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Iraq

Country:

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Year:

2016

Freedom Status:

Not Free

Political Rights:

5

Civil Liberties:

6

Aggregate Score:

27

Freedom Rating:

5.5

Overview:

The Iraqi security forces and their allies in the fight against the Islamic State (IS) militant group made hard-won progress in 2015. IS lost control of significant towns and cities such as Tikrit, Sinjar, and Ramadi, the last of which had fallen to the militants in May but was mostly retaken by late December. However, IS retained control of important areas, including Mosul, Iraq's second-largest city, and stepped up terrorist attacks in the capital and other government-held population centers. Civilians bore the brunt of the violence, targeted by both IS and some progovernment forces, including Shiite militias.

The election of Haidar al-Abadi as prime minister in 2014 seemed to offer Iraq an opportunity to heal sectarian divisions that were exacerbated by his predecessor, Nouri al-Maliki. Yet in 2015, Iraq appeared to inch closer to dissolution along ethno-sectarian lines. The autonomous Kurdish region in the north continued to lobby the international community to accept the idea of formal independence. The Shiite majority in the south openly discussed secession, a previously taboo topic. And while Sunni leaders pressed for fair inclusion or Sunni regional autonomy within a united Iraq, the pattern of IS occupation raised the possibility of an independent Sunni Arab state in parts of Iraq and Syria. These pressures increased the urgency of restoring government control over Iraqi territory without further alienating the Sunni population.

Emboldened by a protest movement that began in July, al-Abadi initiated reforms designed to overhaul Iraq's faltering public utilities and streamline a political system that was seen as bloated with sectarian patronage and corruption. However, the proposed reforms were neither transformational nor, in some cases, legal. By the end of the year the reform movement had largely collapsed as a result of declining political support and the parliament's assertion of its constitutional right to limit the power of the executive, which al-Abadi had improperly expanded.

Political Rights and Civil Liberties:

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

A. Electoral Process: 8 / 12

Under the constitution, parliamentary elections should be held at least every four years. Members of the 328-seat parliament, the Council of Representatives, are elected through multimember open lists for each province. Once seated after elections, the parliament elects a president, who then appoints the member nominated by the largest parliamentary bloc as prime minister. The prime minister forms a government with parliamentary support and assumes most executive power. Iraqi governments have thus far been coalitions resulting from lengthy, contentious negotiations that uphold unwritten power-sharing agreements apportioning the top political positions among the country's religious and ethnic communities. The constitution envisions a Federal Council, an upper house designed to represent provincial interests, but it has never been formed. Iraq's 18 provinces also have governing councils elected every four years.

While parliamentary seats are allocated by province based on population, the estimates in use are disputed, as Iraq has not held a successful census covering the entire country since 1987. However, the borders of Iraq's provinces are generally agreed upon.

In the 2014 parliamentary elections, al-Maliki's Shiite-led State of Law coalition won 95 seats, making it the largest grouping. A Shiite bloc associated with populist cleric Moqtada al-Sadr placed second with 34 seats, followed by a third Shiite coalition, Al-Muwatin, with 31 seats. A Sunni-led bloc, Muttahidoon, took 28 seats; a secular nationalist coalition led by Ayad Allawi, Al-Wataniya, received 21; and the two leading Kurdish parties, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), took 25 and 21 seats, respectively. The remainder was divided among several smaller parties.

The elections were considered successful given the challenge of political violence in the country, and the Independent High Electoral Commission responded aggressively to fraud after investigating complaints. The balloting was also monitored by political parties, foreign and domestic media outlets, Iraqi nongovernmental organizations (NGOs), and international observers.

After tense and protracted negotiations, the new parliament eventually approved a government headed by al-Abadi. Al-Maliki's support within his own coalition had crumbled, as many domestic and international critics blamed his divisive rule for the rapid territorial gains of IS, and the U.S. government indicated that greater military assistance was effectively contingent on al-Maliki stepping down.

The Kurdistan Regional Government (KRG), comprising the three northern provinces of Erbil, Dohuk, and Suleymaniyah, has its own flag, military, official language, and other institutions. The KRG's 111-seat parliament, the Kurdish National Assembly, is elected through closed party-list proportional representation in which the three provinces form one district. Kurdish voters also participate in national parliamentary elections and elect members of their own provincial councils. In the 2013 assembly elections, the KDP led with 38 seats, the Gorran (Change) Movement placed second with 24, and the PUK was third with 18. Smaller factions and minority representatives made up the remainder.

The KRG also elects its own president, typically every four years. The powerful Kurdish president controls several key institutions without parliamentary oversight. In June 2013, after serving eight years in the presidency, Masoud Barzani and his party, the KDP, made an agreement with the rival PUK to extend his term for two years. This extension expired in August 2015, but with no successor in place due to delays in election preparations, the main Kurdish parties were unable to agree on how or whether to remove Barzani from office. By October, the standoff had contributed to violent protests that resulted in at least five deaths. Barzani and the KDP were governing without support from Gorran and the PUK at year's end, and the parliament was effectively suspended, with its speaker, a Gorran member, barred from entering Erbil.

B. Political Pluralism and Participation: 5 / 16

The constitution guarantees the freedom to form and join political parties, apart from the Baath Party. Iraqis' freedom to run for office is limited by the operation of a de-Baathification commission and by a vague "good conduct" requirement in Iraqi electoral law. However, all recent Iraqi elections have been characterized by vigorous campaigning among large numbers of parties and candidates.

In August 2015, the parliament passed a comprehensive law regulating the activities of political parties in Iraq. Among other provisions, the law lays out requirements for establishing a new party, revamps official registration procedures, and regulates party funding, including through a ban on foreign financing and donations from state-funded enterprises. The law also prohibits parties from engaging in military action, though many consider this provision impossible to enforce, given the proliferation of party-affiliated militias in the country.

Citizens' free political choices have been impaired by violence and intimidation from a variety of state and nonstate actors, interference by foreign powers, sharp ethnic and sectarian divisions, de facto ethnic and sectarian apportionment of key offices, and corruption, among other factors.

Most of Iraq's religious and ethnic minorities are represented in the parliament through a system of reserved seats—five for Christians and one each for Yazidis, Sabeen Mandaeans, and Shabaks. The Kurdish legislature reserves five seats for Turkomans, five for Chaldean and Assyrian Christians, and one for Armenians. As Iraq's largest minority, many Sunni Arabs feel that Shiite dominance of the political system since 2003 has kept them out of positions of influence in government. Moreover, power-sharing arrangements among Kurds, Shiites, and Sunnis serve to reinforce the political salience of ethnic

identities and inhibit the formation of political movements based on other issues or priorities.

C. Functioning of Government: 2 / 12 (+1)

Governance in Iraq is hampered by ongoing security crises, corruption, ethno-sectarian power sharing, and the state's limited administrative capacity. These factors render policymaking and implementation expensive, slow, and sometimes impossible. Nevertheless, in 2015 the parliament passed several significant pieces of legislation, including a budget for the current fiscal year, which it had not done in 2014.

Responding to a massive anticorruption protest movement that swept the country in July 2015, al-Abadi introduced a reform package in August that would significantly restructure Iraq's political and administrative apparatus. The reforms abolished the positions of the country's three vice presidents and three deputy prime ministers; reduced politicians' private security details, releasing some 20,000 men to join the fight against IS; and restructured and merged several ministries, eliminating a number of cabinet positions. The changes also established an anticorruption council, reopened some languishing corruption cases, and tasked a team of judges with investigating ongoing corruption allegations. Although initially popular, the reform package was later critiqued for not being comprehensive enough. In addition, while some measures were approved by the parliament, others, including a merger of ministries, came in the form of executive decrees that apparently exceeded the prime minister's legal powers. The elimination of vice presidential posts was challenged as unconstitutional, since the constitution called for at least one vice president. In November, the parliament voted to bar al-Abadi from adopting reforms without its approval, reasserting the legislature's constitutional powers and counteracting a pattern of executive dominance and unilateralism that had developed under al-Maliki.

Iraq was ranked 161 out of 168 countries and territories assessed in Transparency International's 2015 Corruption Perceptions Index.

Discretionary Political Rights Question B: -3 / 0

In 2015 IS continued its efforts to deliberately change Iraq's religious demography. Shiites, Christians, Yazidis, Shabaks, Sabeans, and Kaka'i fled IS-controlled areas in the face of mass killings, discriminatory "taxation," forced conversions, and the enslavement of women and girls. The property of displaced groups was destroyed or confiscated, as were their mosques, shrines, and churches. Meanwhile, government units, Kurdish forces, and Shiite militias allegedly attacked and displaced Sunni Arab civilians in some areas in retaliation for perceived support for IS.

Civil Liberties: 15 / 60 (+2)

D. Freedom of Expression and Belief: 5 / 16

Freedoms of expression and the media are guaranteed in Iraq's constitution, so long as they do not violate public order or morality. There are, however, few truly independent media outlets in Iraq, with most controlled by political parties or the state. In 2015, the official media's positive portrayal of the military campaign against IS clashed with the limited progress it actually made. Media freedom in Iraq generally, but especially in the KRG, also suffers from the threat of lawsuits or retaliation by powerful individuals. In February, a journalist in the KRG was arrested and charged under an antiterrorism law for suggesting that a Kurdish military commander should be removed from duty. He was later released, and the case was dropped. In August the KDP's intelligence organization detained a man for posting pictures online that were supportive of Barzani's political rivals.

The Committee to Protect Journalists found that at least five journalists were killed during 2015 in connection with their work, and many others received threats. Bloggers and others who disseminate information online are also at risk. Journalists in IS-held territory are regularly kidnapped, imprisoned, tortured, and forced to work in the group's media operations. IS has also occupied media buildings, sold or confiscated equipment, and established so-called "media points" throughout its territory where individuals may view and download IS propaganda.

Iraq's constitution guarantees freedom of belief. However, both within and outside IS-held areas, Iraqis are targeted for their religious identity. During 2015 IS killed large numbers of Shiites, whom it considers to be apostates, either in terrorist bombings or after capture. IS also continued its efforts to dominate Iraqi Christians and eradicate the country's Yazidi population. These minorities were subject to forced conversion, beheading, crucifixion, enslavement, massive theft of property, and rape throughout the year. Sunnis who resisted the group's interpretation of Islamic law were also executed. IS has similarly attempted to wipe out the practice of Sufism, killing Sufis and destroying shrines. Religious and cultural heritage sites of all kinds were vulnerable to destruction and looting in IS territory.

Shiite militias often took indiscriminate revenge for IS actions on Sunni civilians, destroying their mosques, killing their religious leaders, taking their property, and even massacring them, as when progovernment militias recaptured Tikrit in early 2015. In Sinjar, a Yazidi militia massacred 21 Sunni Arab villagers in January.

Some 160,000 Iraqi students' university educations had been halted and eight universities closed due to the IS occupation as of 2015. In areas under IS control, academics are tortured or killed for refusing to obey the group. As the militants do not permit the teaching of music, history, literature, or art, only the faculties of engineering, medicine, dentistry, veterinary medicine, and education remained open at the University of Mosul. In Anbar Province, IS burned papers, books, laboratories, and academics' houses. University buildings in IS areas have been taken over for use as courts, prisons, or housing for fighters.

IS maintains a large network of civilian informants and a sophisticated intelligence apparatus that it uses to identify and punish dissent in areas it controls. As a result, free and open discussion is heavily circumscribed, especially in public spaces, such as

markets and cafes. Speech in other parts of Iraq is more open, though the threat of political or sectarian violence remains a deterrent.

E. Associational and Organizational Rights: 6 / 12 (+2)

Iraqis have a constitutional right to freedom of assembly, but this right is frequently restricted in practice. In July 2015, protests erupted in southern Iraq in response to power outages and the mismanagement of public utilities. In Basra, police killed one man and injured four others during clashes with demonstrators. The protests spread to the capital weeks later, evolving into a broader campaign for reform of the political system. Thousands demonstrated in Baghdad, and security forces were ordered not to intervene. Although citizens were generally given space to continue assembling in the subsequent months, isolated clashes with police were reported.

NGOs enjoy a supportive legal environment—apart from a requirement to register with the government—and widespread acceptance within Iraqi society. However, in 2015 the government began requiring new NGOs to obtain approval from the de-Baathification commission in order to officially register, and the KRG began to require them to renew their registration annually. Although nearly 2,600 NGOs were registered in the country by the end of 2015, the poor security situation limits their ability to operate.

After a decade of lobbying by Iraqi workers, in August 2015 the parliament passed a new labor law that generally meets international standards. The law allows collective bargaining even by workers without a union, prohibits child labor, protects against discrimination and sexual harassment in the workplace, improves maternity and pregnancy leave and the rights of subcontractors and migrant workers, and allows workers to strike. However, the law does not apply to civil servants or security forces, and it remained to be seen how the new rules would be implemented after taking effect in early 2016. Some state officials and private employers reportedly discouraged union activity with threats, dismissals, and other deterrents during 2015.

F. Rule of Law: 0 / 16

The judiciary in Iraq is heavily influenced by political, tribal and religious forces, as well as by bribery. Judicial reform quickly became one of the principal demands of the 2015 protest movement. However, the Abadi government lacked political and legal authority to overhaul the judicial branch. Al-Abadi's anticorruption package mostly relied on promises that the judiciary would supervise its own reform, and observers expressed doubt that this would be effective.

Large numbers of detainees are held in government prisons without charge or in pretrial detention, with many arrested under the vaguely worded 2005 antiterrorism law. Iraqis in state detention face torture, forced confessions, overcrowding, the extensive use of solitary confinement, and long waits before trial. Families must pay bribes to see detainees and often struggle to determine where they are being held.

By the end of 2014 there were some 1,700 detainees on death row in Iraq, and lack of due process remains a concern. The July 2015 trial of 28 men for the 2014 massacre of Shiite cadets at Camp Speicher was only two hours long; the defense was not allowed to present witnesses or evidence. Although four defendants were acquitted, 24 were sentenced to death. The Iraqi president must ratify death sentences, and President Fouad Massoum has a large backlog. There were approximately 82 people on death row in the KRG as of April 2014. In August 2015, the KRG carried out three executions, its first since a moratorium began in 2008.

Security in cities under central government control deteriorated during 2015. Waves of terrorist bombings targeting Shiite civilians and Iraqi security forces swept through Baghdad and other towns, causing hundreds of casualties. In areas under IS control, almost any act of real or perceived resistance can result in execution, with hundreds of killings reported in places like Ramadi and Nineveh Province in 2015.

Despite the government's efforts to bring them under control, many of the approximately 60,000 members of various Shiite militias, collectively known as the Popular Mobilization Forces (PMF), committed crimes with impunity. These included mass kidnapping, extortion, murder, destruction of property, and theft. For example, in January 2015, PMF fighters working with government forces massacred at least 56 Sunni men in Diyala Province. And after IS was routed from Tikrit in March, PMF forces kidnapped at least 200 Sunnis, including children, from a village south of the city. Most remained missing late in the year. Many militias receive training, financial support, and direction from Iran.

The combination of military conflict and general lawlessness kills thousands of civilians in Iraq each year. Monitors estimated that anywhere from 7,000 to 16,000 people were killed due to violence in 2015, with thousands more injured. These figures were somewhat lower than in 2014, but still far higher than in previous years.

Same-sex sexual relations are not illegal in Iraq, but LGBT (lesbian, gay, bisexual, and transgender) people risk violence and ostracism if they organize or are open about their identity. In IS-controlled areas, those accused of being gay were reportedly executed during 2015.

G. Personal Autonomy and Individual Rights: 4 / 16

Freedom of movement, choice of residence, and property rights all suffered from the conflict with IS in 2015. According to the Internal Displacement Monitoring Centre, the number of displaced Iraqis reached 4 million in mid-June, up from 3.5 million in December 2014. Many Iraqis were displaced for a second or even a third time as fighting moved across the country. The state adopted a policy requiring Sunni internally displaced persons (IDPs) to have a sponsor to enter Baghdad, which left many stranded. IDPs who returned to liberated areas sometimes found their homes destroyed. Iraqis were also among the flood of refugees arriving in Europe during 2015, making up about 10 percent of those who applied for asylum in European Union countries that year.

Iraqi women face problems including early marriage, domestic violence, and discrimination in matters of family law. In the south there has been a reported resurgence

of forced marriages to settle tribal disputes. Prostitution and the trafficking of women as sex workers is also increasing, with government officials failing to assist victims and sometimes even playing an active role in the trade. IDPs are especially vulnerable to sex trafficking and other forms of exploitation. Women were, however, involved in the 2015 protest movement, and in February the prime minister appointed Zekra Alwach as Baghdad's first female mayor. At least one-fourth of the seats in the Iraqi parliament and 30 percent of the seats in the Kurdish parliament must go to women.

Women living under IS rule are subject to corporal punishment and execution if they violate severe restrictions on their movement, dress, and behavior. Women and girls are raped, enslaved, and forced into marriage by IS fighters.

In addition to those subjected to sexual exploitation, victims of human trafficking in Iraq include children engaged in forced begging and child soldiers recruited primarily by IS, though there were also some reports of children joining the PMF.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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