



Freedom in the World - Iraq (2010)

Capital:
Baghdad

Population:
30,047,000

Political Rights Score: 5 *

Civil Liberties Score: 6 *

Status: Not Free

Ratings Change

Iraq's political rights rating improved from 6 to 5 due to free and competitive provincial elections in early 2009 and an increase in the Iraqi government's autonomy as U.S. troops began their phased withdrawal.

Overview

Iraq successfully held provincial elections in January 2009, with Prime Minister Nouri al-Maliki's Da'wa party emerging as the biggest winner. The parliament in November managed to pass legislation that would govern the scheduled 2010 national elections, but a veto by the presidency council threatened to hold up the polls, forcing lawmakers to pass a revised law in December. Also during the year, U.S. forces transferred security responsibilities to their Iraqi counterparts and began withdrawing from the country under a new bilateral security agreement. There were a series of sectarian killings and deadly attacks on government institutions in 2009, but widespread violence remained at an ebb.

The modern state of Iraq was established after World War I as a League of Nations mandate administered by Britain. The British installed a constitutional monarchy that privileged the Sunni Arab minority at the expense of Kurds and Shiite Arabs. Sunni Arab political dominance continued after independence in 1932 and a military coup that toppled the monarchy in 1958. The Arab nationalist Baath party seized power in 1968, and the new regime's de facto strongman, Saddam Hussein, assumed the presidency in 1979.

Hussein brutally suppressed all opposition and made foreign policy decisions that placed a heavy burden on the country. Iraq fought a destructive war with Iran from 1980 to 1988, and then invaded Kuwait in 1990, only to be ousted by a U.S.-led coalition the following year. After the war, the United Nations imposed economic sanctions on Iraq in a bid to limit its military capacity, force Hussein to allow international verification of the elimination of the country's weapons of mass destruction (WMD), and compel Iraq into resolving its border dispute with Kuwait. The sanctions remained in place for over a decade and caused widespread humanitarian suffering without achieving the intended goals.

Following the establishment of a U.S.-enforced no-fly zone north of the 36th parallel in 1991, most of the three northern provinces of Erbil, Duhok, and Sulimaniyah came under the control of the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK). The two factions fought openly in the mid-1990s, but they eventually reconciled and established an autonomous Kurdistan Regional Government (KRG).

A U.S.-led coalition invaded Iraq in March 2003 and established a Coalition Provisional Authority (CPA) to administer the country. It disbanded the Iraqi military and prevented members of the Baath party from serving in government or the new security forces. The lack of a viable military and a dearth of foreign soldiers created a security vacuum, leading to widespread looting, damage to infrastructure, and acute electricity and water shortages. The alleged WMD that inspired the invasion were never found.

Sunni Arabs, who constitute roughly 20 percent of the population, were disproportionately affected by de-Baathification policies and wary of participating in a political transition that could hand power to the Shiite majority. Exploiting these sentiments, loose networks of former Baathist officials, Sunni Arab tribe members, and Islamist militants associated with Al-Qaeda began organizing and funding an insurgency that rapidly gained strength in late 2003 and 2004.

Insurgents threatened Sunni Arabs and ensured that they boycotted the 2005 elections for a Transitional National Assembly (TNA) and provincial governments. As a result, Shiite and Kurdish parties won a landslide victory, and Sunni Arabs were not well represented in the new Iraqi Transitional Government (ITG) or the drafting process for a permanent constitution. The charter was approved by referendum in October 2005, though more than two-thirds of voters in two largely Sunni Arab provinces rejected it. Under a compromise brokered as a concession to Sunni demands, the first elected parliament would form a Constitutional Review Committee to determine whether the document should be amended.

Meanwhile, Shiite party militias were able to infiltrate the Interior Ministry's police and counterinsurgency forces, and extrajudicial detentions and killings by both the militias and militia-dominated police units became common during 2005 and 2006. Sunni militias responded in kind, and an intense cycle of sectarian conflict ensued. Ethnically cleansed or segregated neighborhoods soon became a fixture in Baghdad and other multiethnic provinces.

Sunni Arabs participated in the December 2005 elections for a full-term parliament, increasing their political representation. Nouri al-Maliki of the Shiite Da'wa party was chosen as prime minister. However, further political progress remained elusive; the main Sunni Arab bloc in parliament and a Shiite faction loyal to populist cleric and militia leader Moqtada al-Sadr both began a boycott of the legislature in 2007.

The parliament adopted several symbolic measures in 2008 to bring Sunni Arabs back into the political process. In January many former Baathists were permitted to return to jobs they lost under the CPA's de-Baathification process, and in February the government granted amnesty to thousands of mainly Sunni Arab prisoners. The largest Sunni bloc returned to government in April after a boycott of almost a year, and six Sunni ministers subsequently joined al-Maliki's cabinet.

In January 2009, Iraq held provincial elections that were originally scheduled for October 2008. Under electoral legislation passed in late 2008, voters could choose candidates rather than party lists, the use of religious symbols in campaigning was restricted, a 25 percent quota was set for female council members, and just six seats—down from 15 in an earlier draft—were set aside for Christians and other small minorities out of a total of 440 provincial council seats. The voting was largely peaceful, and turnout in most provinces ranged from 50 percent to 75 percent. On the whole, al-Maliki's Da'wa party emerged as the winner, though it needed to form coalitions to govern in most provinces. Sharp political and sectarian divisions remained, however; in five provinces the leading parties missed April deadlines, delaying the formation of governments.

The January elections did not include the autonomous Kurdish region or the contested province of Kirkuk. A referendum to determine whether Kirkuk would join the Kurdish region remained delayed, despite a constitutional provision that had required it before the end of 2007. In Ninewa—another province divided between Sunni Arabs and Kurds, as well as Turkmens and a number of smaller groups—the Kurds lost representation due to greater participation by Sunni Arab and Turkmen voters, who had largely abstained from earlier provincial balloting. Elections in July for the Kurdish regional parliament and presidency featured high turnout and a fairly strong showing by a new opposition bloc called Gorran (Change), which took about a quarter of the parliamentary vote. Nevertheless, the ruling PUK-KDP alliance maintained its dominance, and President Massoud Barzani of the KDP won reelection. Gorran alleged that many of its supporters were subsequently fired from government jobs.

In November, the parliament passed a new election law to govern the 2010 national elections. However, it was vetoed by the presidency council, as Vice President Tariq al-Hashimi, a Sunni, argued that it did not provide enough representation to Iraqis residing abroad. A slightly revised law was finally passed in December. It called for an open-list, proportional-representation voting system, with multimember districts corresponding to the 18 provinces. A total of eight seats were reserved for Christians and other small religious minorities. Under an internationally brokered compromise on Kirkuk, Sunni Arab, Turkmen, and Kurdish factions agreed to use a 2009 voter registry rather than an older version, despite their suspicions about the legitimacy of a large influx of Kurdish residents since 2003; however, the election results would be subject to a UN-led investigation if fraud was alleged.

Under a 2008 security agreement between Iraq and the United States, U.S. troops in 2009 completed a withdrawal from Iraqi cities and transferred authority over security and combat operations to Iraqi forces. Iraqi officials also obtained authority over prisoners and the power to prosecute U.S. personnel in some circumstances. About 140,000 U.S. troops were stationed in Iraq as of early 2009, and the U.S. government planned to withdraw most from the country by late 2010, though up to 50,000 could remain through the end of 2011, when all U.S. forces had to leave under the security pact. Despite the Iraqi government's increased autonomy, it was unable to provide basic services to its people; certain areas of Baghdad still received only six hours of electricity daily.

The U.S. withdrawal came in the context of apparently durable security improvements since 2007, when an additional 30,000 U.S. troops had been deployed to help suppress rampant sectarian and insurgent violence. Sunni militias had also increasingly turned against the insurgency and Al-Qaeda in those years. Between 379 and 677 Iraqi civilians and security personnel were killed monthly between January and October 2009, a considerable decline from 2008 numbers. The violence that remained often had a sectarian character; 35 Shiite pilgrims were killed by a suicide bomber in February, as were another 140 in April, and Shiite mosques in Baghdad and Karbala were bombed in September. There were almost daily attacks in the ethnically, religiously, and politically contested city of Mosul. A coordinated series of bombings struck Christian sites in Baghdad and Mosul in July; other minorities, including Turkmens and Shabaks, were also targets of periodic violence.

Other attacks during the year focused on Iraqi government sites. The police academy was bombed in March, as were the offices of the Iraqi army. Insurgents attacked government food-distribution centers in April, and police officers at checkpoints across the country were targeted immediately after Ramadan. In October, the deadliest bombing in two years struck the Justice Ministry and the Baghdad provincial council complex, killing over 150 people and wounding more than 500.

Political Rights and Civil Liberties

Iraq is not an electoral democracy. Although it has conducted meaningful elections, the country remains under the influence of a foreign military presence and impairments caused by sectarian and insurgent violence. Under the constitution, the president and two vice presidents are elected by the parliament and appoint the prime minister, who is nominated by the largest parliamentary bloc. Elections are held every four years. The prime minister forms a cabinet and runs the executive functions of the state. The parliament consists of a 275-seat lower house, the Council of Representatives, and a still-unformed upper house, the Federal Council, which would represent provincial interests. The lower house is set to expand to 325 seats in 2010. Political parties representing a wide range of viewpoints operate without restrictions, but the Baath party is officially banned.

The Independent Electoral Commission of Iraq (IECI), whose nine-member board was selected by a UN advisory committee, has sole responsibility for administering elections.

Home to one-fifth of the country's population, the autonomous Kurdish region constitutes a distinct polity within Iraq, with its own flag, military units, and language. The 111-seat regional legislature remains dominated by the allied PUK and KDP, despite the presence of the new Gorran opposition bloc following 2009 elections. The Kurdish region's political leaders profess their commitment to remaining part of a federal Iraqi state, but Kurdish security forces maintain a de facto border with the rest of Iraq, and Iraqi Arabs are often treated as foreigners.

Iraq is plagued by pervasive corruption at all levels of government, and most offenders reportedly enjoy impunity. A national Integrity Commission is tasked with fighting corruption, but it conducts its investigations in secret and does not publish its findings until the courts have issued final decisions. In April 2009, an attempt by anticorruption authorities to arrest several Trade Ministry officials resulted in gunfire from ministry guards. A number of the suspects were ultimately arrested and sentenced to prison, and the trade minister, a member of Prime Minister Nouri al-Maliki's Da'wa party, was forced to resign in May and face charges himself. Recruits allegedly pay bribes to enter the security forces. Iraq was ranked 176 out of 180 countries surveyed in Transparency International's 2009 Corruption Perceptions Index.

Freedom of expression is protected by the constitution and generally respected by the authorities. However, it has been seriously impeded by sectarian tensions and fear of violent reprisals. Over a dozen private television stations are in operation, and major Arab satellite stations are easily accessible. More than 150 print publications have been established since 2003 and are allowed to function without significant government interference. Internet access is not currently restricted.

Legislation passed in 2006 criminalized the ridicule of public officials, who often file suits when journalists report on corruption allegations. An Iraqi court in May 2009 ordered the German-based Iraqi news website Kitabat to pay a billion dinars (\$850,000) in damages for an article accusing al-Maliki's chief of staff of nepotism, though the prime minister then withdrew the lawsuit. In August, the Dubai-based satellite television station Al-Sharqiya was ordered to pay 100 million dinars for defamation against an Iraqi military spokesman, and Britain's *Guardian* newspaper was instructed to pay 100 million dinars in November for an article in which al-Maliki was accused of increasing authoritarianism.

Violent retribution against journalists has hindered their ability to report widely and objectively. The Committee to Protect Journalists (CPJ) and the Iraq-based Journalistic Freedoms Observatory in June 2009 reported more than 70 cases of harassment and assault against journalists by Iraqi security forces since January. However, in an indication of the overall improvement in the security situation, CPJ

documented only four murders of journalists in 2009, down from at least 11 in 2008 and more than 30 in each of the previous two years. Impunity for such murders remained the norm.

Journalists operate more freely in the Kurdish region, although a 2008 press law imposes fines for creating instability, spreading fear or intimidation, causing harm to people, or violating religious beliefs. Journalists who offend local officials and top party leaders or expose high-level corruption remain subject to physical attacks, arbitrary detention, and harassment. Kurdish broadcast media are dominated by the two main political parties, but independent print outlets and internet sites have arisen in recent years.

Freedom of religion is guaranteed by the constitution, and religious institutions are allowed to operate with little formal oversight. However, all religious communities in Iraq have been threatened by sectarian violence. Estimates of the Christian population that has sought safety abroad since 2003 reach into the hundreds of thousands. Religious and ethnic minorities in northern Iraq—including Turkmens, Arabs, Christians, and Shabaks—have reported instances of discrimination and harassment by Kurdish authorities, though a number have fled to the Kurdish-controlled region due to its relative security. While sectarian violence declined in 2009, formerly mixed areas are now much more homogeneous, and terrorist attacks continue to be directed toward sectarian targets.

Academic institutions operate in a highly politicized and insecure environment. Hundreds of professors were killed during the peak of sectarian and insurgent violence, and many more stopped working or fled the country, though there have been some reports of scholars returning to their jobs following security improvements in the last two years.

Rights to freedom of assembly and association are recognized by the constitution and generally respected in practice. The constitution guarantees these rights “in a way that does not violate public order and morality.” Domestic and international nongovernmental organizations (NGOs) are able to operate without legal restrictions, and although safety concerns severely limit their activities in many areas, their situation improved along with general security conditions in 2009. The lack of a legal framework and registration system for NGOs also hinders their ability to function and attract donor funds.

The constitution provides for the right to form and join professional associations and unions. Union activity has flourished in nearly all industries since 2003, and strikes have not been uncommon. However, Iraq’s 1987 labor law remains in effect, prohibiting unionization in the public sector, and a 2005 decree by the ITG gave authorities the power to seize all union funds and prevent their disbursal. A pro-union parliamentary committee was subsequently established to revise the decree and advance International Labour Organization–compliant labor laws that were drafted in 2004, but these have yet to be enacted.

Judicial independence is guaranteed in the constitution. The Higher Judicial Council—headed by the chief judge of the Federal Supreme Court and composed of Iraq's 17 chief appellate judges and several judges from the Federal Court of Cassation—has administrative authority over the court system. In practice, however, judges have come under immense political and sectarian pressure and have been largely unable to pursue cases involving organized crime, corruption, and militia activity, even when presented with overwhelming evidence. Iraqi citizens often turn to local militias and religious groups to dispense justice rather than seeking redress with official law enforcement bodies that are seen as corrupt or ineffective.

Those accused of committing war crimes, genocide, and crimes against humanity fall under the jurisdiction of the Iraqi High Tribunal (IHT), previously known as the Iraq Special Tribunal. The IHT statute does not explicitly require that guilt be proven beyond a reasonable doubt and lacks adequate safeguards against self-incrimination. International observers noted numerous irregularities in the trial that culminated in the execution of former president Saddam Hussein in December 2006. Trials and sentencing procedures for a number of senior Hussein aides were ongoing in 2009.

The criminal procedure code and the constitution prohibit arbitrary arrest and detention, though both practices are common in security-related cases. The constitution prohibits all forms of torture and inhumane treatment and affords victims the right to compensation, but authorities have not established effective safeguards against the mistreatment of detainees. Allegations of torture by security services have been serious and widespread. While KRG laws similarly prohibit inhumane treatment, it is widely acknowledged that Kurdish security forces practice illegal detention and questionable interrogation tactics. Detainees in U.S. custody have also experienced torture and mistreatment, although U.S. forces in 2009 were transferring their remaining detainees to Iraqi control. In September, the U.S. military closed Camp Bucca, once its largest detention facility in the country.

The constitution promises women equal rights under the law, though in practice they face various forms of legal and societal discrimination. Women are guaranteed 25 percent of the seats in the legislature, and their participation in public life has increased as the security situation has improved; in 2009, women entered the officer corps of the Iraqi police for the first time. While they still faced serious social pressure and restrictions, women also returned in larger numbers to jobs and universities. Women enjoy somewhat greater legal protections and social freedoms in the Kurdish region, but their political power is limited. Moreover, domestic abuse and so-called honor killings remain serious problems both in the Kurdish region and across the country. The laws applicable outside the Kurdish region offer leniency to the perpetrators of honor killings, and though the laws in the Kurdish region are more favorable towards women, honor killings and suicides

of women accused of honor crimes persist. The U.S. State Department placed Iraq on the Tier 2 Watch List in its 2009 Trafficking in Persons Report, noting problems including the trafficking and sexual exploitation of women from impoverished and displaced Iraqi families, and the abuse of foreign men and women who are recruited to work in Iraq.

** Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom. Click [here](#) for a full explanation of Freedom in the World methodology.*