

Freedom in the World 2017 - Iraq

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Freedom Status: Not Free

Aggregate Score: 27/100 (0 = Least Free, 100 = Most Free)

Freedom Rating: 5.5/7 (1 = Most Free, 7 = Least Free)

Political Rights: 5/7 (1 = Most Free, 7 = Least Free)

Civil Liberties: 6/7 (1 = Most Free, 7 = Least Free)

Quick Facts

Population: 38,100,000

Capital: Baghdad

GDP/capita: \$4,944

Press Freedom Status: Not Free

OVERVIEW

Iraq holds regular, competitive elections, and the country's various partisan, religious, and ethnic groups enjoy some representation in the political system. However, democratic governance is seriously impeded in practice by problems including corruption, severe insecurity, and the influence of foreign powers. Iraqis living in areas controlled by the Islamic State (IS) militant group exercise virtually no political or personal freedoms.

Key Developments

- The Iraqi government regained significant territory from IS in both Anbar and Nineveh Provinces, though a number of areas – including large parts of Mosul – remained under IS control at year's end.
- Many Sunni Arabs were displaced by the battles against IS, and some also faced abuse by their liberators, particularly the Shiite militias fighting alongside Iraqi government forces.
- The prime minister's attempt in February to form a technocratic cabinet – which threatened the allocation of positions based on ethno-sectarian and partisan considerations – touched off months of protests and political infighting, with some factions holding an illegal rump parliamentary session in April in a bid to replace the speaker and other key officials.
- Opposition lawmakers led by former prime minister Nouri al-Maliki succeeded in removing the ministers of defense and finance in August and September, citing corruption allegations, and the vital posts remained vacant at year's end.

Executive Summary

In 2016, Iraqi government forces and their allies – including a U.S.-led coalition, *peshmerga* units reporting to the Kurdistan Regional Government (KRG), Shiite militia groups organized as the Popular Mobilization Forces (PMF), and various other ethnic and tribal militias – retook significant territory held by IS since at least 2014. Ramadi, the capital of Anbar Province, was fully recaptured early in the year, and the Anbar city of Fallujah was taken in June. By October government forces had begun an offensive on Mosul, a major city and capital of Nineveh Province in the north. However, at year's end IS still controlled portions of Mosul, Hawija, Al-Qaim, and Tal Afar, as well as some surrounding areas.

The battles themselves raised new challenges to Baghdad's sovereignty, with Iran actively supporting key Shiite militias, the Kurds expanding the de facto territory of their autonomous region, and the Turkish military staking out an unapproved presence in the Mosul area to support allied militias and oppose Kurdish fighters associated with the Kurdistan Workers' Party (PKK), an armed Kurdish separatist group that has carried out terrorist attacks in Turkey.

The fighting also continued to exacerbate the deep rifts that made Iraq vulnerable to IS infiltration in the first place. The PMF and to a lesser extent government forces sometimes mistreated Sunni civilians in areas retaken from IS, and the government remained unable to care adequately for displaced Sunnis. Nor was the state able to protect Shiite civilians from IS terrorist attacks meant to drive a wedge between the Sunni and Shiite populations.

Meanwhile, Iraq's political establishment descended into near-chaos during the year. The Shiite coalition that had dominated the parliament shattered over whether to end the long-standing, unwritten ethno-sectarian allocation of government positions in favor of a more technocratic cabinet. Former prime minister al-Maliki, a supporter of the status quo, squared off against followers of rival Shiite political leader Moqtada al-Sadr, who insisted on reform; both sides threatened to bring down Prime Minister Haidar al-Abadi's government if their demands were not met, and other groups splintered or maneuvered as the crisis unfolded. Abadi's attempt to reshuffle the cabinet, initiated in February, remained unresolved at year's end, with a number of key ministerial posts left vacant.

Kurdish politics also proved dysfunctional in 2016. The Kurdistan Parliament effectively remained suspended amid a political stalemate that began when Masoud Barzani's already extended term as KRG president expired in 2015. Barzani's party defended his right to stay in office until conditions permitted new elections, while other parties called for reforms that would shift power to the legislature.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights 12 / 40

A. Electoral Process 8 / 12

A1. Is the head of government or other chief national authority elected through free and fair elections?

A2. Are the national legislative representatives elected through free and fair elections?

A3. Are the electoral laws and framework fair?

Iraq's parliament, the Council of Representatives (CoR), is elected every four years. The CoR currently has 328 members elected through multimember open lists for each province. Seats are allocated by population, but because Iraq has not conducted a nationwide census since 1987, their distribution is certainly flawed. Once seated after elections, the CoR elects a president. The largest bloc in the parliament then nominates one of its members to be prime minister, and the president formally appoints him to office. The prime minister forms a government that assumes most executive power.

The constitution calls for a second legislative chamber to represent provincial interests, the Federal Council, but this body has never been formed. Provincial councils are elected every four years. Until recently, the borders of the provinces were generally accepted. However, in 2015 the KRG designated Halabja as a new province, splitting it off from Suleymaniyah in a move that has not been universally recognized. In 2016 the Kurds proposed dividing Nineveh into three new provinces, at least one of which would presumably join the KRG.

Iraqi elections are generally considered to be competitive and relatively well administered given the challenge of chronic

political violence. Voting is monitored by the Independent High Electoral Commission (IHEC), political parties, foreign and domestic media outlets, Iraqi nongovernmental organizations (NGOs), and international observers. Provincial elections were scheduled for 2017, and the IHEC began updating voter rolls and registering new voters in 2016, but it was unclear whether the country's security situation would permit the elections to proceed as planned. The next parliamentary elections were scheduled for 2018.

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

The KRG, comprising the northern provinces of Erbil, Dohuk, Suleymaniyah, and Halabja, has its own flag, military (the *peshmerga*), official language, and other institutions. The region elects a 111-seat Kurdistan Parliament through closed party-list proportional representation in a single district. The 2013 elections resulted in the new Gorran (Change) movement (24 seats) displacing the PUK (18) as the second-largest party after the KDP (38). Smaller factions and minority representatives made up the remainder. Kurdish voters also elect provincial councils and vote in national elections. The KRG president, who controls many key institutions without legislative oversight, is normally elected directly every four years. However, after holding the office for eight years, Barzani of the KDP had his term extended by two years in a 2013 political agreement with the PUK, and in 2015 he extended his term by another two years unilaterally, citing a legal opinion from a KRG advisory council. That move was endorsed by the KDP but strongly rejected by Gorran and the PUK, which called for an overhaul of KRG political institutions. The dispute remained unresolved in 2016, and a de facto suspension of the Kurdish legislature continued throughout the year.

B. Political Pluralism and Participation 5 / 16

- B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system open to the rise and fall of these competing parties or groupings?
- B2. Is there a significant opposition vote and a realistic opportunity for the opposition to increase its support or gain power through elections?
- B3. Are the people's political choices free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies, or any other powerful group?
- B4. Do cultural, ethnic, religious, or other minority groups have full political rights and electoral opportunities?

The constitution guarantees the freedom to form and join political parties, apart from the Baath Party. In July 2016, the parliament passed legislation that strengthened the constitutional ban on the Baath Party, criminalizing Baathist protests and the promotion of Baathist ideas. The measure applies to any group that supports racism, terrorism, sectarianism, sectarian cleansing, and other ideas contrary to democracy or the peaceful transfer of power. Individual Iraqis' freedom to run for office is limited by a "good conduct" requirement in the electoral law and by the Accountability and Justice Commission, which disqualifies candidates and officials with ties to the former Baath Party. Many Sunnis view the commission as discriminatory. Despite these barriers, Iraqis run for office, form parties, and take part in politics in large numbers.

As in past years, political activity was impaired in 2016 by violence, both threatened and actual. The problem was especially acute in territories still under IS control, but intimidation of those active in public life occurs throughout Iraq. The political system is also distorted by interference from foreign powers and the allocation of key offices according to informal ethno-sectarian criteria, which reduces the likelihood that politicians will act in the interests of the whole country and the viability of non-ethno-sectarian parties and movements.

A system of reserved seats ensures representation in the CoR for many of Iraq's smaller religious and ethnic minorities. There are five seats for Christians and one each for Yazidis, Sabeen Mandaean, and Shabaks. The Kurdish legislature reserves five seats for Turkomans, five for Chaldean and Assyrian Christians, and one for Armenians. Sunni Arabs,

Iraq's largest minority, argue that Shiite dominance of the political system keeps them out of positions of influence.

C. Functioning of Government 2 / 12

- C1. Do the freely elected head of government and national legislative representatives determine the policies of the government?
- C2. Is the government free from pervasive corruption?
- C3. Is the government accountable to the electorate between elections, and does it operate with openness and transparency?

Governance in Iraq is hampered by factors including IS control over territory in the northwest, rampant corruption, and ethno-sectarian divisions. The political disorder of 2016 featured a splintering of alliances, both within and across ethno-sectarian blocs, and repeated attempts to influence parliamentary outcomes through illegal and even violent means.

Al-Sadr's supporters organized aggressive protests to advance his demands for radical anticorruption measures and a technocratic cabinet, ultimately occupying the government district of Baghdad and violently storming the parliament building in April, forcing elected representatives to flee temporarily. Also that month, a disparate group of Sunni, Sadrist, and other Shiite lawmakers occupied the CoR and held a rogue session that attempted to change the leadership, though it lacked a quorum. Al-Maliki later organized some elements of that group into an opposition Reform Front that sought to weaken al-Abadi's government by initiating corruption investigations against ministers and bringing votes to remove them. The initiative succeeded in ousting Defense Minister Khalid al-Obeidi in August and Finance Minister Hoshiyar Zebari in September. Although al-Abadi managed to install some technocratic ministers, those two crucial posts remained vacant at year's end, as did that of interior minister; the incumbent interior minister had resigned in July following a massive suicide bombing in central Baghdad.

Many parties' resistance to a technocratic cabinet reflected the extent to which they benefit financially from control over ministries. In August, the head of the country's Integrity Commission demanded that political parties abolish affiliated committees that broker deals between the ministries and private businesses. The home of at least one technocratic minister was attacked by gunmen in September, and members of the Integrity Commission are reportedly exposed to chronic threats and deadly violence.

Separately, the political standoff in the KRG also contributed to governmental dysfunction, with the legislature unable to convene and the president remaining in office without an electoral mandate. The crisis has opened up debate on the entire Kurdish institutional structure. Gorran, the PUK, and their allies have demanded a reformed system in which a largely symbolic president is elected by the parliament. Barzani, with the backing of the KDP, insists on maintaining the current system and refuses to leave office. His wealthy family remains a powerful political and economic force in the region, with his son serving as the KRG's intelligence chief and his nephew as prime minister.

Additional Discretionary Political Rights Question B -3/0

- Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group?
1. Is the government providing economic or other incentives to certain people in order to change the ethnic composition of a region or regions?
2. Is the government forcibly moving people in or out of certain areas in order to change the ethnic composition of those regions?
3. Is the government arresting, imprisoning, or killing members of certain ethnic groups in order change the ethnic composition of a region or regions?

IS continued its efforts to change the religious demography in areas it controlled or could attack in 2016. In occupied regions, Shiites, Christians, Yazidis, Shabaks, Sabeans, and Kaka'i faced executions, forced conversion, discriminatory "taxation," and enslavement that entailed sexual violence. IS also destroyed or repurposed churches and shrines. IS terrorist attacks outside its territory often struck Shiite targets. In areas where the peshmerga captured territory from IS, displaced Arab residents were frequently barred from returning, a form of population transfer that Kurdish forces

justified as a security measure.

Civil Liberties 15 / 60

D. Freedom of Expression and Belief 5 / 16

D1. Are there free and independent media and other forms of cultural expression?

D2. Are religious institutions and communities free to practice their faith and express themselves in public and private?

D3. Is there academic freedom, and is the educational system free of extensive political indoctrination?

D4. Is there open and free private discussion?

The constitution guarantees freedom of expression and media freedom so long as "public order" and "morality" are maintained. Iraq's media scene appears diverse, but many outlets are controlled by political parties. The few independent newspapers have suffered from economic pressures in recent years, forcing some to close. Journalists face the threat of lawsuits or retaliation in an environment characterized by corruption and violence. Bloggers and others who disseminate information online are also at risk. At least six journalists were killed in connection with their work in 2016, according to the Committee to Protect Journalists (CPJ). In one case for which CPJ had not confirmed the motive, journalist Wedad Hussein Ali of the PKK-affiliated website Roj News was murdered in the Kurdish region in August.

The constitution guarantees freedom of belief, but in practice many Iraqis were targeted for their religious identity during 2016. IS continued to kill Shiites, whom it considers to be apostates, either in terrorist bombings or after capture. Abducted Yazidi women have been forced to serve IS members as sex slaves. Some Christians survived in IS areas by paying a special tax, but they lived under the constant threat of violence and abuse. Sunnis who resisted the militants' interpretation of Islamic law were also killed in large numbers. Sunnis suspected of supporting IS faced execution or property loss at the hands of progovernment forces, particularly Shiite militias.

None of the several universities that closed as a result of IS's 2014 invasion was able to resume normal functioning in 2016. According to the UN Children's Fund (UNICEF), approximately 3.5 million Iraqi children's education was interrupted during the year by IS and the military campaign against it. Schools throughout Iraq are overcrowded, due in part to corrupt mismanagement and population movements. In IS-held areas where university or secondary school classes have resumed, the militants permit no teaching of music, history, literature, or art, often focusing instead on paramilitary training.

Free and open private discussion is limited by the fear of informants in IS-affected areas. Speech in other parts of Iraq is more free, though the threat of political or sectarian violence remains a deterrent.

E. Associational and Organizational Rights 6 / 12

E1. Is there freedom of assembly, demonstration, and open public discussion?

E2. Is there freedom for nongovernmental organizations?

E3. Are there free trade unions and peasant organizations or equivalents, and is there effective collective bargaining?

Are there free professional and other private organizations?

The constitution guarantees freedom of assembly, and this right is increasingly respected in practice, though deadly violence still occurs. In 2016, multiple large and confrontational demonstrations by Sadrists and others were able to proceed in southern Iraq and central Baghdad, though clashes with security forces ensued when protesters stormed government buildings and attacked officials, and at least four demonstrators were reportedly killed.

NGOs enjoy societal support and a relatively hospitable regulatory environment, though they must register with the government and obtain approval from the Accountability and Justice Commission. In the KRG, NGOs must renew their registration annually. The main obstacles to NGO operations are a lack of security and impunity for past attacks.

A new Iraqi labor law that generally meets international standards was adopted in 2015 and took effect in February 2016, though the KRG was considering drafting its own labor laws, adding to doubts about the national legislation's implementation and enforcement. The law allows collective bargaining even by workers without a union, improves the

rights of subcontractors and migrant workers, and permits workers to strike, among other features. However, it does not apply to civil servants or security forces. Some state officials and private employers reportedly discouraged union activity with threats, dismissals, and other deterrents during 2016.

F. Rule of Law 0 / 16

F1. Is there an independent judiciary?

F2. Does the rule of law prevail in civil and criminal matters? Are police under direct civilian control?

F3. Is there protection from political terror, unjustified imprisonment, exile, or torture, whether by groups that support or oppose the system? Is there freedom from war and insurgencies?

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population?

The judiciary is influenced by corruption, political pressure, tribal forces, and religious interests. Due to distrust of or lack of access to the courts, many Iraqis have turned to tribal bodies to settle disputes, even those involving major crimes. In 2016, the country's highest court played a role in the political dispute over al-Abadi's cabinet reshuffle, ruling in June that an April parliament session to approve several of the prime minister's appointees had used unconstitutional procedures, but also that the rump parliament formed earlier that month by rogue lawmakers was invalid.

Large numbers of detainees are held in government prisons without charge. Many were arrested under a vaguely worded antiterrorism law passed in 2005. Iraqi prisons are overcrowded and dangerous. Amnesty International documented extremely poor conditions in counterterrorism detention facilities in Anbar Province in 2016. The use of torture to elicit confessions is widespread.

The number of death sentences and executions increased dramatically in 2016 despite enduring flaws in the integrity of the criminal justice system. By July there were over 3,000 people on death row, and at least 88 inmates were executed during the year, according to Amnesty International. In August, after a brief trial based on confessions that were allegedly obtained through torture, the state executed 36 men convicted in the IS massacre of hundreds of Iraqi military recruits in 2014.

IS intensified its terrorist bombing campaign in government-held areas in 2016, with one attack in Baghdad in July killing some 300 people in the predominantly Shiite area of Karrada. Additional threats to civilian safety arose from IS atrocities in areas under its control as well as fighting between the militants and progovernment forces. IS reportedly forced large groups of people into Mosul to serve as human shields against bombardment. Meanwhile, many Sunnis in liberated areas were illegally detained, beaten, robbed, tortured, and murdered, most often by the PMF. The authorities launched investigations into these crimes, but it remained unclear whether perpetrators were ultimately punished.

According to the UN Assistance Mission for Iraq, at least 6,878 civilians were killed and 12,388 were injured in 2016 as a result of armed conflict and related violence, though the mission cautioned that its figures were incomplete.

Same-sex sexual relations are not illegal in Iraq, but LGBT (lesbian, gay, bisexual, and transgender) people risk violence – including execution in IS-held areas – if they are open about their identity. Other disadvantaged groups in the country include Iraqis of African descent, who suffer from high rates of extreme poverty and discrimination.

G. Personal Autonomy and Individual Rights 4 / 16

G1. Do individuals enjoy freedom of travel or choice of residence, employment, or institution of higher education?

G2. Do individuals have the right to own property and establish private businesses? Is private business activity unduly influenced by government officials, the security forces, political parties/organizations, or organized crime?

G3. Are there personal social freedoms, including gender equality, choice of marriage partners, and size of family?

G4. Is there equality of opportunity and the absence of economic exploitation?

Freedom of movement, choice of residence, and property rights have all suffered from the conflict with IS. Roughly 3 million people remained internally displaced during 2016, and the number was expected to rise as fighting in Mosul intensified. In the KRG, displaced persons have reported being forced to enter camps against their will.

Iraqi women face problems including domestic violence, early marriage, and discrimination on issues governed by

personal status law such as marriage, divorce and inheritance. Women living in IS-held areas risked beatings or execution if they left home without full veils, gloves, and a male guardian. They also faced rape and forced marriages, while captive Yazidi women and girls in particular were subjected to sex slavery and other egregious abuses. The government continues to prevent NGOs from legally providing shelter to women fleeing gender-based violence. At least one-fourth of the seats in the Iraqi parliament and 30 percent of the seats in the Kurdish parliament must go to women, though such representation has had little obvious effect on state protections for women in practice.

Refugees and internally displaced persons are especially vulnerable to human trafficking and sexual exploitation. Other victims of human trafficking in Iraq include foreign migrant workers, children engaged in forced begging, and child soldiers recruited primarily by IS, though the PMF and some Kurdish and tribal militias also reportedly recruit child soldiers.

Scoring Key: X / Y (Z)

- X = Score Received
- Y = Best Possible Score
- Z = Change from Previous Year

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