

IRAQ 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Iraq is a constitutional parliamentary republic. The October 2021 parliamentary elections were generally considered technically sound and credible. The elections were observed by the European Union and domestic civil society organizations and monitored by the United Nations Assistance Mission for Iraq. Domestic and international elections observers cited procedural and transparency improvements to the 2018 electoral process. They noted, however, that violence and intimidation by paramilitary militia groups in the months ahead of the elections likely affected voters' choices and voter turnout. The elections came because of widespread protests that began in October 2019 and led to the resignation of former Prime Minister Adil Abd al-Mahdi in December 2019. On October 13, Iraqi Council of Representatives members elected Abdulatif Jamal Rashid as the president of Iraq. President Rashid named Mohammed Shiaa al-Sudani as the prime minister-designate. On October 27, the Council of Representatives confirmed Sudani as prime minister along with 21 of 23 of his cabinet ministers. On December 3, the Council of Representatives confirmed Sudani's two remaining cabinet ministers.

Numerous domestic security forces operate throughout the country. The Iraqi Security Forces are organized administratively within the Ministries of Interior and Defense, as well as within the quasi-ministerial 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 protecting energy infrastructure. Conventional military forces under the Ministry of Defense also carry out counterterrorism and internal security operations in conjunction with the Ministry of Interior. The Counterterrorism Service reports directly to the prime minister and oversees the Counterterrorism Command, an organization that includes three brigades of special operations forces. The National Security Service intelligence agency reports directly to the prime minister.

The country's regular armed forces and domestic law enforcement bodies

struggled to maintain order within the country, operating in parallel with the Popular Mobilization Commission, a state-sponsored umbrella military organization composed of approximately 60 militia groups referred to collectively and individually as Popular Mobilization Forces. Although the Popular Mobilization Forces are part of the Iraqi Security Forces and receive funding from the government's defense budget, their operations are often outside government control and in opposition to government policies. Most popular mobilization unit members are composed of Shia Arabs, while Sunni Arab, Yezidi, Christian, and other minority groups run their own Popular Mobilization Forces units, generally operating within or near their home regions. All units officially report to the chairman of the Popular Mobilization Commission and are under the ultimate authority of the prime minister, but several units, however, were also responsive to Iran and its Islamic Revolutionary Guard Corps influence.

The two main Kurdish political parties, the Kurdistan Democratic Party and the Patriotic Union of Kurdistan, each maintain an independent security apparatus. The federal constitution provides the Kurdistan Regional Government the right to maintain internal security forces, but the Patriotic Union of Kurdistan and the Kurdistan Democratic Party separately controlled additional Peshmerga military units, as well as separate police forces under nominal Kurdistan Regional Government Ministry of Interior control. The constitution also allows for a centralized, separate Asayish internal security service; however, the Kurdistan Democratic Party and Patriotic Union of Kurdistan also each maintain Asayish forces. The Kurdistan Democratic Party and the Patriotic Union of Kurdistan also maintain separate intelligence services, nominally organized under the Kurdistan Region Security Council.

Federal civilian authorities did not maintain effective control over some elements of the security forces, particularly certain Iran-aligned Popular Mobilization Force units and the Popular Mobilization Commission. Poorly defined administrative boundaries and disputes between the Iraqi Kurdistan Region and the central government regarding administration of certain areas led to confusion concerning the jurisdiction of security forces and the courts. Members of the security forces committed numerous documented abuses.

The country experienced large-scale protests in Baghdad and several in central and

southern provinces beginning in 2019 and lasting through mid-2020, with reports of more than 500 civilians killed and 20,000 or more injured by Iraqi Security Forces and militias. During the year sporadic protests continued. In August an antigovernment protest in Baghdad turned into violent clashes among rival militias that killed more than 20 persons. The government took minimal steps to bring to justice those responsible for the violence.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings by the government; forced disappearances by the government; torture and cruel, inhuman, and degrading treatment or punishment by the government; harsh and life-threatening prison conditions; arbitrary arrest and detention; arbitrary or unlawful interference with privacy; punishment of family members for offenses allegedly committed by an individual; serious abuses in a conflict, including attacks resulting in civilian deaths and harm; serious restrictions on free expression and media, including violence or threats of violence against journalists, unjustified arrests and prosecutions against journalists, censorship, and existence of criminal libel laws; serious restrictions on internet freedom; substantial interference with the freedom of peaceful assembly and freedom of association; restrictions on freedom of movement of women; forced returns of internally displaced persons to locations where they faced threats to their lives and freedom; threats of violence against internally displaced persons and returnee populations perceived to have been affiliated with ISIS; serious government corruption; lack of investigation and accountability for gender-based violence; crimes involving violence targeting members of ethnic minority groups; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, and intersex persons; significant restrictions on worker freedom of association; and the existence of the worst forms of child labor.

The government, including the Office of the Prime Minister, took some steps to identify, investigate, and prosecute officials responsible for perpetrating or authorizing human rights abuses, but rarely punished them. Many senior government officials and security force personnel, including the Iraqi Security Forces, Federal Police, Popular Mobilization Forces, and certain units of Kurdistan Regional Government Asayish internal security services, operated with impunity. The government took some steps to identify, investigate, prosecute, and punish

officials who were involved in corruption.

Despite a reduction in numbers, ISIS continued to commit serious abuses and atrocities, including killings through suicide bombings and improvised explosive devices. The government continued investigations and prosecutions of allegations of ISIS abuses and atrocities and, in some instances, noted the conviction of suspected ISIS members under the counterterrorism law.

Section 1. Respect for the Integrity of the Person

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

There were numerous reports the government or its agents committed arbitrary or unlawful killings (see also section 1.c., Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses).

Nongovernmental militias and ISIS affiliates also engaged in killings (see section 1.g.).

On December 9, two civilians were killed and several more wounded when Iraqi Security Forces (ISF) used live ammunition to disperse a crowd protesting the December 5 conviction and sentencing of activist Haider al-Zaidi to three years in prison for “criticizing the government” (see section 2.a.). The prime minister ordered an investigation into the incident, and the ISF perpetrators reportedly were identified, but at year’s end the government had not taken disciplinary action in the matter.

In August media outlets reported that 15 protesters were killed and 22 severely injured by ISF after the protesters entered and occupied the presidential palace in Baghdad. The ISF subsequently announced a nationwide curfew to prevent further escalation.

The country experienced large-scale protests in 2019 and 2020 known as the Tishreen movement. Exact numbers are hard to determine, but there are credible reports of more than 500 civilians killed and 20,000 or more injured during the protests. International nongovernmental organizations (NGOs) cited ISF culpability in the early violence and reported militias continued to target protesters

including kidnapping, disappearance, and targeted killings. The government took minimal steps to bring to justice those responsible for extrajudicial deaths. On February 22, security forces arrested Lieutenant Colonel Omar Nazar of the Ministry of Interior Emergency Response Division based on a warrant issued by the Nasiriyah Investigative Court alleging involvement in suppressing demonstrations in 2019 by firing live ammunition at crowds of protesters killing at least 25 and injuring 200 others. According to the United Nations Office of the High Commissioner for Human Rights (OHCHR), on May 10 the Rusafa Criminal Court in Baghdad issued life sentences against three members of the riot police for the killing of demonstrators in Tahrir Square in 2020. In June the Investigative Court of Dhi Qar Province postponed for the third time the trial of the Interior Ministry's Nazar.

Human rights organizations reported that Iran-aligned Popular Mobilization Forces (PMF) militia groups engaged in killing, kidnapping, and extortion throughout the country, particularly in ethnically and religiously mixed provinces. Extrajudicial killings by unidentified gunmen and politically motivated violence occurred frequently throughout the country.

On January 26, the body of prominent civil society and Tishreen activist Haider Sabri was found in Basrah city, with a bullet wound to the head, according to the Gulf Centre for Human Rights (GCHR). Police asserted the death was connected to criminal activity; however, activists alleged the killing was carried out by unnamed extremist armed groups.

During the year the security situation remained unstable in many areas due to intermittent attacks by ISIS and its affiliated cells; sporadic fighting between the ISF and ISIS in remote areas; the presence of militias not fully under the control of the government, including certain PMF units; and sectarian, ethnic, and financially motivated violence (see section 1.g.).

ISIS carries out regular attacks in Diyala Province. On May 24, ISIS attacked the village of al-Islah on the outskirts of Jalawla District, in Diyala Province, storming civilian homes, killing four members of one family, causing numerous injuries, and setting citizens' property on fire.

b. Disappearance

There were frequent reports of forced disappearances perpetrated by or on behalf of government forces, including Federal Police and PMF units. In a November 24 statement, the UN Committee on Enforced Disappearances stated it had registered 555 individual cases of disappeared persons. The Committee also reported receiving “worrying information about patterns of disappearances and alleged enforced disappearances that currently occur in different provinces, which operate simultaneously and sometimes demonstrate scenarios of collusion between State agents and nonstate actors.”

On August 30, the International Committee of the Red Cross (ICRC) reported receiving 769 tracing requests for missing persons during the year. The ICRC also reported the organization supported clarifying the whereabouts of 423 individuals through August. In June the OHCHR reported the disappearance of at least 20 activists by “unidentified armed elements.” In a February 8 statement, the Baghdad Foundation for the Defending of Victims of Opinion in Iraq (BFDVOI) reported 491 unidentified deceased persons, likely protesters killed or disappeared during the protests of 2019-2020, were buried by authorities in nine locations between 2020-2021 in Baghdad, Karbala, and Najaf. The BFDVOI criticized authorities for failing to reveal the fate of hundreds of protesters, activists, and journalists who disappeared during and after the Tishreen protests.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

Although the constitution prohibits torture and forced confessions, there is no law setting out the legal conditions and procedural safeguards to prevent torture. Torture in jails, detention facilities, and prisons was often hidden from effective legal oversight. Moreover, the types of conduct that constitute torture are not legally defined under the law, and the law gives judges full discretion to determine whether a defendant’s confession is admissible, often without regard for the way it was obtained. Courts routinely accepted forced confessions as evidence, which in some ISIS-related counterterrorism cases was the only evidence considered. Numerous reports from local and international NGOs indicated government officials employed torture and other cruel, inhuman, or degrading treatment or

punishment. Federal Police, the PMF, and certain units of Kurdistan Regional Government (KRG) Asayish internal security services operated with impunity.

As in previous years, there were credible reports government forces, including Federal Police, the National Security Service (NSS), and the PMF, abused and tortured individuals – particularly Sunni Arabs – during arrest and pretrial detention and after conviction. Former prisoners, detainees, and international human rights organizations documented cases of torture and other cruel, inhuman, or degrading treatment or punishment in Ministry of Interior-run facilities and, to a lesser extent, in Ministry of Defense-run detention facilities. In December press outlets reported the Permanent Committee to Investigate Corruption and Significant Crimes (Committee 29) under the command of Lieutenant General Ahmed Taha Hashim (aka Abu Ragheef) tortured (sometimes sexually) individuals it detained, often midlevel government officials accused of corruption, to obtain confessions. Qassim Hamoud Mansour, a government official arrested by the committee, died in the hospital; pictures reviewed by journalists showed evidence of blunt force trauma to Mansour's head and teeth having been knocked out. Medical records and photographs reportedly corroborated injuries other detainees allegedly sustained while in custody. Torture methods detailed by press and corroborated by human rights observers included beatings with metal poles and electric shocks to detainees' genitalia.

Human rights organizations reported both Interior Ministry and Defense Ministry personnel tortured detainees. According to government forensics officials, some victims showed signs of extensive beatings, in addition to bone fractures. Local NGOs reported deaths at pretrial detention facilities, deportation prisons, and prisons were due to the continuation of systematic torture and the poor conditions in detention centers.

On March 21, the GCHR issued a report documenting dozens of allegations of torture of detainees including through beating, hanging, and suffocation between 2019 and year's end. In a September report, the GCHR alleged "systematic perpetration of torture in places of detention [and] the fostering of a culture of impunity through a reliance on forced confessions and a lack of effective investigations into allegations of torture."

In April the UN Committee against Torture (CAT) reported in its second periodic report the committee received reports “indicating that persons in custody, including in the facilities under the authority of security forces and facilities reportedly unknown to detainees’ families, were subjected to torture or ill treatment, particularly during the investigation stage of the proceedings.” The committee also observed that the existing mechanisms to receive and investigate complaints of torture were “not leading in practice to meaningful accountability for perpetrators.”

On June 11, Afad Observatory for Human Rights (AOHR) reported 42 inmates died in the previous five months in Baghdad’s Taji prison, allegedly from malnutrition and torture, which the AOHR substantiated through written testimonies and audio recordings with inmates’ families. The AOHR also reported an increase during the same time frame of alleged cases of financial extortion of inmates’ families. Families of inmates reported being forced to pay up to \$200 for visit permits and \$10,000 to complete prisoner release processes. The AOHR called on the government to improve prison conditions and hold officials accountable for human rights abuses and illegal extortion. Human rights defenders reported obtaining information on what occurs inside the country’s prisons remains very difficult because prison-monitoring NGOs rarely obtain permission to enter prisons.

Iqbal Dohan al-Garaawi, chief of the al-Marmadhi Tribe in Diwaniyah, died shortly after his September 15 release from a PMF-run detention center. Garaawi’s family stated he succumbed to injuries he sustained while being tortured during two days of PMF detention.

Prison and Detention Center Conditions

Prison and detention center conditions were harsh and occasionally life threatening due to food shortages, gross overcrowding, physical abuse, inadequate sanitary conditions and medical care, and the threat of communicable illnesses.

Abusive Physical Conditions: Overcrowding in government-run prisons was a systemic problem exacerbated by the number of alleged ISIS members detained by the government. The Iraqi Correctional Service, part of the Ministry of Justice, administered 29 facilities in the country. The Justice, Defense, and Interior

Ministries operated 24 detention facilities. The Counter Terrorism Service also ran at least one pretrial detention facility. In October a senior government official warned that the overcrowding at Ministry of Justice-administered prisons could lead to the spread of communicable diseases.

On October 24, the Iraqi War Crimes Documentation Center released a report detailing the deaths of 49 inmates between January 2021 and August that the center concluded resulted from “torture and medical negligence” in federal prisons. The report alleged the government held thousands of detainees in “inhumane conditions,” including “overcrowded and unsanitary cells,” often due to “revenge and sectarian motivation.” The report stated the lack of “sanitary conditions” and cells’ “high temperature and humidity” directly harmed inmates’ health.

In October a senior government official reported the five juvenile correctional facilities held more than 100 percent of their maximum capacity (an improvement from more than 150 percent of capacity in 2021), with more than half of juveniles held for terrorism-related convictions. Local NGOs published photographs of overcrowded prison cells and called on the government to improve prison conditions, especially in juvenile prisons. According to Justice Ministry data, in prisons that held alleged ISIS-affiliated women, authorities also detained children up to 12 years old with their mothers. According to a government official, overcrowding across prisons in general increased during the year, unofficially to approximately 40 percent over capacity, due to law enforcement efforts against drugs in the country, with the thousands of dealers and drug abusers arrested during the year resulting in an increase in prison inmates.

Across the Iraqi Kurdistan Region (IKR), there were six correctional centers: three for male prisoners, and three for women and juvenile pretrial detainees and prisoners. The centers designated for women and juveniles held both pretrial detainees and prisoners, while male pretrial detainees were held at police station detention sections throughout the IKR. The total number of detainees incarcerated exceeded the designated capacity of each facility by 157 percent. In some detention centers and police-run jails, KRG authorities occasionally held juveniles in the same cells as adults.

The Independent Human Rights Commission Kurdistan Region (IHRCKR)

reported IKR correctional centers suffered from long-term problems of overcrowding, inadequate water, sanitation, and hygiene facilities, use of violence during preliminary detention, and outdated infrastructure at women's and juvenile centers. Limited medical staff was unable to provide adequate medical services to all prisoners.

Administration: The federal government and the KRG reported they took steps to address allegations of mistreatment in government-administered prison and detention facilities, but the extent of these steps was not known. In May the United Nations Committee against Torture reported its concern “about continued reports of torture or ill treatment in detention facilities” and observed the “existing mechanisms to investigate the acts of torture and ill treatment committed by officials do not effectively hold the perpetrators to account.” Both local and international human rights organizations asserted judges frequently failed to investigate credible allegations security forces tortured terrorism suspects and often convicted defendants based solely on coerced confessions. In addition despite their concerns being raised, authorities ignored physical signs of torture, and the complaints procedures appeared to be neither fair nor effective. Many detainees chose not to report such mistreatment due to a lack of trust or fear of reprisals.

Prison and detention center authorities sometimes delayed the release of exonerated detainees or inmates due to lack of prisoner registration or other bureaucratic problems, or extorted bribes from prisoners prior to their release at the end of their sentences. International and local human rights groups reported authorities in numerous instances denied family visits to detainees and convicts. Guards allegedly demanded bribes or beat detainees when detainees asked to call their relatives or legal counsel.

According to a July report by the Baghdad Center for Human Rights, prisoners are separated according to sectarian affiliation, and some prison halls are specifically designated for either Shiites or Sunnis, where Sunni prisoners were reportedly subject to abuse and mistreated in comparison to Shiites.

Independent Monitoring: Corrections Service prisons allowed regular visits by independent nongovernmental observers. In October the Justice Ministry reported 68 visits to adult correctional facilities and 23 visits to juvenile correctional

facilities had taken place. Visits also included the provision of technical, health, and training support.

d. Arbitrary Arrest or Detention

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

Arrest Procedures and Treatment of Detainees

The law prohibits the arrest or remand of individuals, except by order of a competent judge or court or as established by the code of criminal procedures. The law requires authorities to register the detainee's name, place of detention, reason for detention, and legal basis for arrest within 24 hours of the detention, a period that may be extended to a maximum of 72 hours in most cases. For offenses punishable by death, authorities may legally detain the defendant as long as necessary to complete the judicial process. The Ministry of Interior is responsible for updating and managing these registers. The law requires the Defense and Interior Ministries, as well as the NSS, to establish guidelines for commanders in battlefield situations to register detainees' details in this central register. The law also prohibits any entity, other than legally competent authorities, to detain any person.

Human rights organizations reported the ISF, among them the Federal Police, the NSS, the PMF, as well as the Peshmerga and Asayish security forces in the Kurdistan Region, frequently ignored the law. Local media and human rights groups reported authorities arrested suspects in security sweeps without warrants, particularly under the antiterrorism law, and frequently held such detainees for prolonged periods without charge or registration. The government periodically released detainees, usually after concluding it lacked sufficient evidence for the courts to convict them, but 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. The law provides for judges to appoint free counsel for the indigent. Attorneys appointed to represent detainees frequently complained 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.

Arbitrary Arrest: There were numerous reports of arbitrary arrest or unlawful detention by government forces, including by ISF, NSS, PMF, Peshmerga, and Asayish security forces. There were no reliable statistics available regarding the total number of such acts or the length of detentions. Authorities often failed to notify family members of the arrest or location of detention, resulting in incommunicado detention if not enforced disappearance. Humanitarian organizations also reported that, in many instances, federal authorities did not inform detainees of the reasons for their detention or the charges against them. Many reports of arbitrary or unlawful detention involved suspected members or supporters of ISIS and their associates and family members.

There were reports of Iran-aligned PMF groups also arbitrarily or unlawfully detaining Kurds, Turkmen, Christians, and other members of minority groups in Ninewa Province. There were numerous reports of 30th and 50th PMF Brigades' involvement in extortion, illegal arrests, kidnappings, and detention of individuals without warrants. Informed sources reported the 30th PMF Brigade continued to operate secret prisons in several locations in Ninewa Province, which held unknown numbers of detainees arrested on sectarian-based and reportedly false pretenses. Leaders of the 30th PMF Brigade allegedly forced families of the detainees to pay large sums of money in exchange for the release of their relatives.

In September media reported that in southern Diwaniyah, Karbala, Babil, and al-Muthanna Provinces, the PMF arbitrarily arrested dozens of activists and social media figures on charges of Ba'ath party affiliation after they had publicly criticized Iranian influence and political parties' corruption. The PMF did not reveal the names of those arrested. Critics accused the PMF of employing this as a new method to silence voices in Shia majority areas where the counterterrorism code, targeted at ISIS, and therefore, Sunnis, cannot be used as a pretext for arresting individuals.

Human rights organizations reported frequently that KRG authorities arbitrarily detained journalists, activists, and protesters. In August KRG Asayish security forces arrested dozens of journalists, activists, and politicians in advance of and during planned protests in Sulaymaniyah, Erbil, and Dohuk Provinces. Those detained reported they were not informed of the charges against them when being detained and were released without charge, with some reporting ill treatment during detention (see section 2.a.). On August 1, KRG internal security forces detained a two-person Nalia Radio and Television (NRT) news crew without specific charges. The NRT crew was interviewing individuals regarding political and economic conditions in Sulaymaniyah.

Pretrial Detention: The Ministries of Justice, Defense, Interior, and Labor and Social Affairs are authorized by law to hold pretrial detainees. The NSS intelligence agency and the Counterterrorism Service, which both report directly to the Prime Minister's Office, may also hold pretrial detainees in limited circumstances, for a brief period. Lengthy pretrial detentions to include cases which frequently equaled or exceeded the maximum penalty for the alleged crime without due process or judicial review were a systemic problem, particularly for those accused of having ties to ISIS. In August the UN Human Rights Committee (UNHRC) noted concern regarding the significant number of individuals held in pretrial detention for periods exceeding those described in domestic law.

In October a senior official reported 27,000 detainees, including 10,000 on drug charges, were being held in pretrial detention facilities, of which the Defense Ministry operated three and the Interior Ministry ran 19, excluding facilities in the IKR. The lack of judicial review resulted from several factors, including the 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.

Lengthy pretrial detentions were particularly common in areas liberated from ISIS, where the large number of ISIS-related detainees and use of makeshift facilities led to significant overcrowding and inadequate services. There were reports of detention beyond judicial release dates and unlawful releases. In May 2021 a local human rights organization reported PMF-affiliated militias ran two makeshift

detention facilities in Diyala and Salah al-Din Provinces, reportedly holding more than 7,000 ISIS-related detainees without due process or judicial review. In August the UNHRC reported it remained concerned regarding reports of secret prisons and “allegations of persons having been held in such facilities.”

Authorities reportedly held numerous detainees without trial for months or years after arrest, particularly those detained under the antiterrorism law. Authorities sometimes held detainees incommunicado, without access to defense counsel, presentation before a judge, or arraignment on formal charges within the legally mandated period.

In June the CAT, reported concerns regarding “reports indicating that persons in custody are not routinely afforded all fundamental legal safeguards from the very outset of deprivation of liberty, in practice.” Specifically, the CAT noted reports the right to access to a lawyer was “systematically” delayed, individuals accused of terrorism offense were “often not provided effective legal representation,” access to an independent medical examination was “not a standard practice,” and individuals were brought before a judge “well beyond the 24-hour limit” in the law.

NGOs reported KRG authorities held detainees for extensive periods in pretrial detention. KRG officials noted prosecutors and defense attorneys frequently encountered obstacles in carrying out their work and trials were unnecessarily delayed for administrative reasons.

According to the IHRCKR, some detainees remained in KRG internal security service facilities for extended periods even after court orders were issued for their release. Lawyers provided by an international NGO continued to have access to and provide representation to allegedly ISIS-affiliated juveniles in federal Iraq who lacked a court-appointed attorney and all unrepresented juveniles in the IKR.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, but certain articles of law restricted judicial independence and impartiality. The Federal Supreme Court rules on matters related to federalism and the constitution, and a separate Higher Judicial Council manages and supervises the court system, including disciplinary matters.

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

Numerous threats and killings by sectarian, tribal, violent extremist, and criminal elements impaired judicial independence. Judges, lawyers, and their family members frequently faced death threats and attacks. In October the Iraqi Bar Association condemned the attempted killing of lawyer Sajad Ali al-Daraji in Maysan Province in September. The same month another lawyer faced an attempted killing when unknown gunmen opened fire on him, resulting in six bullet wounds and a permanent disability. The Iraqi Bar Association Committee to Defend Lawyers reported 20 criminal assaults against lawyers during the year. It also stated hundreds of lawyers were imprisoned due to malicious lawsuits and spurious criminal charges.

The Kurdistan Judicial Council is legally, financially, and administratively independent from the KRG Ministry of Justice, but KRG senior leaders reportedly influenced politically sensitive cases. The IKR's strongest political parties, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) also reportedly influenced judicial appointments and rulings.

Trial Procedures

The constitution and law provide for the right to a fair and public trial, but the judiciary did not enforce this right for all defendants. Some government officials, international organizations, including the UN Assistance Mission for Iraq (UNAMI), the OHCHR, and civil society organizations (CSOs) reported trial proceedings fell short of international standards.

By law accused persons have the right to presumption of innocence until proven guilty. International NGOs throughout the year indicated judges in ISIS-related cases, however, sometimes reportedly presumed defendants' guilt based upon presence or geographic proximity to activities of the terrorist group, or upon a spousal or familial relationship to another defendant. The law requires detainees to be informed promptly and in detail of the charges against them and of their right to a fair, timely, and public trial. Nonetheless, officials routinely failed to inform defendants promptly or in detail of the charges against them. Trials were public,

except in some national security cases. Numerous defendants experienced undue delays in reaching trial.

Defendants' rights under law include the right to be present at their trial and the right to a privately retained or court-appointed counsel, at public expense, if needed. Defendants frequently did not have adequate time or facilities to prepare a defense. Insufficient access to defense attorneys was a serious defect in investigative, trial, and appellate proceedings. This scenario was typical in counterterrorism courts, where judicial officials reportedly sought to complete convictions and sentencing for thousands of suspected ISIS members quickly, including through mass trials.

Defendants also have the right under law to the free assistance of an interpreter, if needed. The qualifications of interpreters varied greatly. Some foreign missions provided interpreters to their citizen defendants. When no interpreter was available, judges reportedly postponed proceedings and sent the foreign defendants back to jail.

Investigative judges assemble evidence and determine whether matters should be referred to a trial panel. Three judge trial panels review the investigative file, hold trial proceedings, and adjudicate guilt or innocence. Defendants and their attorneys have the right, under law, to confront witnesses against them and present witnesses and evidence. They may not be compelled to testify or confess guilt. Nevertheless, defendants and their attorneys were not always granted access to evidence, or government officials demanded a bribe in exchange for access to the case files. In numerous cases judges reportedly relied on forced or coerced confessions as the primary or sole source of evidence in convictions, without the corroboration of forensic evidence or independent witness testimony. The law provides for retrials of detainees convicted due to forced or coerced confessions or evidence provided by secret informants, but local organizations reported the law was selectively implemented.

The public prosecution, defendant, and complainant each have the right to appeal an acquittal, conviction, or sentence in a criminal court ruling. Appeals are heard by the criminal committee, consisting of a presiding judge and a minimum of four other judges, within the Federal Court of Cassation in Baghdad. The criminal

committee automatically reviews all cases with a minimum sentence of 25 years, life imprisonment, or death. The committee may uphold a decision or overrule it and return the case to the trial court for a retrial or for additional judicial investigation.

As of December, NGOs reported six of the so-called “Badinan” detainees – referring to the area in Duhok Province where Asayish forces and KDP intelligence service Parastin officers arrested dozens of activists, journalists, and protesters in 2020 – remained in prison. In December the Erbil Criminal Court ordered the release of five activists from Shiladze after they served their full two-year sentences for “undermining the national security” of the IKR. The activists had been arrested in 2020 while protesting Turkish military attacks inside the IKR, and the court had denied their request for conditional release in August. In July media reported 52 journalists and activist detainees, including some of the Badinan detainees, went on hunger strike to protest what they called the KRG’s “manipulation of their legal right to conditional release.” The hunger strike ended in September.

Political Prisoners and Detainees

The government did not consider any incarcerated persons to be political prisoners and argued that all incarcerated persons had violated criminal statutes. It was difficult to assess individual claims due to lack of government transparency, prevalence of corruption in arrest procedures, slow case processing, and extremely limited access to detainees, especially those held in counterterrorism, intelligence, and military facilities. Political opponents of the government, however, alleged the government imprisoned individuals for political activities or beliefs under the pretense of criminal charges ranging from corruption to terrorism and murder. Moreover, local NGOs reported journalists and political activists faced arrests and harassment throughout the year for statements critical of the government, Iran, and militias. In September local media outlets reported the arrest by the PMF of four political opponents of the Shia Coordinating Framework in Qadisiya Province under the charge of Ba’ath party affiliation, which has become a new charge used to arrest Shia opponents in southern Iraq.

Amnesty: The law includes amnesty for corruption crimes under the condition

that the stolen money be returned. NGOs and politicians complained authorities implemented the law selectively and in a manner that did not comply with the intended goal of providing relief for those imprisoned under false charges or for sectarian reasons.

Transnational Repression

Several activists from the 2019 Tishreen movement who lived in exile in foreign countries reported receiving regular threats to their and their families' safety, some of which warned they would be harmed if they returned to Iraq. Some of the activists moved abroad due to criminal lawsuits against them that they believed were aimed at preventing them from exercising their right of free expression and in retaliation for leading antigovernment protests.

Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil remedies for, or cessation of, human rights abuses through domestic courts. Administrative remedies also exist. The government did not effectively implement civil or administrative remedies for human rights abuses and the executive branch retained an overwhelming focus on security, and the maintenance of law and order, and the judiciary remained understaffed.

Unlike federal law, KRG law provides for a monthly allowance to persons subject to unlawful arrest or detention and survivors of the Anfal chemical weapons campaign waged by the former regime of Saddam Hussein; the KRG Ministry of Martyrs and Anfal Affairs handles such cases. After reviewing and removing duplicate cases in October, the ministry approved an additional 1,393 cases that received compensation consisting of a parcel of land, 10 years' salary, and college tuition for one family member, although the government could not always pay compensation due to budget constraints.

Individuals in the IKR and the rest of the country who were imprisoned for political reasons under the Saddam regime received a pension as compensation from the government. While KRG political prisoners' monthly pensions were approximately 500,000 dinars (\$342) plus 50,000 dinars (\$34) for each year of being imprisoned, the central government paid other Iraqis a minimum of 1.2

million dinars (\$822).

Property Seizure and Restitution

The constitution and law prohibit the expropriation of property, except for the public benefit and in return for just compensation. In previous years government forces and PMF units forced suspected ISIS members and members of religious and ethnic minority groups from their homes, and confiscated property without restitution. Although home and property confiscations continued to decline during the year, many of those who confiscated the homes still occupied them or claimed ownership to the property, which contributed to low rates of return for IDPs to these areas.

In September the Commission on Integrity (COI) told local media outlets that the commission's investigations department in Ninewa investigated several abuses in relation to state lands allocation, with eight government officials arrested for seizing 30 acres of state-owned agricultural land for the purpose of selling it to citizens.

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

The constitution and law prohibit such actions, but there were numerous reports the government failed to respect these prohibitions. Government forces often entered homes without judicial or other appropriate authorization.

Authorities reportedly detained spouses and other family members of fugitives – mostly Sunni Arabs wanted on terrorism charges – to compel the fugitives to surrender. In September militants affiliated with the PMF allegedly raided several houses on the outskirts of the al-Hadhar District, southern Ninewa Province, and caused panic among the civilians. According to witnesses, PMF members gathered all the men in an open area and began interrogating them while slapping, humiliating, and cursing at them. The interrogation lasted a couple of hours, after which the men were released. The raid took place following an ISIS attack on the PMF in which eight ISIS militants and two PMF members were killed.

g. Conflict-related Abuses

Conflict-related abuses stemmed from fighting between ISF (including the PMF) and ISIS fighters in the aftermath of the ISIS-Iraq conflict (2013-2017), and from continued conflict between Turkey (Türkiye) and the Kurdistan Workers Party (PKK). Although largely defeated by Iraq and its allies, ISIS maintains a presence in Iraq and carries out terrorist attacks against civilians as well as guerilla attacks against the ISF. The Turkish military conducts military operations against PKK bases in Iraq. Iraq's government has issued formal complaints regarding Turkish incursions into Iraq's sovereign territory.

Killings: Iraq Body Count, an independent NGO that records civilian deaths in the country, reported 740 civilians killed due to internal conflict during the year, an 11 percent increase from 669 deaths in 2021.

There were reports of civilian deaths due to Turkish military operations in the country's north. In June media reported security forces confirmed two civilians died, including a child, from an airstrike in Sinjar the security forces stated was part of the government of Turkey's "Operation Claw-Lock" started in April.

On July 20, Turkish artillery reportedly shelled a resort in the Zakho District of Dohuk Province killing nine civilians and injuring 22 others. The Turkish government denied responsibility for the strike.

Iranian missile attacks targeted positions of Kurdish-Iranian opposition groups – the Iranian Kurdish Communist Party (Komala) and the Kurdistan Democratic Party of Iran (KDPI) –in the IKR. A November 14 Iranian missile strike reportedly killed two and injured eight KDPI members near the city of Koya. Late September Iranian missile strikes for several days killed 18 persons, including a pregnant woman, injured nearly 60, and destroyed a school that had been renovated by the Office of the UN High Commissioner for Refugees (UNHCR). According to UNHCR, Iranian refugees were among the casualties.

Despite its territorial defeat in the country, ISIS remained a major perpetrator of abuses and atrocities. The remaining fighters operated from sleeper cells and strike teams that carried out sniper attacks, ambushes, kidnappings, and killings against security forces and community leaders. These abuses were particularly evident in

Anbar, Baghdad, Diyala, Kirkuk, Ninewa, and Salah al-Din Provinces.

On December 18, ISIS claimed responsibility for a roadside bomb blast in the Riyadh subdistrict of Kirkuk that targeted a federal police convoy and killed eight troops. On July 26, ISIS claimed responsibility for an armed attack on a group of Shia Muslims in the al-Salam subdistrict of Diyala that killed 12, including an Iraqi soldier.

Abductions: There were frequent reports of enforced disappearances by or on behalf of government forces, including the ISF and the PMF, as well as non-PMF militias and criminal groups.

On October 3, the National Security Service (NSS), without warrants, arrested approximately 40 persons who were celebrating Independence Day in Anbar Province, Kornesh Alhoz and al-Rumadi city, including a 12-year-old child. The ISF reportedly arrested them for displaying the old version of the country's flag, the flag of the Kingdom of Saudi Arabia, and pictures of Saddam Hussein.

On October 1, witnesses reported armed masked groups wearing civilian clothes (believed to be PMF security officers) chased demonstrators who stayed late in Tahrir Square on the three-year anniversary of the Tishreen protests. The PMF reportedly arrested approximately 25 protesters without judicial orders and handed most of them over to the police department, which filed spurious charges against them.

On August 1, the KRG Office for Rescuing Kidnapped Yezidis stated that 2,717 (1,273 women and 1,444 men) of the 6,417 Yezidis kidnapped by ISIS in 2014 remained missing.

Members of other minority populations were also victims of human rights abuses committed by ISIS forces. While exact numbers were not available, press sources and contacts estimated 1,200 to 1,300 Turkmen were kidnapped since 2014, up to 600 of which are women and 130 children.

Physical Abuse, Punishment, and Torture: Reports from international human rights groups stated government forces, including Federal Police, the NSS, the PMF, and Asayish, abused prisoners and detainees, particularly Sunni Arabs.

Other Conflict-related Abuse: Conflict disrupted the lives of hundreds of thousands of persons throughout the country, particularly in Baghdad, Anbar, Diyala, Salah al-Din, and Ninewa Provinces.

Government forces, including the ISF and PMF, established or maintained roadblocks that reportedly impeded the flow of humanitarian assistance to communities in need, particularly in areas such as the Ninewa Plain and Sinjar in Ninewa Province where the KRG and central government dispute the administrative boundaries. ISIS continued to attack religious observances, including funerals, and civilian electricity and other infrastructure. In September the UN Security Council approved a one-year extension of the mandate of the UN Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD), which was originally established in 2017 to support domestic efforts to hold ISIS accountable for actions that may amount to war crimes, crimes against humanity, and genocide. UNITAD-supported exhumation and identification activities continued throughout the year.

On October 5, fighting erupted in the al-Hai District of Wasit Province between the al-Gharib and al-Shahman Tribes that resulted in the death of a child (Hasan Abbas al-Gharibawi) and injuries to two individuals. Two members of the al-Shahman Tribe were arrested on charges of the killing and were reportedly affiliated with the Counter Terrorism Service and the Special Operations Forces.

The UN annual *Children and Armed Conflict Report*, released July 11, revealed more than 70 children were killed in the country in 2021, and at the end of 2021, 1,267 children (1,251 boys, 16 girls) remained in detention for up to five years on national security-related charges, including for actual or alleged association with armed groups, primarily ISIS. The report verified 288 grave abuses of 167 children (131 boys, 32 girls, four sex unknown). An additional “16 grave violations against 16 children (4 boys, 12 girls), which occurred in previous years were verified in 2021.” The report noted “a total of 118 incidents of the denial of humanitarian access were attributed to Iraqi security forces (89), the PMF (16), the Iraqi police (10), Operation Claw (1), national security services (1) and unidentified perpetrators.” The UN secretary-general called on the government to release these children to child protection actors, arguing that detention of children should be used only as a last resort and for a short period of time. The secretary-

general further urged the government to “fully implement international legal instruments on mines and explosive remnants of war.”

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for members of the press and other media, with restrictions on expression that authorities assess violates public order and morality, or that expresses support for the banned Ba’ath Party. Despite this provision, media and social activists faced various forms of pressure and intimidation from authorities, making the primary limitation on freedom of expression self-censorship due to a credible fear of reprisals by the government, political parties, ethnic and sectarian forces, militias, terrorist and violent extremist groups, or criminal gangs. Advocates of freedom of speech and expression stated that because the law did not specifically define what acts violated public order and morality, authorities could use that exception to stifle protected speech or expression. A media environment in which press outlets were closely affiliated with specific political parties and ethnic factions, combined with an opaque judiciary, resulted in considerable restrictions on freedom of expression, including the press.

Freedom of Expression: Individuals were not able to criticize the government publicly or privately without fear of reprisal. Paramilitary militias harassed activists and new reform-oriented political movements online and in person, including through online disinformation, bot attacks, and threats or use of physical violence to silence them and halt their activities. On May 3, journalists reported to the Iraqi Observatory for Human Rights as part of World Press Freedom Day authorities, influential parties, and violent extremist groups restricted press freedom and expression of opinion. They noted numerous efforts to silence and deter journalists from researching problems such as corruption, misuse or exploitation of state resources for personal gain, and some outlets’ selective refusal to cover political opponents, popular protests, and other problems.

Ongoing legal harassment using malicious lawsuits against activists, human rights

defenders (HRDs), and journalists limited freedom of expression and civic engagement. CSOs reported an unprecedented level of legal harassment via two main types of lawsuits: 1) false accusations of criminal activity; and 2) vague punishment for “dissent” or “slander” following public comments and criticism of government actors. While these suits were often filed against Tishreen protesters, they were also used against activists, HRDs, and journalists. Sometimes referred to as malicious, fraudulent, or nuisance lawsuits, these suits tend to cite rarely used articles from the penal code and rely on extremely broad legal interpretations.

Many cases of malicious lawsuits do not make it into the public domain due to the victims’ fear of retaliation or further harm. Nonetheless, there were several high-profile cases during the year. In February the Council of Ministers Secretariat filed a criminal defamation complaint and opened an investigation against Ali Akram al-Bayati, a former member of the Iraqi High Commission for Human Rights (IHCHR). The suit stemmed from comments Bayati made during his tenure as a commissioner, discussing accusations of torture committed by the Anti-Corruption Committee (or Committee 29, see section 1.c.) and the IHCHR’s lack of access to those detained by the committee, during a 2020 television interview. On February 6, Bayati appeared in court in response to a summons where he was arrested and informed he was under investigation. Despite having legal immunity as an IHCHR commissioner, Bayati was detained in custody and interrogated for several hours before being released on bail the following day. The legal case against Bayati, who told a media outlet in June he decided to leave the country, remains open.

In April the Ministry of Defense filed a lawsuit against UTV news presenter Ahmed Mulla Talal and actor Iyad al-Taei for criticizing “corruption” in the military during a television program. Mulla Talal and al-Taei were called to appear before a judge in the third Karkh investigative court. The Media and Communications Commission suspended the program but reversed its decision a few days later. Mulla Talal nonetheless “voluntarily” stopped broadcasting the program for the remainder of the month of Ramadan. The court cleared Mulla Talal of wrongdoing. In May an Iran-aligned member of parliament filed a suit against one of the country’s leading women’s rights activists, Hanaa Edwar, two days after she spoke out against malicious lawsuits in a speech to the UN Security Council. She warned in her speech that the legal system was being politicized to

silence activism and dissent. In June a media outlet reported the office of then Prime Minister Mohammed Khadimi had filed more than 60 defamation lawsuits against public critics of the government under defamation laws established under the former Ba'athist regime.

On December 5, a court convicted activist Haider al-Zaidi and sentenced him to three years in prison under article 226 of the penal code for “insulting the government.” The PMF filed the case against Zaidi in response to a social media post in which he allegedly criticized the deceased former PMF head Abu Mehdi al-Muhandis. After Zaidi’s family met PMF chairman Faleh al-Fayyad and on December 19, apologized, the PMF dropped its lawsuit against Zaidi and set the stage for his release from prison within approximately three months; however, the criminal conviction remained on Zaidi’s record.

Security Forces, mostly those under the Ministry of Interior, within the NSS, or from the PMF, in addition to KRG forces (primarily Asayish), arrested and detained protesters and activists critical of the central government and of the KRG, respectively, according to statements by government officials, NGO representatives, and press reports.

During protests in the IKR in August called for by the New Generation Movement opposition party, security forces detained dozens of activists and journalists and prevented journalists from covering the protests. Asayish security forces detained Sulaymaniyah-based Voice of America broadcast correspondent Snur Karim for approximately 20 hours and searched her cell phone without a warrant.

In October media reported PUK Counter-Terrorism Unit forces arrested two journalists, Sartip Waisi and Ibrahim Ali, from Erbil-based *Bwar* online news media on their way to Erbil from Sulaymaniyah. Press freedom NGOs reported the journalists were not informed of the charges against them, and an Iraqi Kurdistan Parliament member of parliament stated the journalists should only be tried under the framework of the IKR’s press law, which prohibits the arrest and detention of journalists for journalistic work and activities.

The KDP and PUK prioritized access to the outlets they owned. In KDP strongholds, Kurdistan Television, Rudaw, and K24 had access to all public places

and information, while in PUK-dominated Sulaymaniyah Province, Kurdsat News, and GK Television enjoyed the same privilege. Conversely, outlets belonging to opposition parties or lacking party affiliation had limited access to public information in the IKR.

Violence and Harassment: Journalists continued to face threats, intimidation, and attacks by militia or security forces. The Press Freedom Advocacy Association (PFAA) recorded 280 cases of abuses of journalists nationwide between May 2021 and May, with the majority of cases in Baghdad and Erbil. During the same period, the Iraqi Women Journalists Forum recorded 100 cases of journalists and media institutions being targeted for violence or intimidation, including 26 instances of threats, electronic blackmailing, harassment, and bullying of female journalists.

Government forces occasionally prevented journalists from reporting, citing security reasons. Some media organizations reported arrests and harassment of journalists, as well as government efforts to prevent them from covering politically sensitive topics, including security matters, corruption, and government failure to provide adequate services. On August 30, the PFAA reported ISF officers arrested, insulted, and beat several journalists and camera operators and confiscated their equipment during protests that turned violent on August 29 and 30. *Al-Jazeera* correspondent Samer Youssef and his camera operator Muhammad Mulla were detained inside the Presidential Palace for an hour to prevent them from filming protesters who stormed the complex. Al-Rasheed television reporter Ammar Ghassan and his camera operator Mohammed al-Shammari were arrested, severely beaten by the ISF, and had their equipment confiscated. Falluja television camera operator Saif Ali was hospitalized after being beaten by ISF officers with clubs and batons while filming protests in Baghdad's the International Zone, and ISF officers seized technical equipment from Ali's colleague to prevent him from reporting. Other outlets including the Associated Press, *al-Arabiya*, and reported similar violent encounters with the ISF, several while they were broadcasting. On August 31, press reported the ISF returned some confiscated equipment to outlets and journalists. The government did not formally investigate the ISF actions.

On August 30, in Diwaniyah Province, unidentified gunmen fired upon and threw a grenade at the home of Zakros TV correspondent Nabil al-Jubouri, although no

one was reported injured in the attack. Late in the evening on August 29, mortars hit and damaged the Baghdad headquarters of the Asa'ib Ahl al-Haq-owned al-Ahad Radio and the Baghdad office of Dijla News; no casualties were reported. Dijla's Baghdad office was attacked and set on fire in 2020, and an arrest warrant was issued for its Sunni owner (al-Hal Party) for "insulting the rituals of a religious (Shia) community."

Throughout the country there were reports of beatings, detentions, and death threats against media workers, particularly toward journalists working for opposition-affiliated and nonpartisan outlets. On November 26, Iraqi riot forces physically assaulted Iraq Fox Channel camera operator Ali Kadhimi in the Kadhimiya District of Baghdad where he was covering a protest. The PFAA reported riot forces assaulted several other television news correspondents during the same protests. On August 29, Associated Press correspondent Hadi Mazban was beaten by the ISF while covering protests in Baghdad's International Zone. During the same timeframe, unidentified assailants attacked the home of Zakros TV correspondent Nabil al-Jubouri, spraying the house with bullets and tossing grenades into its courtyard.

Certain KRG courts applied the more stringent criminal code and laws in lawsuits involving journalists, rather than the KRG's local press law, which provides greater protection for freedom of expression and forbids the detention of journalists. On March 21, security forces in civilian uniforms assaulted a crew from Gav News and confiscated their equipment in Barmarny, near Duhok, during coverage of the Kurdish New Year (Newroz) celebrations.

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

Federal government and KRG oversight and censorship sometimes interfered with

media operations, at times resulting in the closure of media outlets, restrictions on reporting, denial of access to public information, and interference with internet service.

Local media were active and expressed a variety of views, largely reflecting owners' political viewpoints. Media also self-censored to comply with government restrictions against "violating public order" and because of a fear of reprisal by political figures and parties, militias, terrorist groups, criminal organizations, government officials, and private individuals. Political parties strongly influenced or controlled outright most of the several hundred daily and weekly print publications, as well as dozens of radio and television stations, including social media platforms and social media influencers.

On August 5, Asayish security forces raided the offices of the newly launched Rast Media outlet in Duhok and ordered it to cease operations despite its legal registration with the Kurdistan Journalist Syndicate.

On April 9, the semiofficial Iraqi Media Network announced the termination of journalist Saleh al-Hamdani from the network, citing a 10-year-old Facebook post by the journalist that mocked a gathering in memory of the late cleric Muhammad Baqir al-Sadr. Hamdani's termination letter from the network stated he had violated the country's constitution, which encourages democracy, acceptance of others' rights to their own opinion, and a culture of tolerance.

Libel/Slander Laws: The law criminalizes slander, blasphemy, and defamation, including the insulting of government leaders. The judiciary, militias, and government officials used arrest warrants in defamation cases to intimidate, silence, and in some instances apparently to "flush out" activists and journalists from hiding. Human rights organizations recommended the government revise the law, which they stated was used to silence dissent and calls for reform. In October local media outlets reported former prime ministerial candidate Mohammed Shiaa al-Sudani filed a lawsuit against journalist and political expert Mohammed Na'naa for defamation for stating during a televised interview that Sudani was under the control of certain political leaders.

Courts in the IKR detained journalists in response to defamation lawsuits filed by

the subjects of their reporting, which the journalists viewed as retaliation.

On July 18, an Erbil court detained KNN reporter Ayub Ali Warty for one day after a physician filed a defamation lawsuit against him under the federal Iraqi (rather than KRG) criminal code. On September 30, a Sulaymaniyah court ordered *Diplomatic Magazine* reporter Bashdar Baziany detained for 10 days following a defamation lawsuit filed under the same code by the Kurdistan Investment Board's spokesperson.

National Security: Paramilitary militias in the PMF frequently threatened members of Sunni and minority communities with terrorism charges to silence their dissent, especially in areas where the militias have taken over local land and economic activities and blocked the return of Sunni IDPs.

Nongovernmental Impact: Nongovernmental and quasi-governmental actors, including militias outside of state control, terrorist groups, and criminal organizations, threatened journalists with violence for reporting on sensitive subjects.

Internet Freedom

The government restricted or disrupted access to the internet and censored online content, and there were credible reports the government monitored private online communications without appropriate legal authority. Government restrictions on access to the internet were overt, but the government denied it monitored private online communications without appropriate legal authority. Despite restrictions, political figures and activists used the internet to criticize politicians, organize demonstrations, and campaign for candidates through social media platforms. Militias used bots and disinformation campaigns to attack and defame activists, independent elections candidates, and the electoral commission.

According to Freedom House, government and KRG authorities disrupted internet access during protests and use vaguely worded laws and penal codes to criminalize online activities. Civil society organizations reported their activists' social media pages were monitored by government and militia forces, and that the activists faced harassment or criminal charges filed against them based on what they posted on Facebook and other social media platforms.

On March 29, Basrah's anticrime unit arrested Ahmed Yahya Issa, a chemistry professor at Basrah University in response to a criminal complaint for defamation filed by the Basrah Police Chief. Issa had posted on social media criticizing security forces for focusing on "trivial cases" and "ignoring major crimes such as robberies and corruption committed by powerful gangs and militias that managed to penetrate important security agencies." The Iraqi Observatory for Human Rights (IOHR) stated multiple provisions of criminal code including regarding internet activity are ambiguous and may be interpreted broadly, resulting in serious punishments that are disproportionate to the level of the offenses and the damage caused.

On April 13, a court sentenced local activist Yazid al-Hassoun to three months in prison after convicting him on charges of criticizing Salah al-Din Governor Ammar Jabr online and disputing the legitimacy of a government contract.

In the IKR, some media outlets reported facing cyberattacks, including distributed denial of service attacks, after publishing stories on government corruption and alleged the attacks were likely state sponsored in view of their timing and level of sophistication.

Restrictions on Academic Freedom and Cultural Events

There were government restrictions on academic freedom and cultural events. Social, religious, and political pressures significantly restricted the exercise of freedom of choice in academic and cultural matters. In all regions various groups sought to control the pursuit of formal education and the granting of academic positions. Despite hosting several concerts and festivals during the year, the Tourism Security Directorate in some Shia-majority provinces attempted to restrict the staging of concerts and use of non-Islamic music.

On June 10, hundreds of young men and Shia clerics stormed the "Sinbad Land" themed amusement park in Baghdad, to prevent a concert by Moroccan pop singer Saad Lamjarred. The campaign against concerts began when, during a December 2021 concert in Baghdad, Egyptian singer Mohammad Ramadan unbuttoned his shirt, a gesture considered by some clerics and politicians to be immodest and contrary to cultural norms. Prominent Shiite cleric Jaafar al-Ibrahimi criticized

Ramadan, saying he was like “indecent monkeys and lions in heat.” In December 2021 the religious Baqir al-Olum University in Baghdad issued a press statement denouncing concerts in the capital and stressing the importance of reintroducing the laws of “promotion of virtue and prevention of vice.”

NGOs in the IKR reported university president, dean, and senior professorship positions were easier to obtain for those with links to the KDP and PUK ruling parties. Privilege was also given to those affiliated with political parties in the pursuit of higher degrees.

b. Freedoms of Peaceful Assembly and Association

The government occasionally limited freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

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

CSOs reported a majority of written requests for permission to demonstrate in public were rejected, although frequently only verbally rather than in writing. In a few provinces, for example in Maysan, all such requests were rejected. Many protests, including spontaneous demonstrations, proceeded even when authorities did not grant permission, with demonstrators arguing the constitution only requires them to notify the government, not ask for permission. Because authorities typically provided only verbal responses to requests to demonstrate, it was difficult to document the government’s record in terms of granting or rejecting protest permits.

Freedom of Association

The constitution provides for the right to form and join associations and political parties, with some exceptions. The government generally respected this right, except for the legal prohibitions against groups expressing support for the Baath Party, “Zionist principles,” or Israel.

NGOs registered with the federal Department of NGOs (DNGO) in Baghdad were required also to register with the KRG DNGO in order to operate in the IKR, and KRG-registered NGOs had to register with the federal DNGO in order to operate outside the IKR.

NGOs reported the KRG Department of NGOs introduced stricter license renewal procedures during the year, causing delays in NGOs’ ability to submit grant proposals and receive funding (see section 5).

On September 15, the Iraqi Civil Society Solidarity Initiative stated newly established CSOs faced complex obstacles registering and legally incorporating their entities. NGOs reported the registration process and requirements were extremely cumbersome. According to reports, state authorities may dictate the internal structure of NGOs, and sometimes, even an organization’s choice of name. One NGO’s representative reported registering with the DNGOs in Baghdad and obtaining approval of their name took six months. DNGO officials reportedly told the NGO the country was “enjoying democracy and human rights” and questioned the “need and benefit” of registering an organization focused on those matters. Other NGOs reported similar difficulties registering, particularly if the name of their organization pertained to human rights or democracy, with some registrations taking longer than one year.

The head of one human rights NGO reported being summoned to the NSS to provide proof of the organization’s activities, and all personnel documents. The NSS visited the NGO head outside of business hours at night and told the individual to “respect and obey orders” from security forces and provide all the information requested. The NGO leader, who noted all NGOs were registered with the DNGO and operated in accordance with the law, called the investigation a “major provocation” and a “restriction” on human rights work.

On June 25, three men in civilian clothes claiming to be affiliated with the NSS stormed a gender-based violence (GBV) training workshop organized by al-Firdaws Society in Basrah. According to a media report, the men told the organizers of the Advocacy Campaigns against GBV workshops that training on “such topics” was not allowed.

The political party law continued to present a significant obstacle to the registration of emerging political parties and movements. The registration process can take a long time, and registration fees are expensive.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The constitution and law mostly provide for the freedom of internal movement, foreign travel, emigration, and repatriation, but the government did not consistently respect these rights. 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 a Civil Status Identification Document, required for access to public services, food assistance, health care, employment, education, and housing, without the consent of a male relative.

In some circumstances authorities restricted movements of displaced persons, and authorities did not allow some IDP camp residents to depart without specific permission, thereby limiting access to livelihoods, education, and services. Many parts of the country liberated from ISIS control suffered from movement restrictions due to the checkpoints of PMF units and other government forces. In other cases local authorities did not always recognize security permits of returnees or comply with the central government’s orders to facilitate but not force, returns.

In-country Movement: The law permits security forces to restrict internal movement and take other necessary security and military measures in response to security threats and attacks. There were numerous reports government forces,

including the ISF and PMF, selectively enforced regulations, including for ethnosectarian reasons, as well as criminal extortion, requiring residency permits to limit entry of persons into areas under their control.

Multiple international NGOs reported PMF units prevented civilians, including Sunni Arabs and members of ethnic and religious minority groups, from returning to their homes after government forces ousted ISIS (see section 6).

In September Basrah Governor Asaad al-Eidani announced the Ministry of Interior had agreed, at the governor's behest, to stop approving requests by individuals from other provinces to move to Basrah. The decision, issued by the Directorate of General Nationality, without reference to coordination with the province, came after an abnormal increase in such requests from other provinces for individuals to move to Basrah. Eidani justified the prohibition on moving to Basrah as necessary for the security and economic health of the province. In August Imtidad Movement member of parliament Dheaa al-Hindi of Karbala sent a letter to the Ministry of Interior demanding it not allow citizens to move from other regions to Karbala. Activists criticized the prohibition of internal movement as a violation of the constitution, which provides for freedom of movement. Activists stated internal movement limitations were driven by corruption and a lack of opportunities.

KRG authorities restricted movements in certain areas for nonresidents. Both residents and nonresidents were required to register with the local Asayish office. 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 Province and the disputed areas.

Foreign Travel: The government required exit permits for minors younger than 18 leaving the country, but the requirement was not routinely enforced.

e. Protection of Refugees

The government generally cooperated with UNHCR, the International Organization for Migration (IOM), and other humanitarian organizations in providing protection and assistance to refugees, returning refugees or asylum

seekers, as well as other persons of concern. The government did not have effective systems to assist all these individuals, largely due to a lack of capacity. The law only recognizes refugees based on political or military grounds.

Access to Asylum: The law provides for the granting of asylum or refugee status. The federal government has established a system for providing protection to refugees, and the IKR provides residency permits to asylum seekers and refugees in its region, outside the framework of the federal law. Syrians made up most of the refugee population. Almost all refugees resided in the IKR, with 64 percent in urban settings and 36 percent in the IKR's 10 refugee camps. The system lacked procedural safeguards, including no effective right of appeal, and access was largely nationality-based with gaps for highly vulnerable groups including lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) and certain minorities and nationalities. The IKR did not allow Afghan nationals seeking asylum to register for refugee status, citing concerns such a move would result in a large influx of Afghan asylum seekers. The law does not provide for specific provisions for groups with special needs, including children and persons with disabilities, but neither does it preclude their access to protection.

Abuse of Migrants and Refugees: Humanitarian protection experts assessed that residents of displaced persons camps were highly susceptible to sexual exploitation and abuse. Refugees and IDPs reported frequent sexual harassment, both in camps and cities in the IKR. Local NGOs reported cases in which camp management and detention employees subjected IDPs and refugees to various forms of abuse and intimidation. UNHCR condemned Iran's attack on the Iranian refugee settlements in the city of Koya in the IKR on September 28, in which Iranian refugees were among the injured.

Freedom of Movement: Syrian refugees continued to face restrictions on residence and movement outside the IKR. KRG authorities stated IDPs and refugees had freedom of internal movement in the IKR. There is an established practice that enables short-term visits to Syria to take place for a limited number of reasons, upon approval of the KRG.

Employment: Refugees and asylum seekers were entitled to work in the private sector, but the lack of a comprehensive legal framework on the status of refugees

remained an obstacle to refugees' access to employment. Based on specific decrees and practice, Palestinian refugees generally enjoyed rights similar to citizens but were unable to naturalize or vote. In the IKR Palestinians were allowed to work in the private sector but were required to renew their refugee status annually. Syrian refugees were able to obtain and renew residency and work permits both in refugee camps and in the IKR, although not in the rest of the country. Central government authorities did not permit refugees with IKR residence permits to work outside the IKR. According to UNHCR, both refugees and asylum seekers without visas were allowed to work formally in the IKR if they obtained a KRG residency permit and were aged 15 or older.

f. Status and Treatment of Internally Displaced Persons

The constitution and national policy on displacement address IDP rights, but few laws specifically do so. The central government, the KRG, and international organizations, including UN agencies and local and international NGOs, provided protection and other assistance to IDPs. Humanitarian actors continued to provide support to official IDP camps and implemented community-based services for IDPs residing outside of camps to limit strain on host community resources. The UN Humanitarian Country Team decided in July to demobilize its humanitarian coordination architecture by December 31. As part of the transition away from a UN-led humanitarian response, the United Nations will hand over coordination and service provision for IDP populations to the federal government and the KRG authorities.

According to the IOM Displacement Tracking Matrix, as of June 30 there were an estimated 1.2 million persons internally displaced, with 180,010 residing in camps and an additional 81,198 in informal settlements, predominantly in Erbil, Duhok, and Ninewa Provinces. According to the IOM, 106,014 IDPs lived in critical shelters, including unsafe and abandoned buildings, religious buildings, and schools, which were not safe, adequate, or permanent. The IOM reported as of June 30, a total of 4.97 million persons had returned to their areas of origin across the country as areas became liberated from ISIS starting in 2015.

Outside of the IKR, the government has one IDP informal settlement and one camp. The settlement, in Anbar Province, accommodated 323 households (1,938

individuals) as of June. One-half of the camp population was part of female-headed households, many with perceived ISIS affiliations. As of August, the remaining IDP camp outside the IKR, in Ninewa Province, accommodated 935 households (4,432 individuals).

After repeated advocacy from the United Nations and the international community, the government agreed to a coordinated return plan for both camps. In 2021 the government worked with the Sunni Endowment to provide one million dinars (\$685) each to families who elected to leave the camps; however, the IOM reported the Sunni Endowment stopped issuing return grants during the year due to changes in administration and administrative challenges. The Ministries of Planning and of Migration and Displacement cited the lack of budget funding due to the central government-formation impasse as hindering the implementation of their *National Plan to Address Displacement in Iraq*, which was approved in 2021.

In some areas, violence, insecurity, and long-standing political, tribal, and ethno-sectarian tensions hampered progress on national reconciliation and political reform, complicating the protection environment for IDPs. Thousands of families faced secondary displacement due to economic and security concerns. Forced displacements strained the capacity of local authorities in areas with higher concentrations of IDPs. Climate-induced displacement also affected areas of return across the country.

Families returning to their place of origin often grappled with the destruction of their homes, a lack of access to services, and a dearth of livelihood opportunities. Many returnees were concerned by the prevalence of PMF groups or remnants of ISIS and, in Sinjar, militias aligned with the PKK. According to the IOM, as of June a total of 20,165 families (120,990 individuals) had returned to Sinjar, a return rate of 40 percent for the entire district. Displaced families, especially those with perceived ties to ISIS, including victims and survivors of ISIS crimes, were often unable to obtain or replace vital civil status documents, without which they were unable to work, go to school, or move freely. In some cases this led to secondary displacement or a return to IDP camps.

On December 27, the Council of Ministers approved a prime ministerial decree restoring ownership rights to homes and residential land to thousands of Iraqi

Yezidis from Sinjar. The decree paves the way for ending discriminatory policies, in effect since 1975, that had denied these citizens the right to own their homes.

In June the Council of Representatives (COR) allocated 25 billion dinars (\$17 million) to support implementation of the law to provide support to Yezidi and other survivors of the 2014 genocide by ISIS. In August, in cooperation with NGOs, the government opened a Survivors' Directorate branch office in Sinjar as part of the law for Yezidi survivors of the 2014 genocide by ISIS. Following the implementation of regulations to the law passed in September 2021, the Survivors' Directorate began to accept applications for survivors to receive benefits under the law.

Government assistance focused on financial grants to returnees, but payments were sporadic, and there was a large backlog in responding to applications. Faced with large movements of IDPs across the country, the government provided food, water, and financial assistance to some but not all IDPs, including in the IKR. Many IDPs lived in informal settlements without access to adequate water, sanitation, or other essential services.

In October the Ministry of Displacement and Migration reported economic, tribal, security, and social reasons in addition to unemployment and lack of services were preventing IDPs' return.

Some local authorities also applied government compensation laws in a discriminatory manner and excluded families with perceived ISIS affiliations. Many families, especially in Ninewa, applied for but had not yet received the monetary compensation due them by law because COR, in the absence of a formed government, did not pass a federal budget, and authorities prevented some families with perceived ISIS affiliations from applying. As a result many IDPs did not have the resources to rebuild their homes.

All citizens were eligible to receive food under the Public Distribution System (PDS), but authorities implemented the PDS sporadically and irregularly, with limited access in areas that were among the last to be liberated. Authorities did not distribute all commodities each month, and not all IDPs could access the PDS in each province. There were reports of IDPs losing access and entitlement to PDS

distributions and other services due to requirements that citizens could redeem PDS rations or other services only at their registered place of residence.

Local authorities often determined whether IDPs would have access to local services. KRG officials asserted all IDPs and refugees in the IKR benefited from access to public services and infrastructure (such as drinking water, electricity, education, health care, roads, and irrigation systems) on an equal basis with the local population, which they stated reflected the KRG's commitment to safeguarding human rights and human dignity under pressing circumstances.

Almost one million of the country's IDPs and refugees resided in the IKR, with approximately 30 percent living in camps and 70 percent outside camps, according to the KRG's Joint Crisis Coordination Center. The KRG hosted 25 of the 26 IDP camps in the country and committed not to close them until the IDPs returned to their area of origin voluntarily. According to the center, as of August, 40 percent of IDPs throughout the IKR were Sunni Arabs, 30 percent were Yezidis, 13 percent were Kurds (of several religious affiliations), and 7 percent were Christians. Members of other religious minority groups comprised the remaining 10 percent. Despite the difficult economic situation and security challenges that occurred in the region, KRG officials reported preserving the rights of these members of minority groups was a top priority. Individuals in some IDP camps require government permission to return to their areas of origin, and government officials frequently denied these security clearances for displaced households with perceived ISIS affiliation. Because of this perceived affiliation, these households faced problems obtaining civil documentation and had limited freedom of movement, including the ability to seek medical treatment, due to the risk of arrest or inability to reenter the camps where they resided. Humanitarian organizations reported female heads of household in multiple IDP camps struggled to obtain permission to move and were subject to verbal and physical harassment, including rape, sexual assault, and exploitation, by government forces and camp residents.

IDPs, particularly those suspected of ISIS affiliation, continued to face hostility from local government officials and populations, as well as expulsion when they attempted to return to areas of origin unassisted by the IOM or the government. In formerly ISIS-controlled Anbar, Duhok, Kirkuk, Ninewa, and Salah al-Din Provinces, humanitarian agencies reported movement restrictions for families with

relatives suspected of ISIS affiliation. An Interior Ministry official estimated the number of those with perceived ISIS affiliation at 250,000. Tribal leaders and humanitarian actors reported fabricated accusations of ISIS affiliation led to the stigmatization of IDPs. IDPs were also often the targets of stigmatization or discrimination because of familial rivalries or for economic reasons.

Many Christian IDPs refused to return to the town of Tal Kayf, citing fear of the PMF 50th Brigade that occupied it and the presence of the Tesferat detention center and court, which the ICRC reported may hold women and minors suspected of being ISIS family members. Prior to 2002 there were between 800,000 and 1.4 million Christians in the country, but that figure had reportedly fallen to less than 150,000, located primarily in the Ninewa Plain. Only a very small number of the country's population of 400,000 to 500,000 Yezidis had returned to their homes, with Sinjar having an estimated return rate of 35 percent, including non-Yezidis. Many chose to stay in camps, saying a lack of reconstruction plans or public services, as well as insecurity, discouraged them from returning home.

The repurposing of the government-owned Virgin Mary Compound in Baghdad resulted in the forced eviction of 121 families (approximately 400 individuals) that had taken shelter there after having been displaced from the Ninewa Plain during the 2014 ISIS invasion. According to the Christian Department in the Minorities Endowment, 63 of the 121 families had been evacuated by the end of the year, with 14 families relocating to a building belonging to the Chaldean Church in Baghdad. The rest of the families relocated to the Ninewa Plain and Erbil where they reportedly moved in with relatives or rented homes on the local economy. There have been limited efforts to implement the comprehensive Sinjar Agreement signed by the government and the KRG in 2020, which included expanded reconstruction efforts to support voluntary returns of Yezidis still displaced in the IKR and abroad. The IOM reported an uptick in the migration of Yezidis to Turkey with intended onward travel to Europe beginning in August. According to the IOM, 1,861 individuals crossed the Ibrahim al-Khalil border between August 24 and September 24, of which 30 percent departed from camps and 70 percent from informal settlements.

g. Stateless Persons

The country contributes to statelessness, including through discrimination against women in nationality laws.

There were a significant number of individuals in the country who were either stateless or at risk of statelessness, including displaced children who lacked civil documentation and faced exclusion from local communities, including being barred from attending school, denied access to health care, and deprived of basic rights. Many of these children were born under ISIS rule and were issued birth certificates considered invalid by the government. They faced extreme difficulties in obtaining civil documentation due to perceived ISIS affiliation. This was made more difficult as women were unable to obtain birth certificates for their children without their husband present or a certificate of their husband's death.

These women and children were stigmatized because of their association with ISIS, leaving them at heightened risk of suicide, retaliation, and sexual exploitation. Although some communities issued edicts and took steps to absolve women of perceived guilt associated with their sexual exploitation by ISIS fighters, so-called "honor" killings remained a risk. Communities generally did not accept children born to ISIS fighters. Absent a consistent, countrywide plan to document children of Iraqi mothers and ISIS fathers, those children were at risk of statelessness.

The Yezidi community more willingly welcomed back Yezidi women who survived ISIS captivity but not children fathered through rape by ISIS fighters. The Yezidi community frequently forced women to give up such babies and children to orphanages under threat of expulsion from the community. Women who chose to keep their children faced the threat of ostracization from their community and "honor" killings. International NGOs provided shelter referrals to some Yezidi women and, in some cases, assisted mothers in finding homes for forcibly abandoned children. Those children who did not receive assistance were without parents, identification, clear country of birth, or settled nationality. The law for survivors of the ISIS genocide does not include specific provisions related to the status of or benefits for ISIS-born children and their mothers, especially children born of sexual violence.

UNHCR’s advocacy, legal awareness raising, and civil documentation support continued to be available to persons at risk of statelessness.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Recent Elections: In 2021 the Independent High Electoral Commission (IHEC) conducted elections for the Iraqi COR, the national parliament. Voter turnout based on the number of registered voters was 43 percent. Official IHEC statistics using a similar methodology showed 44 percent turnout in 2018; however, the 2021 elections excluded out-of-country voters and restricted IDP voting to those IDPs with biometric voter IDs (BVIDs).

Domestic and international elections observers cited procedural and transparency improvements in connection with the 2018 elections. IHEC experienced minor glitches with its new voting technologies, first introduced in 2018, but was able to overcome many of these challenges due to the robust presence of international advisers provided largely by UNAMI. Domestic and international elections observers cited violence against activists and voter intimidation by paramilitary militia groups in the months ahead of the elections as likely affecting voters’ choice and voter turnout. International observers also cited unregulated campaign spending and “rampant disinformation online, including by political stakeholders and groups affiliated with foreign countries” that spread false narratives and attacked and threatened candidates – especially women, journalists, and human rights activists – as also negatively affecting candidate participation. Credible allegations of vote buying were common.

The parliamentary election saw the first implementation of new BVID requirements for special voting categories to include security forces, IDPs, and detainees. Due in part to biometric requirements, IDP returns, and government

closures of IDP camps, the number of eligible IDP voters dropped more than 50 percent. Most detainees also did not have the documents required to obtain the BVID due to COVID-19-limited hours at the government's civil identity directorate. Access to prison populations was also restricted due to COVID-19 resulting in reduced electoral participation by these individuals.

On October 9, the Iraqi Kurdistan Parliament (IKP) voted to extend its mandate for another year, effectively postponing the sixth IKP elections initially scheduled for October until sometime in 2023. UNAMI Special Representative called on IKR officials to conduct timely elections and uphold basic democratic principles.

Political Parties and Political Participation: Political parties and coalition blocs tended to organize along either religious or ethnic lines, although some parties crossed sectarian lines. Membership in some political parties conferred special privileges and advantages in employment and education. IHEC confirmed the registration of 38 coalitions and 256 parties to participate in the 2021 parliamentary elections, although some did not run candidates. At year's end, 270 political parties were registered with IHEC and less than four applications remained in process.

Contacts called corruption the leading obstacle to establishing an official political party and recounted having to pay bribes to electoral officials to ensure approval of their application. The stated fees for establishing and registering an official political party are \$30,000, but contacts reported after paying necessary bribes the real cost could come to double that amount. The process can take anywhere from a few months to a year depending upon how swiftly bribes are paid and whether more established political figures lend support to the party.

Other contacts reported difficulties registering parties, particularly those associated with the independent Tishreen movement. Some described encountering multiple barriers to registering their parties that appeared to have been newly enacted, specifically to hinder these parties' registration.

Participation of Women and Members of Minority Groups: No law limits participation of women or members of minority groups in the political process, and they did participate. The constitution mandates that women constitute at least 25

percent of parliamentary and provincial council membership. Female candidates comprised 29 percent of overall candidates, and women won a record 97 seats in parliament, including 54 that did not rely on the quota process. Nonetheless, political discussions often reportedly marginalized female members of parliament. The Iraqi Women's Network confirmed many customs, coupled with legislative barriers, inhibited the active participation of women in public life, especially in politics. Anecdotally, politicians, observers, and civil society representatives reported some female members of parliament had no autonomy when it came to speaking or expressing opinions publicly and were required to seek guidance or approval from their parties' male leadership. In some rural areas, women are required to have a male escort in order to cast a ballot at a voting station.

Of the 329 seats in parliament, the law reserves nine seats for members of minority groups: five for Christians from Baghdad, Ninewa, Kirkuk, Erbil, and Duhok Provinces; one for Yezidis; one for Sabeen-Mandaeans; one for Shabak; and, following a parliamentary decision in 2019, one for Faili Kurds in Wasit Province. Members of minority groups won additional seats in parliament above their quota allotment, including three Yezidis and, for the first time, two Kaka'i.

The KRG reserves 30 percent of IKP and provincial council membership for women. As of October women held high-level political positions including judicial appointments and three cabinet seats. Of 111 seats in the IKP, the law reserves 11 seats for members of minority groups along ethnic, rather than religious lines: five for (predominantly Christian) Chaldo-Assyrian candidates, five for Turkmen candidates, and one for Armenian candidates. No seats are reserved for self-described groups whom the KRG considers ethnically Kurdish or Arab, such as Yezidis, Shabak, Sabeen-Mandaeans, Kaka'i, and Faili Kurds.

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

According to the Iraqi Disability Alliance (IADO), a majority of voters with disabilities boycotted the 2021 elections for several reasons, including lack of infrastructure to facilitate access at polling stations. IADO noted persons with disabilities' access to polling stations in the IKR was better than in federal Iraq.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the laws effectively. There were numerous reports of government corruption. The law allows some individuals convicted of corruption to receive amnesty upon repaying money obtained through corruption, which had the effect of allowing them to keep any profits from stolen funds.

Corruption: Corruption remained a significant obstacle to effective governance at all institutional levels, including in the IKR. Bribery, money laundering, nepotism, and misappropriation of public funds were common at all levels and across all branches of government. Family, tribal, and ethnosectarian considerations significantly influenced government decisions at all levels and across all branches of government. Federal and KRG officials frequently engaged in corrupt practices with impunity.

In October UNAMI Special Representative stated in a briefing to the UN Security Council corruption was a core feature of the existing political economy in the country, and reform efforts had been actively undermined or obstructed. She added that, “pervasive corruption is a major root cause of Iraqi dysfunctionality,” and that “no [political] leader could claim to be shielded from it.”

Anticorruption efforts were hampered by a lack of agreement concerning institutional roles, political will, political influence, lack of transparency, and unclear governing legislation and regulatory processes. The existence of armed militias, which were directly involved in corruption and provided protection for corrupt officials, made serious and sustainable anticorruption efforts difficult to enforce.

Although anticorruption institutions continued to collaborate with civil society

groups, the results remained limited. Media and NGOs attempted to expose corruption independently, but their capacity was limited. Anticorruption, law enforcement, and judicial officials, as well as members of civil society and media, faced threats, intimidation, and abuse in their efforts to combat corrupt practices.

In March the Permanent Committee to Investigate Corruption and Significant Crimes, established to investigate and prosecute major corruption cases, was dissolved by a Federal Supreme Court (FSC) ruling for violating the constitution. NGOs reported the FSC ruling disbanding the committee came under pressure from political parties with armed militias, because the committee's work resulted in the prosecution, conviction, and imprisonment of several militia leaders, and officials affiliated with these militias. The committee also stood accused of torturing targets of its investigations (see section 1.c.).

In October numerous press outlets reported the theft of at least 3.65 trillion dinars (\$2.5 billion) from the state tax commission through a scheme in which shell companies claimed and withdrew false or fabricated tax refunds. Audits of the transactions, which could have identified the theft, were cancelled by various government institutions, including the then Prime Minister's Office. According to press reports, tax commission employees who called attention to the scheme were penalized or transferred to other positions. Press reported in November that when a whistleblower reported the suspected abuse to the integrity commission, the "commission quickly issued a memo stating the withdrawals posed 'no harm.'" In August then Finance Minister Ali Allawi resigned, calling out a "vast octopus of corruption and deceit" within the government, although he did not refer directly to the tax refund scheme. When Allawi's successor Ihsan Abdul Jabbar Ismael ordered an investigation, he was removed from his position. Experts interviewed on the issue by journalists concluded a corrupt scheme of this magnitude could not have taken place without the knowledge of a wide range of government institutions. As of November the judiciary had seized 55 properties and \$250 million in other assets and arrested two tax authority officials and one businessman allegedly involved in the scheme.

In August the COI released its semiannual report, stating it issued 54 subpoenas against 32 officials with ministerial rank, and 147 subpoenas against 241 officials with director general rank or equivalent. Thirty-nine officials with ministerial

rank, as well as 74 directors general, were referred for trial.

The KRG maintained its own COI, which reported it registered 799 official corruption complaints between January and July. During this period COI sent 134 cases to the courts for further investigation and prosecution. Over the past five years, COI reported it has interrogated 72 senior KRG officials on corruption allegations, including several ministers, one IKP member, one governor, five mayors, and multiple directors general, advisors, and members of provincial councils. Between January and October, 40 individuals were convicted and sentenced for corruption crimes in the IKR.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A number of domestic and international human rights groups generally operated with little government restriction or interference, investigating and publishing their findings on human rights cases. Human rights and NGO workers increasingly experienced unofficial threats and harassment. Government officials were somewhat cooperative with their work but were not often responsive to inquiries. Local NGOs reported the government usually ignored their findings, although the government sometimes responded to reports from international NGOs. International NGOs reported the government allowed their staff of certain nationalities to apply for visas on arrival after the government adopted a similar policy across visa categories. NGO staff then converted their visas to official work permits; however, international NGOs reported the process was time consuming and ad hoc.

There were multiple reports of international and local aid workers being harassed, threatened, arrested, and accused of false terrorism charges.

NGOs faced capacity-related problems, did not have regular access to government officials, and, as a result, were not able to provide significant protections against failures in governance and human rights abuses. Domestic NGOs' lack of sustainable sources of funding hindered the sector's long-term development. While the law forbids NGOs from engaging in political activity, political parties or

sects originated, funded, or substantially influenced many domestic NGOs. The government's NGO Directorate continued to require any NGO to receive prior approval before conducting any surveys or questionnaires in the country.

NGOs were prevented from operating in certain sectors (see section 6, Women). NGOs registered in Erbil could not operate outside the IKR and KRG-controlled disputed areas without additional permits from Baghdad (see section 2.b.). All NGOs, according to the law, were required to register with the NGO Directorate and in many cases provincial councils required additional local approval to allow NGOs to implement their activities. Additionally, NGOs registered with the federal government were not allowed to work in the IKR without registration and a permit from the NGO Directorate in the IKR.

The IKR had an active community of mostly Kurdish NGOs, many with close ties to and funding from political parties. NGOs reported the KRG Department of NGOs introduced stricter license renewal procedures, for example, regarding taxation and financial reports, which caused delays in NGOs' ability to submit grant proposals and receive funding. Government funding of NGOs is legally contingent upon whether an NGO's programming goals conform to already identified KRG priority areas. While the KRG Department of NGOs has formal procedures for awarding funds to NGOs, the KRG reported it had not provided funding to local NGOs since 2015.

Retribution against Human Rights Defenders (HRDs): Several activists were subject to physical attacks that threatened their lives and safety. On November 26, Akram Shirbah, a prominent activist, survived an attempt on his life in Najaf when his home was attacked by armed men affiliated with Jawal Owaiz al-Ghazali, a member of parliament of the State of Law Party from Najaf. Shirbah, advocating for child protection, had called attention to accusations Ghazali ran a child panhandling operation. Prior to the attempt, Shirbah received several direct threats from Ghazali.

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

Government Human Rights Bodies: The IHCHR is constitutionally mandated. While it usually has 12 full-time commissioners and three reserve commissioners serving four-year, nonrenewable terms, the IHCHR commissioners' mandates expired in July 2021, and no commissioners were appointed or reappointed in advance of the October 2021 election, nor were any IHCHR commissioners appointed during the year. Prior to the expiration of the IHCHR commissioners' mandates, COR assigned three IHCHR staff to manage financial and administrative affairs after the existing commissioners' terms expired. The law provides for the IHCHR's financial and administrative independence and assigns it broad authority to receive and investigate complaints of human rights abuses, initiate lawsuits related to violations of human rights law and conduct visits to and assessments of detention centers and prisons. Some observers reported the commissioners' individual and partisan political agendas largely stalled the IHCHR's work. The IHCHR is staffed by more than 650 employees. According to an IHCHR official, staff are receiving their salaries and the Commission continues to operate, monitoring human rights but less vigorously than before. Without commissioners to ratify them, IHCHR reports do not meet the legal threshold necessary to compel COR or the government to take action. The IHCHR did not issue any public reports during the year. In August 2021 the FSC issued a decision at the behest of the Council of Ministers that removed the IHCHR's immunity from prosecution.

Some commissioners and staff reported facing intimidation from government officials for researching and reporting on human rights abuses against protesters and in prisons and for speaking publicly concerning allegations of torture by government bodies. Although the August 2021 FSC decision stripped IHCHR commissioners of their immunity, the decision was not immediately communicated to the commissioners. One commissioner only learned of stripped immunity upon the individual's arrest. Some of the commissioners dismissed before the October 2021 election were forced to retire and were not rehired to the government positions they had held.

NGOs declared COR's ad hoc committee, which oversaw the IHCHR after its commissioners' mandates expired in July 2021. A new government was formed in November that undermined and violated the IHCHR's legal, administrative,

political, and financial independence.

In May the KRG issued a decision requiring government ministries to submit regular reports to the Office of the Coordinator for International Advocacy on their progress in implementing the four-year Kurdistan *Regional Plan for Human Rights*, approved in 2021, with the IHRCKR as one of the official observers of the plan's implementation.

Section 6. Discrimination and Societal Abuses

Women

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

In the absence of federal legislation to combat domestic violence, each relevant central government ministry devised its own way to respond to domestic violence. Although the constitution prohibits “all forms of violence and abuse in the family,” the law does not specifically prohibit domestic violence. Men may discipline their wives and children “within certain limits prescribed by law or by custom” and reduced sentences for violence or killing are applicable if the perpetrator had “honorable motives” or if the perpetrator caught his wife or female relative in the act of adultery. Domestic violence remained a pervasive problem.

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 Ministry of Interior maintained 16 family protection units under police authority, located in separate buildings at police stations around the country, designed to resolve domestic disputes and establish safe refuges for victims of sexual or GBV. These units reportedly tended to prioritize family reconciliation regarding victim protection and lacked the capacity to support survivors. NGOs stated survivors of domestic violence feared approaching the family protection units because they suspected police would inform their families of their testimony. Some tribal leaders in the south reportedly banned their members from seeking redress through police family protection units, claiming domestic abuse was a family matter. The family protection units in most locations did not operate shelters. NGOs reported women survivors of domestic violence were reluctant to report crimes to the mostly male officers of the family protection units.

In a December 6 statement, UNAMI urged COR to repeal articles 41 and 409 of the penal code that allow “husbands to discipline their wives” (41) and provide “mitigating factors” for honor killings (409), noting that “impunity for domestic violence often results from the application of provisions included in the Iraqi legal framework.” The statement also called “for the enactment of a law that explicitly criminalizes GBV, in accordance with international human rights standards, together with improved services for survivors and those at risk.”

On November 11, Rudaw TV reported the “honor killing” pretext had been used to justify the killings of at least 150 women during the year.

In October the al-Baidar Center for Studies and Planning reported, based upon legal records, that 10,143 domestic abuse cases were filed or investigated in the first half of the year, of which 7,947 involved violence against women, 1,696 against the elderly, and 500 against children.

On January 31, the Ministry of Health in conjunction with the World Health Organization launched the country’s first GBV strategic plan for 2022–2026. The report accompanying the plan estimated 1.32 million persons in the country are at risk of different forms of GBV, and more than 75 percent of them are women and adolescent girls.

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

Throughout the year the KRG General Directorate for Combatting Violence against Women and Families continued to provide workshops and seminars to its law-enforcement officers and awareness campaigns regarding the impact of domestic violence on individuals and society. There was also a 24/7 hotline that received reports of violence with an average of 11,000 calls annually.

Furthermore, the directorate, in coordination with the UN Population Fund, developed a mobile phone app to facilitate access to the hotline, which provided access to live consultations with psychologists and psychiatrists.

Two privately operated shelters and four KRG Ministry of Labor and Social Affairs-operated shelters provided some protection and assistance for female survivors of GBV and human trafficking. Space was limited, and NGOs reported psychological and therapeutic services were poor. NGOs played a key role in providing services, including legal aid, to survivors 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. The central government and KRG also struggled to address the physical and mental trauma endured by women who lived under ISIS rule.

The Council of Ministers of the Kurdistan Region formed a judicial body after ISIS took control of the Sinjar Region and surrounding areas to investigate and document claims of ISIS crimes including with recorded testimonies of victims, survivors, claimants, and witnesses. Cases filed with the courts through October totaled 5,170.

The KRG also maintained a genocide center in Duhok for treatment, support, and rehabilitation for women who survived ISIS captivity, including investigating and

documenting rape crimes; provided health and psychological services within camps; and ran a center through the KRG Directorate of Yezidi Affairs in the Ministry of Religious and Endowment Affairs for the rehabilitation of approximately 163 liberated women.

Female Genital Mutilation/Cutting (FGM/C): IKR law prohibits the practice of FGM/C. NGOs reported the practice of FGM/C continued to decline in the IKR. NGOs attributed the reduction in FGM/C to the criminalization of the practice and sustained public outreach activities by civil society groups. FGM/C was not common outside the IKR.

Other Forms of Gender-based Violence: Federal law permitted “honor” as a lawful defense in violence against women, whereas in the IKR the law prohibits “honor” as a mitigating circumstance. So-called “honor” killings remained a serious problem throughout the country. A provision of the law limits a sentence for a murder conviction 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 or engaged in sex outside of marriage. UNAMI reported several hundred women died each year from “honor” killings. Some families reportedly arranged “honor” killings to appear as suicides.

In January a well-known YouTuber in Basrah killed his 14-year-old daughter because he suspected she had a relationship with a young man. In February a 24-year-old man killed his 26-year-old sister inside their home in Nasiriyah in Dhi Qar Province, and then turned himself in to the security services claiming it was a so-called “honor” killing. In September a Baghdad man killed his sister in an alleged so-called “honor” killing.

On March 6, the brother of social media activist Iman Sami, also known as Maria, was convicted of her murder. In September media reported he was sentenced to 15 years in prison. According to media reports, Maria’s uncle, who had also been arrested in connection with her killing, was released without charge. Maria’s killing resulted in the expression of widespread outrage on social media regarding GBV in the IKR.

The KRG Ministry of Interior’s Directorate General of Combating Violence

against Women confirmed 22 “honor” killing cases in the IKR in the first half of the year.

There were reports women and girls were sexually exploited through so-called temporary, or pleasure, 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. Young women, widowed or orphaned by ISIS, were especially vulnerable to this type of exploitation. In similar cases NGOs reported some families opted to marry off their underage daughters in exchange for dowry money, believing the marriage was genuine, only to have the girl returned to them months later, sometimes pregnant.

Government officials and international and local NGOs also reported the traditional practice of *nahwa*, where a cousin, uncle, or other male relative of any woman may forbid or terminate her marriage to someone outside the family, remained a problem, particularly in southern provinces. In 2021 Grand Ayatollah Ali Sistani called for an end to *nahwas* and *fasliya* (where women are traded to settle tribal disputes), but these traditions continued throughout the year, especially in areas where tribal influence outweighed that of government institutions.

Sexual Harassment: The law prohibits sexual harassment, including in the workplace. Penalties for conviction of sexual harassment include small fines, imprisonment, or both, not to exceed three months for a first-time offender. The law provides relief from penalties if unmarried participants marry. No information was available regarding the effectiveness of government enforcement, but penalties were very low. In most areas there were few or no government-provided women’s shelters, information, support hotlines, and little or no sensitivity training for police. Refugees and IDPs reported regular sexual harassment, both in camps and cities.

During the year NGOs reported security personnel asked female IDPs for sexual favors in exchange for provision of basic needs. This was especially prevalent among female IDPs previously living under ISIS control. In other cases criminal gangs exploited female IDPs and forced them into commercial sex.

The KRG’s High Council for Women and Development stated in October that 66

percent of women in the IKR feared working in the private sector due to concerns regarding sexual harassment in the workplace.

In June the IOHR reported cases of sexual and verbal harassment were on the rise in various government and private institutions, as well as residences in the country, according to testimonies of victims and eyewitnesses. The IOHR recorded personal accounts and conducted numerous interviews with women and men, including security officers, journalists, and teachers documenting incidents of harassment in hospitals, universities, schools, government, the private sector. Due to fear of “social shame,” clan abuse, and the possibility of being identified by those who harassed them, all of those interviewed for the report asked not to be named or described. The IOHR urged the government to prevent harassment and ensure those who perpetrate harassment, particularly government personnel, do not escape punishment through “tribal reconciliation.”

The IOHR reported a staff member at Baghdad’s al-Amal Hospital requested sexual favors of a woman in exchange for treatment for her cancer-stricken mother. The woman did not file a formal complaint due to fear of further harm to her mother. A Baghdad police officer told the IOHR his patrol commander requested and received sex from a woman detained for begging who did not have a residence permit in exchange for letting her go free.

The IOHR recorded multiple incidents of sexual harassment in institutes of higher education. A woman university student reported having her academic degree lowered for refusing a professor’s sexual harassment. Another student reported being dropped from a professor’s class for refusing the professor’s sexual advances. A woman master’s degree student at a university said her professor called her to his office at night and asked her to show him her breasts and other parts of her body. The case never made it to the university administration with the student telling the IOHR the behavior was “not surprising and almost natural,” adding that such situations bring women students “nothing but trouble and a bad reputation” despite being victims. Therefore, the majority of university sexual harassment victims prefer to remain silent.

The Country Representative of UNHCR stated when a family is displaced, the women and children are most affected, and that a large number of women and

children in camps are often victims of sexual abuse. Their abusers include those within the community, those who provide services to them, and sometimes those from organizations, UN staff, workers, and authorities. Victims sometimes are forced to trade their bodies to buy bread and to feed their children. The Ministry of Interior's Directorate of Family and Child Protection from Domestic Violence, which includes sexual harassment, has not shared any details or statistics on the sexual harassment cases reported or legal measures taken since its creation in 2010.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. Hospitals provided menstrual health services free to women.

Various methods of contraception were widely available, including in the IKR; however, women in urban areas generally had greater access than those in rural parts of the country. A married woman could not be prescribed or use contraception without the consent of her husband. Unmarried single women were unable to obtain birth control. Divorced or widowed women did not have this same restriction.

Activists privately described reproductive rights as a very sensitive issue linked to religion. Although public reports on reproductive rights are extremely limited, many women reportedly receive abortions, which are illegal under the law, in private clinics in complete secrecy. The intervention of civil society organizations on behalf of reproductive rights remains virtually nonexistent because of the threat of violence by extremist religious groups.

Due to general insecurity in the country and attendant economic difficulties, many women received inadequate medical care.

In the IKR the KRG Ministry of Health reported survivors of sexual violence received treatment from provincial health departments and emergency rooms. Judges, however, rarely considered forensic evidence that was collected. The government stated it provided full services for survivors of sexual violence and rape in all provinces because the law requires survivors receive full health care and treatment. NGOs reported, however, these services were poor and limited to certain urban areas. Emergency contraceptives were available as part of the

clinical management of rape through government services and in private clinics, although advocates who worked with survivors reported many barriers, including bureaucracy, document requirements, and social stigma, to women accessing those contraceptives, as well as significant gaps in service delivery.

Discrimination: Although the constitution provides for equality between men and women, the law does not provide women the same legal status and rights as men, and women faced discrimination in employment and occupations (see section 7.d.). Criminal, family, religious, personal status, labor, and inheritance laws discriminate against women. Women experienced discrimination in such areas as marriage, divorce, child custody, employment, pay, owning or managing businesses or property, education, the judicial process, and housing.

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

All recognized religious groups have their own personal status courts responsible for handling marriage, divorce, and inheritance matters. Discrimination toward women on personal status matters varied depending on the religious group. The government's interpretation of sharia is the basis of inheritance law for all citizens except members of recognized religious minority groups. In all communities male heirs must provide financial support to female relatives who inherit less. If they do not, women have the right to sue.

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

Law and custom generally do not respect freedom of movement for women. For

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

The practice, reported in 2021 by NGOs, in which courts changed the registration of Yezidi women to Muslim against their will because of their forced marriage to ISIS fighters remained legal during the year.

The KRG provided some additional legal protections to women, maintaining a High Council for Women and Development and a Women's Rights Monitoring Board to enforce the law and prevent and respond to discrimination, but such protections were applied inconsistently. Other portions of KRG law continue to mirror federal law, and women face discrimination. KRG law allows women to set as a prenuptial condition the right to divorce their husbands beyond the limited circumstances allowed by Iraqi law and provides a divorced wife up to five years' alimony beyond childcare.

Systemic Racial or Ethnic Violence and Discrimination

The constitution holds that all citizens are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, color, religion, sect, belief, or opinion, or economic or social status. It prohibits any entity or program that adopts, incites, facilitates, glorifies, promotes, or justifies racism or ethnic cleansing. IKR law forbids "religious, or political, media speech individually or collectively, directly or indirectly that brings hate and violence, terror, exclusion, and marginalization based on national, ethnic, or religious or linguistic claims." Outside the IKR, restrictions on freedom of religion as well as violence against and harassment of members of minority groups committed by the ISF remained widespread, according to religious leaders and representatives of NGOs.

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

Discrimination continued to stoke ethnosectarian tensions in the disputed territories throughout the year. Government forces, particularly certain PMF groups, targeted members of ethnic and religious minority groups, as did remaining active ISIS fighters. Some government forces, including PMF units, forcibly displaced individuals due to perceived ISIS affiliation or for ethnosectarian reasons.

Many persons of African descent, some stateless, lived in extreme poverty with high rates of illiteracy and unemployment. They were not represented in politics, and members held no senior government positions. Furthermore, they stated discrimination kept them from obtaining government employment (see section 7.d.). Members of the community also struggled to obtain restitution for lands seized from them during the Iran-Iraq war.

On March 21, Mahdi al-Tumami, head of the IHCHR in Basrah said, “Iraqi Africans are subjected to different types of discrimination. The Iraqi Government should take more steps to end this discrimination; these steps include applying [the] United Nations Anti-Discrimination Agreement and legislating the diversity law in the Iraqi Parliament.” Abdulhusain Abdulrazak, Head of the Iraqi-Africans Gathering Organization, said, “Iraqi Africans’ dignity is not respected in Iraq, because of the social traditions and ideologies. We suffer discrimination and racism. They still call us ‘Abd’ (meaning slave); the media and political parties give no importance to the Iraqi Africans’ rights.” Member of the Iraqi High Commission for Human Rights Fadhil al-Gharawi stated despite the protections of the constitution, Iraqi Africans are still suffering from the discrimination and the absence of job opportunities and representations within the Iraq governments.

On August 3, ISF killed a Sunni shepherd and injured seven others in the Abu Ghraib District, west of Baghdad, according to the Iraqi War Documentation Center. The incident, which allegedly stemmed from the shepherd’s refusal to give an army lieutenant a free sheep, caused public outrage. The lieutenant was held responsible, and the Ministry of Defense arrested the other soldiers involved.

Children

Birth Registration: The constitution states 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; such registration was reportedly a lengthy and at times complicated process. The government was generally committed to children's rights and welfare, although it denied benefits to noncitizen children. Humanitarian organizations reported the widespread problem of children born to ISIS members or in ISIS-held territory failing to receive a government-issued birth certificate. As a result an estimated 12,000 displaced children still lacked civil documentation, including birth certificates.

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 free to citizens. Equal access to education for girls remained a problem, particularly in rural and insecure areas.

Child Abuse: Although the constitution prohibits “all forms of violence and abuse in the family,” federal law does not specifically prohibit domestic violence but stipulates men may discipline their wives and children “within certain limits prescribed by law or by custom.” The law provides protections for children who were victims of domestic violence or were in shelters, state houses, and orphanages, including access to health care and education. Violence against children reportedly remained a significant problem, but up-to-date, reliable statistics on the extent of the problem were not available. A Human Rights Watch (HRW) report released during the year referenced UNICEF studies published in 2017 and 2018 that found nearly 80 percent of children in the country ages two to 14 were subjected to violent discipline at home or at school, including more than 25 percent of children ages two to four who experienced severe physical violence. Local NGOs continued to report the government made little progress in implementing its 2017 *National Child Protection Policy*.

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

regarding, children's rights. Multiple reports of child abuse surfaced during the year. Activists reported sexual abuse and assault by relatives was widespread and that some victims did not report crimes due to fear of retribution by family members.

Child, Early, and Forced Marriage: The legal minimum age of marriage is 18, but the law allows a judge to permit children as young as 15 to marry if fitness and physical capacity are established and the guardian does not present a reasonable objection. The law criminalizes forced marriage but does not automatically void forced marriages that have been consummated. The government reportedly made few efforts to enforce the law. Traditional early and forced marriages of girls, including temporary marriages, occurred throughout the country. UNHCR reported the continued prevalence of early marriage due to conflict and economic instability, since many families arranged for girls to marry cousins or into polygamous households. Others gave their daughters as child brides to armed groups to ensure safety, access to public services in occupied territories, or livelihood opportunities for the entire family. In June, the United Nations Population Fund reported that in 2021, 25 percent of marriages involved girls younger than 18.

In the IKR the legal minimum age of marriage is 18, but KRG law allows a judge to permit a child as young as 16 to marry if the individual is entering into the marriage voluntarily and has received permission from a legal guardian. KRG law criminalizes forced marriage and suspends, but it does not automatically void forced marriages that have been consummated. According to the KRG High Council for Women and Development, refugees and IDPs in the IKR engaged in child marriage and polygamy at a higher rate than other IKR residents. Some Kurdish men crossed over into other areas of the country to acquire a child bride since the federal laws are not as strict.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation, sale, the offering or procuring of commercial sex, and practices related to child pornography. Child sex trafficking was a problem, as were temporary marriages, particularly in the IDP population. The minimum age of consensual sex is 18. Because the age of legal criminal responsibility is nine in the areas administered by the central government and 11 in the IKR, authorities often

treated sexually exploited children as criminals instead of victims. No information was available regarding the effectiveness of government enforcement.

Displaced Children: Insecurity and active conflict between government forces and ISIS caused the continued displacement of large numbers of children (see section 2.d.). Abuses by government forces, particularly certain PMF groups, contributed to displacement. Due to the conflict in Syria, children and single mothers from Syria took refuge in the IKR. UNICEF reported almost one-half of IDPs were children.

Antisemitism

In May COR passed a bill criminalizing and prohibiting any activities that promoted the normalization of relations with Israel, imposing penalties up to the death sentence. The law applies to citizens, officials, entities, and companies; foreigners are also prohibited from promoting normalization with Israel inside the country. According to the longstanding laws Jews are prohibited from joining the military and cannot hold jobs in the public sector. The KRG did not apply the central government's anti-Zionist laws and relied on a separate IKR law, which provides protections for the rights of members of religious minority groups, including Jews.

A very small number of Jewish citizens live in Baghdad. Media organizations reported only four Jewish citizens remained in the country outside the IKR as of March 2021. According to unofficial statistics from the KRG Ministry of Endowments and Religious Affairs, there were as few as 100 to 250 Jewish individuals in the IKR. The Jewish community did not worship in public due to fears of retribution, discrimination, or violence by extremist actors. The KRG Ministry of Endowment and Religious Affairs dedicated one of its seven departments to Jewish affairs.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Organ Harvesting

The government took steps to combat the illegal trade and trafficking in human organs. For example, in July the High Judicial Council reported law enforcement officers had arrested a human-organ trafficking gang in Baghdad that had been active since 2017 and trafficked more than 250 human organs, mainly through social media platforms that offered individuals the opportunity to sell their organs. Press reported kidneys were the country's most trafficked organs, with individuals who voluntarily sold their kidneys earning \$10,000. In August the Ministry of Interior confirmed it had arrested organ traffickers who were selling a human testicle for \$80,000 to a buyer in Ukraine. Obtaining official statistics or estimates on the scope of organ trafficking remained challenging because most trafficked organs are officially logged as organ donations. While it is illegal to sell organs, organ "donors" are compensated with a monetary "gift" from the organ recipient. As there are no official records of these gifts, they cannot be tracked. Press reported cases of individuals who "donated" their organs in exchange for financial compensation not being paid, receiving less than the agreed upon amount, or being paid with counterfeit money.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The penal code criminalizes consensual same-sex sexual conduct if those engaging in the conduct are younger than 18. NGOs IraQueer and OutRight reported the penal code criminalized extramarital relations and did not permit same-sex marriage, effectively prohibiting all same-sex relations. Adults convicted of having consensual extramarital sex, including sodomy (defined under the law as anal sex between two men), with another adult may be sentenced to up to seven years in prison, but convictions were rare due to the high evidentiary standard (they must be caught in the act) and societal norms of keeping quiet concerning such matters. Further, the law prohibits any "immodest act" in public and provides for imprisonment up to six months for conviction of "any person who threatens others by doing things that damage the public honor." IraqQueer and Outright reported this statute may be used against LGBTQI+ persons, or may be

interpreted by the public as criminalizing LGBTQI+ persons, because the meanings of “immodest act” and “public honor” are not clear.

Violence against LGBTQI+ Individuals: Despite repeated threats, violence, and killings of LGBTQI+ individuals, the government failed to identify, arrest, or prosecute attackers or to protect targeted individuals. Some political parties sought to justify these attacks, and investigators often refused to follow proper investigation procedures, or even investigate at all. LGBTQI+ individuals reported they could not live openly without fear of violence at the hands of family members, acquaintances, or strangers.

In March HRW reported widespread acts of violence – including abduction, rape, torture, killings, and attempted homicide – perpetrated by state actors and quasi-state actors against LGBTQI+ individuals due to their gender expression and presumed sexual orientation. The report, based upon 54 interviews, documented eight abductions, eight attempted killings, four extrajudicial killings, 27 cases of sexual violence (including gang rape), 45 cases in which rape or killing was threatened, and 42 cases of online targeting of LGBTQI+ persons between 2018 and 2021. The report concluded the government failed to hold accountable members of various armed groups, including the PMF, accused of perpetrating these crimes. The report identified six militia organizations suspected to be implicated in abuses against LGBTQI+ persons, including four under PMF command (Asai’ib ahl al-Haqq, Badr Organization, Kata’ib Hezbollah, and Saraya al-Salam) and one under the Ministry of Defense (Atabat Mobilization). The report stated the pervasive nature of abuses against LGBTQI+ persons, beginning with the family and stretching into every aspect of their lives, renders any “suspicion” of homosexuality or gender variance a potential inspiration for violence, which not only can result in the death of LGBTQI+ persons but makes their lives nearly unlivable. HRW reported LGBTQI+ persons “live in constant fear of being hunted down and killed by armed groups with impunity, as well as arrest and violence by Iraqi police,” adding, the government “has done nothing to stop the violence or hold the abusers accountable.”

On December 2, Shia cleric Muqtada al-Sadr, leader of the Sadrist Trend political and religious movement that won a plurality of seats in the 2021 parliamentary election, called for collecting one million signatures “in support of the fight against

the LGBTQ community,” so that “it does not spread vice.” On December 3, Sadr launched an “anti-LGBTQ campaign” in Baghdad’s Sadr City, saying, “Faithful men and women around the world should unite in order to combat the LGBTQ community, not with violence, nor with murder and threats, but with education, awareness, logic and high moral standards.” Sadr’s call resulted in more than 134,000 tweets in 36 hours, most of which were supportive of Sadr’s position. In October Sadr released a statement that asserted the global legalization of same-sex marriage was to blame for global pandemics, climate change, and the Russia-Ukraine war, adding that the hosting of the International Federation of Association Football Men’s World Cup in Qatar could mark the beginning of the Arab world being “infected by the same plague.”

In January a transgender woman, Doski Azad, was killed in the city of Duhok in the IKR, in what media described as a so-called “honor” killing. Yeksani, an LGBTQI+ media advocacy organization, started a twitter hashtag campaign (#JusticeForDoskiAzad) that morphed into an online petition demanding action and transparency from the KRG on the case. Media reported her brother traveled from his residence in Germany, shot her twice, killing her, and then fled back to Germany. Police stated they opened an investigation into the killing and issued an arrest warrant for the suspect, but there was no update on the case at the end of the year. LGBTQI+ NGOs described the killing as part of a rise of discrimination, hate crimes, and so-called “honor” killings against the LGBTQI+ community in the IKR.

Discrimination: According to NGOs, persons in the country who experienced severe discrimination, torture, physical injury, and the threat of death based on real or perceived sexual orientation, gender identity and expression, and sex characteristics had no recourse to challenge those actions via courts or government institutions. Women’s rights NGOs in the IKR reported pressure from the KRG Directorate of NGOs during the license renewal process to certify that they do not work on LGBTQI+ matters. During the year IKR NGO Rasan ceased activity due to lack of registration having faced three lawsuits, including one brought by Sulaymaniyah officials of the KRG Directorate of NGOs in 2021. The lawsuit alleged Rasan violated the terms of its bylaws and registration (to work on GBV and women’s matters) by providing services to and advocacy for LGBTQI+

individuals. A decision remained pending as of year's end. There are no legal protections for sexual orientation or gender identity or expression.

Availability of Legal Gender Recognition: IraQueer reported it was impossible for transgender persons to obtain gender affirmation surgery or hormone replacement therapy legally. Transgender persons, including those accessing surgery or hormonal treatment outside the country, faced barriers in obtaining legal documents that reflect their gender identity. Inability to obtain identification documents that match their gender identity and expression puts transgender persons at risk of violence, prevents their access to crucial services, and may intensify mental health challenges.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: HRW reported 40 of 54 individuals it interviewed for its report were subjected to extreme violence from family members due to their sexual orientation or gender identity and expression. Interviewees reported that in addition to being locked up for extended periods, interviewees were denied food and water, burned, beaten, raped, subjected to electric shocks, and attacked at gunpoint, and several were subjected to conversion practices, including involuntary hormone therapy, institutionalization, psychotherapy, and forced marriage.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: HRW reported activists were forced to remove LGBTQI+ related content from their websites and social media. While criminal cases were opened against the organizations, no one was arrested and no charges were brought as of year's end. HRW assessed several articles of the penal code could be used to restrict LGBTQI+ individuals and organizations' freedom of expression, association, and assembly. For example, the penal code prescribes imprisonment of up to seven years for conviction of promoting any "movement" that seeks to "change the fundamental principles of the constitution or the basic laws of society." HRW reported the penal code's prohibition on disseminating any information or idea that among other things, "disturbs the public peace," could be used to target LGBTQI+ activists or any individuals who demonstrate in support of LGBTQI+ rights or publicly use LGBTQI+ slogans. The penal code calls for up to two years' imprisonment for conviction of producing, distributing, importing, publishing,

displaying, obtaining, or translating books, other written material, or media that violates public integrity or decency. Conviction of singing or broadcasting obscene or indecent songs or statements in a public place is punishable by up to one year in prison.

Following Sadr's December 2 proclamation (see above), member of parliament Soran Omar Saeed introduced draft legislation endorsed by more than 25 members of parliament to ban "LGBTQ propaganda." COR Speaker Mohammed al-Halbusi stated subsequently in a televised interview he would not submit the draft law for a vote in COR, noting existing laws sufficiently criminalized homosexual behavior.

Persons with Disabilities

Persons with disabilities had limited access to education, employment, health services, information, communications, buildings, transportation, the judicial system, or other state services. The government did not provide information and communication in accessible formats. Although a 2016 Council of Ministers decree mandates access for persons with disabilities to buildings and to educational and work settings, incomplete implementation continued to limit access.

The COR Committee on Labor and Social Affairs estimated there were three million persons with disabilities and stated there was deliberate negligence on the part of the government in addressing their needs. NGOs reported despite the government adoption of a long-term strategy for sustainable development to persons with disabilities, the implementation of the program objectives remained poor throughout the year. Persons with disabilities continued to face difficulties in accessing health, education, and employment services.

Disability rights activists noted the number of persons with disabilities was increasing due to faulty policies, wars, acts of terrorism, insufficient traffic laws, land mines, and poor health care. In a March 5 statement, the Voice of the Iraqi Disabled Foundation NGO asserted citizens with special needs were deprived of the rights for which the law provides. The foundation stated salaries paid by the government to persons with disabilities did not meet their basic needs, despite the existence of laws aimed at helping persons with disabilities and the establishment of the government commission for persons with disabilities.

The Ministry of Labor leads the Independent Commission for the Care of People with Disabilities. Any citizen applying to receive disability-related government services must first receive a commission evaluation. The Ministry of Labor operated several institutions for children and young adults with disabilities. The ministry provided loan programs for persons with disabilities for vocational training.

The constitution states the government, through law and regulations, provides for the social and health security of persons with disabilities, including through protection against discrimination and provision of housing and special programs of care and rehabilitation. Despite these constitutional provisions, no laws prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities. There is a 5 percent public-sector employment quota for persons with disabilities, but employment discrimination persisted (see section 7.d.). Mental health support for prisoners with mental disabilities did not exist.

The Ministry of Health provided medical care, benefits, and rehabilitation, when available, for persons with disabilities, who could also receive benefits from other agencies, including the Prime Minister's Office.

The KRG deputy minister of labor and social affairs led a commission administered by a special director within the ministry, similar to the commission led by the federal Ministry of Labor. KRG law prescribes greater protections for individuals with disabilities. The law requires that 5 percent employees at public-sector institutions and 3 percent of employees at private institutions, should be persons with disabilities. The KRG provided a 100,000-dinar (\$69) monthly stipend to government employees with disabilities and a 150,000-dinar (\$102) stipend to those not employed by the KRG. A lack of funds led to less-than-full implementation of the law, including an inability to pay stipends to all persons with disabilities or register additional persons with disabilities for the stipend since 2013.

Disability rights advocates in the KRG continued to report the IKR's disability protections lacked implementation, including the 5 percent employment requirement. Lack of accessibility remained a problem with more than 98 percent of public buildings, parks, and transportation lacking adequate facilities to assist

persons with disabilities in the region. Disability advocates reported employment was low among members of the community, and many youths with mental and physical disabilities lacked access to educational opportunities.

Persons with disabilities in the IKR frequently held protests and sit-ins to call on the KRG to improve their financial and living conditions. Disability unions stated they were discriminated against in terms of employment and that the social security payments they received from the government were not enough, especially as many had medical expenses. Persons with disabilities in the IKR reported societal discrimination, bullying, and sexual harassment, including from teachers.

Other Societal Violence or Discrimination

The country's population included Arabs, Kurds, Turkmen, and Shabak, as well as members of ethnic and religious minority groups, including Chaldeans, Assyrians, Armenians, Yezidis, Sabeen-Mandaeans, Baha'is, Kaka'is, and a very small number of Jews. The country also had a small Romani (Dom) community, as well as an estimated 1.5 to two million citizens of African descent who resided primarily in Basrah and adjoining provinces. Because religion, politics, and ethnicity were closely linked, it was difficult to categorize many incidents of discrimination as based solely on ethnic or religious identity.

The law does not permit some religious groups, including those of the Baha'i, Zoroastrian, and Kaka'i faiths, to register under their professed religions, which, although recognized in the IKR, remained unrecognized and illegal under federal Iraqi law. The law also forbids Muslims to convert to another religion. In the IKR this law was rarely enforced, and individuals were generally allowed to convert to other religious faiths without KRG interference (see sections 2.d. and section 6, Children).

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution states citizens have the right to form and join unions and professional associations. The labor law, however, prohibits the formation of unions independent of the government-controlled General Federation of Iraqi

Workers and in workplaces with fewer than 50 workers. The International Labor Organization (ILO) observed in 2021 that the trade union monopoly is an obstacle to trade union pluralism, inconsistent with relevant ILO conventions. The law does not prohibit antiunion discrimination or provide reinstatement for workers fired for union activity. The law does not explicitly prohibit interference in 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.

The labor law does not apply to public sector employees. The law also considers individuals employed by state-owned enterprises (which made up approximately 10 percent of the workforce) as public-sector employees. In 2021 the ILO observed restrictions on the applicability of the law to public servants is broader than the limited exceptions allowed by relevant ILO conventions.

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

The law does not explicitly protect the right to engage in collective bargaining or the right to strike in the private sector but sets out regulations governing the exercise of these rights. Civil servants and essential service workers are prohibited from engaging in strikes. Collective bargaining negotiations were subject to a 30-day time limit, after which the government had authority to intervene and impose a settlement. Collective bargaining agreements did not necessarily apply to all workers in the bargaining unit. Strikes were subject to advanced notification requirements, and compulsory conciliation, binding arbitration, or both by ministry-appointed courts were prerequisite to approval. Workers were not protected from dismissal or retaliation for participating in strikes. The government sometimes violated private-sector employees' collective bargaining rights. Some unions were able to play a supportive role in labor disputes. Unions had the right to demand government arbitration.

Labor courts have the authority to consider labor law violations and disputes, but no information was available concerning enforcement, including whether procedures were prompt or efficient or whether penalties were commensurate with

those for other laws involving denials of civil rights, such as discrimination. Strikers and union leaders reported government officials threatened and harassed them. In 2021 the ILO observed penalties for antiunion discrimination and antiunion dismissals did not appear to be sufficient to deter violations. Penalties for violating laws pertaining to freedom of association and collective bargaining were less than those for other civil rights violations. Penalties were never applied against violators.

In April the IOHR reported the country's workers continued to suffer due to the absence of adequate legal protection and rights, exacerbated by low wages and a lack of public and private sector employment opportunities. The IOHR assessed that many employers exploited this situation to underpay their workers or replace them with foreign laborers who settled for substandard wages.

The KRG's Ministry of Labor and Social Affairs leads the KRG's engagement on labor rights. KRG labor laws are based on federal labor law. There were more than 15 unions, associations, and syndicates in the IKR. All heads of unions and syndicates were men, but board members included women. Each union had a separate women's committee for women workers' affairs. The committee was reportedly supported by local NGOs to support gender equality and advance women's union leadership in the IKR. The Kurdistan Confederation of Workers was an umbrella organization that coordinated among these groups.

b. Prohibition of Forced or Compulsory Labor

Federal and IKR law prohibits all forms of forced or compulsory labor, including slavery, indebtedness, and trafficking in persons, but the central government and the KRG did not effectively monitor or enforce the law. Penalties were not commensurate with those prescribed for analogous serious crimes such as kidnapping.

Employers subjected foreign migrant workers, particularly construction workers, security guards, cleaners, repair persons, and domestic workers, to conditions indicative of forced labor, such as confiscation of passports, cellphones, ATM cards, and other 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 stopping payment on contracts and preventing foreign employees from leaving the work site.

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

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination with Respect to Employment and Occupation

The constitution provides that all citizens are equal before the law without discrimination based on gender, race, ethnicity, origin, color, religion, creed, belief or opinion, or economic and social status. The law prohibits discrimination based on gender, race, religion, social origin, political opinion, language, disability, or social status. It also prohibits any forms of sexual harassment in the workplace.

Neither the federal government nor the KRG effectively enforced the law. Discrimination in employment and occupation occurred with respect to women, foreign workers, refugees, members of minority groups, and persons with disabilities (see section 6). Penalties were commensurate with laws related to civil rights, such as election interference. Penalties were rarely applied against violators.

The labor law restricts women from working during certain hours of the day and does not allow them to work in jobs deemed hazardous or arduous. Women must obtain permission from a male relative or guardian before being granted a Civil Status Identification Card for access to employment. Despite constitutional

assurances, no laws prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities, and they had limited access to employment. Local NGOs reported the political crisis stemming from COR's inability to form a government for more than a year following the October 2021 election prevented the implementation of a long-term government strategy addressing workplace discrimination against persons with disabilities during the year.

The law does not prohibit discrimination based on age, sexual orientation or gender identity, HIV-positive status, or other communicable diseases. The law allows employers to terminate workers' contracts when they reach retirement age, which is lower by five years for women. The law gives migrant Arab workers the same status as citizens but does not provide the same rights for non-Arab migrant workers, who faced stricter residency and work visa requirements.

Refugees and asylum seekers are legally entitled to work in the private sector. The central government does not recognize the refugee status of Palestinians, but the KRG does. Palestinians were allowed to work in the private sector but were required to renew their status annually. Syrian refugees were able to obtain and renew residency and work permits both in refugee camps and in the IKR, although not in the rest of the country. Authorities arrested refugees with IKR residence permits who sought work outside the region and returned them to the IKR.

Nearly 80 percent of persons of African descent were reportedly unemployed. According to some sources, they constituted 15 to 20 percent of the Basrah Region's 2.5 million inhabitants. They were not represented in politics, held no senior government positions, and reported discrimination kept them from obtaining government employment. In March the country's official state television channel hired its first female African-Iraqi news anchor, Randa Abd al-Aziz, making her the first reporter of African descent hired by a media outlet in the country. During the year there were many reports regarding migrant workers from African and Asian countries being subjected to extreme violence, forced to work in commercial sex, and subjected to sexual exploitation and abuse. Workers found to be residing and working illegally often were deported.

Stateless persons faced discrimination in employment and lacked job security. Many stateless persons were not able to register for identity cards, which prevented

them from obtaining public-sector employment.

e. Acceptable Conditions of Work

Wage and Hour Laws: The national minimum wage, set by federal labor law, was above the poverty line. 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.

Occupational Safety and Health: The government sets occupational safety and health (OSH) standards that are appropriate for the main industries. 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 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; however, no data were available as of year's end on the specific number of industrial accidents that resulted in death or serious injury.

The KRG followed OSH requirements outlined in federal labor law. Labor courts in the IKR settle disputes between employees and employers, including those not covered by labor legislation.

Wage, Hour, and OSH Enforcement: The Ministry of Labor has jurisdiction regarding matters concerning wages, hours, and OSH. The government did not effectively enforce regulations governing wages or working conditions. Penalties for violations were not commensurate with those for similar crimes, such as fraud or negligence. Penalties were never applied against violators.

The ministry's OSH staff worked throughout the country. It is unclear whether

legal responsibility for identifying unsafe situations remains with OSH experts or with the workers.

Informal Sector: A November 2021 report by the ILO estimated a majority of workers in the country's private sector, who constitute 40 to 50 percent of the workforce, worked for informal sector entities. The ILO noted private sector workers, most of whom are employed informally, do not receive adequate workplace protections and benefits, and often are paid lower average wages than their public sector counterparts. The ILO found that refugees and asylum seekers predominately worked in the informal sector, where they are exposed to poor work conditions, because they face systemic barriers to formal employment.

Bureaucratic requirements that vary from province to province, and sometimes on a case-by-case basis, make it difficult for many refugees to meet the legal requirements to access formal employment.

A lack of oversight and monitoring of employment contracts left foreign and migrant workers vulnerable to exploitative working conditions and abusive treatment.