

Baseline Assessment:

A Scan of Documentation of Threats and Violence Against At-Risk and Marginalized Groups in Iraq

December 2020



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Introduction

Context of threats and violence in Iraq and the need for documentation

Since 2003, the people of Iraq have faced conflict and instability on a staggering scale. In the aftermath of the conflict with the Islamic State of Iraq and the Levant (ISIL), Iraqi civil society is making concerted efforts to ensure justice for those impacted by ISIL crimes.¹ As communities are given opportunities to heal and rebuild, attention must also turn to current violence that threatens further instability. In this way, raising awareness about past harms can be coupled with drawing attention to current attacks on the individuals and organizations working towards accountability and greater democratic transparency.

In Iraq, the prolonged armed conflict and displacement crisis have adversely affected marginalized communities including women and girls; lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ) persons; and other minorities such as Afro-descendant Iraqis and persons with disabilities.² In a similar way, conflict and crisis have exacerbated the violence faced by civil society organizations (CSOs), women's rights activists and human rights defenders, and journalists in Iraq. With the recent 2019-2020 uprisings in Iraq, individuals and organizations fighting for a more democratic and just Iraq and those defending a free press have been subjected to violence and/or threats of violence resulting from their involvement in the demonstrations and conservative backlash against progressive voices.³

In order to fight against impunity, Iraqi civil society and the international community must strengthen documentation of threats and violence against women's rights activists, CSOs, LGBTIQ persons, journalists, and other marginalized groups and political minorities. A lack of documentation of crimes, particularly those committed on the basis of gender, results in a lack of justice and contributes to societies' failure to confront harmful norms that underlie these crimes. Increased documentation can deepen the understanding of how past atrocities link to current attacks on these marginalized groups, and can provide insights on how to reinforce safety and

¹ Iraqi Civil Society Solidarity Initiative, *The Situation of Iraqi Women Facing Both State Repression and the Brutality of Daesh*, <http://www.iraqicivilsociety.org/archives/3912>; See generally Lisa Davis, *Iraqi Women Confronting ISIL: Protecting Women's Rights in the Context of Conflict*, *Southwestern Journal of International Law*, 22 Sw. J. Int'l L. 27 (April 26, 2016), <https://ssrn.com/abstract=2770588>.

² See generally IraQueer, *Fighting for the Right to Life: The State of LGBT+ Human Rights in Iraq* (June 2018); See generally Minority Rights Group International, *Iraq: Black Iraqis*, (Nov. 2017), <https://minorityrights.org/minorities/black-iraqis/>; See generally United Nations Assistance Mission for Iraq (UNAMI) and the Office of the United Nations High Commissioner for Human Rights (OHCHR), *Report on the Rights of Persons with Disabilities in Iraq* (Dec. 2016), https://reliefweb.int/sites/reliefweb.int/files/resources/UNAMI_OHCHR_Report_on_the_Rights_of_PWD_FINAL_2Jan2017.pdf; See generally UNAMI and OHCHR, *Report on Human Rights in Iraq July – December 2017* (July 2018), https://www.uniraq.org/index.php?option=com_k2&view=itemlist&layout=category&task=category&id=164&Itemid=650&lang=en&limitstart=6.

³ See generally UNAMI and OHCHR, *Human Rights Violations and Abuses in the Context of Demonstrations in Iraq October 2019 to April 2020* (Aug. 2020), https://www.uniraq.org/index.php?option=com_k2&view=item&task=download&id=3869_281e122059cf2a1f16914af06c104bce&Itemid=650&lang=en.

security measures for these individuals and organizations. Documentation constitutes an important tool in working with policy makers, providing evidence of the need for change and increased support and protections for those at risk of threats and violence.

Overview of MADRE documentation efforts to date

MADRE and our Iraqi partners have been documenting atrocities committed by ISIL in Iraq, including gender-based violence (GBV), since 2014. This documentation preserves critical information about victims, perpetrators, and larger criminal networks. MADRE and our partners documented over 430 cases of ISIL crimes, detailing the stories of thousands of victims and cataloguing hundreds of key ISIL documents. In 2019, MADRE entered into an agreement with the UN Investigative Team for Accountability of Da'esh (UNITAD), to provide them with our documentation on crimes committed by ISIL in Iraq, particularly sexual and gender-based violence. MADRE entered into a similar agreement with the International, Impartial, and Independent Mechanism (IIIM) to help with their investigations of ISIL fighters who may have crossed the border between Iraq and Syria.

Because violence targeting any member of society undermines collective security and threatens democracy, MADRE and our partners are expanding documentation efforts to monitor and document threats and violence against women's rights activists, CSOs, LGBITQ persons, journalists, and vulnerable groups including political minorities. This documentation will contribute to understanding the linkage between impunity for past crimes and ongoing violence in Iraq, providing recommendations for both immediate safety and security of those under threat along with recommendations and analysis for building sustainable peace.

This baseline assessment marks the launch of this new effort and offers a scan of the types of documentation currently being gathered and published by domestic and international organizations. This assessment does not present an exhaustive list of organizations documenting threats and violence against the priority communities, but rather it provides a sample of current documentation efforts and analyses that are relevant to MADRE's work. The recommendations are framed by how MADRE can contribute to and support current efforts, fill documentation gaps, and utilize a gender lens to the threats and violence faced by the priority communities.

Assessment Findings

Threats and violence against women's rights activists

Before the recent uprising and as far back as 2003, Iraqi women's rights activists have been under constant threat, harassment, and intimidation from conservative political and social forces. At times, conservative political parties can be retaliatory and violent.⁴ Women's rights activists face additional threats and rights violations because they are women, including discrimination, social exclusion, sexual and gender-based violence, torture, and death.⁵ For example, in separate incidents in August 2020, unidentified gunmen shot at two women human rights defenders that had led women's marches.⁶ The women had received threats previously, but the government failed to provide protection for them.⁷ In addition, Iraqi NGOs and women's rights activists seeking to assist women and girls encounter regular harassment, arbitrary surveillance, and warrantless searches from State actors.⁸

In the recent uprising in Iraq, prominent women human rights defenders were targeted for assassination due to their participation in the demonstrations.⁹ Throughout the protests, women rights activists defied patriarchal gender norms to participate in the front lines of the demonstrations,¹⁰ and faced violence as a result. Women participating in protests were targeted with direct physical and verbal intimidation.¹¹ Armed actors abducted at least four women activists

⁴ Iraqi Civil Society Solidarity Initiative (ICSSI), *The Situation of Iraqi Women Facing Both State Repression and the Brutality of Daesh*, <http://www.iraqicivilsociety.org/archives/3912>; Lisa Davis, *Iraqi Women Confronting ISIL: Protecting Women's Rights in the Context of Conflict*, *Southwestern Journal of International Law*, 22 Sw. J. Int'l L. 27, p. 105, 108-109 (April 26, 2016), <https://ssrn.com/abstract=2770588>.

⁵ OHCHR, *UN Experts Call on Iraq to Investigate Attacks on Women Human Rights Defenders* (Oct. 2, 2020), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26339&LangID=E>.

⁶ OHCHR, *UN Experts Call on Iraq to Investigate Attacks on Women Human Rights Defenders* (Oct. 2, 2020), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26339&LangID=E>.

⁷ OHCHR, *UN Experts Call on Iraq to Investigate Attacks on Women Human Rights Defenders* (Oct. 2, 2020), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26339&LangID=E>.

⁸ Lisa Davis, *Iraqi Women Confronting ISIL: Protecting Women's Rights in the Context of Conflict*, *Southwestern Journal of International Law*, 22 Sw. J. Int'l L. 27, p. 137-138 (April 26, 2016), <https://ssrn.com/abstract=2770588>.

⁹ UNAMI and OHCHR, *Human Rights Violations and Abuses in the Context of Demonstrations in Iraq October 2019 to April 2020*, p. 43 (Aug. 2020), https://www.uniraq.org/index.php?option=com_k2&view=item&task=download&id=3869_281e122059cf2a1f16914af06c104bce&Itemid=650&lang=en

¹⁰ UNAMI and OHCHR, *Human Rights Violations and Abuses in the Context of Demonstrations in Iraq October 2019 to April 2020*, p. 42 (Aug. 2020), https://www.uniraq.org/index.php?option=com_k2&view=item&task=download&id=3869_281e122059cf2a1f16914af06c104bce&Itemid=650&lang=en;

P. Magid, *Women in Iraq Defiantly Take to the Streets Despite Fears They 'Could Die at Any Moment'*, THE INDEPENDENT (Nov. 23, 2019), <https://www.independent.co.uk/news/world/middle-east/iraq-protests-women-streets-death-torture-revolution-tahir-square-a9213976.html>;

Arwa Ibrahim, *The Women on the Frontline of Iraq's Uprising*, AL JAZEERA (Dec. 5, 2019), <https://www.aljazeera.com/news/2019/12/women-frontline-iraq-uprising-191205085107123.html>;

Qassim Abdul-Zahra, *Women Protesters in Iraq Defy Radical Cleric, Take to Streets*, AP NEWS (Feb. 13, 2020), <https://apnews.com/d584ba1f43af00804d32db7c436f4622>.

¹¹ UNAMI and OHCHR, *Human Rights Violations and Abuses in the Context of Demonstrations in Iraq October 2019 to April 2020*, p. 43 (Aug. 2020),

connected to the protests. After their release, they described being beaten, sexually assaulted, and threatened with rape.¹² Women protestors and human rights defenders also faced online gender-based violence linked to their participation in demonstrations. Social media campaigns targeted female activists, labeling them as “immoral”, or photoshopped them in images to portray them as “immoral.”¹³

Documentation Review

The recent protests have put a spotlight on women’s rights activists and their involvement, as well as on the crimes committed against them. Documentation to date has included information on social media campaigns against protestors with a focus on women,¹⁴ the targeting of prominent women human rights activists by “unidentified armed elements” because of their participation in the protests,¹⁵ and threats and violence against women and girls who may not have had a prominent role in demonstrations.¹⁶ This documentation has taken the form of media articles and posts on organization’s websites, as well as human rights reports published by UN entities.

Prior to the 2019-2020 protests, killings of women’s rights activists garnered widespread media coverage, such as the 2018 murder of activist Suad Al-Ali in Basra.¹⁷ A few international organizations documented and reported on threats and violence against women’s rights activists prior to the 2019-2020 uprising,¹⁸ but most attention to the issue was garnered through media

https://www.uniraq.org/index.php?option=com_k2&view=item&task=download&id=3869_281e122059cf2a1f16914af06c104bce&Itemid=650&lang=en

¹² UNAMI and OHCHR, *Human Rights Violations and Abuses in the Context of Demonstrations in Iraq October 2019 to April 2020*, p. 43 (Aug. 2020),

https://www.uniraq.org/index.php?option=com_k2&view=item&task=download&id=3869_281e122059cf2a1f16914af06c104bce&Itemid=650&lang=en

¹³ UNAMI and OHCHR, *Human Rights Violations and Abuses in the Context of Demonstrations in Iraq October 2019 to April 2020*, p. 42 (Aug. 2020),

https://www.uniraq.org/index.php?option=com_k2&view=item&task=download&id=3869_281e122059cf2a1f16914af06c104bce&Itemid=650&lang=en.

¹⁴ UNAMI and OHCHR, *Human Rights Violations and Abuses in the Context of Demonstrations in Iraq October 2019 to April 2020*, p. 28 (Aug. 2020),

https://www.uniraq.org/index.php?option=com_k2&view=item&task=download&id=3869_281e122059cf2a1f16914af06c104bce&Itemid=650&lang=en

¹⁵ UNAMI and OHCHR, *Human Rights Violations and Abuses in the Context of Demonstrations in Iraq October 2019 to April 2020*, p. 43 (Aug. 2020),

https://www.uniraq.org/index.php?option=com_k2&view=item&task=download&id=3869_281e122059cf2a1f16914af06c104bce&Itemid=650&lang=en

¹⁶ UNAMI and OHCHR, *Human Rights Violations and Abuses in the Context of Demonstrations in Iraq October 2019 to April 2020*, p. 43 (Aug. 2020),

https://www.uniraq.org/index.php?option=com_k2&view=item&task=download&id=3869_281e122059cf2a1f16914af06c104bce&Itemid=650&lang=en

¹⁷ Front Line Defenders, *Su’ad Al-Ali Killed* (Sept. 27, 2018), <https://www.frontlinedefenders.org/en/case/suad-ali-killed>.

¹⁸ See Minority Rights Group International (MRGI) and Ceasefire Centre for Civilian Rights (CCCR), *Civilian Activists under Threat in Iraq*, (December 2018) https://minorityrights.org/wp-content/uploads/2018/12/MRG_CFRRep_IraqCiv_EN_Dec18_FINAL2.pdf.

articles.¹⁹ Documented cases are not compiled in one location by any organization, leaving only anecdotal evidence and media reporting to form the basis of evidence.

More robust documentation on threats and violence against women's rights activists is needed to ensure that these incidents are memorialized and to fight impunity. Some international organizations, such as the United Nations Assistance Mission for Iraq and Minority Rights Group International, are reporting on this issue and analyzing why women's rights activists are targeted, but more quantitative data is needed to clearly show cases of violence against women's rights activists, where and when they happen, who commits the crimes, and why. Much of the current data is anecdotal or based on media reporting, and a more formal documentation process would strengthen the evidence base of these crimes, support efforts to ensure accountability for these crimes, and better analyze the root causes and context in which they occur.

Over the past decade, much of the more formal documentation of threats and violence against women's rights activists is conducted by international organizations and UN entities, such as the United Nations Assistance Mission for Iraq (UNAMI) and the Office of the United Nations High Commissioner for Human Rights (OHCHR). UNAMI and OHCHR consistently document and report on an array of human rights abuses in Iraq, including threats and violence against and women's rights activists.²⁰ UNAMI and OHCHR publish twice-yearly reports that cover a range of topics over a 6-month period as well as reports on specific themes, with documentation often based on field research and interviews. For example, in an extensive report in August 2020 on rights violations and abuses during the peaceful protests from October 2019 to April 2020, UNAMI and OHCHR involved women activists in their documentation gathering and reported on the impacts specific to women.²¹ However, since 2018, UNAMI and OHCHR human rights reports have focused on the 2019-2020 demonstrations and have not included documentation of threats and violence against women's rights activists outside of the context of the demonstrations.

Minority Rights Group International (MRGI) & Ceasefire Centre for Civilian Rights (CCCR) have published analyses of threats to women human rights defenders, using only a few examples of threats faced by prominent women activists as anecdotal evidence.²² The bulk of this documentation was published before the 2019-2020 uprisings, and provides important context on the situation prior to 2019. Importantly, their analysis goes beyond that of other organizations and

¹⁹ See Martin Chulov, *Deaths of high-profile Iraqi women spark fear of conservative backlash*, THE GUARDIAN (Oct. 2, 2018), <https://www.theguardian.com/world/2018/oct/02/death-of-high-profile-iraqi-women-sparks-fear-of-witch-hunt>; See BBC, *Iraqi human rights activist shot dead in Basra* (Sept. 25, 2018), <https://www.bbc.com/news/world-middle-east-45646528>.

²⁰ United Nations Iraq, *Human Rights Reports*, https://www.uniraq.org/index.php?option=com_k2&view=itemlist&layout=category&task=category&id=164&Itemid=650&lang=en.

²¹ See UNAMI and OHCHR, *Human Rights Violations and Abuses in the Context of Demonstrations in Iraq October 2019 to April 2020*, (Aug. 2020), https://www.uniraq.org/index.php?option=com_k2&view=item&task=download&id=3869_281e122059cf2a1f16914af06c104bce&Itemid=650&lang=en

²² See Minority Rights Group International (MRGI) and Ceasefire Centre for Civilian Rights (CCCR), *Civilian Activists under Threat in Iraq*, (December 2018) https://minorityrights.org/wp-content/uploads/2018/12/MRG_CFRRep_IraqCiv_EN_Dec18_FINAL2.pdf.

centers women human rights defenders as challengers of patriarchy and “normative socio-cultural constructs.”²³

Human Rights Watch conducts extensive research on human rights violations in Iraq. While their reports do prominently feature women and gendered crimes, the documentation does not often include women’s rights activists. Recent Human Rights Watch reports to the Committee on the Elimination of Discrimination Against Women (CEDAW)²⁴ and the Human Rights Committee²⁵ did not include threats or violence against women right’s activists. Similarly, Amnesty International documents an array of human rights violations in Iraq such as violations of freedom of expression and detention of activists, but their work to date has not prominently featured or documented violations committed again women right’s activists. In November 2019, Amnesty did report on the abduction of a woman medic and activist who was involved with the protests and urged for readers to take action and send a letter to the Iraqi Ministry of Interior.²⁶ However, Amnesty has not featured other cases of violence against women activists in such a way.

Recommendations

- MADRE and our Iraqi partners should prioritize documenting and reporting on threats and violence against women’s rights activists that may not garner media attention. This would expand the evidence base of crimes and show the full scope of the issue, rather than highlighting only the cases shared by the media. This documentation should not only include incidents connected to the uprising, but should also look beyond the demonstrations to include threats and violence occurring separate from that context.
- With this more extensive documentation, MADRE and our Iraqi partners could then consolidate all of the information in a centralized location online. This clearinghouse of sorts could become a needed reference point domestically and internationally, and could be utilized to promote deeper gendered analyses of the issue and how it connects to broader gender equality efforts in Iraq. Our Iraqi partners, in particular, could develop a role as thought leaders in Iraq for the protection of women’s rights activists, bring increased attention to this topic, and support other organizations develop their focus on this issue .
- MADRE and our Iraqi partners should also document, if possible, access to justice and reparations in cases of threats or violence against women’s rights activists, and how the government is responding to the incident.

²³ MRGI and CCCR, *Civilian Activists under Threat in Iraq*, p. 19 (December 2018) https://minorityrights.org/wp-content/uploads/2018/12/MRG_CFRRep_IraqCiv_EN_Dec18_FINAL2.pdf.

²⁴ Human Rights Watch, *Submission to the Committee on the Elimination of All Forms of Discrimination Against Women on Iraq*, (March 5, 2019), <https://www.hrw.org/news/2019/03/05/human-rights-watch-submission-committee-elimination-all-forms-discrimination-4>.

²⁵ Human Rights Watch, *Submission by Human Rights Watch to the UN Human Rights Committee in advance of its review of Iraq*, (August 2020), <https://www.hrw.org/news/2020/08/07/submission-human-rights-watch-un-human-rights-committee-advance-its-review-iraq>.

²⁶ Amnesty International, *Activist’s Fate Remains Unknown*, (November 8, 2019), <https://www.amnesty.org/download/Documents/MDE1413692019ENGLISH.pdf>.

- MADRE and our Iraqi partners should continue to build relationships with feminist organizations in Iraq, such as through the Strategies for Change conferences, to build the capacity of the movement to document threats and violence against women's rights activists, and to share that information to verify details, support survivors, and advocate for change.
- When sharing recommendations on women's rights activists with domestic or international policy makers, MADRE and our Iraqi partners should consult with their various networks in Iraq, such as the 1325 Coalition and the Strategies for Change conference participants, to ensure a congruence of messages that uses documentation as evidence for change.

Threats and violence against civil society organizations (CSOs)

A host of political and security challenges threaten the work of Iraqi CSOs. Conservative parties and Islamists heavily control the current political arena, especially after the parliamentary elections in May 2018. At that time, representatives from different Shia militias were elected to power, resulting in increasing political power of armed militias and tribes post-ISIL.²⁷ The extreme ideology adopted by these armed militia and tribes, with conflicting allegiances and agendas, coupled with the fragmentation of authority pose significant challenges for the future strength of the rule of law. It further threatens the security of Iraqis already at risk, especially women, LGBTIQ individuals, and other marginalized groups. In turn, it also imposes a significant security threat to CSOs that work to provide the humanitarian assistance and support for these targeted marginalized communities.

A recent attempt by the government demonstrates the increasing efforts to curtail civic space and silence progressive, democratic voices. In January 2020, the government filed a lawsuit to dissolve the Organization of Women's Freedom in Iraq (OWFI).²⁸ The charges brought against the NGO sought to strip their legal right to operate as an organization and threaten essential protections they have provided, including through a nationwide network of shelters for women. It became immediately clear to OWFI that this lawsuit was a politically-motivated attack against the organization's support of the pro-democratic uprisings and their work providing shelter for domestic violence survivors. OWFI has also spoken out on the airwaves of their human rights radio station and as alongside protestors across the country for a more just society, for democracy, and for an end to corruption. Ultimately, the judge in the case dismissed all charges due to lack of evidence for these trump-up claims, and ordered the government to pay OWFI's legal fees. This victory is a repudiation of the government's attempts to curtail civil rights and silence CSOs working for a more peaceful and democratic future for Iraq.

Documentation Review

Threats and violence against CSOs are not adequately documented in Iraq. Some groups are linking suppression of CSOs to the recent protests, generally with documentation of crimes against specific human rights defenders, journalists, or protestors. However, the current documentation does not go beyond the context of the uprising to address the threats and violence faced by CSOs for their daily work, related to the uprising or not.

Some organizations in Iraq do focus on civil society and civic space, but their documentation is not comprehensive to focus on CSOs as a whole, rather than individuals. For example, the Iraqi Civil Society Solidarity Initiative (ICCSI) actively publishes articles on its website that detail

²⁷ Ranj Alaaldin, *What Iraq's Election Means for its Shiite Militias*, Brookings Institution (May 15, 2018), <https://www.brookings.edu/blog/order-from-chaos/2018/05/15/what-iraqs-election-means-for-its-shiite-militias/>.

²⁸ MADRE, *Organization of Women's Freedom in Iraq Prevails, Winning Year-Long Court Battle* (Nov. 20, 2020), <https://www.madre.org/press-publications/article/organization-women%E2%80%99s-freedom-iraq-prevails-winning-year-long-court-battle>.

rights violations against protesters, human rights defenders, women, and journalists.²⁹ Much of its work in relation to protecting civic space and the role of CSOs in Iraq focuses on reporting on violence against specific human rights defenders who have been threatened or have experienced violence, rather than on organizations or civil society as a whole. The documentation is usually in the form of online articles or posts detailing the incident, with calls for action to remedy the violation. Other organizations, such as the Iraqi War Crimes Documentation Center monitors and publish articles on human rights violations committed by local and foreign security forces,³⁰ but they focus on violence against individual protesters, arbitrary crimes against civilians, etc. and not on CSOs as entities themselves.

Recommendations

- Due to the general lack of documentation on this topic, MADRE and our Iraqi partners should collect documentation on threats and violence against CSOs in all regions of the country. This documentation should not only include incidents connected to the uprising, but should also look beyond the demonstrations to include threats and violence occurring separate from that context.
- MADRE and our Iraqi partners publish both quantitative and qualitative compilations of this data, potentially through a clearinghouse of documentation that compiles instances of threats and violence against CSOs across sectors to show the overall amount and clear trends in those most affected.
- MADRE and our Iraqi partners should research and track accountability efforts for specific cases as well as broader policy and legal frameworks and their implications on protection of CSOs and civic space. As a recent victor in an unjust legal suit from the government, OWFI is well placed to work with other Iraqi NGOs to reach out to those who have experienced threats or violence and document the full circumstances.
- MADRE and our Iraqi partners could consolidate all documented information in a centralized location online, alongside the recommended creation of an observatory for crimes against women's rights activists. This observatory could become a needed reference point domestically and internationally, and could be utilized to promote deeper gendered analyses of threats and violence against CSOs. OWFI, in particular, could support other organizations develop their attention towards and documentation of this issue.

²⁹ See, for example, ICCSI, *Police Officers Detained on Accusations of Violently Suppressing Demonstrators — What about Militias?* (September 13, 2020), <https://www.iraqicivilsociety.org/archives/11957>; ICCSI, *Iraq: Arbitrary detention of human rights defender Hemin Mamand* (April 5, 2020), <https://www.iraqicivilsociety.org/archives/11546>.

³⁰ See Iraqi Warcrimes Documentation Center, https://iwdc-iraq.org/?page_id=1144.

Threats and violence against journalists

In the recent pro-democracy demonstrations, government security forces have attempted to suppress journalists by shutting down their work, often escalating to the point of violence against journalists and members of media organizations. Security forces allegedly made “watchlists” with names of journalists, human rights defenders, and civil society activists thought to be involved in the protests.³¹ During the initial demonstrations, armed men raided television channels, threatened and intimidated the staff, and in some instances, stole hard drives and computers and set fire to the buildings.³² Journalists also reported that security forces harassed, beat, and arbitrarily arrested them for covering the protests.³³ Some media channels reported they were suspended by the Iraqi Government, and others reported signal interruptions and intimidation by state and other armed actors.³⁴ Journalists continued to risk physical injury, including from live ammunition, and arrest.³⁵

Documentation Review

A number of local and international organizations document threats and violence against journalists in Iraq, especially in the period of the recent protests. This documentation is fairly organized, both quantitative and qualitative, and analyzes the incidents within the larger context of current events in Iraq and historical root causes. Information specific to women journalists is limited, but the groups that do collect this information apply a gender lens to promote gender equality.

For example, the Iraqi Women Journalist Forum (IWJF) tracks and reports on cases of violence against journalists, with a focus on women journalists, and includes gender and gender equality in the media field in their recommendations and advocacy efforts. In particular, the IWJF 2019-2020 report includes a substantive analysis and extensive compilation of violence against journalists in the reporting period.³⁶ IWJF’s work does not include women journalists in the Kurdistan region of Iraq. Throughout 2020, Journalist Freedoms Observatory (JFO) has been publishing information on violations against journalists on its website and Facebook page, documenting government raids

³¹ UNAMI, *Demonstrations in Iraq 1-9 October 2019*, p. 8 (Oct. 22, 2019), https://www.uniraq.org/index.php?option=com_k2&view=itemlist&layout=category&task=category&id=164&Itemid=650&lang=en&limitstart=6.

³² UNAMI, *Demonstrations in Iraq 1-9 October 2019*, p. 7 (Oct. 22, 2019), https://www.uniraq.org/index.php?option=com_k2&view=itemlist&layout=category&task=category&id=164&Itemid=650&lang=en&limitstart=6.

³³ UNAMI, *Demonstrations in Iraq 1-9 October 2019*, p. 7 (Oct. 22, 2019), https://www.uniraq.org/index.php?option=com_k2&view=itemlist&layout=category&task=category&id=164&Itemid=650&lang=en&limitstart=6.

³⁴ UNAMI, *Demonstrations in Iraq: Update 25 October – 4 November, 2019*, p. 6 (Nov. 5, 2019), https://www.uniraq.org/index.php?option=com_k2&view=itemlist&layout=category&task=category&id=164&Itemid=650&lang=en&limitstart=6.

³⁵ UNAMI, *Demonstrations in Iraq: 2nd Update 5 November – 9 December, 2019*, p. 7 (Dec. 11, 2019), https://www.uniraq.org/index.php?option=com_k2&view=itemlist&layout=category&task=category&id=164&Itemid=650&lang=en&limitstart=6.

³⁶ See Iraqi Women Journalist’s Forum (IWJF), *In the 2019-2020 IWJF report, More than 100 Cases of Murder and Threats Against Journalists Have Been Recorded and 32 Women Have Been Subjected to Blackmail and Defamation* (May 3, 2020), <https://www.iwjf.info/?p=6527>.

of media offices, arrests or kidnappings of journalists, and assassinations of journalists.³⁷ The Iraqi Civil Society Solidarity Initiative (ICCSI) actively publishes articles on its website that detail rights violations against journalists, including a recent focus on freedom of expression during the COVID-19 pandemic, as well as defending the expression of demonstrators and the media reporting on the protests.³⁸

International organizations and UN agencies actively document threats and violence against journalists and provide more quantitative data compared to domestic organizations. The most prominent example is the Committee to Protect Journalists (CPJ), an international organization that extensively documents and reports on violations of freedom of the press in conflict and peacetime alike and collects data on journalists killed, imprisoned, and disappeared.³⁹ CPJ has tracked the number of journalists killed, imprisoned, and missing in Iraq since 1992, but with more extensive data since 2003. This quantitative data is also searchable and enables users to search for specific information. For example, the database of missing journalists in Iraq allows for searching based on: a journalist's origin (foreign or national); gender (male, female, non-binary); type of role (camera operator, columnist, etc.); the coverage topic (human rights, crime, etc.); the medium (television, radio, etc.); and the year in which the journalist went missing.⁴⁰ The search populates a list of names, which then provides a description of the incident, attempts to locate the journalist, efforts to work with government officials, and other pertinent information. A similar database exists for journalists killed in Iraq.

In addition, UMAMI and OHCHR have documented threats against journalists in the context of the 2019-2020 demonstrations, including government attempts to impede freedom of the press to report on the protests as well as details on verified cases of violence against journalists based on their coverage of the demonstrations..⁴¹ UNAMI and OHCHR also reported on crimes committed against journalists by Iraqi security forces and "unidentified armed elements."⁴² UNAMI and OHCHR have not yet published general documentation and reporting from 2019-2020, excluding the context of the demonstrations.

³⁷ See Journalistic Freedoms Observatory website: <http://www.jfoiraq.org/en> and Facebook page:

<https://www.facebook.com/JFOiraq/?ref=hl>.

³⁸ See ICCSI Freedom of Expression and Press: <https://www.iraqicivilsociety.org/archives/category/thematic-issues/freedom-of-expression-and-press>.

³⁹ See Committee to Protect Journalists, *Iraq*, <https://cpj.org/mideast/iraq/>.

⁴⁰ See Committee to Protect Journalists Missing Journalists in Iraq search function:

https://cpj.org/data/missing/2020/iraq/?status=Missing&cc_fips%5B%5D=IZ&start_year=2020&end_year=2020&group_by=location.

⁴¹ UNAMI, *Human Rights Violations and Abuses in the Context of Demonstrations in Iraq October 2019 to April 2020*, p. 38-41 (Aug. 2020),

https://www.uniraq.org/index.php?option=com_k2&view=item&task=download&id=3869_281e122059cf2a1f16914af06c104bce&Itemid=650&lang=en.

⁴² UNAMI, *Human Rights Violations and Abuses in the Context of Demonstrations in Iraq October 2019 to April 2020*, p. 38-41 (Aug. 2020),

https://www.uniraq.org/index.php?option=com_k2&view=item&task=download&id=3869_281e122059cf2a1f16914af06c104bce&Itemid=650&lang=en.

Recommendations

- Existing documentation efforts are strong, so MADRE and our Iraqi partners should focus on supporting, and coordinating with, organizations already undertaking this work. MADRE and our Iraqi partners should continue to share information with organizations working on this issue and verify reports of threats or violence with them to ensure accurate documentation and to avoid repetition.
- In particular, MADRE and our Iraqi partners should engage with IWJF and share information when possible.
- MADRE and our Iraqi partners should make themselves available for local organizations reporting on this topic who aim to include analysis of the gendered nature of crimes against journalists, or refer them to IWJF. In this way, MADRE and our Iraqi partners can make direct links between this issue and gender-based violence in Iraq more broadly.
- When sharing recommendations on protecting journalists, particularly women journalists, with domestic or international policy makers, MADRE and our Iraqi partners should echo the recommendations of groups such as IWJF and JFO to ensure a congruence of messages.

Threats and violence against LGBTIQ persons

People in Iraq have been murdered on the basis of their real or perceived sexual orientation and gender identity. In addition, LGBTIQ people have been targeted for social behaviors perceived to have infringed on traditional social and religious codes. With constant threat of persecution and no legislative protections, LGBTIQ Iraqis are often forced to live a life of secrecy and fear. Persecutors of LGBTIQ Iraqis range across society at large and they have little to no support from their family, community or government.

LGBTIQ Iraqis have faced organized and deadly persecution instigated, inspired, and tolerated by state actors and members of state-sponsored militias.⁴³ The ISIL conflict only exacerbated this issue. Every year since 2006, there has been at least one killing campaign targeting LGBTIQ persons in Iraq. IraQueer and its partners estimate the killings of LGBTIQ persons in 2017 at 220 persons.⁴⁴ Militias have led many of the killing campaigns against those perceived as LGBTIQ persons,⁴⁵ including in 2017 when a militia distributed a list of more than a hundred names warning those listed to either “change or be killed.”

The other common source of threats to LGBTIQ Iraqis come from their families, communities, and tribes who view their existence as damaging to their collective honor. Consequently, family members often threaten violence under the pretext of defending the family’s honor, commit physical abuses including severe beatings, or force LGBTIQ individuals into heterosexual marriages.⁴⁶ So-called honor crimes in particular often go unreported, and even if they are reported the Iraqi authorities do not pursue crimes against LGBTIQ persons. Iraqi government has not held anyone accountable for killing LGBTIQ persons as the penal code justifies honor crimes against LGBTIQ persons committed by their family. Unfortunately, there are no national statistics about the victims of these crimes.

Being invisible before the law puts the LGBTIQ community at great danger as it deprives them of legal recourse to fight back against human rights violations. Lacking protection and the opportunity to seek justice pushes LGBTIQ individuals deeper underground. The stigma and fear of being affiliated with the LGBTIQ community in Iraq prevents most organizations from openly providing services to LGBTIQ individuals.

⁴³ See generally, MADRE, CUNY School of Law IWHC Clinic, et al., *Dying To Be Free: LGBT Human Rights Violations In Iraq* (2015), <http://www.law.cuny.edu/academics/clinics/hrgj/publications/ICCPR-Iraq-Shadow-Report-LGBT-ENG.pdf>; UNAMI, *Report on Human Rights in Iraq, January to June 2012*, p. 15 -16 (October, 2012), <https://www.refworld.org/publisher,UNAMI,,,54c1fe754,0.html>.

⁴⁴ See generally, IraQueer, *Fighting for the Right to Life: The State of LGBT+ Human Rights in Iraq* (June 2018).

⁴⁵ See generally, MADRE, CUNY School of Law IWHC Clinic, et al., *Dying To Be Free: LGBT Human Rights Violations In Iraq*, (2015), <http://www.law.cuny.edu/academics/clinics/hrgj/publications/ICCPR-Iraq-Shadow-Report-LGBT-ENG.pdf>; See generally The Australian Government: Department of Foreign Affairs and Trade, *DFAT Country Information Report* (Jun. 26, 2017), <http://dfat.gov.au/about-us/publications/Documents/country-information-report-iraq.pdf>.

⁴⁶ See generally, MADRE, CUNY School of Law IWHC Clinic, et al., *Dying To Be Free: LGBT Human Rights Violations In Iraq* (2015), <http://www.law.cuny.edu/academics/clinics/hrgj/publications/ICCPR-Iraq-Shadow-Report-LGBT-ENG.pdf>; See generally The Australian Government: Department of Foreign Affairs and Trade, *DFAT Country Information Report*, (Jun. 26, 2017), <http://dfat.gov.au/aboutus/publications/Documents/country-information-report-iraq.pdf>.

Documentation Review

Due to this stigma and fear, documentation of threats and violence against LGBTIQ people in Iraq is not extensive. Most documentation on this issue is comprised of testimony or information from survivors or witnesses of threats or violence, as well as desk-based research that tracks and analyzes publicly available information. Domestic, Iraqi-based organizations provide the most accurate documentation and are best placed to receive information on crimes against LGBTIQ people. Some international organizations and entities, such as Human Rights Watch and UNAMI, report on this issue, but their documentation is not extensive.

Most of the documentation efforts focused on crimes against LGBTIQ persons are being conducted by IraQueer, Iraq's first and only LGBTIQ-specific human rights organization.⁴⁷ IraQueer's documentation takes the form of research studies and reports that provide survey-based quantitative data and anecdotal evidence from the LGBTIQ community, detailing the violence they face as well as giving personal testimony of their experiences. IraQueer also closely tracks and reports on Iraqi media representation of LGBTIQ persons and analyzes instances of anti-LGBTIQ rhetoric in print media, social media, television.

Rasan Organization, based in Sulaymaniyah, is the only other organization in Iraq that publicly focuses on rights of LGBTIQ persons, specifically in the Kurdistan region. Rasan does not undertake extensive documentation efforts, but their organizational objectives include collecting and compiling data on gender-based violence committed against women and the LGBTIQ community, and publishing this information on an online database. To date, this database is not available online, but Rasan has published an article on the conditions of LGBT+ people in Iraq since May 2020, which documents responses to backlash after the British and Canadian embassies in Baghdad raised a rainbow flag in support of the LGBTIQ community.⁴⁸ The article includes social media posts from influential leaders, such as Muqtada al-Sadr, as well as posts of LGBTIQ activists responding to increased discrimination.

Recommendations

- Due to the general lack of documentation on threats and violence against LGBTIQ persons in Iraq, MADRE and our Iraqi partners should prioritize collecting information of these crimes to support LGBTIQ groups in building a strong evidence base.
- MADRE and our Iraqi partners should continue to share information with LGBTIQ groups and verify reports of threats or violence with them to ensure accurate documentation and to avoid repetition. This should include collaboration with LGBTIQ groups as much as possible when publicly reporting on LGBTIQ issues.

⁴⁷ See IraQueer Reports and Submissions <https://www.iraqueer.org/reports-and-submissions.html>; IraQueer Publications <https://www.iraqueer.org/publications.html>.

⁴⁸ Zhiar Ali, Rasan Organization, *Conditions of LGBT+ People of Iraq Since May 17, 2020* (2020), <https://rasanorg.com/2020/06/07/conditions-of-lgbt-people-of-iraq-since-may-17-2020/>.

- When sharing recommendations on LGBTIQ rights issues with domestic or international policy makers, MADRE and our Iraqi partners should echo the recommendations of LGBTIQ-specific groups to ensure a congruence of messages.

Threats and violence against other vulnerable groups, including political minorities

Years of conflict and its aftermath have exacerbated the risk of violence against other vulnerable groups in Iraq, including Iraqis with disabilities, ethnic and religious minorities, and Afro-descendant Iraqis. Since the most recent conflict with ISIL, many of Iraq's ethnic minorities such as Yazidis, Shabak, and Turkmen have been especially targeted by violence.⁴⁹ These groups remain vulnerable in the post-conflict period.

Ongoing conflict and violence has disproportionately affected people with disabilities in Iraq,⁵⁰ and the failure to adequately implement disability laws or dedicate sufficient resources to protect the rights of persons with disabilities increases their vulnerability to violence.⁵¹ Discrimination against persons with disabilities in Iraq remains widespread,⁵² and women with disabilities face compounding discrimination on the basis of gender and disability.⁵³ The observance of traditional gender roles in Iraq means that women with disabilities often lack freedom of movement,⁵⁴ and that in some cases their families prevent them from leaving the house out of shame, or from receiving treatment.⁵⁵ Women and girls with disabilities in Iraq are also at constant risk of physical abuse and exploitation.⁵⁶

Afro-descendant Iraqis, also referred to as Afro-Iraqis, make up about 1.5 to 2 million of Iraq's population.⁵⁷ The 2005 Iraqi Constitution stipulates that all Iraqis are equal,⁵⁸ and prohibits racism and ethnic or religious hatred,⁵⁹ yet Afro-Iraqis continue to experience racism and discrimination.

⁴⁹ Minority Rights Group International, *Minorities and Indigenous people in Iraq*, <https://minorityrights.org/country/iraq/>.

⁵⁰ UNAMI & OHCHR, *Report on the Rights of Persons with Disabilities in Iraq*, p. 3 (Dec. 2016), https://reliefweb.int/sites/reliefweb.int/files/resources/UNAMI_OHCHR__Report_on_the_Rights_of_PWD_FINAL_2Jan2017.pdf.

⁵¹ Committee on the Rights of Persons with Disabilities, *Concluding Observations on the Initial Report of Iraq*, para. 9(a)-(b), UN Doc. CRPD/C/IRQ/CO/1 (Oct. 23, 2019).

⁵² Committee on the Rights of Persons with Disabilities, *Concluding Observations on the Initial Report of Iraq*, para. 11(a), UN Doc. CRPD/C/IRQ/CO/1 (Oct. 23, 2019).

⁵³ UNAMI & OHCHR, *Report on the Rights of Persons with Disabilities in Iraq*, p. 8-9 (Dec. 2016), https://reliefweb.int/sites/reliefweb.int/files/resources/UNAMI_OHCHR__Report_on_the_Rights_of_PWD_FINAL_2Jan2017.pdf; Iraqi Alliance of Disability, *The Parallel Report for the Government's Report on the Convention on the Rights of Persons with Disability (CRPD)*, p. 8 (Jan. 2018), https://www.ecoi.net/en/file/local/1449271/1930_1541602017_int-crpd-ico-irq-31954-e.doc.

⁵⁴ UNAMI & OHCHR, *Report on the Rights of Persons with Disabilities in Iraq*, p. 9 (Dec. 2016), https://reliefweb.int/sites/reliefweb.int/files/resources/UNAMI_OHCHR__Report_on_the_Rights_of_PWD_FINAL_2Jan2017.pdf.

⁵⁵ Iraqi Alliance of Disability, *The Parallel Report for the Government's Report on the Convention on the Rights of Persons with Disability (CRPD)*, p. 9 (Jan. 2018), https://www.ecoi.net/en/file/local/1449271/1930_1541602017_int-crpd-ico-irq-31954-e.doc.

⁵⁶ Iraqi Alliance of Disability, *The Situation of Women with Disabilities in Iraq and the Elimination of Violence According to (CEDAW) Convention*, p. 4 (2019), https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/IRQ/INT_CEDAW_CSS_IRQ_37340_E.docx

⁵⁷ Minority Rights Group International, *Iraq: Black Iraqis*, (Nov. 2017), <https://minorityrights.org/minorities/black-iraqis/>; UN General Assembly, *Report of the Special Rapporteur on Minority Issues on Her Mission to Iraq*, para. 48, UN Doc. A/HRC/34/53/Add.1 (Jan. 9, 2017).

⁵⁸ Constitution of the Republic of Iraq (Iraq), art. 14, (Third), October 15, 2005.

⁵⁹ Constitution of the Republic of Iraq (Iraq), art. 7, (First), October 15, 2005.

Casual references to Afro-Iraqis as ‘*abd*’ (meaning ‘slave’)⁶⁰ are reflective of a social status that derives from a systematic pattern of social discrimination. A striking lack of statistical data on Afro-Iraqis, including women, reflects the Government’s neglect of the Afro-Iraqi community.⁶¹ Afro-Iraqis also do not have their own quota in Iraq’s Parliament, unlike other ethnic and religious groups,⁶² and there has never been an Iraqi of African descent elected to the Council of Representatives.⁶³ Human rights defenders call for fixed representation of Afro-Iraqis in government, as for other minorities, and increased security measures to prevent threats and violence.⁶⁴

Documentation Review

Organizations that defend the rights of vulnerable groups in Iraq are documenting instances of violence against their communities when such information available, but the documentation is not extensive or easily accessible. Documentation is sparse, particularly for Afro-Iraqis and persons with disabilities, and more information is needed to build a solid evidence base. Little documentation of threats and violence against ethnic and religious minorities outside of the ISIL conflict and focusing on all regions of Iraq currently exist. The little information that is available typically comes from local organizations, while some reports have been published by international groups such as the Minority Rights Group, but typically in broad overviews of minority populations without much detailed documentation.

Some organizations are starting to build documentation of threats and violence against other vulnerable groups including political minorities, but the documentation is mostly informal and shared on social media, and not collected to show trends. For example, the Freedom Advocates Humanitarian Association in Basra collects information about violence and rights violations against Afro-Iraqis, including gender-based violence against Afro-Iraqi women. The Freedom Advocates Humanitarian Association shares reports of violence on its Facebook page, connected to the Facebook page of their head of media,⁶⁵ rather than through published reports. The Iraqi Alliance for Disability Organization (IADO) in Baghdad promotes the rights of persons with disabilities across Iraq, and has a very public presence in the media. IADO’s Facebook and Twitter pages are the main sources of information, and posts on these platforms generally focus on public

⁶⁰ UN General Assembly, *Report of the Special Rapporteur on Minority Issues on Her Mission to Iraq*, para. 48, UN Doc. A/HRC/34/53/Add.1 (Jan. 9, 2017); Minority Rights Group, *Alternative Report to the Committee on the Elimination of Racial Discrimination (CERD) - Review of the Periodic Report of Iraq*, para. 15 (2018).

⁶¹ UN Human Rights Council, *Report of the Special Rapporteur on Minority Issues on Her Mission to Iraq*, para. 48, UN Doc. A/HRC/34/53/Add.1 (Jan. 9, 2017); Committee on the Elimination of Racial Discrimination, *Concluding Observations on the Combined Twenty-Second to Twenty-Fifth Periodic Reports of Iraq*, para. 5, UN Doc. CERD/C/IRQ/CO/22-25 (Jan. 11, 2019).

⁶² Minority Rights Group, *Alternative Report to the Committee on the Elimination of Racial Discrimination (CERD) - Review of the Periodic Report of Iraq*, para. 12 (2018) (noting that only 8 seats in parliament are reserved for minorities allocated only to Christians, Sabean-Mandaeans, Shabak and Yezidis).

⁶³ Minority Rights Group, *Alternative Report to the Committee on the Elimination of Racial Discrimination (CERD) - Review of the Periodic Report of Iraq*, para. 13 (2018).

⁶⁴ Notes from Minorities Conference, *The Role of Women in building Reconciliation between Components of Iraq*, Baghdad, Iraq (Dec. 2018) (on file with MADRE).

⁶⁵ See Freedom Advocates Humanitarian Association head of media Facebook page, <https://www.facebook.com/profile.php?id=100012640234874>.

events, conferences and educational trainings, and media engagement,⁶⁶ rather than on documentation of violence against persons with disabilities. IADO did submit a report to the Committee on the Rights of Persons with Disabilities in 2018 for the review of Iraq's compliance,⁶⁷ but documentation in the report is general in nature and lacks quantitative statistics. The Alliance of Iraqi Minorities (AIM) researches and reports on the rights and participation of minorities and mobilizes support for increased political participation of Yazidi communities, Shabak women, Mandaeans, Assyrians, Turkmens, Kakais, and Faily Kurds. Documentation of crimes against minorities does not account for a large portion of their work, but AIM does name the monitoring and evaluation of situations that threaten the existence of minorities as a network objective. However, published documentation is currently not available on their website.

Recommendations

- Considering the scope of vulnerable groups and political minorities, MADRE and our Iraqi partners should prioritize documenting threats and violence against Afro-Iraqis and people with disabilities. MADRE and our Iraqi partners already have connections within these communities and have documented crimes against them previously, and are well placed to increase their focus on this category of documentation. This documentation should continue to utilize a gender lens and focus on disproportionate threats and violence against Afro-Iraqi women and women with disabilities.
- When sharing recommendations on disability, Afro-Iraqi, or ethnic and religious rights issues with domestic or international policy makers, MADRE and our Iraqi partners should echo the recommendations of groups working directly with these communities to ensure a congruence of messages.
- MADRE and our Iraqi partners should continue to document crimes against ethnic and religious minorities and other vulnerable groups, to then share with organizations that focus on certain communities, such as Yazdis, and which are better placed to report on these threats and violence.
- MADRE and our Iraqi partners should seek to build relationships with organizations that focus on ethnic and religious minorities across Iraq and include these organizations in workshops, conferences, and other capacity-building efforts so they can grow their documentation expertise together.

⁶⁶ See Iraqi Alliance for Disability Organization (IADO) Facebook, <https://www.facebook.com/iadopress/>.

⁶⁷ See IADO submission on OHCHR website (July 26, 2019),

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCRPD%2fCSS%2fIRQ%2f35661&Lang=en.