIS members. In some instances local community leaders threatened to evict these family members from their homes forcibly; bulldoze the homes; and/or injure or kill these relatives.

IDPs returning to towns and areas in the Ninewa Plains reported ISIS had destroyed temples, houses of worship, cemeteries, and schools. A Catholic social organization conducted a survey of several historically Christian towns and found 1,233 houses destroyed, 3,520 houses burned, and 8,217 partially damaged. The same organization reported that as of September 3, only 200 Christian families from a pre-ISIS population of 19,000 families had returned to the Ninewa Plains; Christian IDPs in several Ninewa Plains villages under PMF control reported the PMF imposed arbitrary checkpoints and detained civilians without legal authority to do so.

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

Killings: From January 1 to June 30, UNAMI reported a minimum of 5,700 civilian casualties, including at least 2,429 persons killed and 3,277 injured. It was not clear how many civilians were intentionally targeted.

According to international human rights organizations, some Shia militias, including some under the PMF umbrella, committed abuses and atrocities. The groups participated in operations against ISIS as part of the PMF and were implicated in several attacks on Sunni civilians, reportedly avenging ISIS crimes against the Shia community. For example, in September HRW reported that Shia PMF fighters affiliated with the Badr Organization detained and beat at least 100 male villagers and allegedly shot and killed four who self-identified as ISIS-affiliated during counter-ISIS operations outside Hawija.

ISIS was the major perpetrator of abuses and atrocities in the country, responsible for deaths of many innocent civilians. The United Nations, international human

rights groups, and media reported that ISIS executed hundreds of noncombatants, including civilians living under, or trying to flee from, its rule. From May 26-29, according to the UN Office of the High Commissioner for Human Rights, ISIS killed more than 200 civilians as they attempted to flee fighting in western Mosul.

These abuses were particularly evident in and around Mosul, as well as western Anbar, where ISIS reportedly killed numerous civilians who attempted to flee ISIS rule or refused to fight the ISF. There were also numerous reports of ISIS killing civilians in al-Qa'im, Anbar Governorate, in August and September for allegedly cooperating with ISF or attempting to flee to liberated territory.

Throughout the year ISIS detonated vehicle-borne improvised explosive devices and suicide bombs in public markets, security checkpoints, and predominantly Shia neighborhoods. For example, ISIS claimed responsibility for September 14 attacks on a checkpoint and restaurant in Dhi Qar that killed 94 civilians.

ISIS also reportedly killed individuals, including minors, who did not conform to ISIS dictates. For example, on August 3, ISIS reportedly killed a 12-year-old boy publicly in al-Qa'im, Anbar Governorate, for verbally insulting ISIS members.

Abductions: Militias, criminal armed groups, ISIS, and other unknown actors kidnapped many persons during the year. While in some cases individuals were kidnapped due to their ethnic or sectarian identity, other individuals were taken for financial motives. ISIS reportedly detained children in schools, prisons, and airports, and separated girls from their families to sell them in ISIS-controlled areas for sexual slavery.

According to Yezidi NGO contacts, since 2014 ISIS caused more than 360,000 Yezidis to flee to areas under KRG control. The KRG Office of Yezidi Rescues reported ISIS kidnapped 6,417 Yezidis (3,547 women and 2,870 men); of that number, the office facilitated the rescue of 1,108 women, 335 men, and 1,635 children. The office reported there were 3,319 Yezidis still missing as of September.

In May, COR member Vian Dakhil reported the KRG had paid more than 5.8 billion Iraqi dinars (\$5.0 million) in ransom to secure the release of 3,004 Yezidis from ISIS, and more than 69.9 million Iraqi dinars (\$60,000) to middlemen to arrange safe passage to IKR-controlled areas.

Kidnappings also were a tactic used in tribal conflicts throughout the country. For example, Basrah police reported four tribal dispute-linked kidnappings during the year.

Physical Abuse, Punishment, and Torture: Reports from international human rights groups stated that government forces and PMF abused prisoners and detainees, particularly Sunnis (see section 1.a.).

According to international human rights organizations, ISIS used torture to punish individuals connected to the security services and government, as well as those they considered apostates, such as Yezidis. Thousands of women, particularly those from ethnic and religious communities that ISIS considered as not conforming to their doctrine of Islam, were raped, sexually enslaved, murdered, and endured other forms of physical and sexual violence.

ISIS forces killed civilians who cooperated with the government and anyone who refused to recognize ISIS and its caliphate or tried to escape ISIS-controlled territory. For example, in September ISIS reportedly killed 10 civilians in Hawija for allegedly cooperating with the ISF. ISIS also punished minors in areas under its control.

ISIS attempted to attack both ISF units and civilian-populated areas with chemical substances, including chlorine and sulfur mustard gas. For example, in March humanitarian agencies reported ISIS used chemicals containing blistering agents during the ISF's battle to liberate Mosul.

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. Some armed militia groups, however, under the banner of the PMF, provided weapons training and military-style physical fitness conditioning to children under age 18. The government and Shia religious leaders expressly forbid children under age 18 from serving in combat; even so, there was evidence on social media of children serving in combat positions. For example, local media reported at least one PMF-linked Shia militia managed a military readiness training camp for teenagers below age 18 in the Taza area south of Kirkuk during the summer months.

KRG and independent sources stated the Yezidi Resistance Forces and Yezidi Women's Protection Units' militias employed Yezidi minors in paramilitary roles in Sinjar. Kurdish media reported that the Kurdistan Worker's Party recruited

children from Sulaimaniyah and Halabja Governorates and had armed and transferred more than 250 Yezidi youth from the town of Sinjar to bases in Qandil. Media reported the party also recruited children from Makhmour. Turkish air strikes in April killed one child soldier in Khanasour District of Sinjar.

ISIS forced children to serve as informants, checkpoint staff, and suicide bombers in areas under its control. The NGO Yazda claimed ISIS continued to force Yezidi children into combat roles, including sending young boys to conduct suicide attacks against the ISF in Mosul.

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.

The government, the PMF, and ISIS established roadblocks that impeded the flow of humanitarian assistance to communities in need. Local officials reported PMF-affiliated militias looted Kurdish homes and threatened Kurdish residents in Kirkuk and Tuz Khurmatu in October and November. The KRG, specifically KDP-run checkpoints, also restricted the transport of food, medicines, and medical supplies, and other goods into some areas. In September, Yazda accused the KDP of using checkpoints to prevent Yezidi IDP returns to southern Sinjar. Local sources reported that Asayish required clearance letters for anyone to cross the main bridge from Dahuk to Ninewa.

Reports of ISIS's targeted destruction of civilian infrastructure were common, including attacks on roads, religious sites, and hospitals.

ISIS attacked cultural and religious heritage sites in areas under its control. On June 21, ISIS destroyed the al-Nuri Mosque in Mosul, famed for its leaning minaret.

ISIS increasingly used civilians as human shields in combat and targeted civilian areas with mortars. Amnesty International reported that ISIS used hundreds of Mosul residents as human shields during the ISF's campaign to retake the city from ISIS control.

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

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

The constitution broadly provides for the right of free expression that does not violate public order and morality, express support for the banned Ba'ath party, or advocate altering the country's borders through violent means. The primary limitation on individual and media exercise of these rights 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, and interference with internet service. Individuals were able to criticize the government publicly or privately but not without fear of reprisal. For example, on March 14, KRG security forces prevented a Nalia Radio and Television (NRT) journalist from covering the visit of a western ambassador to Bashiqa. On August 28, the KRG Directorate of Media, Printing, and Publications announced it would temporarily halt the broadcast of NRT, a media outlet that criticized the KDP and the Kurdistan Region's independence referendum; NRT was closed for one week before resuming programming without incident. On October 28, the National Commission of Media and Communications called for Erbil-based Rudaw TV and Kurdistan 24 TV to suspend broadcasts for operating without a license and broadcasting programs that incite violence.

Press and Media Freedom: An active media 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 militias, criminal organizations, and private individuals, including political figures. Media outlets, unable to cover operating costs through advertising revenue, frequently relied upon political funding that diminished their ability to report unbiased news. Political parties strongly influenced, or controlled outright, most of the several hundred daily and weekly print media publications, as well as dozens of radio and television stations.

Some media organizations reported arrests and harassment of journalists, as well as government preventing them from covering politically sensitive topics, including security issues, corruption, and weak governmental capacity. Government, KRG

security authorities, and militias sometimes prevented journalists from reporting; they cited security pretexts.

On July 1, the Kurdish Journalists' Syndicate released a report alleging 56 reported violations of press freedom in the first half of the year. From January 1 to September 1, according to the Metro Center for Defending Journalists' Rights, there were 166 press violations against 144 journalists and media outlets. Both organizations reported that security forces physically blocked journalists' access to story locations and press conferences.

Security forces barred Gorran-affiliated Kurdish News Network journalist Hazhar Anwar Jawhar, who reported he received several death threats, from covering stories, and they repeatedly assaulted him. He stated KDP security forces in Makhmour prevented him from reporting in the area in 2016 and that a KRG Ministry of Interior official warned him in April that if he did not lower his profile, he would be killed.

Violence and Harassment: According to a report of the Committee to Protect Journalists, 34 journalists were killed during the year.

Reporting from ISIS-controlled areas remained dangerous and difficult. Journalists covering armed clashes involving government, militia, and ISIS forces faced serious threats to their safety, with several instances of journalists killed or injured. Military officials, citing safety considerations, sometimes restricted journalists' access to areas of active fighting.

Media workers often reported they were pressured by persons and institutions, including politicians, government officials, security services, tribal elements, and business leaders, not to publish articles critical of them. Media workers reported accounts of government or partisan violence, intimidation, death threats, and harassment. For example, on January 31, government officers reportedly harassed and beat a Radio al-Mirbad journalist to prevent him from reporting negative news in Basrah Governorate.

Throughout the IKR there were numerous beatings, detentions, and death threats against media workers. In some cases the aggressors wore military or police uniforms. For example, on March 10, unknown gunmen fired on the house of freelance journalist Hemin Kareem in Sulaimaniyah. Kareem claimed he was targeted due to his critical writing on social media. According to a November 2 HRW statement, on October 30, at least six masked men in military uniforms

broke into the Daquq home of Arkan Sharifi, a high school principal and cameraman for Kurdistan TV, and stabbed him to death. At year's end the assailants remained unidentified and their motives unknown.

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 displeasing to political factions inhibited free expression. Public officials reportedly influenced content through 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.

The Ministry of Culture must approve all books published in or imported into the country, thereby subjecting authors to censorship.

In August the National Commission of Media and Communications prevented two television channels from broadcasting the satirical al-Basheer Show, reportedly for violating the code of media conduct.

The KDP banned NRT, Payam, and the Kurdish News Network from covering the frontlines of the fight against ISIS in Ninewa Governorate as well as Mosul liberation operations that started in October 2016. Additionally, on August 28, the KRG banned NRT local broadcasts for one week because of commercial advertisements for the "No for Now" anti-Kurdistan Region independence referendum campaign. On August 31, KDP supporters raided NRT headquarters in Dahuk and destroyed the NRT logo on the roof of the building.

Libel/Slander Laws: Criminal and civil law prohibits defamation. Many in media complained this provision prevented them from freely practicing their profession by creating a strong fear of prosecution, although widespread self-censorship impeded journalistic performance as well. Public officials occasionally resorted to filing libel charges that in some cases resulted in punitive fines on individual media outlets and editors, often for publishing articles containing allegations of corruption. When cases went to court, the courts usually sided with the journalist, according to local media-freedom organizations.



Libel is a criminal offense under KRG law as well, and judges may issue arrest warrants for journalists on this basis.

Nongovernmental Impact: Nongovernmental actors, including militia groups, reportedly threatened journalists with violence for reporting on sensitive subjects.

### **Internet Freedom**

There were overt government restrictions on access to the internet, and there were credible reports, but no official acknowledgement, that the government monitored email and internet communications without appropriate legal authority. Despite restrictions, political figures and activists used the internet to criticize corrupt and ineffective politicians, mobilize protesters for demonstrations, and campaign for candidates through social media channels.

The government acknowledged that it interfered with internet access in some areas of the country due to the deterioration in the security situation and ISIS's disruptive use of social media platforms. During the year there were reports that government officials attempted to have pages critical of the government removed from Facebook and Twitter as "hate speech," although they did not succeed in doing so.

There were no reports the Ministry of Communications imposed social media blackouts. Sporadically throughout the year, the government instructed internet service providers to shut down the internet during school exams, reportedly so students could not cheat.

According to the World Bank, approximately 21 percent of the population used the internet in 2016, compared with 17 percent in 2015.

ISIS also severely restricted access to the internet and telephone service in areas under its control and threatened users with death.

### **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 granting of academic positions. The country's universities did not pursue gender-segregation

policies. ISIS limited female education beyond the primary level in areas that it controlled.

Academic freedoms remained restricted in areas of active conflict and in ISIS-controlled territory. ISIS targeted libraries, museums, and academic institutions in violent attacks and abducted students and faculty. The situation improved during the year, however, as the government liberated locations from ISIS rule, and thousands of schools reopened.

ISIS limited cultural expression by targeting artists, poets, writers, and musicians in areas under its control.

NGOs in the KRG 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 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.

In large part the government respected the right of its citizens to freedom of peaceful assembly. For example, on March 24, Shia cleric Muqtada al-Sadr addressed an estimated 50,000 followers in Baghdad’s Tahrir Square to demand anticorruption reforms; the protest remained peaceful, and the estimated 2,000 riot police deployed for the occasion did not interfere with the assembly.

On September 19, hundreds of protesters reportedly gathered in Kirkuk to protest the Iraqi parliament's motion to remove Kirkuk governor Najmaldin Karim from office; the protest was peaceful, and there were no reports government forces acted to disband the protest.

In some cases government forces dismissed unauthorized protests or restricted protests for security reasons. On February 11, riot police dispersed thousands of Sadr supporters gathered outside a gate to Baghdad's International Zone; the clashes reportedly resulted in the death of one police officer and four protesters.

HRW reported the KRG security services and local police detained 32 persons in Erbil on March 4 for participating in a demonstration without a permit. Twenty-three of those detained were released the same day, three others were released four days later, and six foreign nationals were held for more than 10 days. One of those detained told HRW that authorities never charged him, but the police chief told him to leave Erbil.

### **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 Ba'ath 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, is 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, an improvement from past years. NGOs must register and periodically reregister in Baghdad. The NGO Directorate in the Council of Ministers Secretariat reported 3,450 registered NGOs as of November.

In January, KRG officials in Dahuk temporarily closed the offices of the Yazda organization, allegedly because it did not abide by NGO regulations requiring it to obtain approval to do advocacy work. A local NGO reported that the PUK Asayish prevented it from holding a meeting on corruption in February.

### **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 other national legal instruments recognize the right of all citizens to freedom of movement, travel, and residence throughout the country, but the government did not consistently respect these rights. In some instances authorities restricted movements of displaced persons, and authorities did not allow camp residents to depart without specific permission, thereby limiting access to livelihoods, education, and services.

The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR), the International Organization for Migration, and other humanitarian organizations to provide protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, or other vulnerable populations. The government did not have effective systems to assist all of these individuals, largely due to funding shortfalls, lack of capacity, and lack of access. The security situation and armed clashes between the ISF and ISIS throughout the year caused significant movement of civilians, further complicating the government's coordination of relief efforts. Security considerations in and near active combat areas, unexploded ordnance, destruction of infrastructure, and official and unofficial restrictions limited humanitarian access to IDP communities.

Abuse of Migrants, Refugees, and Stateless Persons: UN agencies, NGOs, and the press reported that sectarian groups, extremists, criminals, and, in some alleged but unverified cases, government forces attacked and arrested refugees, including Palestinians, Ahwazis, and Syrian Arabs.

Local NGOs reported that abuse of Syrian refugees, often by other refugees, was common, including violence against women and children, child marriage, forced prostitution, and sexual harassment.

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

control. UNAMI and the UN Office of the High Commissioner for Human Rights received multiple reports that Kirkuk's largely non-Arab authorities denied Sunni Arab IDPs from Kirkuk's Hawija District, as well as Salah al-Din and Ninewa Governorates access to Kirkuk.

There were reports that some PMF militias harassed or threatened civilians fleeing conflict zones, and targeted civilians with threats, intimidation, physical violence, abduction, destruction of property, and killing. There were a number of reports that IDPs, particularly those suspected of ISIS affiliation, faced hostility from local government authorities and populations, as well as threats of expulsion.

The United Nations and humanitarian agencies reported that Kirkuk authorities confiscated identification documents or served notices of eviction to IDPs from Salah al-Din, Anbar, and Diyala Governorates, provoking their departure from camps and urban centers. Authorities reportedly used coercive measures during eviction notifications. Amnesty International reported that PMF units (predominantly Shi'a militias) and the Peshmerga forces prevented civilians, largely Sunni, from returning to their homes after they ousted ISIS.

In Anbar the United Nations and humanitarian agencies noted reports of collective punishment against families with relatives suspected of affiliation with extremist groups in retaken areas. Anbar authorities reportedly made efforts to stop this practice and to work toward post-ISIS reconciliation.

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. 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. While authorities allowed many IDPs to return to their places of origin in retaken areas, ethnic Arabs originating from disputed territories under control of the Peshmerga forces were generally prevented from doing so.

KRG authorities applied restrictions more stringently in some areas than in others. The United Nations and international humanitarian organizations stated that practices regarding the entry of IDPs and refugees seeking to return were more or less restrictive depending 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 were occasionally lengthy. Entry often was more difficult for men, particularly Arab men traveling without family.

Due to military operations against ISIS, the ISF, including the PMF and KRG Peshmerga, increased the number of checkpoints and erected makeshift roadblocks in many parts of the country (see section 1.g.). During military operations to retake Mosul, Tal Afar, Hawija, and areas of western Anbar, the ISF managed the transportation of numerous IDPs from muster points to designated and available sites, without allowing IDPs any option to choose displacement sites. In more severe cases, authorities transported households suspected of ISIS affiliation, including many women and children, to substandard sites without any information or freedom of movement. Sites included Ninewa's Hamam al-Alil and Tel Kayf camps, as well as Salah al-Din's al-Shahama camp.

ISIS restricted freedom of movement, particularly in the west and north (see section 1.g.). There were numerous credible reports that ISIS killed civilians trying to flee, including in the cities of Hawija, Qayara, and Mosul, when the ISF moved to liberate those areas.

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

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

The constitution and the national policy on displacement address IDP rights, but few laws specifically do so. The government and international organizations, including UN agencies and NGOs, attempted to provide protection and other assistance to IDPs. High numbers of IDPs outside of camps strained host communities' resources. Since 2014 the United Nations has designated the country's humanitarian crisis as a level three emergency, its highest level, citing the scale, urgency, and complexity of the situation.

In some areas violence and insecurity, along with long-standing political, tribal and sectarian tensions, hampered progress on national reconciliation and political reform, complicating the protection environment. Thousands of families have experienced multiple displacements, and large numbers were compelled to move

across governorates in search of protection. Forced displacements, combined with the protracted and largely unresolved problem of millions of persons uprooted in the past decades, had a destabilizing effect on the country's already complex social and political dynamics, straining the capacity of local authorities and revealing the limitations of legal and administrative frameworks.

All citizens are eligible to receive food under the Public Distribution System (PDS); however, authorities implemented the PDS sporadically and irregularly, with limited access in recently retaken areas. Authorities did not distribute all commodities each month, and not all IDPs could access the PDS in each governorate. Low oil prices further limited funds available for the PDS. Citizens could only redeem PDS rations at their place of residence and within their registered governorate, causing loss of access and entitlement following displacement. Following military operations in Mosul, the government included PDS in the first wave of services restoration.

Persons who did not register as IDPs in their places of residence sometimes faced limited access to services. Local authorities often determined whether IDPs would have access to local services. Through the provision of legal aid, the United Nations and other humanitarian agencies 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 documentation and administrative delays. Many citizens who previously lived in ISIS-controlled areas did not have civil documents for the prior two or three years, increasing the difficulty of obtaining identification and other personal documents.

Although government assistance focused on financial grants, it did not make payments consistently. Faced with the large movements of IDPs across the country, the government provided food, water, and financial assistance to many but not all IDPs, including in the KRG. Many IDPs lived in informal settlements where they did not receive adequate water, sanitation, or other essential services. According to the International Organization for Migration, as of October, 12 percent of IDPs lived in shelter arrangements that did not meet minimal safety or security standards, 24 percent lived in IDP camps and settlements, and approximately 48 percent resided in private accommodations, including host family residences, hotels, motels, and rented housing.

Since 2014 armed conflict has displaced more than 3.2 million persons, predominantly from Anbar, Ninewa, and Salah al-Din Governorates. From

October 2016 to July, Mosul military operations cumulatively displaced more than one million persons, primarily to other areas of Ninewa Governorate. Subsequent military operations in Tal Afar prompted additional Ninewa displacement, while operations in Hawija and western Anbar displaced more than 109,000 persons and 67,000 persons in central and southern regions of the country, respectively, as of mid-November. Almost 2.3 million individuals returned to their communities throughout the country in the past two years. Up to one million individuals remained displaced from the 2006-08 sectarian conflict.

While humanitarian assistance generally reached IDPs in most of the country, access to those remaining in ISIS-controlled areas was limited. Humanitarian personnel were restricted from providing assistance in these areas due to security and movement limitations that constrained aid delivery.

During September central government authorities evicted Anbar IDPs from Amiriyah Fallujah IDP camp complex. The Anbar Operations Command repeatedly mandated the return of IDPs to areas of origin in Falluja District, despite insecurity and vulnerability to sectarian threats in these areas. Furthermore, confiscation of documentation, particularly from male IDPs, increased protection risks and impeded IDPs' access to public services and humanitarian assistance. In November and December, government officials forced the return of hundreds of IDPs in Anbar and Salahuddin.

On July 9, HRW reported that KRG forces expelled at least four Yezidi IDP families and threatened others because of the participation of their relatives in Iraqi security forces. The Asayish returned the displaced families to Sinjar where access to basic goods and services was very limited. As of the end of August, the Asayish expelled more than 200 Yezidi IDPs from camps, according to the Yezidi Documentation Organization.

## **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government established a system for providing protection to refugees. According to UNHCR, the country hosts more than 284,000 refugees, primarily from Syria, with smaller numbers of Iranians, Turks, and Palestinians. 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 when working in the public sector due to their ambiguous legal status; the government did not recognize their refugee status and did not allow them to obtain citizenship. Syrian refugees were able to obtain and renew residency and work permits both in refugee camps and in the KRG. Iraqi authorities arrested refugees who sought work outside of the KRG and returned them to the KRG.

Durable Solutions: There was no large-scale resettlement or integration of non-Iraqi refugees in central and southern Iraq. Ethnic Kurdish refugees from Syria, Turkey, and Iran generally integrated well in the KRG, although economic hardship plagued families and prevented some children, especially Syrians, from enrolling in formal school. Education service providers in the KRG reported that out-of-camp IDP populations had the poorest school attendance and highest dropout rates amongst IDPs, refugees, and host communities. In September the KRG reported that approximately 60 percent of Syrian refugees in the region lived outside camps. Many worked in Erbil or found shelter with relatives locally.

### **Stateless Persons**

UNHCR estimated there were more than 48,000 stateless individuals in the country in 2016, the latest year for which complete data were available.

As of 2006 the latest year for which data were available, an estimated 54,500 Bidoun individuals, descendants of individuals who never received Iraqi citizenship upon the state's founding, living as nomads in the desert near or in the southern governorates of Basrah, Dhi Qar, and Qadisiyah, remained undocumented and stateless. Prolonged drought in the southern section 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 population; the Ahwazi, who are Shia Arabs of Iranian descent; the Bahai 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 persons also faced difficulty obtaining public-sector employment and lacked job security.

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

The constitution 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 past irregularities in the conduct of elections, citizens generally exercised this right.

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

Recent Elections: In 2014 the Independent High Electoral Commission (IHEC) conducted elections for both the Iraqi COR and the provincial councils of Erbil, Dahuk, and Sulaimaniyah Governorates. International and local observers monitored the elections. Despite security concerns, monitors declared the elections credible and free from widespread or systemic fraud. There were limited reports of abuse or electoral irregularities. IHEC announced preliminary election results, and the Federal Supreme Court certified the results in 2014. The government is scheduled to hold parliamentary and provincial elections in May 2018.

In 2015 the KRG established the Kurdistan Independent High Electoral Commission that has authority to supervise all elections and referenda within the IKR, previously under central government IHEC supervision. Despite the objection of the federal government, on September 25, the KRG held a referendum on independence from the central government of Iraq; KRG authorities held the referendum in both the IKR and in disputed areas bordering it. Neither the central government nor foreign governments recognized this unilateral, nonbinding referendum. Minorities in the disputed areas reported heavy-handed pressure to vote for or against the measure. On November 1, KRG President Barzani stepped down from the office of the presidency, citing the expiration of his mandate.

Political Parties and Political Participation: Political parties and coalition blocs tended to organize along either religious or ethnic lines, although some parties indicated interest in crossing sectarian lines during the year. Membership in some political parties conferred special privileges and advantages in employment and education.

On September 15, the KRG parliament reconvened for the first time since its closure in 2015 with 68 of its 111 members in attendance. With parliamentarians

from the Gorran and Kurdistan Islamic Group boycotting the session, 65 of the 68 members present voted in favor of a five-point resolution in support of the September 25 Kurdish independence referendum.

Participation of Women and Minorities: No laws limit participation of women, members of minorities in, or both 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 2014 parliamentary elections, 22 women received sufficient votes to win seats in the 328-seat COR without having to rely on the constitutional quota, compared with five in 2010. More than 60 additional women were awarded seats based on the quota, raising the total number of seats women held to 86. Despite an increase in the number of female parliamentarians, political discussions often marginalized female members of parliament. Two women served in the Council of Ministers.

Of the 328 seats in parliament, the law reserves eight seats for minorities: five for Christian candidates from Baghdad, Ninewa, Kirkuk, Erbil, and Dahuk, respectively; one Yezidi; one Sabaeen-Mandean; and one Shabak. There is one Christian cabinet minister.

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

The law provides criminal penalties for conviction of corruption by officials, but the government did not always implement the law effectively. There were numerous reports of government corruption during the year. Some officials in all parts of the government engaged in corrupt practices with impunity, and investigation of corruption was not free from political influence. Family, tribal, and religious considerations significantly influenced government decisions at all levels. Bribery, money laundering, nepotism, and misappropriation of public funds were common. The 2016 amnesty law allowed some individuals convicted of corruption to receive amnesty upon repaying money they had obtained by corruption.

Corruption: Lack of agreement concerning institutional roles and political will, political influence, poor transparency, and unclear governing legislation and regulatory processes hampered joint efforts to combat corruption. Although anticorruption institutions increasingly collaborated with civil society groups--organizing workshops, surveys, and training courses--the effect of expanded cooperation was limited. Media and NGOs attempted to expose corruption independently, although their capacity to do so was limited. Anticorruption, law

enforcement, and judicial officials, as well as members of civil society and media, faced threats and intimidation in their efforts to combat corrupt practices (see section 2.a.).

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.

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 financial transfers to ISIS-controlled territories. 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 the Federal Board of Supreme Audit's chairperson, the COI's commissioner, and representatives from the offices of the inspectors general; the Ministry of Interior's economic crimes head may attend when warranted.

On August 8, the COI issued a summary of the commission's January 1 through June 30 biannual report. The summary stated the commission filed 4,385 corruption cases and worked on 4,450 existing cases; issued 2,923 subpoenas, of which 218 were to senior officials, including 34 to ministers or officials with ministerial rank. The commission reported it issued 880 arrest warrants, including 23 to ministers or officials with ministerial rank. The commission reported it referred the cases of 1,249 officials accused of corruption to a competent court, among them seven ministers and 55 senior officials. There were 285 convictions, including six of three ministers, and 24 of 15 senior officials. The commission reported it restored 98 billion dinars (\$84 million) to the state treasury. The COI did not release the names of government officials in its semiannual report.

Several governors were implicated in corruption during the year, including Suhaib al-Rawi of Anbar, Majid al-Nasrawi of Basrah, and Ahmed Abdullah al-Jabouri of Salahuddin.

In May international media reported that the central government launched a corruption investigation against the director general of the State Oil Marketing Organization, Fallah al-Amiri, accusing him of making under-the-table deals with companies that were bidding on contracts to market and export oil for it.

The Baghdad Integrity Court, which specializes in integrity cases, announced it was investigating dozens of corruption cases involving many government ministries. On March 22, the Integrity Court announced it had adjudicated 611 cases; the results of the court decisions were not publicly available.

On September 13, the Integrity Court announced Basrah Provincial Council chair Sabah al-Bazouni received a three-year sentence for taking bribes from the Saudi investment company Dao al-Jumaih. As of September Bazouni was appealing the charges and still faced separate additional corruption charges.

On April 13, KRG authorities arrested the head of the KRG's Central Bank and his deputy on charges of corruption related to mishandling accounts. By year's end, the general manager and his deputy were under house arrest until the still undecided trial date. Also during the year, authorities arrested KRG officials at the director general level and below on corruption charges at the Ministry of Martyrs and Anfal Affairs and the Sulaimaniyah Immigration Department.

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 if convicted range from fines to imprisonment. A unified system for enforcing annual financial disclosures did not exist. The COI has no jurisdiction over the IKR, but Kurdish members of the central government 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.

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**

Domestic and international NGOs operated in most cases with little government 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 providing assistance to IDPs and other communities the conflict has affected. In some instances these NGOs worked in coordination with central government and Kurdistan regional government authorities. A number of NGOs also investigated and published findings on human rights cases. When NGOs alleged human rights abuses that concerned government actions or actions of ethnic or religious groups allied with the government, there were some reports of government interference. NGO Kurdistan Economic Development Organization reported that in February, the PUK Asayish prevented it from holding a meeting regarding corruption in the KRG, and told the NGO to focus on other economic issues instead.

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. Lack of domestic NGOs' sustainability 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, although not all, domestic NGOs.

Some NGOs in the south reported government officials interfered and harassed them, particularly regarding finances. The governor of Maysan reportedly tried to control funding for local NGOs from international organizations.

NGOs were effectively prevented from operating in certain sectors. For example, the law effectively permitted only the Ministry of Labor and Social Affairs to operate shelters for human trafficking victims. NGOs that operated unofficial shelters faced legal penalties for operating such shelters without a license.

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 is legally contingent upon whether an NGO's programming goals conform to already identified priority areas. The KRG's 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. During the year local and international NGOs did not report difficulties registering with the regional government and obtaining permits for their operations in KRG-administered areas.

Reports indicated ISIS threatened NGOs and civil society activists in areas under its control during the year.

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

Government Human Rights Bodies: The Iraqi High Commission for Human Rights (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 July 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 KRG Human Rights Commission issued periodic reports on human rights, trafficking in persons, and religious freedom. The commission reported KRG police and security organizations had generally been receptive to human rights training and responsive to reports of violations. In February, however, a court convicted the deputy head of the commission's Dahuk office for interfering with a police investigation; the court suspended his six-month sentence.

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

### **Women**

Rape and Domestic Violence: The law criminalizes rape (but not spousal rape) and permits a maximum sentence of life imprisonment if the victim dies. The law allows authorities to drop a rape case if the perpetrator marries the victim. 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.

Domestic violence remained a pervasive problem, and there was no law prohibiting it. 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 signed a joint agreement with UNAMI on the Prevention and Response to Conflict-related Sexual Violence in 2016. The government committed to working with the Office of the Special Representative and the UN system to develop and implement an action plan to prevent and respond to conflict-related sexual violence. On August 22, however, UNAMI reported that while the government and KRG had taken some positive steps to further women's rights, including working to address the needs of ISIS victims, the criminal justice system was often unable to provide adequate protection for women.

The government and KRG also struggled to address the physical and mental trauma endured by women who lived under ISIS rule. Additionally, the government and KRG worked to reconcile the legal status of children born to women living in ISIS-held territory, as the children lacked government-issued birth certificates and other legal documentation.

Due to continuing ISIS-perpetrated violence, women's status suffered severe setbacks (see also section 1.g.). During the year ISIS kidnapped women and girls to sell, rent, or gift them as forced "brides" (a euphemism for forced marriage or sexual slavery) to ISIS fighters and commanders, and exploited the promise of sexual access in propaganda materials as part of its recruitment strategy.

While the government does not have a law that explicitly prohibits NGO-run 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. NGOs reported that communities often viewed the shelters as brothels and asked the government to close them. 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 around the country, designed to resolve domestic disputes and establish safe refuges for victims of sexual or gender-based violence. These units tended to prioritize family



reconciliation over victim protection and lacked the capacity to support victims. Hotline calls typically went to the male commanders of the units who did not follow a regular referral system to provide victims with services, such as legal aid or safe shelter. Victims of domestic violence in Basrah told UNAMI they feared approaching the family protection units, because they suspected that police would immediately inform their families of their testimony. The family protection units in most locations did not operate shelters. Safe houses, which the government and NGOs operated, were often targets for violence.

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.

KRG law criminalizes domestic violence, including physical and psychological abuse, threats of violence, and spousal rape. The government implemented the provisions of the law, creating a special police force to investigate cases of gender-based violence and establish 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 was limited, and service delivery 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.

Female Genital Mutilation/Cutting (FGM/C): The IKR's Family Violence Law bans FGM/C, but NGOs reported the practice persisted, particularly in rural areas.

Other Harmful Traditional Practices: The law permitted honor as a lawful defense in violence against women, and honor killings remained a serious problem throughout the country. Some families arranged honor killings to appear as suicides. A provision of the law limits a sentence for conviction of murder to a maximum of three years in prison if a man is on trial for killing his wife or a female dependent due to suspicion that the victim was committing adultery.

UNAMI reported that several hundred women died each year from honor killings. Asuda for Combatting Violence against Women in Iraqi Kurdistan reported that, according to official government data, 24 cases of honor killings occurred in the IKR during the year.

Several women reportedly refused to leave Basrah prisons after their sentences had concluded due to fear their families would harm them, or confine them to life-long home detention, because their actions had “dishonored” the family.

Women and girls were at times 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. 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 that is considered sexual solicitation. Penalties if convicted include fines and imprisonment. The law provides relief from penalties if unmarried participants marry. No information was available regarding the effectiveness of government enforcement. The law prohibits sexual harassment in the workplace. In most areas there were few or no publicly provided women’s shelters, information, support hotlines, and little or no sensitivity training for police.

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

Coercion in Population Control: There were reports that ISIS forced Yezidi women whom they had impregnated to have abortions. There were no reports of involuntary sterilization. Estimates on maternal mortality and contraceptive prevalence are available at: [www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

Discrimination: Although the constitution forbids discrimination based on gender, conservative societal standards impeded women’s ability to enjoy the same legal status and rights as men in all aspects of the judicial system. ISIS imposed severe restrictions on women’s movement and dress in areas it controlled.

In 2016 UNAMI reported that women constituted 51 percent of the country's IDPs. The UN representative for women's affairs in Iraq said the abolition of the Ministry for Women's Affairs posed an additional challenge in addressing issues of conflict and displacement, especially since the majority of those displaced were women.

Law and custom generally do not respect freedom of movement for women. For example, the law prevents a woman from applying for a passport without the consent of her male guardian or a legal representative. Women could not obtain the Civil Status Identification Document--required for access to public services, food assistance, health care, employment, education, and housing--without the consent of a male relative. This restriction affected women in conflict, according to local NGOs. In ISIS-controlled areas, ISIS forces reportedly forbade women from leaving their homes unless male relatives escorted them. ISIS also prevented professional women from returning to work, with the exception of medical workers and teachers. The Council of Ministers' Iraqi Women Empowerment Directorate is the lead government body on women's issues.

## **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 agencies reported a widespread problem of children born 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.

In August, according to UNICEF reporting, children comprised almost one-half of the three million Iraqis displaced by the conflict, severely limiting their access to education; at least 70 percent of displaced children missed a year of school.

Child Abuse: Violence against children remained a significant problem. According to a UN-supported study in 2011 (the last year for which reliable statistics were reported), 46 percent of girls between ages 10 and 14 were exposed to family violence. The law provides protections for children who were victims of domestic violence or were in shelters, state houses, and orphanages.

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 15 with parental permission and 18 without. The government reportedly made few efforts to enforce the law. Traditional forced marriages of girls occurred throughout the country. According to UNICEF in 2016, approximately 975,000 women and girls had been married before age 15, twice as many as in 1990. Early and forced marriages, as well as abusive temporary marriages, occurred in rural and urban areas.

According to the KRG High Council of Women's Affairs, refugees and IDPs in the IKR contributed to increased child marriages and polygamy.

Local and international NGOs reported that the practice of husbands or their families threatening to divorce wives they married when the girls were very young (ages 12 to 16) to pressure the girl's family to provide additional money to the girl's husband and his family also occurred, particularly in the south. Victims of these forced divorces were compelled to leave their husbands and their husbands' families, and social customs regarding family honor often prevented victims from returning to their own families, leaving some adolescent girls abandoned.

Sexual Exploitation of Children: The law prohibits the commercial exploitation of children, and pornography of any kind, including child pornography. During the year ISIS members forced girls into marriage with ISIS fighters (see section 1.g.). Child prostitution was a problem. Because the age of legal criminal responsibility is nine in the central region and 11 in the IKR, authorities often treated sexually exploited children as criminals instead of victims. Penalties for conviction of commercial exploitation of children range from fines and imprisonment to the death penalty. No information was available regarding the effectiveness of government enforcement.

ISIS's sexual exploitation of Yezidi children was widespread throughout the year in areas under the group's control; this abuse included rape and sexual slavery.

Displaced Children: Insecurity and active conflict between government forces and ISIS caused the displacement of large numbers of children. Due to the conflict in Syria, numerous children and single mothers from Syria took refuge in the IKR (see section 2.d.).

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.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**

Although the constitution states the government, through law and regulations, should care for and rehabilitate persons with disabilities in order to integrate them into society, no laws prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities. There were reports that persons with disabilities experienced discrimination due to social stigma. Although the Council of Ministers issued a 2016 decree 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 that became operational in late 2016. Any Iraqi citizen applying to receive disability-related government services must first receive a commission evaluation. The KRG deputy minister of labor and social affairs leads a similar commission, administered by a special director within the ministry.

There is a 5 percent public-sector employment quota for persons with disabilities, but employment discrimination persisted, and observers projected that the quota was not likely met at year's end (see also 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, Armenian Orthodox, Yezidis, Sabeen-Mandean, Bahai, Kaka'i, and a very small number of Jews. The country also had a small Romani community, as well as an estimated 500 thousand citizens of African descent, who reside primarily in Basrah and adjoining governorates.

The National Identity Card Law automatically registers minor children as Muslims if they are born to at least one Muslim parent or if either parent converts from another religion to Islam. The law did not permit some religious groups, including Bahai, to register their religions on national identifications card. The law also disallowed Muslims who converted to other religions to reflect these conversions on their identity cards.

In areas under its control, ISIS committed numerous serious abuses against Yezidis, Shabaks, Christians, and other minorities. Other illegal armed groups also targeted ethnic and religious minorities (see section 1.g.).

Many of the estimated 500,000 persons of African descent lived in extreme poverty with high rates of illiteracy and unemployment. They were not

represented in politics, nor did they hold any high-level 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. Although they have won several court cases, they have yet to receive compensation.

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.

Although Arabs are the majority in most of the country, they are a minority in Kirkuk, and Arab residents of the city often charged that KRG security forces targeted Arabs with intimidation, attacks, and kidnapping.

Kirkuk citizens, particularly Sunni Arabs, faced pressure to leave Kirkuk, particularly in the months leading up to the September 25 Kurdish independence referendum. For example, in September there were reports that Kurdish authorities in Kirkuk confiscated non-Kurdish residents' identity documents, in an effort to displace them.

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

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

Authorities relied on public indecency or prostitution charges to prosecute same-sex sexual activity. Authorities used the same charges to arrest heterosexual persons involved in sexual relations with anyone other than their spouse.

Societal discrimination in employment, occupation, and housing based on sexual orientation, gender identity, and unconventional appearance was common.

LGBTI persons often faced abuse and violence from family and nongovernmental actors. In addition to targeted violence, LGBTI persons remained at risk for honor crimes. For example, on March 1, a close family member killed a man purported to be one of two men shown in a gay-sex video circulated online.

Local contacts reported that militia groups drafted LGBTI “kill lists” and executed men perceived as gay, bisexual, or transgender. On July 4, media reported that Karar Nushi, an actor, model, and student, was stabbed to death in Baghdad because of his perceived sexuality.

ISIS continued to publish videos depicting executions of persons accused of homosexual activity that included stoning and being thrown from buildings. Some armed groups also started a campaign against homosexual persons in Baghdad.

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

Media reported criminal networks and some militia groups seized Christian properties in Baghdad--as well as areas of Anbar, Babil, Basrah, Diyala, and Wasit--with relative impunity, despite pledges by the Prime Minister’s Office to open investigations into the seizures.

## **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. 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 November parliament approved ratification of International Labor Organization’s Convention 87, Freedom of Association and Protection of the Right to Organize.

A Saddam Hussein-era law bans all public-sector trade union activity. The law also considers individuals employed by state-owned enterprises (who made up approximately 10 percent of the workforce) as public-sector employees. CSOs lobbied 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 have previously reported that government officials threatened and harassed them, although there were no high-profile cases during the year.

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

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

The law prohibits all forms of forced or compulsory labor--including slavery, indebtedness, and trafficking in persons--but the government did not effectively monitor or enforce the law. Penalties were not 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 further forced labor. Female IDPs were vulnerable to economic exploitation and discriminatory employment conditions. According to local sources, ISIS sexually exploited several thousand Yezidi and other minority women and girls, and forced men and boys into military service (see sections 1.g. and 6).

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 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 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 to bear the cost of annual medical checks for working juveniles (ages 15-18), but it does not prohibit using children in illicit activities. 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. (In the IKR education is mandatory until age 15, which is also the minimum age for legal employment). Convicted violators are subject to imprisonment for a period of 30 days to six months and a fine ranging from approximately 100,000 to 518,000 dinars (\$88 to \$455), to be doubled in the case of a repeated offense. Qualitative 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. The Ministry of Labor and Social Affairs inspection service sought to comply with the law prohibiting child labor in the private and public sectors. Inspections continued, but due to the conflict with ISIS and 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, and penalties for violations did not serve as a deterrent.

The Iraqi Observatory for Human Rights documented cases of displaced children forced to migrate with their families from their homes and, subsequently, engaged in child labor.

A survey conducted this year by a Kurdish human rights group found 424 children ages 15 and younger pressured by their families to beg in Sulaimaniyah Governorate. The majority were from Syrian refugee families or from other war zones in the region. According to the KRG, the Ministry of Labor and Social Affairs believed that 1,700 children worked in the IKR, often as street vendors or beggars, making them particularly vulnerable to abuse. The IKR's 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.

There were reports that ISIS and other armed groups recruited children to gather intelligence, staff checkpoints, patrol the streets, and serve as couriers (see section 1.g. and section 6, Children). There was no evidence that the government purposely recruited children into the armed forces, although there were reports that PMF groups provided military training to juveniles.

Local NGOs reported that organized gangs also recruited children to beg. The Ministry of Labor and Social Affairs continued a 2016 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 regard to gender, sect, opinion, belief, nationality, or origin. The law prohibits discrimination based on race, sex, religion, social origin, political opinion, language, 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 disability, age, sexual orientation or gender identity, HIV-positive status, or other communicable diseases.

Discrimination in employment and occupation occurred with respect to women, foreign workers, and minorities (see section 6). 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.

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

The national minimum wage, set by federal labor law, is 250,000 dinars (\$220) 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 government did not enforce regulations governing working conditions. The ministry's occupational safety and health staff worked throughout the country, but the lack of a law governing these inspections hindered compliance and enforcement efforts.

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.

A 2016 Peace and Freedom Organization in Kurdistan study on labor rights and freedom of association found that most workplaces in the IKR offered adequately safe conditions. The study criticized, however, the lack of worker's knowledge of their legal rights, including the right of association. According to the IKR Independent Human Rights Commission, 64 workers died in 2016 due to unsafe work in construction projects.