

# **IRAQ 2012 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Iraq is a constitutional parliamentary republic. Prime Minister Nouri Kamal al-Maliki secured a second term following free and fair elections in March 2010. While all major political parties participated in the government, significant unresolved problems continued to hamper its operation. Iraqi Security Forces (ISF) reported to civilian authorities, but continuing violence, corruption, and organizational dysfunction undermined effective protection of human rights.

Chronic human rights problems in the country persisted. The three most important were politically motivated sectarian and ethnic violence, including by al-Qaida in Iraq (AQI) terrorists, which deepened societal divisions and weakened the government; torture and abuses by government actors and illegal armed groups; and a lack of governmental transparency, exacerbated by widespread corruption at all levels of government and society.

During the year the following other significant human rights problems were also reported: arbitrary or unlawful deprivation of life; disappearances; torture and other cruel, inhuman, or degrading treatment or punishment; harsh and life-threatening conditions in detention and prison facilities; arbitrary arrest and lengthy pretrial detention, sometimes incommunicado; continued impunity for security forces; denial of fair public trials; insufficient judicial institutional capacity; ineffective implementation of civil judicial procedures and remedies; delays in resolving property restitution claims; arbitrary interference with privacy and home; limits on freedoms of speech, press, and assembly; violence against and harassment of journalists; limits on religious freedom due to extremist threats and violence; restrictions on freedom of movement; large numbers of internally displaced persons (IDPs) and refugees; constraints on international organizations and nongovernmental organizations' (NGO) investigations of alleged violations of human rights; discrimination against and societal abuses of women and ethnic, religious, and racial minorities; trafficking in persons; societal discrimination and violence against individuals based on perceived sexual orientation and gender identity; and limited exercise of labor rights.

A culture of impunity largely protected members of the security services, as well as those elsewhere in the government, from investigation and successful prosecution for human rights violations.

Illegally armed sectarian and ethnic groups, including terrorist groups such as the AQI, committed deadly, politically motivated acts of violence, utilizing suicide bombings, attacks with improvised explosive devices, drive-by shootings, killings, kidnappings, and other forms of violence. Militants and terrorists targeted fellow citizens--Shia, Sunni, as well as members of other religious groups or ethnicities--security forces, places of worship, religious pilgrims, schools, public spaces, economic infrastructure, and government officials. Certain militant organizations, such as those supported by Iran, also committed terrorist attacks, primarily against foreign embassies, foreign personnel, and foreign military forces.

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

### **a. Arbitrary or Unlawful Deprivation of Life**

There were multiple reports that government officials conducted extrajudicial killings, but confirmation was rare. Members of the security forces tortured detainees to death, according to reports from multiple government officials; one government official told the press that families sometimes received the bodies of their relatives who died in government custody only days after their arrest. Official investigations were infrequent, and the outcomes of investigations were often unpublished, unknown, or incomplete, and rarely credible in high-profile cases.

Vice President Tariq al-Hashemi's bodyguard, Amir Sarbut Zaidan al-Batawi, died in custody three months after being arrested in December 2011 on terrorism charges. After receiving his body on March 20, Batawi's family reported that the body displayed signs of torture, including burn marks and various wounds. Hashemi and many of his supporters claimed that Batawi and others were tortured to force confessions implicating Hashemi and to coerce statements linking other political figures to the Hashemi case (see section 1.e.). Authorities denied allegations of torture and stated that Batawi died of kidney failure and other complications after refusing treatment while in detention.

Violence by illegal armed groups against the general population, security forces, government officials, and civilian infrastructure remained a significant problem during the year, and bombings, executions, and killings were regular occurrences throughout the country. On July 21, the AQI announced a new offensive to recover previous strongholds. Two days later, a wave of 28 coordinated attacks across 18 cities killed 113 persons and injured more than 250. The deadliest attack

occurred in Taji in Baghdad Province, where a series of roadside bombs, a car bomb, and a suicide bombing targeting emergency personnel killed 42 persons.

Overall casualty estimates of violence during the year varied. For example, Agence France-Presse (AFP) reported that according to the Iraqi government 1,358 civilians, 440 police officers, and 376 soldiers were killed during the year, compared with 1,578 civilians, 609 police officers, and 458 soldiers in 2011. Direct monitoring by the UN Assistance Mission for Iraq (UNAMI) indicated that at least 3,238 civilians were killed during the year. In 2011 UNAMI reported 2,771 civilian deaths.

At year's end the government had not made public the results of an investigation into the military's deadly April 2011 incursion into Camp Ashraf in Diyala Province, despite assurances that it would do so.

There were accounts of attacks by persons believed to have falsely presented themselves as ISF personnel. For example, on March 5, dozens of gunmen wearing military uniforms, carrying forged arrest warrants, and riding in vehicles similar to ones used by security officials, killed 26 police officers in a series of targeted killings and attacks on police checkpoints in Haditha, approximately 150 miles northwest of Baghdad.

There were also regular incidents of the AQI's targeting Sunni tribal leaders and Sunnis cooperating with the government, including against the Sons of Iraq, also known as the Sahwa (Awakening) movement. On November 28 in Tarmiyah, in Baghdad Province, gunmen broke into the house of a Sahwa member and killed him and six members of his family, including three young children, while they were sleeping. According to AFP, at least 25 members of the Sahwa movement were killed throughout the country between July and the end of December, and at least another 13 were injured.

In Erbil, Sulaymaniyah, and Dahuk, the three Kurdistan Regional Government (KRG) provinces referred to as the Iraqi Kurdistan Region (IKR), there were press reports and credible accounts that KRG security forces committed arbitrary or unlawful killings. On February 16, an Arab resident of Kirkuk was kidnapped, and his body was found the following day. Arab residents of Kirkuk and local media claimed that elements of the Kurdish internal security organization, the Asayish, were responsible for the kidnapping and killing. Kurdish authorities denied the accusations.

There were significantly fewer reports of sectarian violence in the IKR than elsewhere in the country, although some members of religious minority groups reported sectarian discrimination and harassment by the KRG, including threats of physical harm.

On several occasions throughout the year, the Turkish government used military aircraft to attack areas where the Kurdistan Workers' Party (PKK), a terrorist organization, was active in the north; at times these attacks caused civilian casualties. For example, on November 7, local officials claimed that a missile fired from a Turkish warplane killed two Iraqis and injured another two near the village of Qala-Dizza in Sulaymaniyah. Turkey denied responsibility for the deaths.

Iranian forces regularly bombarded Kurdish areas along the Iranian-Iraqi border, targeting the Free Life Party of Kurdistan, the Iranian affiliate of the PKK. Iranian shelling resulted in civilian casualties. For example, on September 1, Iranian shelling near the town of Sidakan killed one woman and injured two others.

Spillover from the conflict in Syria affected Iraq. For example, on September 8, four rockets fired from Syria landed in a residential area in the town of al-Qaim near the border and killed a five-year-old girl.

There were no known developments in cases of unlawful killings reported in 2011.

## **b. Disappearance**

Disappearances and kidnappings were regular occurrences. Most reported kidnappings appeared to be financially motivated, and some kidnappers who did not receive a ransom killed their victims. For example, on February 4, the brother of a member of the Council of Representatives (COR), his driver, and his female secretary were kidnapped while driving in the district of Samara, south of Tikrit. The kidnappers demanded a dollar-denominated ransom of \$1.5 million. The council member's brother and the woman were killed, and their bodies were recovered on February 9. The driver was found injured and unconscious; however, he fully recovered and was able to provide information about the kidnapping to police. On April 9, police arrested two suspects, a man from Baghdad Province and a woman from Diyala Province, wanted on terrorism and criminal charges. According to local government officials, the suspects confessed to kidnapping and subsequently killing the victims, even after a ransom was received. The suspects

were not tried by year's end. Police and human rights organizations believed that most kidnappings went unreported due to fear of retaliation.

In addition to the killings previously noted (see section 1.a.), there were accounts of kidnapping by persons believed to have falsely presented themselves as ISF personnel. For example, on August 30, four armed individuals wearing military uniforms abducted a 16-year-old Turkmen boy from his home in the Hay Aden neighborhood of Kirkuk. The boy was released on September 23 after his family paid a ransom, after which the family moved from the neighborhood. Authorities did not conduct an investigation by year's end.

Kidnappings regularly occurred in the four ethnically mixed Disputed Internal Boundaries provinces. On August 23, unidentified gunmen kidnapped two Yezidi men, Falah Hassan and Nawzad Khdir, near Sinjar in Ninewa Province and demanded a dollar-denominated ransom of \$600,000. The families of the men offered \$200,000, which the kidnappers refused. The victims were found dead on November 17. Police arrested one suspect, but the case was not brought to trial by year's end.

Kidnappings also took place in the IKR. According to a human rights organization, on May 30 kidnappers abducted a young Yezidi man who was found dead on June 19. The organization claimed that elements of the Asayish were responsible for the kidnapping and killing. Officials had not conducted an investigation into the kidnapping by year's end.

New mass graves of persons who disappeared under Saddam Hussein's regime were found during the year. On July 10, the Ministry of Human Rights (MOHR) announced the discovery of a mass grave in Najaf containing 500 victims collectively executed by the former regime during a Shia uprising in 1991. The MOHR and the KRG's Ministry of Anfal and Martyr Affairs jointly conducted an excavation and examined the recovered remains of 158 victims, presumed to be Kurdish, killed in late 1987 in the Hamreen Mountains in the IKR. More recent mass graves were also discovered. For example, on October 22, government officials announced that the remains of 16 victims, presumed to be employees of the Ministry of Higher Education kidnapped by an unknown illegally armed group in 2006, were found in a mass grave outside Sadr City in Baghdad.

There were no known developments in cases of disappearances from prior years, including those reported in 2011.

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

The constitution expressly prohibits torture in all its forms under all circumstances, as well as cruel, inhuman, or degrading treatment. Nonetheless, government officials as well as local and international human rights organizations documented instances of torture and other abuses by government agents and similar abuses by illegal armed groups. Police throughout the country continued to use abusive and coerced confessions as methods of investigation.

The IKR Antiterrorist Law allows abusive interrogation under certain conditions, and such practices reportedly occurred in some detention facilities of the Asayish and of the intelligence services, the Kurdistan Democratic Party's (KDP) Parastin, and the Patriotic Union of Kurdistan's (PUK) Zanyari.

On April 14, in a highly publicized case, Sulaymaniyah Mayor Zana Hama Salih died in the detention facility in the Asayish headquarters in Sulaymaniyah. The Asayish announced that Salih had hanged himself. Salih's family alleged that the mayor had been tortured to death in detention. In response to the family's allegations, the Iraqi Kurdistan Parliament (IKP) established an investigative committee, which concluded the cause of death was suicide. A second committee formed by the KRG Council of Ministers and led by an investigative judge also concluded the cause of death was suicide. Local and international human rights organizations expressed reservations about the independence of the investigative committees.

Local and international human rights organizations and government officials continued to document credible cases of torture and abuse in Ministry of Interior (MOI), Ministry of Justice (MOJ), and Ministry of Defense (MOD) detention facilities, including MOI and MOJ facilities where women were held, as well as in some KRG security forces' detention facilities. For example, the COR Human Rights Committee documented cases of torture, as well as poor prison conditions and a lack of due process, during a June 25 inspection of the MOJ's Taji Prison in Baghdad Province. The international NGO Human Rights Watch (HRW) also contended that widespread torture continued, including in detention facilities under the control of the prime minister's counterterrorism service and the army's 54th and 56th brigades. Local NGOs also made similar accusations about these units.

As in previous years, credible accounts of abuse and torture during arrest and investigation, in pretrial detention, and after conviction, particularly by police and

army, were common. According to former prisoners, detainees, and human rights groups, methods of torture and abuse included stress positions, beatings, broken fingers, electric shocks, suffocation, burning, removal of fingernails, suspension from the ceiling, overextending the spine, beatings on the soles of the feet with plastic and metal rods, forcing victims to drink large quantities of water then preventing urination, sexual assault, denial of medical treatment, and death threats.

On September 16, the family of Yassin al-Chafadschi, an unemployed Arab from Qayara in Ninewa Province, reported to local media that he was arrested on September 11, then subsequently tortured and killed by security forces. The local press published pictures and videos of Chafadschi, in which he appeared badly bruised with his eyes swollen shut, dried blood on his face, and fingernails missing from his fingers. Police denied the account that Chafadschi was beaten, subjected to electrical shocks, and had several fingernails removed before dying in the custody of security forces, instead claiming that extremists abducted and killed him. The governor of Ninewa ordered that an autopsy and an investigation be conducted. There were no known developments at year's end.

According to HRW, federal police agents invaded 11 homes in al-Taji on November 3 and detained 41 persons, including 29 children, overnight in their homes. Sources close to the detainees alleged that police took 12 women and girls ages 11 to 60 to 6th Brigade headquarters and held them there for four days without charge. Police beat the women and tortured them with electric shocks and plastic bags placed over their heads until they began to suffocate. There was no investigation into this incident by year's end.

Abuses by unknown actors were widespread. On August 21, police in Ninewa recovered the bodies of 11 persons, including two 12-year-old boys, from the Tigris River in Mosul. The victims' bodies displayed signs of physical abuse and gunshot wounds. An investigation produced no known developments at year's end.

In 2010 the local and international media reported the discovery of a secret detention facility in the International Zone operated by security forces under control of the Prime Minister's Office containing more than 400 Sunni detainees, of whom more than 100 were reportedly tortured. Although the government announced the closure of the detention facility in March 2011, HRW on May 18 reported that the facility had remained in use as late as March 2012. Government officials reported that the facility was used to hold detainees alleged to be Baath Party and Saddam Hussein loyalists in late October 2011, and then during another

round of arrests before the March 29 Arab League Summit in Baghdad, as well as pretrial detainees during the year (see section 1.d.). The government contended that the facility remained closed at the end of the year, although there were reports that the facility remained available for use.

There were some indications that authorities began some administrative disciplinary action against security forces accused of having committed human rights abuses as well as judicial action in some torture cases. Specifically, the MOHR received and investigated 500 complaints of torture inside prisons and detention centers throughout the country during the year and had transferred all of the cases to the judiciary by year's end. The MOHR reported that arrest warrants were issued for perpetrators in some cases, but there were no known judicial developments in the cases at year's end.

Apart from the creation and transfer of some dossiers for possible action by the judiciary, there were no known developments in cases of torture and related incidents of abusive treatment or punishment reported in 2011.

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

Five separate entities--the Ministries of Justice, Interior, Defense, Labor, and Social Affairs, plus the Prime Minister's Counterterrorism Service--operated prisons, detention centers, and temporary holding facilities. Conditions at some facilities were harsh and life threatening, and there were unexplained deaths, riots, hunger strikes, and escapes. The AQI claimed responsibility for a September 27 prison break from the MOI-operated Tasfirat Prison in Tikrit, in Salah ad-Din Province, in which 102 prisoners, of 303 total inmates, escaped and 16 police officers and seven inmates were killed. Of the escaped prisoners, 47 were affiliated with the AQI and had been sentenced to death. According to government officials, the escape resulted from collusion between prison officials and inmates. At year's end 68 former inmates remained at large. After an initial investigation, the Salah ad-Din police chief was fired.

There were also documented cases of abuse and torture in some facilities. Government officials and local and international human rights organizations alleged that both the government and the KRG operated secret prisons and detention facilities.

Physical Conditions: According to the MOJ's Iraqi Corrections Service (ICS)--the only government entity with the legal authority to hold persons after conviction--

the total capacity of ICS facilities was 28,360 beds for men, 770 beds for women, 110 beds for juveniles, and 63 additional beds that can be used for either women or juveniles depending on need. At year's end the ICS held 31,187 prisoners and detainees, including 1,134 women. In the IKR 1,632 posttrial prisoners, including 47 women, were held in KRG facilities at year's end. No information on prisoners and detainees in Asayish and KRG intelligence service facilities was available.

The end-of-year total juvenile population in holding facilities and detention centers apart from the IKR was approximately 1,300. Most juvenile pretrial detainees and posttrial prisoners were held in facilities run by the Ministry of Labor and Social Affairs (MOLSA), as required by law; however, international and local NGOs reported that some juveniles were held in MOJ prisons, MOI police stations, and other MOI detention facilities. At year's end IKR juvenile prisons held 116 pretrial detainees and 70 posttrial prisoners. Juveniles were sometimes held in the same cells as adults and rarely afforded access to education or vocational training.

Some authorities at MOJ, MOI, and MOD detention facilities reported that conditions and treatment of detainees were generally poor. Overcrowding was a problem in most facilities. Many inmates lacked adequate food, water, exercise facilities, vocational training, and family visitation. Access to medical care was inconsistent. Some detention facilities did not have an on-site pharmacy or infirmary, and authorities reported that existing pharmacies were undersupplied. Limited infrastructure or aging physical plants in some facilities compounded marginal sanitation, limited access to potable water, and poor quality food.

Administration: The country's fractured penal structure complicated detention and prison operations. By law the MOJ has full authority over all detention facilities, including two prisons in the IKR, except for the MOD's military justice facilities and facilities of the KRG's Ministry of Labor and Social Affairs (KMOLSA). Uniform oversight of detention facilities was not implemented at year's end, for example, since the MOD continued to hold civilian detainees and the MOI continued to hold convicted prisoners.

IKR prison and detention facilities were operated by various entities: the KRG Ministry of Interior (KMOI), the KMOLSA, as well as the party-affiliated Asayish, Parastin, and Zanyari. KMOLSA authorities supervised all posttrial detention facilities as well as pretrial detention facilities for women and juveniles. The KMOI and the KMOLSA operated six prisons: two in each of the three provinces in the IKR, one for men and another for women and juveniles.

Monitoring: The ICS Internal Affairs Department monitored abuse or violations of MOJ prisoners' human rights. The ICS did not provide information about allegations of staff abuse of detainees or prisoners during the year.

ICS prisons maintained visitation programs that allowed for regular visits by family members, legal counsel, and independent nongovernmental observers. Facility administrators dealt with prisoner complaints. ICS authorities reported that an internal audit program, conducted by ICS inspection teams, routinely assessed whether detention conditions were compatible with international standards, such as separate housing for men, women, juveniles, and pretrial detainees; access to potable water; access to medical care; appropriate living space; and available programming, such as recreation, religious observance, and vocational rehabilitation.

In the IKR, international human rights NGOs and intergovernmental organizations generally were given access to pretrial and posttrial facilities, but occasionally they were denied access to see some individuals, usually in sensitive cases or cases involving high-level officials or well known individuals. The International Committee of the Red Cross (ICRC) conducted 86 visits to 41 places of detention under the authority of the KRG. The UNAMI Human Rights Office also conducted inspections of KRG prisons and detention facilities. From July through December, UNAMI carried out 38 visits to detention facilities and prisons and conducted 232 interviews with detainees and prisoners in the IKR.

Access by independent organizations to the facilities of the KRG internal security and intelligence services was limited to the ICRC and the UNAMI Human Rights Office.

The ICRC had access in accordance with its standard modalities to MOJ, MOI, MOD, and MOLSA prisons and detention facilities. During the year the ICRC carried out 173 visits to 85 central government detention facilities. UNAMI resumed inspections of MOJ prison facilities during the year and conducted approximately 20 monitoring visits to MOJ prisons and detention facilities.

Government oversight authorities, including the MOHR and the COR Human Rights Committee, reported encountering resistance when conducting visits to MOJ, MOI, and MOD detention facilities.

Improvements: Compared with the previous year, the provision of electricity, in particular at ICS facilities, improved. Electricity in all ICS detention facilities

exceeded the levels generally available to the public. The Ministries of Justice, Defense, and Interior and the counterterrorism service reported that employees at detention and prison facilities received human rights training provided by their respective ministry.

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

The constitution provides some basic legal guarantees against arbitrary arrest and detention; however, emergency laws give security forces broad discretion over arrest and detention when a national emergency has been declared. In practice there continued to be many arbitrary arrests and detentions. Security forces reportedly arrested without warrants civilians on the basis of religious sect or political party. For example, in March government forces conducted mass arrests in predominantly Sunni areas of Baghdad before the Arab League Summit. Government officials denied that the arrests were preemptive. Upon release detainees and witnesses reported to NGOs that they were not shown arrest warrants, and some detainees reported that they had been tortured in custody (see section 1.c.).

Corrupt police and corrections officers detained individuals, including individuals with judicial release orders, and held them until receiving payment for release. The COR's Integrity Committee reported in April that it was aware of cases where the release of exonerated inmates was delayed until prison authorities received payment. The press echoed these findings, quoting detainees who claimed that inmates had to pay bribes of up to \$10,000 for release despite having dismissed charges, having been found not guilty, or having completed their sentence.

There were reports of arbitrary arrests and detentions by the KRG in the disputed territories. For example, on May 17, Asayish authorities arrested and detained three Yezidi leaders from Sinjar for 10 days. An NGO alleged the Yezidi leaders were detained because they had attended an Iraqi government-sponsored conference. According to the NGO, when the leaders were released--without having been charged-- the Asayish warned them not to attend further conferences in Baghdad without the KRG's permission.

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

The ISF consists of internal security forces administratively organized within the MOI and external security forces under the control of the MOD. The MOI's responsibilities include domestic law enforcement and maintenance of order.

Conventional military forces in the MOD are responsible for external defense but cooperate regularly in internal security missions with the MOI.

Human rights violations committed by ISF personnel were rarely investigated, and perpetrators were seldom punished. For example, on October 21, the ISF injured four protesters demonstrating against poor government services and delayed reconstruction projects in al-Salam in Maysan Province. The protesters, who had closed a key highway between Dhi Qar and Maysan, became violent when security forces attempted to disperse the crowd, inciting Iraqi Army (IA) soldiers to fire above the crowd, wounding four protesters in the process. On October 22, the Maysan Provincial Council questioned the governor and his deputies regarding the protest and accompanying IA response. The provincial council formed an investigative committee to examine the IA shootings, but there were no results at year's end.

There were continued accounts of torture and abuse throughout the country in many MOI police stations and MOD facilities, reportedly primarily during interrogation. The MOI did not release the number of officers punished during the year, and there were no known court convictions for abuse. The government did not take widespread action to reform security forces to improve human rights protection.

Problems persisted with the police regarding sectarian divisions, corruption, ties to tribes, and unwillingness to serve outside the areas from which they were recruited. The army and federal police recruited nationwide and deployed soldiers and police to various areas, reducing the likelihood of corruption related to personal ties to tribes or militants.

In some instances security forces failed to prevent or respond to societal violence. For example, security forces did not take sufficient measures to respond to threats of violence, some of which were carried out, against perceived lesbian, gay, bisexual, and transgender (LGBT) individuals despite the public posting of targeted individuals' names (see section 6).

The two main Kurdish political parties, the KDP and PUK, maintained their own security apparatuses organized along military lines and dating from the struggle against the regime of Saddam Hussein and earlier. There were approximately 22 Peshmerga (Kurdish militia) brigades, all originally under the control of the two main Kurdish political parties. Under the constitution the KRG has the right to maintain regional guard brigades, supported financially by the central government

but under KRG control. Accordingly, the KRG established a Ministry of Peshmerga Affairs. Four additional regional guard brigades were formed during the year, bringing the number of regional guard brigades under the authority of the Ministry of Peshmerga Affairs to 12, although most units maintained allegiance to either the KDP or the PUK. The central government did not financially support Peshmerga units not a part of the regional guard brigades.

KRG security forces and intelligence services detained suspects in KRG-controlled areas. The poorly defined administrative boundaries between the IKR and the rest of the country resulted in continuing confusion about the jurisdiction of the security forces and the courts. The KDP maintained its own internal security unit, the Asayish, and its own intelligence service, the Parastin. The PUK maintained its own internal security unit, also known as the Asayish, and its own intelligence service, the Zanyari. The PUK and the KDP took some steps during the year toward unifying their internal and external security organizations, but these organizations remained separate in practice and effectively controlled by political leaders through political party channels.

Article 136(b) of the criminal procedure code, which previously gave ministers the opportunity to review and prevent the execution of arrest warrants issued by judges presiding over criminal investigations of employees in their ministries, was repealed in June 2011. While this repeal was viewed as a dramatic improvement in fighting corruption when it was enacted, at year's end the repeal had not led to significant changes in the number and pattern of arrests.

### **Arrest Procedures and Treatment While in Detention**

The constitution prohibits "unlawful detention" and mandates that authorities submit preliminary documents to a competent judge within 24 hours of arrest, a period that can be extended by one day. In practice this period was often extended to 72 hours. For offenses punishable by death, authorities can legally detain the defendant for as long as necessary to complete the judicial process.

The government arbitrarily detained individuals and often did not inform detainees promptly of charges against them. The government periodically released detainees, usually after concluding that it had insufficient evidence for the courts to convict them. The law allows release on bond for criminal (but not security) detainees; however, detainees were rarely considered for release on bail. The KRG internal security units held some suspects incommunicado without an arrest warrant and transported detainees to undisclosed detention facilities.

The law provides for judges to appoint paid counsel for the indigent, and they did so in practice. However, attorneys appointed to represent detainees frequently complained that poor access to their clients after their appointment hampered adequate attorney-client consultation.

Arbitrary Arrest: Police and army personnel frequently arrested and detained individuals without judicial approval, although there were no reliable statistics available regarding the number of such acts. Authorities often failed to notify family members of the arrest or location of detention, resulting in incommunicado detention. For example, the Ninewa Bar Association reported that in December 2011, army personnel detained three lawyers without judicial approval for attempting to represent individuals charged with terrorism; the association staged a sit-in to protest the arbitrary arrest. Two of the lawyers were released the same day. The Supreme Criminal Court ordered that the third lawyer be released three months after his arrest. All three lawyers reported being tortured while in custody.

Pretrial Detention: Pretrial detainees in the MOJ's ICS facilities represented half of the total population of those incarcerated, according to ICS data. Outside the IKR, only the ICS is authorized to hold persons after conviction; in the IKR, the KMOLSA supervises all posttrial detention facilities. By law other ministries are authorized to hold detainees only during pretrial detention. At the end of the year, 16,018 pretrial detainees were in ICS custody; the MOD held 385 detainees, and the MOLSA held 239. The MOI did not release the number of pretrial detainees held in its custody. Although there were no independently verified statistics, the majority of individuals in MOI and MOD facilities were pretrial detainees. In the IKR, 2,096 pretrial detainees, including 52 women, were held in KRG facilities at year's end.

Lengthy detentions without due process and without judicial action were a systemic problem. The lack of judicial review resulted from a number of factors that included large numbers of detainees, undocumented detentions, slow processing of criminal investigations, an insufficient number of judges and trained judicial personnel, authorities' inability or reluctance to utilize bail or other conditions of release, lack of information sharing, bribery, and corruption. Overcrowding of pretrial detainees remained a problem in many detention facilities. There were allegations of detention beyond judicial release dates as well as unlawful releases.

Many detainees were held for months or years after arrest and detention, sometimes incommunicado, without access to defense counsel or without being formally charged or brought before a judge within the legally mandated period. For example, in March, during a routine visit to a detention center in Kirkuk, a detainee told representatives of an international organization that he had been detained for 4½ years under terrorism charges and had not yet been brought to trial.

Amnesty: During the year the central government did not grant amnesty to anyone. The KRG granted amnesty to 1,410 persons during the year.

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

The law provides for an independent judiciary; however, certain articles restricted independence. Although the judicial system was credited with efforts to maintain independence, the security situation in the country, as well as the political history of the country, left the judiciary weak and dependent on other parts of the government. Court orders, with the exception of those concerning national security, were sometimes not respected due to widespread corruption. For example, the COR's Integrity Committee reported that court-issued detainee-release orders were not consistently enforced, and that MOI and MOJ employees demanded payment from detainees in order to be released.

Threats and killings by sectarian, tribal, extremist, and criminal elements impaired judicial independence in many places. Judges and their family members frequently faced death threats and attacks. For example, on June 30, unidentified gunmen using machine guns shot and killed Judge Abdul Lattif Mohammed, chief of the Ninewa Criminal Court, while he was driving near Mosul; his driver was also injured in the attack. On July 22, the AQI announced a new operation specifically targeting judges and judicial investigators. During the year eight judges were killed, and there were 10 other unsuccessful attempts.

Judges were generally vulnerable to intimidation and violence. Some judges presiding over criminal cases at the trial level or on appeal to the Court of Cassation reportedly were influenced by corruption or intimidation.

In April 2011 the COR repealed article 136(b) of the criminal procedure code, which previously gave ministers the opportunity to review and prevent the execution of arrest warrants issued by judges presiding over criminal investigations of employees in their ministries. The prime minister challenged the repeal as

unconstitutional because the legislation did not originate in the Council of Ministers (COM); a judicial review upheld the repeal in June 2011.

The Kurdish Judicial Council was, according to law, financially and administratively independent from the MOJ, but the KRG executive continued to influence cases in politically sensitive areas, such as freedom of speech and press (see section 2.a.).

The Iraqi High Tribunal, formerly the Iraqi Special Tribunal, tried persons accused of committing war crimes, genocide, crimes against humanity, and specified offenses from July 1968 through May 2003. The tribunal was dissolved in July 2011. There were no pending appeals. The death sentence of Abed Hamid Hmoud al-Tikriti, Saddam Hussein's personal secretary and chief bodyguard who was sentenced to death for crimes against humanity in 2010, was carried out on June 7. The death sentence of Sultan Hashem Ahmed, defense minister under Saddam Hussein convicted of genocide in 2007, was not carried out by the end of the year.

### **Trial Procedures**

The constitution provides all citizens the right to a fair trial; however, observers, including some government officials, the UN, and NGOs, reported that trial proceedings fell short of international standards. Although investigative, trial, and appellate judges generally sought to enforce the right to a fair trial, defendants' insufficient access to defense attorneys was a serious defect in the proceedings. Many defendants met their lawyers for the first time during the initial hearing and had limited access to legal counsel during pretrial detention. Trials, except in some national security cases, were public but some faced undue delays.

An accused person is considered innocent until proven guilty, has the right to be informed promptly and in detail of the charges, and has the right to a privately retained or court-appointed counsel at public expense if needed. Defendants were not informed promptly or in detail of charges in practice. Judges assemble evidence and adjudicate guilt or innocence. Defendants and their attorneys have access to government-held evidence relevant to their cases before trial and have the right to confront witnesses against them and present witnesses and evidence. Criminal judgments of conviction and acquittal can be appealed to the Court of Cassation. The right of appeal also exists in civil cases.

Allegations that defendants were subjected to coerced confessions and compelled to confess guilt were common. For example, the NGO Amnesty International

reported on December 12 that Nabhan Adel Hamdi, Muad Muhammad Abed, Amer Ahmad Kassar, and Shakir Mahmoud Anad were convicted of terrorism and sentenced to death on December 3 following a television broadcast of their coerced confessions taken while they were held incommunicado in an MOI facility during pretrial detention. The four men were detained in late March and early April; when brought to trial, they told the Anbar Criminal Court that they were forced under torture to confess to assisting murder. The four men appealed their convictions, but there were no results by year's end.

### **Political Prisoners and Detainees**

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

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

From October to December 2011, the army arrested more than 1,100 alleged former members of the Baath Party said to be involved in a coup plot. Media reported that some detainees released in late 2011 and early 2012 were tortured while in custody. At year's end some detainees still awaited trial. For example, four employees of a development NGO were detained in October 2011 during the Baath Party arrests. Of the four, one employee was released on February 12, two were convicted on terrorism charges, and the fourth employee was still in pretrial detention at year's end. All four employees reported being tortured while in custody. Many Sunnis contended that the mass arrests were intended to weaken the government's political opponents.

A December 2011 arrest warrant was issued for Vice President Tariq al-Hashemi on terrorism charges. Local television stations broadcast alleged confessions of Hashemi's bodyguards who were arrested and detained. Hashemi insisted that the charges were politically motivated and that the evidence was fabricated. Human rights groups noted that broadcasting the confessions violated the principle of a fair

trial for Hashemi and his guards; some of the bodyguards stated that they were tortured (see section 1.a.).

On September 9, a criminal court found Hashemi guilty on two of the three counts of murder and sentenced him to death by hanging, along with his son-in-law and chief of staff Ahmed al-Ubaidi. Hashemi was found guilty on additional charges and given multiple death sentences on November 1, November 4, and December 13. Before the trial began, Hashemi first fled to the IKR and then to Turkey. Hashemi and his supporters claimed that the trial and the verdicts were politically motivated and the judicial process flawed. At year's end Hashemi told the press he planned to appeal his case to the UN or to another international human rights body. Neither Hashemi nor his supporters planned to launch an appeals process through the Iraqi courts, claiming a lack of confidence in the judicial system's independence.

Similar factors operated in the IKR to obscure a reliable assessment concerning possible political prisoners and detainees. For example, on May 8, hundreds of Kurdish demonstrators massed in front of the parliament building and the Zagros TV station in Erbil to protest an article they deemed offensive to the Muslim faith, which was written by Norwegian Kurdish expatriate writer Halmat Goran and published on May 2 in a local magazine, *Chrpa*. Authorities arrested a number of demonstrators as well as several religious leaders affiliated with the Kurdistan Islamic Group and detained them for four weeks without charges before release.

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

A legal framework exists to deal with civil issues in lawsuits seeking damages for, or cessation of, human rights violations. Administrative remedies also exist. However, the overwhelming security focus of the executive branch coupled with an understaffed judiciary dependent on the executive meant these procedures as well as administrative remedies for human rights violations were not effectively implemented.

A 2010 law in the IKR provided compensation to persons unlawfully arrested or detained. The IKR Human Rights Commission did not make public information concerning any instances in which compensation was paid during the year.

### **Property Restitution**

There was a problem with delays and corruption in adjudicating claims for property restitution. The Property Claims Commission, an independent governmental commission, was to resolve claims for property unjustly seized by the former regime between 1968 and 2003. The commission process was intended primarily to benefit those whose land was confiscated for ethnic or political reasons as part of the former regime's Arabization program and other policies of sectarian displacement.

The claims commission, which accepted no claims after the end of its mandate on June 30, received more than 178,000 claims nationwide since its inception in 2010. Of the approximately 125,000 claims the commission reportedly reviewed, approximately 34,402 were approved, 35,824 rejected, and 54,907 accepted for consideration but ultimately found not valid. Of the total claims filed, more than 55,000 were from Kirkuk; of the claims approved, approximately 5,990 were from Kirkuk.

Since 2003, more than 30,000 "wafadin" (Arabs previously settled in the Kirkuk region under Saddam Hussein's anti-Kurdish policies) returned to their previous homes in the center and south of the country and applied for compensation. As the wafadin were compensated to leave occupied lands, their claims were reviewed and paid primarily by the Article 140 Commission, which was established to fulfill the executive authority's obligation to undertake "normalization" measures as called for in the constitution's article 140. That article mandates that the executive authority implement the Transitional Administrative Law's article 58, which sets out a number of required measures to "remedy the injustice caused by the previous regime's practices in altering the demographic character of certain regions, including Kirkuk." These measures include restoring former residents to their homes and property while resettling and compensating newly introduced individuals. By the end of the year, approval was given to 34,822 wafadin claimants, and 11,262 were compensated.

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

The constitution mandates that authorities may not enter or search homes except with a judicial order. The constitution also prohibits arbitrary interference with privacy. In practice security forces often entered homes without search warrants and took other measures interfering with privacy, family, and correspondence. On September 14, the Basrah office of the General Federation of Trade Unions and Workers Councils in Iraq was broken into, and computers, records, meeting minutes, and other union documents were stolen. Union leaders publicly alleged

that security forces were responsible; the break-in followed months of increased surveillance by security forces of union leaders (see section 7.a.).

In the IKR there was pressure on citizens to join the PUK Party in the province of Sulaymaniyah and the KDP Party in Erbil and Dahuk provinces. Party membership often was a prerequisite for employment.

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

### **a. Freedom of Speech and Press**

The constitution broadly provides for the right of free expression, provided it does not violate public order and morality or express support for the banned Baath Party or for altering the country's borders by violent means. In practice the main limitation on individual and media exercise of these rights was self-censorship due to the real fear of reprisals by the government, political parties, ethnic and sectarian forces, terrorist and extremist groups, or criminal gangs.

The law offers some additional legal protection for journalists but qualifies many protections with the phrase "in accordance with existing law," which permits ambiguity about the actual scope of protection offered. The law fails to address the continuation of restrictive practices, including the criminalization of libel and defamation under penal law and the 1968 Publications Law's ability to impose up to seven years' imprisonment for publicly insulting the government. According to international and local NGOs, the Journalists' Rights Law also enhanced the power of the progovernment Journalists' Syndicate and reduced independence. Many journalists were concerned that the law's requirement to provide a copy of their employment contract to the syndicate might disclose sensitive personal information that could jeopardize their and their families' lives. Two journalist rights groups filed lawsuits challenging the constitutionality of the law during the year. On October 2, the Supreme Federal Court upheld the law. The law was not fully implemented at year's end.

In the IKR many journalists continued to be tried, convicted, and imprisoned under penal law, despite the 2008 media freedom law that decriminalized publication-related offenses. The Kurdistan Journalists' Syndicate documented 37 lawsuits against journalists during the first six months of the year in the region. According to syndicate officials, the 2008 law is the sole basis for prosecution of journalists for publication offenses, but penal law allows prosecution for offenses to public morals and other crimes. Public officials regularly resorted to libel charges under

criminal law, resulting in punitive fines against individual media outlets and editors, often for publishing articles on alleged corruption. For example, the Kurdistan Journalists' Syndicate reported that the chief editor of *Zang* magazine and a journalist for *Bazaw* magazine both received fines of one million Iraqi dinars (approximately \$858) for publishing articles with content protected by the 2008 law. Public officials also provided money and other benefits to journalists, including access to venues, for positive reporting.

Freedom of Speech: Despite the constitutional protection for freedom of expression, the 1968 Publications Law provides, if authorized by the prime minister, for fines or the imposition of a term of imprisonment not to exceed seven years on any person who publicly insults the COR, the government, or public authorities. Individuals were able to criticize the government publicly or privately, but not without fear of reprisal. Potential critics self-censored accordingly. According to December 26 press reports, Prime Minister Maliki sent a letter to the COR leadership requesting that immunity be removed from members of parliament who expressed their views outside of parliamentary sessions. Maliki claimed that criticism of the government would disrupt public order. HRW reported that KRG security forces arbitrarily arrested and detained at least 50 journalists, critics, and opposition political activists and prosecuted at least seven of them on criminal charges of insulting or defaming public figures during the year.

Freedom of Press: Political parties strongly influenced, or controlled outright, most of the several hundred daily and weekly publications, as well as dozens of radio and television stations. The active media expressed a variety of views largely reflecting political party positions, which included self-censorship and the government's interpretation of lawful restrictions on violations of public order and morality.

On April 16, the Communications and Media Commission (CMC), the government body responsible for media regulations and broadcast licensing, asked the Ministry of Interior to close 44 foreign and local media outlets for noncompliance with registration procedures or for nonpayment of license fees. On June 22, the order gained widespread attention when the journalism rights NGO Journalistic Freedoms Observatory condemned it publicly as a setback for press freedom. CMC officials initially defended the closure as a technical measure to address licensing and financial irregularities but subsequently gave the outlets additional time to renew their lapsed licenses. The CMC reported that no media outlets remained closed because of failure to pay license fees at year's end, although at least two outlets were closed temporarily without prior notification for alleged

noncompliance with regulatory requirements during the year. Critics claimed that the closures were politically motivated.

In the IKR Mahmud Sangawi, a PUK politburo member, was recorded on July 30 swearing at and threatening the editor in chief of *Garan* magazine, Kawa Garmiany. The recording, which captures Sangawi telling Garmiany, “I will put your head in a grave,” was circulated widely on the Internet through social media. Garmiany reported to local and international NGOs that he feared for his life. There was no additional information on the incident at year’s end.

Violence and Harassment: Five journalists and media workers were killed during the year. Journalists were targets of government security forces, corrupt officials, terrorists, religious groups unwilling to accept media independence, and unknown actors who wished to affect the flow of news. For example, on November 18, security forces found the body of Samir al-Sheikh Ali, the editor in chief of Baghdad’s *Al-Jamaheer* daily newspaper, in the Sheikh Omar area of Baghdad. Ali, also a prominent human rights activist who advocated for media freedom, was found with three bullets in his chest.

The NGO Iraqi Journalists Rights Defense Association reported 50 acts of harassment against 75 journalists outside of the IKR during the year, including 16 cases of physical assault, several attempted killings, and numerous arrests and detentions, some of which resulted in security forces confiscating equipment. On November 4, security forces beat al-Sumaryia camera operator Aziz Gazal, then arrested and detained him for attempting to film a series of explosions in Anbar Province; he was released later the same day.

Media workers often reported that politicians, government officials, security services, tribal elements, and business leaders pressured them to not publish or broadcast stories perceived as critical. They offered accounts of violence, intimidation, death threats, and harassment by government or partisan officials. For example, on June 26, police in Kirkuk arrested a journalist and detained him for five hours after he took photographs of police beating child beggars. In the IKR members of the Zerevani (the KMOI-controlled Peshmerga) assaulted two journalists covering a gathering at a military facility in Zakho on April 11.

Throughout the IKR there were numerous instances of attempted killing, beatings, imprisonment, and property destruction against media. For example, on May 8, security forces attacked two journalists covering protests in front of the parliament and confiscated their equipment. The independent media freedom NGO Metro

Center documented 132 acts of harassment in the IKR during the year, including five death threats, 50 arrests, 21 beatings, several lawsuits, and other attacks in the region. In many cases the aggressors wore military or police uniforms. With few exceptions these attacks were directed at the independent and opposition media, mainly the Kurdish News Network TV affiliated with the Goran (Change) Party and the independent Nalia Radio and Television, rather than at media controlled by the ruling parties.

Journalists in the IKR were occasionally detained for long periods before being brought to trial. In November 2011, for example, security forces arrested Karzan Karim, a former member of the Asayish and a columnist for the *Kurdistan Post* newspaper, after writing several opinion pieces on corruption at the Erbil International Airport. Security forces accused Karim of disclosing sensitive information related to his prior service in the Asayish. Karim was tried in October on terrorism charges, and on October 8, he was sentenced to two years in prison for “endangering national security.” Karim’s family reported that he was held in solitary confinement, beaten, and tortured during his 11-month detention. According to media outlets, Karim’s father, wife, and lawyer received threats from security forces after publicizing his extended detention without trial.

Despite multiple killings of journalists during the year, there were no prosecutions or convictions in these cases or those reported in 2011.

Censorship or Content Restrictions: Producing, importing, publishing, or possessing written material, drawings, photographs, or films that violate public integrity or decency are prohibited. The penalties for violating public integrity or decency include fines and imprisonment.

The censorship process relied substantially on self-censorship. Publications reflected the owner’s views, and writers understood the “acceptable” limits of reporting. Additionally the fear of violent responses to publishing facts or opinions displeasing to political factions inhibited free expression.

The government frequently attempted to restrict media content. For example, on March 14 in Baghdad, security forces detained a film crew from Russia Today’s Arabic television channel, Rusiya al-Yaum, for three hours when they tried to film a segment related to a series of attacks against individuals perceived to be LGBT or “emo” (see section 6). Even though the crew had a permit to film in Baghdad, security forces confiscated the footage.

The government used its authority to suppress potentially unfavorable media coverage. For example, on several occasions security officials in Maysan prevented reporters from covering stories by denying journalists access to venues. There were also reports that local governments selected journalists to receive tracts of land for their personal use in exchange for favorable media coverage.

All books were subject to censorship. Books published within the country required the Ministry of Culture's approval before publication. All book imports were subject to the ministry's censorship. According to the ministry, the purpose of the vetting was to suppress literature promoting sectarianism.

Libel Laws/National Security: Criminal law prohibits reporters from publishing stories that defame public officials. Many in the media complained that these provisions prevented them from freely practicing their profession by creating strong fears of prosecution, although widespread self-censorship impeded journalistic performance as well.

Libel is a criminal offense under KRG law as well, and judges may issue arrest warrants for journalists on this basis. When named in a lawsuit, journalists were typically detained at police stations until they posted bail. Police often kept journalists in custody during investigations.

The KRG frequently used the threat of legal action, often seeking disproportionate fines or damages, against media workers as a tool to discourage media from investigating allegations of bad governance. For example, in October, PUK politburo member Omar Fatah and his bodyguards sued journalist Asos Hardi and the editor in chief of the independent newspaper *Awene* for publishing an article that accused Fatah and his bodyguards of attacking Hardi in August 2011.

Nongovernmental Impact: Opposition, criminal, and terrorist groups sought to inhibit freedom of expression, including through threats to and attacks on members of the press. For example, on July 31, unknown gunmen shot and killed Ghazwan Anas, a sports and entertainment reporter, inside his home in Mosul; his mother, wife, and four-month-old son were severely injured in the attack.

## **Internet Freedom**

There were no overt government restrictions on access to the Internet or official acknowledgement that the government monitored e-mail or Internet chat rooms without judicial oversight. NGOs reported that the government could and was

widely believed to monitor e-mail, chat rooms, and social media sites through local Internet service providers.

In contrast with 2011, no reported violence or prosecutions resulted from Internet speech. Press reports indicated that executive branch employees were expressly prohibited from joining or using social media sites at any time. During the year a report by the International Research and Exchanges Board estimated that 4.7 percent of the population had regular access to the Internet, compared with 5 percent who used it in 2011, according to statistics from the International Telecommunication Union.

### **Academic Freedom and Cultural Events**

Social, religious, and political pressures restricted the exercise of freedom of choice in academic and cultural matters. In all regions various groups reportedly sought to control the pursuit of formal education and granting of academic positions. University professors reported that the Ministry of Higher Education (MOHE) dismissed qualified, experienced personnel based on religious and/or political party affiliation and sold positions to the highest bidders. On May 2, Mohammad Taqa, dean of the Baghdad College of Economics and a Sunni, was arrested on campus without warrant or charges. Local press outlets varied in their reporting of the charges brought against Taqa: one account claimed that Taqa was arrested on terrorism charges; another asserted that Taqa's affiliation with the banned Baath Party led to his arrest. Faculty and students protested the arrest, labeling it "an affront to academia and scientific research," and the Sunni Iraqiya political bloc claimed that the arrest was evidence of sectarian bias. The Al-Saah Court conducted an initial investigation, and all charges against Taqa were dropped; he was released from police custody on May 25.

There were reports, although fewer than in previous years, of threats by extremists and sectarian militants against schools and universities, urging them to modify activities or favor certain students, or face violence. Academics continued to be targeted in attacks during the year. For example, on July 2, unknown gunmen killed Mohammed Jasim Al-Jubouri, a faculty member at Imam Adham College in Mosul outside his home. Terrorist attacks even targeted elementary schools. On September 24, four children were killed and six injured in a suicide bombing outside an elementary school in Hit. Academics self-censored and educational institutions at times modified their activities accordingly.

The MOHE briefly instituted a gender segregation policy during the year, which prohibited male and female students from sitting in close proximity. There was considerable opposition to the policy, and it was later withdrawn. Authorities at Tikrit University reportedly continued to compel students to self-segregate in classes. Students at Al-Mustansiriyah University publicly expressed their disagreement with the short-lived MOHE gender segregation policy, and male and female students actively refused to sit on opposite sides of classrooms.

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

### **Freedom of Assembly**

The constitution provides for freedom of assembly and peaceful demonstration. However, the government's response to protests during the year demonstrated some lack of respect for the free exercise of these rights.

During the year protesters demonstrated in several major cities, demanding an end to corruption and better government services. Many, including large-scale antigovernment protests in Anbar that began in late December, were peaceful with the government providing an appropriate level of security. On other occasions the government suppressed demonstrations, arrested organizers, used excessive force against protesters, and harassed protesters attempting to reach demonstration sites.

Throughout the month of February, on the anniversary of Baghdad's 2011 Tahrir Square protests, security forces blocked access to protest sites in Baghdad; beat and arrested peaceful demonstrators; and detained, beat, and confiscated equipment of journalists attempting to cover the protests. According to HRW's interviews with observers, on February 25 in Baghdad, between 600 and 1,000 armed members of the security forces threatened to arrest and prevented demonstrators from protesting in Tahrir Square. Journalists reported that security forces prevented them from using cameras, voice recorders, cell phones, and writing tools to cover the demonstration.

There were similar occurrences in the IKR. On the anniversary of the demonstrations in February 2011, when 12 persons died and 47 were injured, KRG authorities deployed security forces throughout Sulaymaniyah. Several journalists and activists were beaten and arrested. However, the KRG also during the year retroactively paid for the medical treatment of individuals injured in the 2011 protests. A KRG presidential decree issued in August 2011 called for "bringing to justice those who had a role in the shootings." A police chief charged for shooting

into the crowd was released on bail on October 1, within a week of being charged and at year's end awaited trial.

### **Freedom of Association**

The constitution provides for the right to form and join associations and political parties and specifically mandates that this right be regulated by law. The government generally respected this right in practice, except for the legal prohibitions on expressing support for the Baath Party or Zionist principles.

Due to a requirement in the 2008 law that the Supreme National Council for Accountability and Justice check founders and directors of NGOs for prohibited past affiliation or membership in the Baath Party, delays continued in the NGO registration process. The slow verification process impeded development and legal protection of NGOs. The NGO Directorate in the COM Secretariat accepted applications for registration but did not process registrations without the council's approval. A 2010 Law on Nongovernmental Organizations designed to facilitate NGO registration and operations while providing extra protections from onerous and arbitrary government actions provided limited assistance in practice. The NGO Directorate issued registration certificates to 864 NGOs during the year.

The criminal code stipulates that any person who promotes Zionist principles, associates himself with Zionist organizations, assists such organizations by giving material or moral support, or works in any way towards the realization of Zionist objectives is subject to punishment by death. There were no applications of this law since the fall of the regime of Saddam Hussein.

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

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

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The government generally respected the constitutional provisions for freedom of movement in all parts of the country as well as the right to travel abroad and return freely. There were some limitations on refugees in the central provinces due to security concerns, as well as limitations on travel into and residence within the IKR, although internally displaced families were generally allowed to reside there.

The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern, although effective systems to assist these individuals were not fully established by year's end.

In-country Movement: Security forces were permitted to restrict movement pursuant to a warrant, impose a curfew, cordon off and search an area, and take other necessary security and military measures in response to security threats and attacks. There were reports that security forces in the disputed areas, including Peshmerga and Iraqi Army forces, selectively enforced regulations requiring residency permits in order to remove persons from the areas under their control. The KRG restricted movement across the areas administered by the KRG due to what the KRG claimed were administrative and security procedures. Nonresidents of the IKR were required to obtain permits that authorized limited stays in the IKR. Residency permits were generally renewable. Citizens not from the IKR who sought to move permanently to areas controlled by the KRG required a Kurdish sponsor. Citizens (of any ethnicity, including Kurds) crossing into the region from the South were obligated to enter at checkpoints and undergo personal and vehicle inspections. Officials prevented individuals from entering the region if they were deemed a security threat. Entry for male Arabs was reportedly more difficult than for others. The officer in charge of the checkpoint was empowered to decline entry into the region.

To accommodate increasing numbers of summer and holiday visitors, the KRG security authorities worked out agreements with other provinces whereby tourist agencies submitted names of visitors in advance for preclearance. Visitors were required to show where they were lodging and how long they intended to stay.

Foreign Travel: Exit permits were required for citizens leaving the country, but the requirement was not routinely enforced.

Exile: The constitution permits forced exile only of naturalized citizens and only if a judicial decision establishes that the citizenship was granted based on material falsifications. There were no reported cases of forced exile.

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

Sectarian violence has displaced Shia, Sunni, Christian, and Sabean-Mandean families. According to the Ministry of Migration and Displacement (MOMD), formerly known as the Ministry of Displacement and Migration, in May approximately 1.1 million persons remained internally displaced due to sectarian violence that occurred from 2006 to 2008; approximately 23 percent of them were in Baghdad. Approximately 200,000 of the 1.1 million remained displaced due to violence that occurred between 2003 and 2005, including Arabs displaced after 2003 from disputed areas.

The UNHCR reported that 82,260 refugees and 218,800 IDPs returned to their places of origin in the country from January to December. While the year's return figures were higher than the 67,080 refugee returns and 193,610 IDP returns recorded in 2011, the number of registered IDPs remained largely the same because there were new registrations of persons previously displaced. The UNHCR's end-of-year reporting noted an increasing number of returnees from Syria because of unrest. Many returnees received the MOMD's four-million-Iraqi-dinar (approximately \$3,432) returnee grant. In June the MOMD announced an additional grant for IDPs choosing local integration in their place of displacement. Lack of funding, however, prevented the awarding of the grants by year's end.

While security gains and access to assistance attracted refugees to return, high unemployment, lack of shelter, and a continuing unstable political environment created significant challenges. Many displaced persons reported that they remained unwilling or unable to return to their homes because they feared their religious affiliation would make them an unsafe minority in neighborhoods segregated along religious lines. Social and geographic integration of communities displaced before 2003 made it difficult to distinguish between those who remained displaced and those who chose to remain where they were. Most international organizations focused on the 1.1 million persons displaced since 2006.

The majority of those displaced before 2003 were Kurds forcibly moved under the previous regime's policy of settlement of Arabs in ethnically mixed areas. Many of those Arabs had returned to their areas of origin but were considered displaced because they were unable to regain their original property and residences, generally in central and southern Iraq. Both Arabs and Kurds displaced in this way have a legal right to compensation, which the government was slow to provide.

The government engaged in efforts to promote the safe, voluntary return or local integration of IDPs. While IDP rights are addressed in the constitution and the 2008 national policy on displacement, they remained largely unaddressed in

specific laws. The MOMD's comprehensive strategy recognized local integration as a legal option for IDPs. While local integration was incorporated into government efforts, the government also continued to encourage families to return to their original homes.

Although the government promised to provide essential services to support returnees in Baghdad, these promises remained largely unfulfilled. In Diyala the government provided some essential services to returnees. Generally the government, through the MOMD, allowed IDPs access to domestic and international humanitarian organizations, collected information about IDPs, and provided some protection and assistance in the form of humanitarian supplies.

The ICRC provided food rations, water and sanitation projects, and health care to many IDPs unable to access the public food distribution system or public schools in the province to which they were displaced. In other instances the IOM, the UNHCR, and World Food Program organized income generation projects and quick impact projects, providing adults with cash-earning public work and training opportunities. A growing number of international and local NGOs also assisted IDPs and returning refugees. Access to services was tied to one's habitual place of residence. IDP access to services such as schools and to food rations from the public distribution system was often limited due to persons' lack of registration as IDPs in their current place of residence. In practice local authorities often determined whether IDPs would access local services. The government and the UNHCR provided protection and assistance to IDPs, and approximately 467,000 lived in 382 ad hoc "clusters" or settlements with limited water, sanitation, and electricity.

Authorities evicted some IDPs from government buildings on a case-by-case basis. According to the UNHCR, authorities evicted 510 families in six settlements. The threat of eviction was more acute in Baghdad, where an estimated 190,000 IDPs, refugee returnees, and squatters lived in 125 illegal settlements on land or in buildings belonging to the government. In Baghdad 21 sites with 2,664 families were under direct eviction threat. Authorities evicted 455 families in four sites. Provincial councils, the UNHCR, and NGOs sought with limited success to halt the evictions, compensate the families with several months' rent, or provide land grants in alternate locations.

Security concerns displaced many Kurdish as well as some Arab and Turkmen families in Diyala Province. Local officials estimated that more than 1,300 families left al-Sa'adya, Jalawla, Qaratapa, and Jabara, with many moving to

Khanaqin or outside the province between 2008 and 2011. Some local officials blamed the continuing displacement in Diyala Province on the lack of implementation of article 140 of the constitution, which seeks to reverse Saddam Hussein's "Arabization" policy. Article 140 describes a process to repatriate families displaced by the policy and relocate or compensate those Arab families brought to the area under the policy (see section 1.e.).

### **Protection of Refugees**

Access to Asylum: The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees, but with flaws. The government generally cooperated with the UNHCR and other humanitarian organizations to provide protection and assistance to the more than 103,000 refugees in the country.

Refoulement: International NGOs reported that the government enforced repatriation of some Iranian asylum seekers despite credible risk of their torture upon return. On August 14, the government closed the al-Qaim border crossing to Syrian asylum seekers but reopened it on September 18, with a ban on men between ages of 15 and 50, citing security concerns. On October 21, the border was closed again with an exception for urgent medical cases and some family reunification cases. The border remained closed at the end of the year. Crossing from Syria into the Iraqi Kurdistan Region remained possible, however, and Syrian asylum seekers continued to enter Iraq this way.

Refugee Abuse: Reports of attacks and arrests of refugees such as Palestinians, Ahwazis in the South, and Syrian Arabs in Baghdad and Mosul occurred during the year and were mainly perpetrated by sectarian groups, extremists, and criminals. From January to August the UNHCR reported a higher frequency of police raids with some arbitrary detentions in the Palestinian neighborhood of Baghdad than in previous years and compared with other communities.

A December 2011 memorandum of understanding between the government and the UN provided for the peaceful and orderly closure of Camp Ashraf in Diyala Province, the Mujahedin-e Khalq's (MEK) former paramilitary base housing approximately 3,200 predominantly Iranian members of the MEK. Between February and October, the government, UN, and MEK leaders coordinated eight movements of more than 3,100 residents from Camp Ashraf to Camp Hurriya, a temporary transit facility on the outskirts of Baghdad. At year's end 100 residents remained at Camp Ashraf.

The UNHCR provided international protection status determinations to facilitate the resettlement of Camp Hurriya's residents outside the country. The UNHCR reviewed more than 1,600 applications for international protection solutions. According to UNAMI, living conditions at Camp Hurriya exceeded minimum humanitarian standards.

Some former MEK members continued to allege that MEK leaders at Camp Ashraf and Camp Hurriya attempted to prevent residents from leaving the camp with threats of reprisal. In August one individual alleged that MEK leaders beat him following an unsuccessful escape attempt. The individual subsequently defected from the organization. MEK leaders denied allegations of physical and emotional abuse.

Employment: Palestinian refugees were unable to obtain job security when working in government service due to their refugee status.

Durable Solutions: Turkish and Iranian Kurdish refugees in the IKR generally integrated well. Local integration remained the best and most likely option for the majority of Iranian Kurds.

On April 15, the government officially closed al-Waleed refugee camp, and with support from the UNHCR, Palestinians from the camp were relocated to other parts of the country, principally Baghdad. International NGOs alleged that the closure of al-Waleed endangered Iranian Ahwazi Arabs who chose not to relocate.

### **Stateless Persons**

In the North an estimated 560 stateless Syrian Kurds were registered as asylum seekers. Additionally the UNHCR estimated that 120,000 stateless, nonrefugee Faily Kurds and Bidoun Arabs (literally meaning "without"). Many of these nonrefugee stateless individuals had already commenced the process of reacquiring Iraqi nationality. The MOI's Nationality Department anticipated resolving all such cases by 2014. Since 2003 more than 25,000 persons have regained their nationality, some in accordance with articles 17 and 18 of the 2006 nationality law. As of 2006, the latest year for which data is available, an estimated 54,500 Bidoun individuals living as nomads in the desert near or in the southern provinces of Basra, Dhi-Qar, and al-Qadisiyah remained stateless.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

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

Recent Elections: In 2010 parliamentary elections, nearly 12 million persons voted from a pool of more than 18.9 million registered voters. International and local observer missions declared the elections free from widespread or systemic fraud.

Provincial elections in the IKR, on hold since 2009, were tentatively scheduled for April 2013 following the seating of a new electoral commission in late 2012. While the IKP passed a provincial elections law in late 2011 and the COR selected new board members for its Independent High Electoral Commission in September, neither KRG officials nor electoral commission representatives announced a new date for IKR provincial elections at year's end.

Political Parties: In total, 160 regular parties, 36 independents, and 10 minority parties and candidates participated in the 2010 elections. While political parties did not formally restrict membership to certain societal groups, they tended to be organized along either religious or ethnic lines. Shia Islamist parties, such as the Islamic Supreme Council of Iraq, al-Dawa al-Islamiyya Party, and Sadrist Trend; Kurdish nationalist parties such as the KDP and PUK; and the predominantly Sunni Arab Iraqqiya bloc were the most prominent political forces. Other political players included the Sunni Islamist Tawafuq Front, the Goran (Change) Party in the IKR, and ethnic minority parties, such as the Assyrian Democratic Movement, the Kurdish Islamic Union, and the Kurdish Islamic Group. Membership in some political parties conferred special privileges and advantages in employment and education. In the KRG the KDP and PUK gave preference in employment to their respective members.

Participation of Women and Minorities: The constitution mandates that female members of parliament constitute 25 percent of the COR. There were 81 women elected to the COR, including candidates elected through the open list system. However, female parliamentarians were often marginalized in political discussions and at the highest levels of government. There was one female minister among the 29 cabinet members, and four cabinet members from religious and ethnic minority groups.

Of the 325 seats in parliament, the law reserves eight compensatory seats for minorities: five for Christian candidates from Baghdad, Ninewa, Kirkuk, Erbil,

and Dahuk; one Yezidi representing Ninewa; one Sabeen-Mandaeen representing Baghdad; and one Shabak representing Ninewa.

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

The law provides criminal penalties for corruption by officials. However, the government did not implement the law effectively, officials in all parts of the government often engaged in corrupt practices with impunity, and investigation of corruption was not free of political influence. Family, tribal, and religious considerations significantly influenced government decisions at all levels. Bribery, money laundering, nepotism, and misappropriation of public funds were common. According to the Commission of Integrity (COI), 1,138 government officials were found guilty of misappropriation of public funds during the first 10 months of the year, and 5,950 total suspects in corruption cases totaling 1.3 trillion dinars (\$1.1 billion) were referred to the judiciary during the year.

In November the prime minister instructed the parliamentary Integrity Committee to investigate the government spokesman, acting defense minister, and the prime minister's military advisor regarding substantive allegations of corruption in a contract for arms purchases that the prime minister signed during a visit to Russia. On December 25, the committee's report alleged questionable practices by a number of senior government officials. The committee recommended its cases be transferred to a public prosecutor for further investigation.

Investigation into corruption and enforcement of anticorruption laws were not free from political influence. Credible observers as well as political opponents of Prime Minister Maliki alleged, for example, that the October investigation into corruption at the Central Bank of Iraq and the subsequent issuance of arrest warrants for its governor and top staff were politically motivated.

Four government agencies have responsibility for combating corruption and financial crimes: the independent COI, the Federal Board of Supreme Audit (BSA), the Inspectors General (IGs), and the Central Bank of Iraq's Money Laundering Reporting Office (CBI/MLRO).

The COI is the government body charged with preventing and investigating governmental corruption nationwide (except in the IKR, where the KRG Council of Ministers has charged the Office of Governance and Integrity with this mission). The COI refers cases of corruption involving public officials to the judiciary.

The BSA serves as the auditing agency for all government (except for cabinet ministries), private, and other institutions. The BSA is responsible for oversight of contracts in the extractive industry. The BSA forwards all corruption findings to the judiciary.

The IGs, under the jurisdiction of the Prime Minister's Office of Regulatory Affairs, inspect and report on corruption cases in all of the 30 cabinet ministries and in seven commissions--government press and media, property claims, political prisoners, national intelligence, hajj and omrah, the Sunni endowment, and the Shia endowment--providing internal but independent oversight. The IGs have the ability to render administrative decisions and refer cases to the COI.

The Financial Intelligence Unit of the CBI/MLRO compiles and disseminates information on money laundering to law enforcement agencies.

In addition the Council of Ministers Secretariat (COMSEC) has an Anti-Corruption Advisor, and the Council of Representatives has an Integrity Committee.

The Joint Anticorruption Council (JACC), which reports to the COM, has responsibility for overseeing and monitoring compliance with the government's Anticorruption Strategy for 2010-14. The JACC includes participation from religious and community leaders, civil society representatives, and journalists. The work of the council was generally regarded as having little appreciable impact due to the scale of official corruption.

Effective joint action by anticorruption institutions was limited, as was active collaboration with civil society. A lack of agreement about institutional roles and ineffective legislation hampered their interaction. Insufficient political will, inappropriate political influence, poor transparency, various statutory provisions, and unclear regulatory processes exacerbated a lack of accountability. Government officials frequently contended that investigations into corruption were highly politicized and thus hindered public administration; they feared exposing themselves to corruption allegations even from open and transparent contracts and procurements.

Independent and effective operation was uncommon. Government officials repeatedly complained of political interference in investigations, as did many of the IGs, who claimed that some ministers stifled their oversight efforts or openly threatened IG staff with dismissal for performing the basic functions of oversight.

Ministers ordered major corruption investigations to be dropped. As in previous years, ministries effectively stalled investigations by failing to comply with requests for information or for officials to appear in court. The turnover rate for IGs was high, and vacant positions were regularly left unfilled for long periods. IGs and other anticorruption officials lacked sufficient resources, and especially personal security and adequate protection. They reported these deficiencies were key factors in determining whether to report corruption.

The executive branch's failure to seek legislative confirmation of the appointment of key anticorruption officials further weakened the independence of the BSA, COI, and IGs by leaving many officials in an "acting" capacity, subject to removal by the prime minister at any time.

The prime minister's approval was required before corruption cases could proceed against members of the presidency or the COM. Information was not available on specific instances of the prime minister and ministers withholding approval during the year, if there were any such cases.

The constitution provides members of the COR immunity from prosecution, which the COR may lift by a majority vote.

The media and NGOs continued to attempt to expose corruption, although their capacity to do so was limited. Anticorruption, law enforcement, and judicial officials, as well as members of civil society and the media faced threats and intimidation in their efforts to combat corrupt practices (see section 2.a.).

Widespread and pervasive corruption and lack of government transparency were major problems as well in the IKR. Amendments to the BSA law, passed on October 9 by the COR, increased the BSA's investigative authority, authorizing fiscal and regulatory oversight of all publicly funded bodies in the country, including in the IKR. At year's end the IKP or the Iraqi Kurdistan COM did not yet approve the amendments.

The KRG did not enforce the law requiring certain government officials to file financial disclosure reports with the KRG Ministry of Finance. Mechanisms for reporting or monitoring financial disclosures in the IKR did not exist. There was no information available indicating that public officials were penalized for financial nondisclosure.

The KRG's Office of Governance and Integrity (OGI), established by the Council of Ministers, reports directly to the KRG prime minister; the OGI, officially launched in 2010, helps implement the KRG's governance and transparency strategy. In April 2011 the IKR passed legislation to establish an independent KRG Commission of Integrity (KCOI) to prosecute corruption; however, the KRG began the process to establish its own KCOI in late December. As of late September, parliament had nominated three candidates to serve as commissioners, although no vote was held at year's end. The previous head of the KRG Board of Supreme Audit--responsible for monitoring all of the government's financial records--retired in April; political parties were unable to reach an agreement on a successor, and the post remained unfilled at year's end.

The law authorizes the COI to obtain annual financial disclosures from senior public officials, including ministers, governors, and parliamentarians, and to take legal action for nondisclosure. Penalties range from fines to imprisonment. However, a unified system for enforcing annual financial disclosures did not exist. The COI has no jurisdiction over the IKR, but Kurdish members of the central government are required to conform to the law. The law obligates the COI to provide public annual reports on a range of problems including prosecutions, transparency, accountability, and ethical public service. The COI's annual report on financial disclosures indicated that a majority of government officials had filed financial disclosure reports by year's end.

The law does not provide public access to government information.

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

A number of domestic and international NGOs focused on humanitarian problems were often able to operate with little or no interference. However, NGOs investigating and publishing their findings on human rights cases encountered government interference at times. NGOs faced numerous challenges, did not meet regularly with government officials, and did not systematically serve as bulwarks against failures in governance and human rights abuses. Many domestic human rights NGOs were affiliated with and influenced by political parties or sects.

International NGOs reported forced evictions, difficulty in obtaining visas and government passes, repeated and intrusive inspections, significant delays in registration and renewal of registration, and arrest and torture of locally engaged staff members.

On July 4, the COM required all NGOs, except NGOs with public benefit status, to pay taxes at the same rate as corporations as required by law. The NGO community criticized the provision in the law as well as the order and in October successfully lobbied the NGO Directorate in the COMSEC to issue a request to the COR to amend the NGO law in order for the tax to apply only to NGOs that have for-profit contracts and projects with the government. The law was not amended, nor was the order implemented at year's end.

The government's lack of cooperation with nongovernmental investigations of alleged human rights violations, a policy that it attributed to the requirements of the security situation, was a problem for NGOs' effectiveness and safety. There were reports of direct attacks specifically aimed at NGOs. For example, on September 24, the offices of the independent Ninewa Foundation for Media, a domestic NGO based in Mosul, were entered, and all of the equipment and records were stolen. The perpetrators, allegedly from a militia affiliated with the Kurdish socialist party, posted a death threat on the door of the office, identifying the employees of the NGO by name alongside a picture of members of the NGO with their heads crossed out in black marker. One suspect was arrested and awaiting prosecution at year's end.

Police conducted unannounced and intimidating visits to some NGOs despite a 2010 law on NGOs which aimed to remedy this situation. Tactics used to suppress criticism by NGOs included office raids, confiscation of equipment, and arbitrary arrests. For example, international NGOs in Baghdad reported that on March 19, and then again on July 24, security forces conducted unannounced visits to at least two NGO offices, during which police demanded registration documents, lists of employees, and employee passports; and searched cabinets, drawers, and closets in office and living spaces without a warrant or judicial order.

Areas administered by the KRG had an active NGO community of mostly Kurdish NGOs closely linked to and funded by the ruling PUK and KDP parties. The KRG and Kurdish political parties generally supported humanitarian NGO activities and programs without political implications, although independent (not party-affiliated) NGOs reported receiving less government funding.

A 2011 law requires NGOs to register with the Kurdish COM rather than the KMOI and changes funding from fixed monthly stipends to a proposal-based system. The law, however, was not implemented by year's end.

UN and Other International Bodies: The UN and other international bodies were generally able to investigate abuses and monitor human rights, although monitoring access was sometimes restricted.

Government Human Rights Bodies: The MOHR is mandated to monitor human rights abuses and to advocate for and assist victims. The ministry received and investigated more than 153 complaints from citizens alleging violations of human rights and issued a total of 165 opinions and public reports addressing violations during the first six months of the year. It issued public reports on prisons and detention centers; women's civil, economic, and political rights; minorities; and victims of terrorism. Lack of political independence, poor cooperation from other ministries, and limited resources resulted in a mixed record of effectiveness.

Article 102 of the constitution mandates the creation of an independent High Commission for Human Rights (HCHR). In 2008 parliament approved a law governing the HCHR's operations. The law stipulates four-year nonrenewable terms. No less than one-third of the 11 full and three reserve commissioners must be women, and minorities must be represented by at least one full member and one reserve member. The law provides that the HCHR be financially and administratively independent and have broad authority, including the right to receive and investigate human rights complaints, conduct unannounced visits to correctional facilities, and review legislation. On April 9, after a lengthy process to select the commissioners, the COR formally established the independent HCHR. An amendment to the law passed on November 22 stipulates that any vacancy on the commission be filled by a candidate of the same religious or ethnic background as the incumbent being replaced. The commission neither established an office nor began work at year's end.

The COR Human Rights Committee publicly condemned a wave of killings in February and March targeting individuals perceived to be LGBT and "emo" (see section 6).

A 2010 law established the KRG's Human Rights Commission (HRC), replacing the KRG Ministry of Human Rights, which was dissolved in 2009; however, the law was not fully implemented at year's end. On December 18, the IKP elected Diya Butros Sliwa, a Christian and secretary general of the Chaldean National Congress (an umbrella group of 14 Christian political parties), as the first head of the HRC. KRG human rights authorities, lacking strong leadership and trained personnel, were largely impotent due to contention between KDP and PUK political actors and produced little effective follow-up throughout the government.

The KRG's legislature also formed a special committee to deal with human rights and detainee problems, which issued no public reports during the year.

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

The constitution provides that all citizens are equal before the law without regard to gender, sect, opinion, belief, nationality, religion, or origin. The law prohibits discrimination based on race, disability, or social status. The government was ineffective in enforcing these provisions in practice.

### **Women**

Rape and Domestic Violence: Rape and domestic violence remained pervasive problems during the year. The penal law criminalizes rape but allows the case to be dropped if the offender marries the victim, permits a maximum sentence of life imprisonment if the victim dies, and does not address spousal rape. There were no reliable estimates of the incidence of rape or the effectiveness of government enforcement of the law. Due to social conventions and retribution against both the victim and perpetrator, victims of sexual crimes did not usually pursue legal remedies. In March a report by the UN Development Program documented cases of families of rape victims sometimes demanding that the victim marry her perpetrator in order to maintain the family's honor, noting that in some cases when the victim refused the marriage, families asked judges to intervene and force the marriage between victim and perpetrator.

Moreover, reporting by local and international NGOs and media indicated that domestic violence often went unreported and unpunished with abuses customarily addressed within the family and tribal structure. Harassment of legal personnel working on domestic violence cases and a lack of trained police and judicial personnel further hampered efforts to bring perpetrators to justice.

A June 2011 KRG Family Violence Law criminalizes domestic violence, including physical and psychological abuse, threats of violence, and spousal rape. During the year the KRG mounted public awareness campaigns, issued directives to police; and trained judges on the provisions of the law. Provisions of the law creating a special police force to investigate cases of gender-based violence and a reconciliation committee within the judicial system was not implemented at year's end. On August 10, the IKR's COM established a Women's Rights Monitoring Board to address women's problems, including gender-based violence.

The MOI maintained 16 Family Protection Units around the country which focused more on family reconciliation than victim protection. Hotlines were routed directly to the male commander of the unit, and the units did not follow a regular referral system to provide victims with services such as legal aid or safe shelter. The units referred women with physical injuries to hospitals as an investigation component.

In the IKR four KMOLSA-operated women's shelters and one private shelter provided some protection and assistance. Space was limited, and service delivery was poor, with the private shelter providing a slightly higher level of service. In areas outside the IKR, NGOs ran shelters without official approval. Some NGOs assisted victims through community mental-health workers. Other NGOs provided legal assistance to victims. NGOs played a key role in providing services to victims of domestic violence who received no assistance from the central government. Instead of utilizing legal remedies, authorities frequently attempted to mediate 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 the family or community victimizing the shelter resident again), there were few options for women housed at shelters.

Harmful Traditional Practices: Honor killings remained a serious problem throughout all parts of the country, and some honor killings were staged to appear as suicides. The penal law permits honor considerations to mitigate sentences.

The case of Nigar Rahim is illustrative of the problems of rape, protection for women, and other forms of gender-based violence. Rahim, a 15-year-old girl, was raped and impregnated by her brother and was subsequently killed by another brother after he negotiated Nigar's release from the Directorate to Investigate Violence Against Women in the IKR on July 20.

Government officials as well as international and local NGOs reported that the traditional practice of "fasl"--whereby family members, including women and children, are traded to settle tribal disputes--remained a problem, particularly in the southern provinces.

According to multiple press reports, court-ordered virginity testing took place in Baghdad. In these cases men who accused their wives of not being virgins the day after marriage could request a virginity test through the courts. Reportedly, tests were conducted at the Medical Legal Institute with results provided directly to the courts.

According to the KRG Ministry of Interior's Directorate to Investigate Violence Against Women, during the year there were 82 killings or suicides of women, 273 incidents of women burned, 84 incidents of self-immolation, and more than 900 incidents of abuse, torture, or sexual violence against women in the IKR. However, NGOs believed that such statistics did not reflect the actual situation due to underreporting by fearful victims. Some women who committed self-immolation had been previously victimized, but police investigated only a small number of women's burn cases.

Female Genital Mutilation/Cutting (FGM/C): According to a 2012 joint study by UNICEF and the government, 12 percent of all 15-49-year-old women had suffered some form of FGM/C. FGM/C occurred throughout the country but was more prevalent in Erbil and Sulaymaniyah provinces, where according to the study 58 percent of women acknowledged having undergone some form of FGM/C. KRG law banned FGM in the IKR; the central government did not have a similar law. While the KRG did little to enforce the FGM/C provisions of the law, it conducted advocacy campaigns in collaboration with civil society during the year. The UN and NGOs reported that some advocacy initiatives decreased the occurrence of FGM in the IKR. For example, the international NGO Wadi reported that seven villages declared themselves FGM-Free, pledging to abandon FGM/C practices after learning about the negative consequences of the practice.

Sexual Harassment: The law prohibits sexual relations outside marriage, including rape or sexual solicitation that may occur during sexual harassment. The penalties include fines and imprisonment. The criminal code provides relief from penalties if unmarried participants marry. No information was available regarding the effectiveness of government enforcement. Due to social conventions and retribution against both the victim and perpetrator of sexual harassment, victims of sexual harassment did not usually pursue legal remedies. Because of the unequal social status of women, their fear of telling close relatives, and distrust of the criminal justice process, victims rarely filed police complaints against their offenders.

Reproductive Rights: The government generally respected the basic rights of couples and individuals to decide the number, timing, and spacing of children free from discrimination, coercion, and violence. There were no legal impediments to access to information on family planning, contraception, and maternal health services, including skilled attendance during childbirth, prenatal care, and essential obstetric and postpartum care. However, due to general insecurity in the country

and attendant economic difficulties, many women received inadequate medical care.

Discrimination: Although the constitution forbids discrimination based on gender, in practice conservative societal standards impeded women's abilities to enjoy the same legal status and rights as men in all aspects of the judicial system. Throughout the country women reported increasing social pressure to adhere to conservative social norms. Female employees were often pressured to wear, or questioned about not wearing, headscarves.

Women experienced economic discrimination in access to, and in terms of, employment, occupation, credit, and pay equity for performing similar work or managing similar businesses as men. The security situation disproportionately affected women's ability to work outside the home. Weak labor laws and the lack of an equal opportunity employment law left women vulnerable to arbitrary dismissal. Government efforts to combat economic discrimination against women were minimal and unsystematic. Despite the existence of a widow stipend program through the MOLSA, confusing bureaucratic procedures and significant processing delays, compounded by illiteracy among widows and female heads of household, hindered an estimated 900,000 widows from accessing social support. Some NGOs believed that the number of widows greatly exceeded the estimate of 900,000 of the Ministry of Planning.

The Ministry of State for Women's Affairs, with a 23-person professional staff, functioned primarily as an advisory office without an independent budget or the ability to expand. Civil society and women's rights groups continued to express concern regarding the ministry's commitment to advancing women's problems.

## **Children**

Birth Registration: The constitution states that anyone born to at least one citizen parent is a citizen. Failure to register births results in the denial of public services such as education, food, and health care. To register a birth, authorities require a marriage certificate and identification from both parents and a death certificate if a parent is deceased. Single women and widows often had problems registering their children. The government was generally committed to children's rights and welfare, although it denied benefits to noncitizen children. Families of noncitizen children had to pay for services that were otherwise free, such as public schools and health services. Except for several hundred Palestinian families displaced

during the 1948 or 1967 wars, noncitizens were not eligible for the national food-rationing program.

Education: Primary education is compulsory for citizen children for the first six years of schooling and is neither free nor compulsory for noncitizen children. Equal access to education for girls remained a challenge, particularly in rural and insecure areas, and three of 10 young women ages 15 to 24 were illiterate. IDP children were often prevented from attending schools due to lack of paperwork, funds (including for uniforms, books, and other supplies), and transportation.

Child Abuse: The central government did not have specific laws criminalizing child abuse or particular efforts to combat it (see section 7.c.).

In January the KMOLSA and Ministries of Education and Culture and Youth established a toll-free hotline to report or seek advice on children's rights and problems, including child abuse. The hotline received 1,648 calls during the year, according to government data.

Child Marriage: The minimum age of marriage is 14 with parental permission and 18 without. The government made few efforts to enforce the law. A tradition of forced marriages for girls as young as 11 years old continued, particularly in rural areas. During the year a study by UNICEF and the government found that 21 percent of women ages 15 to 19 years old were married.

Local and international NGOs reported that forced divorce--the practice of husbands or their families threatening divorce from primarily early married girls (ages 12-16) in order to pressure the girl's family into providing additional money to the girl's husband and his family--also occurred, particularly in the southern provinces. Victims of forced divorce were forced to leave their husbands and his family; meanwhile, social customs regarding family honor prevented the victims from returning home to their families, which sometimes resulted in adolescent girls' being abandoned.

A June 2011 IKR law (see section 6) banned child marriage and forcing children to drop out of school. According to the KMOLSA forced marriages have noticeably declined since the passage of the law. However, IKR residents reportedly traveled to the provinces of Diyala, Kirkuk, and Ninewa, where there are no laws criminalizing child marriage, to circumvent the IKR's ban on child marriage.

Harmful Traditional Practices: Despite being outlawed in the KRG, FGM/C among Kurdish girls remained a common practice, particularly in rural Kurdish communities. The type of FGM/C commonly utilized was the most severe--partial or total removal of the clitoris and excision of the labia. The UN and NGOs reported that anecdotal evidence suggested the practice had decreased in the last several years, but a joint study by UNICEF and the government during the year found that one in two girls in Erbil and Sulaymaniyah provinces had experienced FGM/C. The KRG conducted public education campaigns to prevent FGM/C, but there was no overarching information on the campaign's effectiveness at year's end.

The traditional practice of "fasl" reportedly remained a problem, particularly in the southern provinces.

Sexual Exploitation of Children: Sexual relations outside of marriage for any reason are prohibited. Because sex outside marriage is always illegal, the age of consensual sex is de facto the minimum marriage age. Pornography of any kind, including child pornography, is prohibited. Girls, particularly from minority communities, were sometimes sexually exploited through temporary marriages, by which the family of the girl received money in the form of a dowry in exchange for permission to marry the girl for a limited period of time. Child prostitution was a problem. Because the age of legal responsibility was nine in the central region and 11 in the IKR, children were liable to be treated as criminals instead of as victims. Penalties for the commercial exploitation of children range from fines and imprisonment to the death penalty. No information was available regarding the effectiveness of government enforcement.

Displaced Children: There were large numbers of children living within the IDP and refugee populations (see section 2.d.).

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

## **Anti-Semitism**

Fewer than 10 Jewish citizens remained in Baghdad, and there were unconfirmed reports that very small Jewish communities existed in other parts of the country. There were no reports of anti-Semitic acts.

## **Trafficking in Persons**

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

### **Persons with Disabilities**

The constitution states that the government, through laws and regulations, should care for and rehabilitate persons with disabilities and special needs in order to reintegrate them into society. No laws prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services. There were reports of continuing discrimination due to social stigma against persons with disabilities in these areas. Although the COM issued a decree ordering access for persons with disabilities to buildings or in educational and work settings, incomplete implementation at year's end limited access. Local NGOs reported that many children with disabilities were forced to drop out of public schools due to lack of physical access and appropriate learning materials, and a shortage of teachers qualified to work with children with developmental or intellectual disabilities.

On February 23, the COR approved the establishment of a National Commission for People with Disabilities in order to conform to the UN Convention on the Rights of Persons with Disabilities and to oversee government programs to help persons with disabilities. The KRG has a similar law in place, and in July the KRG formed an interministerial council, which includes representatives from civil society, to oversee implementation of the law. Government officials reported that they had few resources to accommodate individuals with disabilities in prisons, detention centers, and temporary holding facilities. Mental health support for prisoners with mental health disabilities did not exist.

The Ministry of Health (MOH) provided medical care, benefits, and rehabilitation, when available, and persons with disabilities could receive benefits from other agencies, including the Prime Minister's Office. The MOLSA operated several institutions for children and young adults with disabilities. The MOH's most recent estimate of the number of persons with physical and mental disabilities was two to three million, approximately 10 percent of the population.

In November disability organizations sponsored a hunger strike in front of IKP offices in Erbil and Sulaymaniyah to protest inadequate government benefits for persons with disabilities. Among other demands the organizations requested an

increase from 150,000 Iraqi dinars (\$129) to 600,000 Iraqi dinars (\$515) per month for persons with disabilities in the IKR and the disputed territories administered by the KRG who did not receive government stipends during the year. On December 19, KRG officials met with the group in Erbil and agreed to consider their demands over a one-month period in order to end the hunger strike.

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

The country's population included Arabs, Kurds, and Turkmen, as well as religious minorities including Chaldeans, Assyrians, Armenians, Yezidis, Sabean-Mandaeans, Bahai, Shabak, Kakai, and a very small number of Jews. The country also had a small Romani community as well as citizens of African descent, "Black Iraqis," which international NGO reports estimated to number more than one million. On November 12, the COR passed a bill rescinding a Saddam-era law that had forced Kurds and Turkmen to change their ethnic affiliation to Arab and banned any act that would force an Iraqi citizen to change his or her ethnic affiliation.

The constitution identifies Arabic and Kurdish as the two official languages of the state. It also provides the right of citizens to educate their children in their mother tongue, such as Turkmen, Aramaic, or Armenian, in government educational institutions in accordance with educational guidelines or in any other language in private educational institutions.

During the year targeted violence and discrimination against ethnic minorities remained a problem. In September security forces raided dozens of minority-owned businesses, including restaurants, bars, social clubs, and nightclubs in Baghdad. According to eyewitness accounts, security forces destroyed property and beat staff and patrons with the butts of their guns and batons; several persons were hospitalized for their injuries. Local authorities claimed the raids were court-ordered and targeted business owners selling alcohol without a license; however, a judicial spokesperson countered that the raids were conducted without a court order. By law only Christians and other non-Islamic groups are licensed to sell alcohol. No investigation into the raids was conducted at year's end.

After the release and media amplification of the controversial "Innocence of Muslims" Internet video in September, Christian groups reported an increase in death threats. One militant group called the Brigade of the Straight Path issued an ultimatum to Christians in Mosul to leave or be killed. The government provided additional security in Christian neighborhoods following the threat. There were no

deaths or attacks related to the threat, and the government reduced security to normal levels at year's end.

There were numerous reports of KRG authorities discriminating against minorities, including Turkmen, Arabs, Yezidis, and Assyrians, in the disputed territories. According to these reports authorities denied services to some villages, arrested minorities without due process, took them to undisclosed locations for detention, and pressured minority schools to teach in the Kurdish language. Some Yezidi figures reported systematic threats and violence from Kurdish security forces. Although Arabs comprise the majority in most of the country, Arabs in Kirkuk frequently charged that Kurdish security forces targeted Arab communities. For example, Arab residents of Kirkuk alleged that provincial authorities used the pretext of terrorist attacks on September 9, 12, and 17 in Kirkuk to arrest more than 200 Arabs without legal resident permits in predominately Arab neighborhoods of the city. Most of those detained were released and sent back to their provinces of original residence. Local government officials defended arrests as a necessary measure to counter the migration of terrorist cells from other provinces into Kirkuk. Arabs in Kirkuk also alleged discrimination against them by Kurdish and Turkmen officials in filling senior positions in the provincial government.

There were reports of government abuses of religious freedom, including arrests and detentions, as well as reports of restrictions and discrimination based on religion by both the central government and the KRG. There were also complaints that KRG authorities were slow to return land confiscated by the previous regime that had belonged to Christian churches and Christian farmers. Minority communities operated their own schools and were represented in parliament and in the executive branches of the KRG.

Unlike in the previous year, there were no significant incidents of societal violence against religious minorities in the IKR.

A 2006 law prevents Palestinians from obtaining citizenship. According to press reports, Palestinians continued to experience arrest, detention, harassment, and abuse by authorities. The UNHCR also reported that Palestinians who were compelled to leave Iraq for Syria without proper exit documentation during sectarian violence faced prosecution upon their forced return from Syria to Iraq during civil unrest in Syria.

Local and international NGOs reported that the country's small Romani population of approximately 120,000 lived in the provinces of Baghdad, Mosul, Dhi Qar, and

Muthanna. The minority group experienced uneven access to state services as well as economic and social discrimination.

Some Black Iraqis claimed widespread economic and social discrimination, with a high unemployment rate in a workforce of mostly laborers and domestic workers centered near Basrah.

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

There was no law specifically prohibiting consensual same-sex sexual activity, although the penal law prohibits sodomy, irrespective of gender. There was no data on prosecutions for sodomy. Due to social conventions and retribution against both victim and perpetrator of nonconsensual same-sex sexual conduct and violence against participants in consensual same-sex sexual conduct, this activity was generally unreported.

In light of the law authorities relied on public indecency charges or confessions of monetary exchange (i.e., prostitution, which is illegal), to prosecute same-sex sexual activity. The procedures used to arrest LGBT persons also were used to arrest heterosexual persons involved in sexual relations with persons other than their spouses.

LGBT persons often faced abuse and violence from family and nongovernmental actors. From February to April, a wave of violent attacks in Baghdad, Basrah, Samarra, Wasit, and Tikrit targeted individuals perceived to be LGBT and young persons adopting an unconventional style of appearance referred to as “emo.” In early February signs and flyers appeared in Baghdad that threatened persons by name unless they cut their hair, stopped wearing nonconformist clothing, and gave up their “alternative” lifestyles. This intimidation campaign precipitated attacks. Attacks ranged from intimidation and verbal harassment to reports of kidnappings, beatings (some of which resulted in deaths), sexual assault, and killings. Reports varied on the number of victims killed in the attacks, some of which reportedly were carried out by extremist groups, including the Mahdi Army and League of the Righteous (Asa’ib Ahl al-Haq). UNAMI independently verified the deaths of at least 12 individuals; a Reuters report put the number of victims in Baghdad at 14. Local human rights NGOs reported much higher numbers.

Photographs of one young man killed in Sadr City on February 6 circulated on the Internet. His death was attributed to perceived sexual orientation due to his

unconventional hairstyle and clothing, although there was no evidence that he was gay. The government did not acknowledge a pattern of attacks nor take measures to ensure safety for individuals publicly named. On October 14, a Wasit criminal court convicted and sentenced to death four individuals who reportedly confessed to raping and killing 17-year-old Haider Saa'eed Menahi on April 19 because he was "emo." The conviction was the only known prosecution for violence against "emos" during the year.

Due to stigma, intimidation, and potential harm, including violent attacks, LGBT organizations did not operate openly, nor were gay pride marches or gay rights advocacy events held.

The law prohibits discrimination based on race, disability, or social status, but it does not address the problem of sexual orientation or gender identity. Societal discrimination in employment, occupation, and housing based on sexual orientation, gender identity, and unconventional appearance was common. Information was not available regarding discrimination in access to education or health care due to sexual orientation or gender identity, although media reported that students were harassed at school for not adopting conventional clothing or hairstyles. There were minimal government efforts to address this discrimination.

At year's end authorities had not announced any other arrests or prosecutions of any persons for violence against LGBT individuals, including cases reported in 2011.

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

There were no reports of physical violence against persons with HIV/AIDS, but the topic was socially sensitive and not discussed publicly. There were HIV/AIDS travel restrictions for all visitors to Iraq. Unknown actors, neighbors, and even family members sometimes harassed and threatened persons with HIV/AIDS on the grounds that being infected was "evidence of sin." The government worked to decrease discrimination through public education campaigns, and provided medical care and government stipends to persons with HIV/AIDS.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The constitution states that citizens have the right to form and join unions and professional associations, as well as to demonstrate and strike peacefully in accordance with the law. The law neither prohibits nor promotes collective bargaining. The law prohibits unions from holding funds, collecting dues, and maintaining assets. In practice there were severe limitations and conditions on freedom of association, the right to strike, and on collective bargaining, particularly in the public sector.

The law prohibits the establishment of unions or federations outside the General Federation of Iraqi Workers (GFIW). Decree 150 of 1987 effectively eliminates unions and the right of association in the public sector and state-owned enterprises by classifying all public sector workers as civil servants; the law does not provide for civil servants to join unions. There is no provision for the right to strike in the law; although the law only explicitly prohibits workers in essential services from striking, Decree 150 also bars all public sector strikes.

The law allows private sector employees to form workers' committees--subdivisions of unions--which have limited rights in worksites employing more than 50 workers. The large majority of private sector businesses in the country employed fewer than 50 workers. Private sector unions have the right to seek government arbitration for labor disputes, but not the right to strike or bargain collectively.

The law does not prohibit antiunion discrimination, nor does it provide reinstatement for workers fired for union activity.

Domestic servants and agricultural workers are excluded from certain provisions of the law. The labor law states migrant Arab workers should be accorded the same status as citizens but does not provide for the same rights for non-Arab migrant workers.

Labor courts rule on labor code violations and disagreements. Information was not available on the efficacy of the courts' enforcement of applicable laws or on whether procedures were subject to lengthy appeals.

Freedom of association and the right to collective bargaining were not respected in practice.

The government interfered in trade union activities. Although the law makes the GFIW the country's sole federation and was until 2011 officially recognized by the

government, in April 2011 the government ceased to recognize the federation, attempted to take over the structures and assets of the GFIW, and interfered in its elections. On April 17, the government created the Ministerial Preparatory Committee (MPC) to oversee labor union elections and to manage union structures and assets. According to the GFIW, the MPC falsified the results of the June trade union elections. A government official acknowledged interference in union elections. Unions continued to report government confiscation of their assets.

In addition to the GFIW, the Federation of Workers' Councils and Unions in Iraq, the General Federation of Trade Unions and Workers Council in Iraq, the Kurdistan United Workers Union, and the Iraq Federation of Oil Unions were active in the country. Although these unions were not officially recognized, the government tolerated their existence.

Strikers and union leaders reported threats and harassment by government actors during the year, and they also said that ministries and state-owned enterprises used fines, demotions, suspension from work, and forced transfers to punish labor activists and discourage union activity. For example, a union leader was fined in excess of \$25,000 for union activities during the year. The MOI continued the practice of charging unions under the antiterrorism law if they attempted to organize a strike, and labor unions reported labor leaders and activists were arrested for their activities.

On September 14, the Basrah office of the General Federation of Trade Unions and Workers Council in Iraq was broken into and destroyed; the perpetrators stole computers, records, meeting minutes, and other documents. Union leaders publicly alleged that security forces were responsible and that the break-in followed months of increased surveillance of union leaders by security forces. Furthermore, a union leader alleged that he received constant death threats from forces affiliated with a political party and government officials during the year because of his union activism.

Security forces also prevented journalists from covering union activity. For example, in May police assaulted and beat Hossam al-Aqooli, a journalist from al-Baghdadiya satellite news channel, for attempting to cover a strike by cement plant workers in Muthanna. Police confiscated the reporter's equipment, and he was hospitalized for injuries. He pressed charges; his case was pending with a provincial court at year's end.

Union leaders accused the government of trying to destroy unions and reported that any progress in workers' rights since the first coalition government had been lost. One union leader called the government "the biggest enemy of the labor force," accusing it of continuing to violate health, safety, and security rights of workers. Union leaders also cited corruption within the government as a continuous problem, with government officials imposing arbitrary fines on workers for activities such as calling for demonstrations and traveling outside the country on union business without prior approval.

Violations of collective bargaining rights occurred in practice. Because unions had no legal power to negotiate with employers, protection of workers' rights through collective bargaining was not possible. The absence of collective bargaining and collective contracts at national and local levels significantly diminished unions' ability to defend worker rights and their access to social protection. Some unions were able to play a supportive role in labor disputes, and they had the right to demand government arbitration.

Antiunion discrimination occurred in the private sector. Employers interfered in union functions and threatened or punished workers for union activity.

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

The law prohibits all forms of forced or compulsory labor, but the government did not effectively monitor or enforce the law. Migrant workers occasionally were subjected to forced labor or conditions indicative of forced labor, including confiscation of travel and identity documents, restrictions on movement and communication, physical abuse, sexual harassment and rape, withholding of wages, forced overtime, and hazardous working conditions.

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

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

The constitution and law prohibit child labor. The law limits working hours for persons younger than 18 and prohibits employment of anyone younger than 16 in work that is detrimental to health, safety, or morals. The minimum age for employment is 15. Children 12 to 15 are not required to be in school but are not permitted to work and thus were vulnerable to the worst forms of child labor.

Children employed in family enterprises are exempt from some protections with regard to employment conditions.

The government did not monitor or enforce child labor laws effectively. During the year the MOLSA established an inspection service to ensure compliance with the law as it relates to prohibitions on child labor in the private and public sector and claimed to have shut down 88 firms for violations during the year. A director general in the KRG's Human Rights Commission estimated that approximately 14,000 children were involved in illegal labor activities in the three IKR provinces. In cooperation with local authorities in the IKR, the domestic NGO Kurdistan Save the Children supplemented the income of families with children vulnerable to child labor. The KMOLSA assumed management of this program during the year.

Child labor occurred in practice, including in its worst forms. A joint study by UNICEF and the government during the year found that 500,000 children between the ages of five and 14 were involved in child labor, mostly in rural areas. Children often worked illegally on farms as seasonal agricultural labor or in street commerce such as begging or peddling. Poor families routinely used child labor to augment their income. There were anecdotal reports of children performing hazardous work in family-owned businesses such as in brick making and auto repair shops.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

The national minimum wage for a skilled worker was approximately 12,000 Iraqi dinars (\$10) per day, and for an unskilled worker it was approximately 5,250 Iraqi dinars (\$4.50) per day. Wages were set by contract in the private sector and by the government in the public sector. The Central Organization of Statistics and Information Technology reported that the average salary in 2009--the latest year for which information was available--was approximately 2.4 million Iraqi dinars (\$2,059) per year, an increase over the previous year's figure of 1.78 million Iraqi dinars (\$1,527). These earnings remained two to three times the poverty level, defined in the 2009 Central Organization of Statistics and Information Technology report as 923,000 Iraqi dinars (\$792) per person per year.

The law limits the standard workday to eight hours, with one or more rest periods. Up to four hours of overtime work per day are permitted, and premium pay for

overtime is required. The government sets occupational health and safety standards. The law provides that workers have the right to remove themselves from a situation endangering health and safety without prejudice to their employment; however, this right was not afforded to civil servants or migrant workers, who made up the majority of the country's workforce. Migrant workers were generally excluded from laws related to acceptable conditions of work.

The MOLSA Labor Directorate has jurisdiction over the labor code, child labor, wages, occupational safety and health problems, and labor relations. Regulations on working conditions were almost entirely unenforced. The ministry's occupational safety and health component staff were located throughout the country; however, the lack of a law governing these inspections hindered compliance and enforcement efforts. There were no significant government efforts to address violations or improve wages and working conditions during the year.

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 unacceptable conditions for many workers. There were a large number of workplace injuries, especially among manual laborers.

Migrant workers have no legal protections, and the lack of oversight and monitoring of employment contracts left foreign and migrant workers vulnerable to exploitative working conditions and abusive treatment. Little information was available on the total number of foreign workers in the country; however, it appeared large groups of migrant workers, many of them illegal, were housed in work camps, sometimes in substandard conditions. For example, UNAMI reported that large numbers of South Asian workers without appropriate work permits and visas lived in work camps and lacked freedom of movement, since they could be subject to arrest outside of the camps for residing and working in the country illegally.