Australian Government

Department of Foreign Affairs and Trade

DFAT COUNTRY INFORMATION REPORT IRAQ

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CONTENTS

ACRONYMS

AAH	Asaib Ahl al-Haq
DFAT	Department of Foreign Affairs and Trade
IDP	Internally Displaced Persons
IS	Islamic State
ISIL	Islamic State of Iraq and the Levant
ISF	Iraqi Security Forces
KH	Kataib Hizbullah
KRG	Kurdistan Regional Government
LGBTI	Lesbian, Gay, Bisexual, Trans and Intersex
PMF	Popular Mobilisation Forces
SAS	Saraya Al-Salam
UNAMI	UN Assistance Mission for Iraq

1. PURPOSE AND SCOPE

1.1   This Country Information Report has been prepared by the Department of Foreign Affairs and Trade (DFAT) for protection status determination purposes only. It provides DFAT's best judgment and assessment at time of writing and is distinct from Australian Government policy with respect to Iraq.

1.2   The report provides a general, rather than an exhaustive country overview. It has been prepared with regard to the current caseload for decision makers in Australia without reference to individual applications for protection visas. The report does not contain policy guidance for decision makers.

1.3   Ministerial Direction Number 56 of 21 June 2013 under s 499 of the *Migration Act 1958* states that:

> Where the Department of Foreign Affairs and Trade has prepared a country information assessment expressly for protection status determination processes, and that assessment is available to the decision maker, the decision maker must take into account that assessment, where relevant, in making their decision. The decision maker is not precluded from considering other relevant information about the country.

1.4   This report is based on DFAT's on-the-ground knowledge and discussions with a range of sources in Iraq. It takes into account relevant and credible open source reports, including those produced by Amnesty International, Minority Rights International, the Office of the High Commission for Human Rights, Reporters without Borders, Transparency International, the UN Assistance Mission in Iraq, the UN Development Programme, the UN Refugee Agency, the UN Office for the Coordination of Humanitarian Affairs, the US Department of State and World Bank. Where DFAT does not refer to a specific source of a report or allegation, this may be to protect the source.

1.5   This updated Country Information Report replaces the previous DFAT Country Information Report on Iraq published on 13 February 2015.

2. BACKGROUND INFORMATION

RECENT HISTORY

2.1   In 1920, Iraq was established as a British Protectorate by the League of Nations following the First World War and collapse of the Ottoman Empire. In 1932, Iraq gained independence from Britain and, in 1958, the Republic of Iraq was created after a military coup d'état.

2.2   Saddam Hussein's secular but Sunni-majority Ba'ath Party dominated Iraq's political landscape from 1968 to 2003. Hussein was President from 1979 until 2003. Under Hussein, Iraq launched a war with Iran (1980 – 1988) and invaded and annexed Kuwait before being repulsed by a coalition of the US and other forces during the Gulf War (1990 – 1991). International concern about Iraq's weapons program led to international sanctions during the 1990s.

2.3   After Hussein and the Ba'ath Party regime were removed by a US-led coalition in 2003, power was transferred to an interim government headed by Iyad Allawi in June 2004. In January 2005, Iraqis elected a Transitional National Assembly bringing a Shia-majority coalition led by Ibrahim al-Jaafari to power. A new Constitution was approved by a national referendum in October 2005, following passage through the Transitional National Assembly.

2.4   Elections were held in December 2005 for a permanent legislative body called the Council of Representatives. Nouri al-Maliki was appointed as Prime Minister in May 2006 as a compromise between Shia, Sunni and Kurdish groups. In 2010, al-Maliki's Shia coalition was re-elected. After the most recent national elections held in April 2014, Dr Haider al-Abadi was sworn in as Prime Minister in September 2014.

2.5   Following decades of conflict, Iraqi troops withdrew from the Kurdistan region - consisting of Dohuk, Suleimaniyah and Erbil provinces - during the Gulf War (1990 – 1991), providing the region with de-facto autonomy. According to the 2005 Constitution, the Kurdistan Regional Government (KRG) is responsible for the 'federal Kurdish region of Iraq'. KRG President Masoud Barzani has proposed holding a referendum on independence for the Kurdish region.

2.6   In June 2014, the Islamic State of Iraq and the Levant (ISIL), also referred to as the Islamic State (IS) or Daesh, launched a successful assault on Mosul, Iraq's second largest city. ISIL subsequently took control of other areas including large parts of Anbar, Salah al-Din, Diyala and Kirkuk provinces. The Iraqi Government and the KRG have liberated significant amounts of territory formerly under ISIL control. However, ISIL still holds some areas in Iraq and retains an ability to carry out attacks, including in Baghdad. Conflict with ISIL has significantly damaged Iraq's economy and created an acute humanitarian situation with more than 3 million Iraqis internally displaced. ISIL continues to commit egregious human rights abuses in areas where it operates.

DEMOGRAPHY

2.7   Iraq shares borders with Iran, Turkey, Kuwait, Saudi Arabia, Jordan and Syria. The latest census was undertaken in 1987; accurate, up-to-date official data on Iraq's demography is therefore unavailable. More

recent attempts to collect demographic data have been hindered by insecurity and internal displacement, and capacity constraints.

2.8   The World Bank estimates that Iraq's population is nearly 36 million people. The population largely comprises two major ethnicities – 75 to 80 per cent of the population is Arab and 15 to 20 per cent is Kurdish (predominantly located in the Kurdish region). Other ethnicities present in Iraq include Turkmen, Assyrians, Yazidis and Shabak. Community leaders estimate that there are also approximately 1.5 to 2 million Iraqis of African descent (often referred to as Black Iraqis), 20,000 to 200,000 Romas (otherwise referred to as Kawliyahs), 100,000 Bedouins and 8,000 to 11,000 Palestinians.

2.9   According to Iraqi Government statistics from 2010, 97 per cent of the population is Muslim. Shias— including Arabs but also Turkmen, Shabak, Faili Kurds and others—constitute approximately 55 to 60 per cent of the population; Sunni Arabs represent 24 per cent, Sunni Kurds 15 per cent, and Sunni Turkmen one per cent. Pre-2002 estimates of the number of Christians in Iraq range from 800,000 to 1.4 million. Anecdotal estimates from Christian leaders indicate that fewer than 250,000 Christians now remain in Iraq. According to these estimates, approximately 67 per cent of Christians are Chaldean Catholics and nearly 20 per cent are Assyrians. The remainder are Syrian Orthodox, Syriac Catholic, Armenian Catholic, Armenian Orthodox, Anglican and other Protestants. An estimated 50 evangelical Christian families reportedly remain in Iraq, compared to 5,000 in 2013. Between 350,000 and 400,000 Yazidis remain in Iraq. The Sabaean-Mandean community estimates that no more than 3,000 Sabaean-Mandeans remain in Iraq. The Bahai community is estimated to include fewer than 2,000 people and the Kaka'i (also known as Yarsani) community has approximately 300,000 members. The 2016 US Department of State's Human Rights Report estimated that there were 430 Jewish families in the Kurdish region, and fewer than 10 Jewish families in Baghdad. Conflict with ISIL has resulted in the number of minority religious groups (particularly Christians and Yazidis) declining sharply, with many fleeing Iraq.

2.10   Pre-2003, different religious and ethnic communities were able to live side-by-side relatively peacefully. Ongoing conflict has seen religiously mixed areas becoming more mono-religious – usually Shia or Sunni. This process sharply accelerated in some areas following the rise of ISIL. Shias typically have communities in most areas of Iraq, but are predominantly located in the south and east, and are the majority in Baghdad. Sunnis are mainly located in the west, north and central areas of Iraq. The number of areas considered mixed in Baghdad is diminishing. Some districts of Baghdad still have significant Sunni communities, including the districts of Mansour and Abu Ghraib. There are also smaller pockets of Sunni communities in the districts of A'adamia, Rusafa, Za'farania, Dowra and Rasheed. Mixed Sunni – Shia communities are mainly located in the districts of Rusafa and Karada, although there are also smaller mixed communities located in the districts of Dowra, Rasheed, Karkh, Mansour and Kadhimiya.

ECONOMIC OVERVIEW

2.11   The current conflict and humanitarian situation, coupled with the impact of falling oil prices, have significantly affected Iraq's economy. Oil exports account for over 90 per cent of the Government's revenue. Adverse economic impacts have been exacerbated by a lack of economic institutions, a very large public sector and underdeveloped private sector, low levels of productivity and outdated infrastructure. The International Monetary Fund estimates that Iraq's GDP contracted by more than two per cent in 2015, following a contraction of around 0.5 per cent in 2014. Growth is estimated to have rebounded to around 10 per cent in 2016 due to increasing oil production and related investment activity, but the economic situation is expected to remain challenging over the next two to three years. GDP per capita was estimated at USD4,334 in 2016. There has been a notable decrease in the Government's ability to provide services such

as electricity and water. Quoting Iraqi Government statistics, the World Bank estimated poverty at 22.5 per cent in 2014. In-country contacts report that poverty levels have increased since 2014.

2.12   The Kurdish region's relative stability, combined with oil resources, have supported economic development in the past. The KRG signed a resource sharing arrangement with the Iraqi Government in December 2014 to provide the Iraqi Government with 550,000 barrels of oil per day in exchange for 17 per cent of the national budget and funding for salaries for the Kurdish region's military forces (Peshmerga). Throughout most of 2015, the KRG unilaterally exported oil to Turkey (at a rate of well over 550,000 barrels per day) while the Iraqi Government stopped sharing revenue with the KRG. The US entered into an agreement with the KRG in 2016 to help pay Peshmerga salaries. The World Bank estimates that poverty in the Kurdish region more than doubled from 3.5 per cent of the population in 2012 to 8.1 per cent in 2014. DFAT assesses that the level of poverty in the Kurdish region has further increased since 2014.

2.13   Iraq ranks 166th out of 176 countries on Transparency International's 2016 Corruption Perceptions Index. Following escalating protests about high levels of corruption and a *fatwa* (an Islamic legal pronouncement) issued by Grand Ayatollah Sistani in August 2015, Prime Minister Abadi announced an ambitious plan to reform the Government, including through curbing corruption. However, progress has been limited. Corruption, patronage and nepotism affect most aspects of day-to-day life in Iraq and the Kurdish region.

Health

2.14   The 2005 Constitution guarantees the right to healthcare and states the Government will maintain public health and provide the means of prevention and treatment. Iraq ranked 121st out of 188 countries on the UN Development Programme's 2016 Human Development Index with an average life expectancy at birth of 67.4 for males and 71.8 for females.

2.15   Iraq has a mixture of public and private hospitals and primary healthcare is provided by both private and public clinics. Iraq's health infrastructure has suffered from decades of insecurity and recent conflict has further reduced access to health services. Many primary healthcare facilities are under-resourced and many skilled healthcare workers have moved abroad or to safer areas of Iraq. Healthcare facilities, particularly in conflict-affected areas or areas with large numbers of internally displaced people (IDP), are inadequately resourced and overburdened.

2.16   According to the UN-led Humanitarian Country Team's 2016 Humanitarian Response Plan, an estimated 2.4 million people are considered in need of food security assistance. The Government's Public Distribution System (a large Government-funded scheme designed to provide all Iraqis with access to rations for a nominal fee) is no longer able to provide the population with rations in a timely and effective manner.

Education

2.17   The 2005 Constitution guarantees the right to free education and Iraq was once a country known regionally for its high standards of education. However, educational outcomes have dropped in recent decades due to ongoing instability. On current trends, boys are likely to complete 11.5 years of schooling while girls are likely to complete 9.7 years of schooling.

2.18   Communities are struggling to deal with teacher shortages and the destruction, damage and occupation of educational facilities. An estimated 20 per cent of school-aged children are currently out of school. Only 50 per cent of children camps for internally displaced persons (IDP) are attending school and, outside of camps, just 30 per cent of displaced children are attending schools. DFAT assesses that although

educational standards across Iraq have likely declined, the situation is most acute in conflict-affected areas and areas hosting significant numbers of IDPs.

Employment

2.19   While accurate official data on unemployment rates is not available, credible sources have told DFAT that unemployment in Iraq is conservatively estimated at between 20 and 25 per cent. According to the 2016 Human Development Index, the labour force participation rate is 15.1 per cent for women and 69.7 per cent for men. An estimated 40 per cent of the Iraqi workforce is employed by the Government. Due to the deteriorating economic situation, the Government reduced public sector salaries and froze public sector hiring (with the exception of medical and military personnel) as part of the 2016 Budget. The 2017 Budget included a number of other measures to reduce the financial burden of the public sector, including a 3.8 per cent tax on the salaries of public servants and a continuation of the hiring freeze. However, the Government continues to struggle to pay public sector salaries.

2.20   Similar to other areas of Iraq, the KRG is the dominant employer in the Kurdish region employing more than 50 per cent of the workforce (26 per cent of which are non-military roles). Payments for salaries and pensions, along with social assistance and subsidies (for electricity, fuel, water and agriculture), comprise over 50 per cent of the Kurdish region's budget. As a result, the deteriorating economic situation in the Kurdish region has left the KRG struggling to pay public sector salaries.

POLITICAL SYSTEM

Iraq

2.21   Iraq is a federal constitutional democracy. The President (currently Dr Fouad Massoum, a Kurd) is the Head of State. The Prime Minister (currently Dr Haider al-Abadi, a Shia) is the Head of Government. The Prime Minister and Cabinet Ministers are appointed by the Council of Representatives, the unicameral legislature. Ministers forego their Council of Representatives seats to serve in Cabinet. The Constitution provides for an upper house (the Federal Council), although it has not yet been established.

2.22   The Council of Representatives comprises 328 members elected by open-list proportional representation. Members serve four-year terms. Eight seats are reserved for minorities – five for Christians, one for Sabaean-Mandeans, one for Shabaks and one for Yazidis.

2.23   There are 18 provinces in Iraq. Each Province is governed by an elected Provincial Council overseen by a Governor, whose position is determined by the party holding the majority of seats in provincial elections.

2.24   Women are guaranteed 25 per cent of seats in both the Council of Representatives and Provincial Councils.

The Kurdistan Region

2.25   The KRG is an autonomous regional government recognised under the Iraqi Constitution based in Erbil. The KRG is responsible for the administration of Erbil, Sulaymaniyah and Dohuk provinces. Masoud Barzani is the current President of the Kurdish region. Barzani became President on 31 January 2005 when the Kurdish region was created. He has served two four-year terms, as well as a two-year extension. His term

expired in August 2015, but he has yet to step down. The current Prime Minister (Nachirvan Barzani, nephew of Masoud Barzani) assumed office on 5 April 2012.

2.26   The Kurdish region's Regional Assembly comprises 111 seats and is led by the Speaker (currently Dr Aslam Bayez). Ten seats are reserved for minorities – five for Christians and five for Turkmen. Thirty per cent of seats are reserved for women. The most recent election in the Kurdish region was held in September 2013 and the Cabinet was approved by the Regional Assembly in June 2014. The Regional Assembly has not convened in over a year. An election is scheduled for November 2017.

HUMAN RIGHTS FRAMEWORK

2.27   Iraq's 2005 Constitution guarantees fundamental human rights including the rule of law, equality before the law, equal opportunity, privacy and judicial independence. The 2005 Constitution prohibits discrimination on the basis of gender, race, ethnicity, nationality, origin, colour, religion, sect, belief or opinion, economic or social status. Iraq's legal framework is relatively non-discriminatory but does contain some discrimination (see 'Refugee Convention Claims'). In practice, the implementation of an effective human rights framework has been unclear. Institutions (such as the Iraqi High Commission for Human Rights) established to implement constitutional rights have capacity constraints, as do the legal mechanisms for the protection of human rights.

2.28   The Kurdish region's draft Constitution prohibits discrimination on the basis of language, age, disability and gender. The Kurdish region has made some progress towards establishing the Kurdistan Region Independent Board of Human Rights, but there is a lack of legal or practical mechanisms to implement a functioning framework for the protection of human rights.
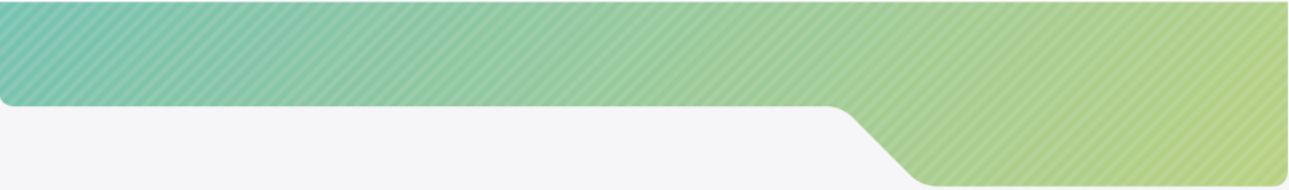
SECURITY SITUATION

2.29   A number of factors influence the current security situation in Iraq including ISIL, armed groups (many of which are part of the Popular Mobilisation Forces (PMF), over which the Government claims control) and historical intra-Shia and intra-Sunni tensions. In the Kurdish region, the security situation is influenced by historical tensions between the Iraqi Government and KRG, and tensions between different Kurdish political blocs, as well as by Turkey and Iran.

2.30   The presence of ISIL remains the most acute issue influencing the current security situation throughout Iraq and the Kurdish region. Prior to ISIL, numerous other Sunni armed groups operated in Iraq. These included the Naqshbandi Order (Jaysh Rijal at-Tariq an Naqshabandiya, or JRTN), the 1920s Revolutionary Brigade (Kitab Thawra al-Ashrayi), loyalists of the Ba'ath Party regime, 'Helpers of Islam' (Ansar al-Islam), and the 'Islamic Army in Iraq' (Al Jaysh al Islami fil-Iraq).

2.31   Key Shia armed groups in Iraq include Saraya Al-Salam (SAS, also known as the 'Peace Brigades', and partly made up of former Mahdi Army fighters), Asaib Ahl al-Haq (AAH), Kataib Hizbullah (KH), and the Badr Corps. SAS and the Badr Corps are the military arms of the Sadrist and Badr political movements respectively. Some groups within the PMF have fought against ISIL. Some of these groups have been criticised for allegedly committing abuses against civilians (see 'Popular Mobilisation Forces'), as well as engaging in criminal activities. Violence between different Shia armed groups is also a serious concern.

2.32   The Kurdish region has experienced lower levels of insecurity compared to other areas of Iraq. This may be due to the greater capacity of the Kurdish authorities or the lower levels of ethnic and religious diversity in the Kurdish region. However, there are examples of violent attacks occurring in the Kurdish region and the increasing number of IDPs entering the Kurdish region has strained the Kurdish authorities'

ability to guarantee safety. Turkey has shelled suspected militants in villages along the border between Turkey and the Kurdish region, and Turkish forces have crossed the border in pursuit of militants. Turkey also maintains a military training and artillery base at Bashiqa, near Mosul, without the approval of the Iraqi Government. The KRG retains control of some disputed areas that it has successfully liberated from ISIL. Some violent incidents have occurred between KRG-affiliated forces and Shia militia groups.

2.33   Overall, the security situation in Iraq, including and the Kurdish region, is fragile and susceptible to rapid and serious deterioration with large-scale conflict in some areas. A number of areas remain under ISIL control in the west, north and central areas. According to the UN Assistance Mission for Iraq (UNAMI), there were 18,491 civilian casualties (including 6,773 deaths and 11,718 injuries) in the year to February 2017. UNAMI's ability to collect data in conflict-affected areas has been hindered by the volatile security situation and DFAT assesses that the number of casualties is likely higher than reported by UNAMI.

3. REFUGEE CONVENTION CLAIMS

RACE/NATIONALITY

3.1   Iraq's constitutional and legislative protections for ethnic minorities are strong. Ethnic minorities in Iraq have political representation and participate in public life. The 2005 Constitution recognises both Arabic and Kurdish as official languages, and provides the right for individuals to educate their children in minority languages such as Turkmen, Syriac and Armenian.

3.2   Minority Rights Group ranks Iraq third on its 2016 'Peoples Under Threat' ranking. Based on discussions with in-country contacts, DFAT assesses that there is limited official discrimination and violence against individuals on the basis of their ethnicity, particularly in government-controlled areas. However, in practice, the concentration of political power in the hands of the majority religious group (Shia) since the overthrow of the Ba'ath Party regime in 2003 has left ethnic and religious minorities (particularly Sunnis) feeling aggrieved, believing they suffer institutionalised prejudice. The Shia-majority Government's failure to address these grievances has reinforced a sense of disenfranchisement, and set the conditions for the rise of ISIL. Societal discrimination against ethnic minorities is also widespread and ethnic minorities regularly report difficulty in accessing employment, housing and services, including education. This is generally due to nepotism, sectarian identity and societal prejudice rather than discriminatory government policies.

Bedouin

3.3   Bedouins are concentrated in the south and west. Bedouins have traditionally been nomadic and involved in camel and livestock herding. Many have now settled in urban and rural areas. They often live scattered in illegal buildings and settlements or within IDP communities where they are tolerated by local officials. Given the large number of IDPs in Iraq, it is difficult to obtain reliable information on the treatment of individual Bedouins, including the potential for discrimination and violence. DFAT is not aware of any specific incidents of mistreatment of Bedouins on the basis of their ethnicity by the Government or wider community, although understands that the Government has done little to improve access to services in Bedouin communities.

3.4   The situation for stateless Bedouin who may also be described as Bidoons (an Arabic word meaning 'without') is more complex. Many Bedouin are stateless and do not hold the identification documentation necessary to guarantee freedom of movement and access to services such as healthcare and education. This is exacerbated by divergent practices amongst local authorities along with practical and cultural obstacles. Stateless Bedouins have disproportionately high rates of illiteracy, poverty and unemployment and can face eviction as they often do not own the land on which they settle.

3.5   Overall, DFAT assesses that Bedouins face low levels of official and societal discrimination. Stateless Bedouins face high levels of official discrimination.

Faili Kurds

3.6   Faili Kurds are generally Shia, unlike the majority of other Kurds who are predominantly Sunni. Previous (Sunni-dominated) governments treated Faili Kurds with suspicion and hostility. In the 1970s and 1980s, tens or perhaps hundreds of thousands of Faili Kurds were stripped of their citizenship and expelled from Iraq, mainly to Iran. Faili Kurds have been returning from Iran to Iraq since 2003 and are mainly located along the border with Iran. While most were initially considered stateless on their return to Iraq, many have now been able to regain their citizenship. Legislation that supports this process is now in place, although the process can be administratively complex if the individual lacks sufficient documentation to demonstrate Iraqi origin.

3.7   Interviews conducted by credible NGOs found that Faili Kurds who have not regained their citizenship fear official discrimination, mainly due to the ramifications of not holding proper documentation. In-country contacts suggest that a lack of awareness amongst Faili Kurds of their rights has led to this perception of official discrimination. The Iraqi Government and the KRG have taken numerous steps to protect Faili Kurds, including through providing financial compensation and restitution of employment (although this is likely to have been affected by the deteriorating economic situation). There is limited discrimination in access to services such as education and health for non-stateless Faili Kurds. Recovering properties that were confiscated or occupied when Faili Kurds were stripped of their citizenship is administratively complex, but legal processes to facilitate this exist. Courts have approved the return of properties, although opposition from occupants has prevented some Faili Kurds from reclaiming their properties.

3.8   Credible in-country contacts suggest that societal discrimination against Faili Kurds continues to occur and that Faili Kurds are not readily welcomed into communities dominated by other ethnic or religious groups. This situation is also faced by other groups in areas where they are the ethnic or religious minority.

3.9   Overall, DFAT assesses that there are limited examples of official discrimination occurring in practice against Faili Kurds. As with other stateless people, this risk is higher for Faili Kurds who remain stateless. DFAT assesses the risk of Faili Kurds experiencing societal discrimination to be moderate.

Iraqis of African Descent

3.10   Iraqis of African descent (sometimes referred to as 'Black Iraqis') are among the poorest and most marginalised communities in Iraq. Large sections of this community live in informal settlements characterised by extreme poverty and overcrowding in and around Basra and in other areas in the south. Very few Iraqis of African descent have post-secondary education, and unconfirmed statistics suggest that the unemployment rate among Iraqis of African descent may be as high as 80 per cent.

3.11   DFAT is not aware of any official policies that discriminate against Iraqis of African descent: the community has access to services such as health and education on the same terms as other Iraqis, although the quality of services in areas dominated by Iraqis of African descent is poor. Iraqis of African descent are exposed to significant societal discrimination, and are subject to economic and political exclusion (demonstrated by the high-rates of unemployment). In-country contacts pointed to examples of violence towards Iraqis of African descent, including the 2015 assassination of an employee of an NGO focused on the rights of Iraqis of African descent. DFAT is unable to verify this incident or comment on the motivations for this attack.

3.12   DFAT assesses that Iraqis of African descent face low levels of official discrimination and high levels of societal discrimination. Iraqis of African descent face a low risk of violence (either generalised or targeted)

particularly given they are predominantly located in the south which has lower levels of violence overall compared to other areas of Iraq.

Palestinians

3.13   Palestinians are predominantly located in Baghdad. The Government does not recognise Palestinians as refugees, although legislation does provide protections for Palestinians including the right to access the same services as other refugee communities.

3.14   Credible in-country contacts suggest that Palestinians face similar issues to other refugee and IDP communities in Iraq, such as being targeted by armed groups and livelihood challenges such as excessive rental costs. Palestinians have reported mistreatment at the hands of the authorities, although the number and severity of such allegations have markedly decreased since 2006. The UN Office of the High Commissioner for Refugees reported cases of abuse against Palestinians in Baghdad, including intimidation at checkpoints, arbitrary arrests, abductions and disappearances.

3.15   DFAT assesses that Palestinians have faced a degree of historical discrimination, although this is not necessarily on the basis of their ethnicity. DFAT assesses that Palestinians face low levels of official discrimination and violence, and moderate levels of societal discrimination and violence. This is consistent with the risk faced by other minority ethnic and religious groups.

Shabak

3.16   The Shabak community are predominantly Shia, although 30 to 40 per cent identify as Sunni. The Shabak live primarily in Ninewa Province and are culturally distinct from both Kurds and Arabs. Their language is a combination of Turkish, Persian, Kurdish and Arabic. According to Minority Rights International, the name Shabak is derived from an Arabic word which means 'inter-twining', demonstrating that the Shabak are composed of many different tribes. During the Ba'ath Party regime, the Government attempted to 'Arabise' Shabak communities. DFAT considers credible reports of Shabaks facing pressure to identify as Kurdish. Tensions between the KRG and the Iraqi Government over disputed territory in Ninewa Province could also have an impact on Shabak communities.

3.17   More recently, ISIL has been responsible for violent attacks against Shabaks. Violence by ISIL against Shabaks (as well as other minority groups) appears to be part of a policy to suppress, permanently expel or destroy the Shabak community. Minority Rights International lists numerous examples of Shabaks being targeted by ISIL, including through kidnappings and executions. Quantifying the treatment of Shabaks by ISIL is difficult, although some reports suggest as many as 117 Shabak families have been killed and a further 3,000 have fled to safer Shia areas.

3.18   DFAT assesses that Shabaks face moderate levels of societal discrimination in non-ISIL-controlled areas, which the Government does little to prevent. DFAT assesses that Shabak face a high risk of violence from ISIL.

Turkmen

3.19   Turkmen live primarily in Iraq's north (Ninewah, Erbil, Salah al-Din and Diyala provinces) and are a mix of Sunni and Shia. ISIL has been responsible for violent attacks against Turkmen, particularly Shia Turkmen. Violence by ISIL against Turkmen (as well as other minority groups) appears to be part of a policy to supress, permanently expel or destroy the Turkmen community in areas under ISIL control. DFAT is aware

of credible examples of Turkmen being kidnapped by ISIL. This includes reports from a local NGO that some of those kidnapped were brutalised, tied to electricity poles and raped in front of their family. Open-source reports suggest that ISIL has been responsible for attacking Turkmen villages in the north with chemical weapons. DFAT assesses as credible reports of intimidation of, and discrimination towards, Turkmen by Government-linked and KRG-linked armed groups as well as other non-aligned armed groups. This has limited the ability of Turkmen to move from ISIL controlled areas to safer areas of Iraq.

3.20   DFAT assesses that Turkmen face a moderate risk of official and societal discrimination in non-ISIL controlled areas. DFAT further assesses that Turkmen face a high risk of discrimination and violence by ISIL, and that this risk is particularly high in ISIL-controlled areas.

RELIGION

3.21   The 2005 Iraqi Constitution makes Islam the official religion of the State. It guarantees freedom of religious belief and practice for all individuals, including Christians, Yazidis and Sabaean-Mandeans. Religious institutions operate with little official oversight. The Constitution also establishes Islam as the main foundation of all legislation, and laws ban the practice of Bahai faith and the Wahabi branch of Sunni Islam. Regulations founded on Islamic law (Sharia) prohibit individuals from converting from the Muslim faith, although DFAT is not aware of any prosecutions for this. Under Iraq's Civil Status Law, if one parent is Muslim, a child must be Muslim. This provision leaves no remedy for a non-Muslim parent to pass their religious identity on to their children once the adult has been registered as Muslim, and prevents children from choosing their own religion as adults.

3.22   In practice, the perceived concentration of political power in the hands of the majority religious group (Shia) since the overthrow of the Ba'ath Party regime in 2003 has left ethnic and religious minorities (particularly Sunnis) feeling aggrieved, believing they suffer institutionalised prejudice, although Sunnis, Kurds and other ethnic and religious minorities hold a number of ministerial positions and are represented in the Parliament. The Shia-majority Government's failure to address these grievances has reinforced a sense of disenfranchisement, and set the conditions for the rise of ISIL. All religious communities in Iraq have been threatened by some level of violence in recent years, particularly since the emergence of ISIL, as detailed below.

Christians

3.23   In the mid-2000s, all religious groups were directly affected by conflict and the Christian community faced a high level of violence at the hands of armed groups. Current violence towards the Christian community has been significantly exacerbated by the rise of ISIL. Pre-2002 estimates of the number of Christians in Iraq range from 800,000 to 1.4 million. Anecdotal estimates from Christian leaders indicate that fewer than 250,000 Christians now remain in Iraq, after many fled the country.

3.24   Christians are represented in government, including in the Council of Representatives and the bureaucracy. In-country contacts spoke of the historical importance of the Christian community in playing a mediation role between the Sunnis and Shias. The Iraqi Government provides some symbolic support to the Christian community. For example, the re-consecration of an Assyrian Catholic Church in Baghdad destroyed by a bombing in 2010 was attended by many of Iraq's political and religious leaders, including former Prime Minister al-Maliki and Shia cleric Muqtada al-Sadr. The inauguration of the Chaldean Church Patriarch had similarly high-levels of attendance. On this basis, DFAT understands that the Government values Iraq's Christian community and is willing to provide protection to them where it has the capacity to do so.

3.25   At a societal level, DFAT understands that tolerance for the Christian community in areas dominated by other ethnic or religious groups (such as Shia areas of Baghdad) is declining and day-to-day harassment and violence is increasing. This aligns with the current situation for other ethnic and religious minorities. While the Government has tried to provide some level of protection to Christian communities, it is often insufficient. While societal violence against Christians in the Kurdish region is less common, Christians in the Kurdish region are still susceptible to discrimination – including intimidation, a lack of access to services and long-running low level conflict over land ownership (with many Assyrians claiming their land was expropriated by Kurds under the Ba'ath Party regime).

3.26   Christians in ISIL-controlled areas have experienced high levels of violence and discrimination, including being forced to pay the *jizya* (a toleration / protection tax) or face death or expulsion (although the UN Special Rapporteur on Minority Issues has stated that similar tactics were being used in Mosul prior to the rise of ISIL). According to the 2016 US Department of State's Human Rights Report, ISIL was responsible for numerous abuses against Christians (as well as other minority communities in ISIL-controlled areas) including execution, kidnapping, rape, enslavement, forced marriage, forced abortions, expulsion, theft and destruction of property. ISIL has also destroyed religious sites, including the reported destruction in January 2016 of the Monastery of Saint Elijah, which was more than 1,400 years old and the oldest Christian monastery in Iraq. Most Christians have attempted to flee ISIL-controlled areas with many seeking safety outside of Iraq.

3.27   DFAT assesses that Christians in Iraq face low levels of official discrimination and violence and moderate levels of societal discrimination and violence. Any Christians remaining in ISIL-controlled areas face a high risk of discrimination and violence.

Sabaean-Mandeans

3.28   Sabaean-Mandeans (also referred to as Mandeans, Sabians or Sabaeans) adhere to a monotheistic Gnostic religion which reveres a range of Jewish or Christian religious figures, particularly John the Baptist, but rejects others, including Jesus, Moses and Abraham. Their religious rites emphasise the importance of baptism and their temples are frequently located near rivers. Prior to 2003, the bulk of the Sabaean-Mandean community (approximately 60,000 to 70,000) was located in Iraq. Following the outbreak of conflict in 2003, many fled to neighbouring countries. It is estimated that no more than 3,000 Sabaean-Mandeans remain in Iraq, widely distributed throughout central and southern areas. The small number of Sabaean-Mandeans who lived in ISIL controlled areas have mostly fled. Sabaean-Mandeans are represented in the Council of Representatives (with one seat being reserved for Sabaean-Mandeans).

3.29   DFAT understands that Sabaean-Mandeans enjoy freedom of worship and religious expression, although there are some limited examples of local authorities raising bureaucratic impediments to opening additional temples. Sabaean-Mandeans reported to DFAT that they were not necessarily targeted on the basis of their religion, but that, given many Sabaean-Mandeans were goldsmiths, they were targeted by financially-motivated criminal gangs, including through being kidnapping and held for ransom, and being killed for refusing to pay ransoms. Some Sabaean-Mandeans report that they experience societal discrimination and are considered 'dirty' by the non-Sabaean-Mandean community. Some said the food and drink of Sabaean-Mandeans would be separated from that of others and some Sabaean-Mandeans report that they cannot open restaurants on that basis. While women are not required to wear headscarfs, some do in order to prevent low-level harassment. As is the case for other minority religious groups, DFAT understands that the wider Iraqi community's tolerance for Sabaean-Mandeans is declining.

3.30   Overall, DFAT assesses that Sabaean-Mandeans in Iraq face low levels of official discrimination and violence and moderate levels of societal discrimination and violence. Any Sabaean-Mandeans remaining in ISIL-controlled areas face a high risk of discrimination and violence.

Shias

3.31   Shias have traditionally lived across Iraq. The sharp increase in sectarian violence since 2003 has seen most Shias leave Sunni areas, with the exception of Turkmen and Shabak Shia who have only recently been forced to relocate to other areas due to the rise of ISIL. As the majority community in Iraq with a dominant role in the Government, Shias face little to no official discrimination in government-controlled areas. In these areas, DFAT assesses that reported instances of societal discrimination are likely to be associated with patronage and nepotism, such as not having the right contacts to secure access to jobs or housing. In areas where Shias are not the dominant ethnic or religious group, societal discrimination is likely to be more pronounced, but still closely linked to patronage and nepotism. Relocation to Shia areas would reduce this risk substantially, although DFAT notes that relocation would be difficult for anyone without familial or other links in the area they are relocating to (see 'Internal Relocation').

3.32   Shia communities are subject to both indiscriminate and targeted violence at the hands of ISIL. Violence targeted at Shias is particularly prominent in Baghdad. ISIL has targeted Shias in Baghdad in areas where people congregate such as markets, parks and cafes. On 3 July 2016, a bombing in Karada in central Baghdad killed more than 300 people. ISIL claimed responsibility for the attack which reportedly involved a truck that had travelled from Diyala Province (and had therefore likely passed through multiple checkpoints) packed with explosives blowing up in a crowded shopping street. More recent attacks by ISIL include a May 2017 vehicle-borne improvised explosive device which was detonated outside an ice-cream shop in Karada, reportedly to coincide with Ramadan. Recent attacks against Shias in Baghdad are likely linked to ISIL retaliating against the Government's success in liberating areas previously under ISIL control. Outside of Baghdad, ISIL has also launched attacks against Shias, particularly in areas surrounding Baghdad. In July 2016, a suicide truck bombing in a crowded market place in the predominantly Shia town of Khan Bani Saad (approximately 30 kilometres from Baghdad) in Diyala Province killed an estimated 130 people. DFAT assesses that violence targeted at Shias is largely aimed at destabilising the Government and increasing tensions between Sunnis and Shias, rather than at specific individuals. Attacks in and around Baghdad by ISIL have persisted, and even increased, since the beginning of the military operation in Mosul. While individual high-profile Shias may be targets, the Government provides extensive security for them thereby decreasing the risk they face.

3.33   Violence between opposing Shia militias (including those that fall under the umbrella of the PMF) does occur and is more pronounced in Shia areas (such as Baghdad and the south). This is sometimes linked to other criminal activities, including robberies and kidnappings. Credible in-country contacts suggest that the risk of being caught up in intra-Shia violence is predominantly borne by those who are actively involved in the militia or tribal group, rather than ordinary civilians who may be perceived to be part of a militia or tribal group's constituency.

3.34   Overall, DFAT assesses that official and societal discrimination against Shias is low, particularly in Shia areas. Shias in Baghdad face a moderate risk of violence, whereas Shias in other Shia areas (such as the south) face a lower risk of violence. Any Shias remaining in ISIL-controlled areas face a high risk of discrimination and violence.

Sunnis

3.35   Sunnis' removal from their privileged position under the Ba'ath Party regime resulted in many feeling excluded and marginalised. This has been further exacerbated by the perceived association of the Sunni community with ISIL and the limited capacity of the Government to assist Sunnis attempting to flee ISIL, who have been disproportionately affected by the current conflict. While the Government has worked hard to protect civilians in the fight against ISIL, it has at times failed to respond firmly to acts of retribution by the Iraqi Security Forces (ISF) or the PMF. These factors have intensified tensions between Sunni and Shia communities in Iraq.

3.36   Sunnis are active and present in the Government and the bureaucracy. Some Provincial Governors (including the Governors of Anbar and Ninewa provinces) are Sunni. Despite this, the implementation of non-discriminatory legislation is often subject to societal prejudice against Sunnis.

3.37   While in part related to the fight against ISIL, in-country contacts report that some Sunnis continue to be systematically harassed, accused of supporting ISIL and physically harmed by PMF groups and, to a lesser extent, other parts of the ISF in some areas. This includes reports of abuses of Sunni males when trying to flee ISIL controlled areas as well as Sunnis being prevented from leaving and entering Government controlled areas. For example, the US Department of State's Human Rights Reports in 2016 highlighted multiple NGO reports of more than 643 men and boys being reported missing following the June 2016 liberation of Fallujah after they were intercepted by PMF groups at ad hoc security sites. All 643 men and boys reportedly remain missing. Looting and destruction of Sunni owned properties following the liberation of ISIL-controlled areas is also occurring on occasion and, in some areas, displaced Sunnis are being prevented from returning to their homes. Outside of ISIL-controlled areas, Sunnis have claimed they face harassment and discrimination, including through undergoing more intrusive inspections at checkpoints and the provision of poorer quality services in Sunni areas.

3.38   Intra-Sunni tensions exist, including between those who support ISIL and others who resist ISIL. In-country contacts report that the Sunni community and, in particular, the Sunni leadership is divided. Intra-Sunni militia and tribal violence occurs.

3.39   Overall, DFAT assesses that official and societal discrimination and violence towards Sunnis is increasing and tolerance for Sunnis in non-Sunni areas has declined. Sunnis located in non-Sunni areas (such as Shia areas of Baghdad and the south) face a high level of societal discrimination and violence. In Sunni areas, the risk is lower. However, in ISIL-controlled areas, Sunnis who refuse to support ISIL face a high risk of discrimination and violence.

Yazidis

3.40   The Yazidi are an ethno-religious group concentrated in the north. Their religion is distinctive and highly syncretic, influenced by beliefs and practices of Zoroastrianism, Islam and Christianity. Yazidis are predominantly Kurdish and speak Kurdish languages, but use Arabic as a liturgical language. Prior to the rise of ISIL, the Yazidi were concentrated in and around Mosul, Sinjar, Tal Afar, Shirkhan and the Ninewah Plains. Thousands of Yazidis have been displaced since ISIL took control of many of these areas. Many Yazidis reported to the UN Special Rapporteur for Minority Issues in early 2016 that they thought they had little prospect or hope for their future in Iraq.

3.41   Yazidis are considered apostates by adherents of ISIL's extremist Islamic ideology. As a result, they have not been given the option of paying a *jizya* (a toleration / protection tax) unlike Christians (as 'People of the Book'). In practice, Yazidis (as well as other minority communities in ISIL-controlled areas) have been subject to widespread abuses including execution, kidnapping, rape, enslavement, forced marriage, forced

abortions, expulsion, theft and destruction of property. ISIL has destroyed Yazidi religious sites, including a shrine with two rocket propelled grenades. UNAMI estimates that ISIL currently holds 3,500 individuals in slavery, predominantly Yazidis, including large numbers of Yazidi women held for sexual slavery. Credible reports suggest that Yazidis attempting to flee captivity have been murdered by ISIL. The US Department of State's Human Rights Reports in 2015 and 2016 list numerous examples of mass graves of Yazidis, with remains showing signs of brutal treatment.

3.42   Outside of ISIL-controlled areas, Yazidis are represented in the Council of Representatives (with one seat being reserved for Yazidis). Based on information available, DFAT assesses that the risk of official or societal discrimination or violence faced by Yazidis outside of ISIL-controlled areas is consistent with the risk faced by other minority religious and ethnic groups.

3.43   DFAT assesses that Yazidis in Iraq face low levels of official discrimination and violence and moderate levels of societal discrimination and violence. Any Yazidis remaining in ISIL-controlled areas face a high risk of discrimination and violence.

POLITICAL OPINION (ACTUAL OR IMPUTED)

3.44   The 2005 Constitution provides for universal suffrage and enshrines the right to change government peacefully and through democratic means. Iraq has held multiple elections since 2003 (see 'Recent History' and 'Political Structure') and changes of government have occurred following elections. The 2005 Constitution provides the right to form and join associations and political parties, although there are legislative prohibitions on groups expressing support for the Ba'ath Party or Zionist principles. The 2005 Constitution also provides for freedom of assembly and peaceful demonstration as regulated by law. Regulations include organisers needing to seek permission seven days in advance of holding a demonstration.

3.45   While political parties have proliferated (with some estimates around 300), they tend to be split on sectarian or ethnic lines, with fewer secular and liberal parties. In-country contacts have highlighted the fractious nature of the Iraqi political system, where different Ministries are influenced by particular religious or ethnic groups, thereby reducing the roles of others. Efforts from 2015 onwards to move to a more technocratic government have been resisted by the powerful political blocs within the Government to protect their own interests.

3.46   Reports of assassinations and intimidation of high-profile members of parties in the lead-up to the provincial elections in 2013 and national elections in April 2014 are credible and some Sunni candidates were excluded from participating (see 3.38). A small number of candidates were targeted for assassination by armed groups including ISIL. Despite this, DFAT assesses that being a low-profile member of a legitimate political party does not place that individual at risk on the basis of political opinion.

3.47   From mid-2015 onwards demonstrations increased with protestors demanding better services and an end to corruption. Major protests in Baghdad breached the International Zone and occupied the Parliament. Generally speaking, the increasing number of demonstrations from mid-2015 onwards have been relatively peaceful and local authorities have not interfered and shown restraint. However, there are some examples of local authorities preventing protests from occurring and of protesters being killed. In February 2017 large protests near the International Zone in Baghdad resulted in the deaths of at least five protesters and two police after security forces fired tear gas and rubber-coated bullets at protesters who were reportedly supporters of Shia cleric Muqtada al-Sadr calling for electoral reforms.

Association with the Government

3.48   Individuals working in particular areas of the Government can have an increased vulnerability to deliberate targeting, including by ISIL. In-country contacts suggest that some instances of targeting are about power, rather than political opinion. However, the risk faced by individuals associated with the Government has increased with the emergence of ISIL which has systematically targeted Government employees, particularly members of the ISF. For example, DFAT is aware of credible reports that up to 1,700 mainly Shia Air Force cadets were executed by ISIL in Tikrit in June 2014.

3.49   All high-level individuals in the Government and the bureaucracy are provided with substantial protective security details. However, the Government does not have the ability to provide protective security for all employees. Overall, DFAT assesses that members of the armed forces as well as senior and mid-ranking officials face a high risk of violence. Other lower-level officials are subject to a low risk of violence. This risk increases significantly in ISIL controlled areas.

3.50   DFAT has no evidence to suggest that the families of any individuals associated with the Government are targeted by armed groups as a matter of course. However, there are credible reports of families associated with the Government (such as by having a family member who is a member of the Iraqi Security Forces) being injured or killed during attacks on the individual's car or home.

Links to the Ba'ath Party

3.51   Under the former Ba'ath Party regime, membership of the Ba'ath Party was a precondition for employment with the Government, creating a hegemonic party with a presence in every Ministry. After the fall of the Ba'ath Party regime in 2003, a de-Ba'athification process was introduced to remove the Ba'ath Party's extensive influence. This process led to the dismissal of thousands of individuals based on their rank within the Ba'ath Party hierarchy. The 2005 Constitution prohibits the party, but provides for equality before the law for former members of the Ba'ath Party.

3.52   The High Commission for De-Ba'athification (later changed to the Accountability and Justice Commission) was established to steer efforts to remove the influence of the Ba'ath Party. The *2008 Accountability and Justice Act* was passed to give a clear legal framework for the dismissal and reinstatement for members of the Ba'ath Party, and to ensure that Sunnis (who dominated the Ba'ath Party) were not excluded from Iraq's governance processes moving forward. The *2008 Accountability and Justice Act* permitted Ba'athists (with the exception of those who held senior positions) who were purged from their former positions to return to government service. Most individuals dismissed under the previous regulations were also entitled to access their pensions.

3.53   Under the *2008 Accountability and Justice Act*, an accusation of 'Ba'athist links' can trigger legal processes for removing a person from a public position, particularly those who have held senior positions in the Ba'ath Party. The Government proposed amendments to the *2008 Accountability and Justice Act* to advance reconciliation with ex-Ba'athists. The proposed legislation – De-Ba'athification Bill, Amnesty Bill and National Guard Bill – aimed to ensure that ex-Ba'athists could effectively function within Iraqi society and to bridge some of the differences between Iraq's Shia and Sunni communities. The Parliament passed the De-Ba'athification Law in July 2016 and the Amnesty Law in August 2016. There are mixed views on their utility for reconciliation and some credible in-country contacts see the laws as a setback to reconciliation. How this new legislation will be implemented in practice remains unclear.

3.54   At a societal level, it is broadly agreed that what applies to the Ba'ath Party should not apply to Ba'athists as individuals given the pressures that forced millions of Iraqis to join the Ba'ath Party and the supremacy of the Ba'ath Party in all aspects of Government during the Ba'ath Party regime. Despite this, in-

country contacts report that the *2008 Accountability and Justice Act* is still used as a threat against Sunnis. For example, Sunnis employed by the Government may be threatened by colleagues competing with them for employment and told that they will be accused of having links to the Ba'ath Party. DFAT assesses that societal discrimination against individuals with links to the Ba'ath Party is most pronounced in areas where Shias dominate (such as in the south).

3.55   Overall, DFAT assesses that individuals with high-level links to the Ba'ath Party face high levels of official and societal discrimination, particularly when trying to secure employment. Individuals with lower-level links to the Ba'ath Party face lower levels of official and societal discrimination.

Association with the International Community

3.56   Individuals who have worked with the international community (and, in particular, with the US Government) have faced recriminations since 2003. Many of those at risk of being targeted (for example, those most closely involved with the US military) have moved abroad. In-country contacts from the international community told DFAT that their local employees do not openly discuss their employment or association with the international community within their local communities. Overall, DFAT assesses that the risk of societal discrimination against individuals associated with the international community is high and the risk of societal violence is moderate.

GROUPS OF INTEREST

Bidoon

3.57   The Bidoon are a group of often stateless persons in the Gulf region, primarily Kuwait, including those unable to gain citizenship at the time of Kuwait's independence due to a lack of documentation, as well as those who renounced their citizenship to move to Kuwait (from countries such as Iraq). There is little verifiable information available on the status of Bidoon in Iraq. During the Gulf War a number of Bidoon fled (or were deported) to Iraq and subsequently faced difficulties re-entering Kuwait. Kuwait considered those who fled to Iraq as supporters of the Ba'ath Party regime and therefore not loyal to Kuwait. An estimated 100,000 Bidoon entered Iraq during this period. The majority are Sunni, with a small minority being Shia. More than 80 per cent are reported to live in the south, although some have moved to the north.

3.58   Approximately 47,000 Bidoon were granted Iraqi nationality by the Ba'ath Party regime through an assistance package called 'makremiayah'. To obtain citizenship, Bidoon had to declare that Kuwait was not their place of birth (that is, they had to renounce association with Kuwait) and often needed sponsorship from a local tribal group. After 2003, Bidoon were no longer able to claim citizenship through 'makremiayah'. Bidoon who were unable or unwilling go through 'makremiayah' remain stateless. In-country contacts report that approximately 54,000 Bidoon remain stateless. A stateless person has to prove that he or she was registered during the 1957 Census in order to gain citizenship. Local authorities reportedly maintain a certain degree of flexibility for Bidoons with regards to this requirement. Bidoons can access Iraqi nationality through their affiliation with some tribal groups, provided they do not declare 'Kuwait' as their place of birth. Bidoon may face difficulty in obtaining Iraqi nationality documentation due to a combination of not being registered or not being able to meet the supporting documentation requirements. Stateless Bidoon do not have access to many services and public sector job opportunities, nor can they register land in their own names, sign rental contracts or inherit. Births and deaths of stateless Bidoons are not normally registered by Iraqi officials.

3.59   DFAT assesses that stateless Bidoon are subject to a moderate level of official discrimination. DFAT has no evidence of targeted violence against Bidoon communities.

Civil Society

3.60   The 2005 Constitution provides for freedom of association, with the exception of entities that incite or promote terrorism (including the Ba'ath Party). Bureaucratic impediments continue to delay the registration process for civil society organisations and civil society organisations currently face access constraints to particular areas due to the security environment. The NGO Directorate in the Council of Ministers Secretariat issued registration certificates to 244 NGOs from January to August 2016, and reported 2,844 registered NGOs. DFAT understands that some civil society organisations continue to face direct and indirect harassment and violence. In-country contacts state that they are careful about whether they display their logos and that locally engaged staff of civil society organisations (particularly those with international connections, such as the UN) often do not identify where they work within their local communities. In-country contacts report that individuals employed by organisations working on issues such as human rights and providing assistance to IDPs face a higher risk than others.

Media

3.61   Freedom of expression is broadly protected by the 2005 Constitution and Iraq has a higher level of freedom of expression compared to other Arab countries. Legislation prohibits defamation as well as producing, importing, publishing or possessing written material, drawings and photographs or films that violate public decency. Penalties can include imprisonment or fines. Iraq has an active media. Over a dozen private television stations are in operation and major Arab satellite stations are also easily accessible. Since 2003, hundreds of print publications have been established. Internet access is not officially restricted. Most media outlets represent the views of their constituencies (and backers) – mainly different political or sectarian blocs – and therefore cannot be considered independent.

3.62   Iraq ranked 158th out of 180 countries on the Reporters Without Borders 2016 Press Freedom Index. In 2015, the Journalistic Freedom Observatory recorded 235 cases of harassment, along with 10 confirmed deaths and at least 10 disappearances. DFAT considers credible reports of authorities in some parts of the country arresting and harassing journalists, as well as forcibly closing media outlets covering sensitive topics such as security issues or criticising the Government. According to Reporters without Borders, many Iraqi journalists are routinely exposed to threats, murder attempts, attacks, difficulties obtaining permission, denial of access and confiscation of equipment. DFAT assesses that journalists frequently self-censor. Journalists are at high risk in ISIL-controlled areas.

Students and Academics

3.63   DFAT is not aware of any specific examples of academics or students being targeted, nor of any students who have studied or lived abroad being targeted because of their links with the West. The Government expects students who have studied abroad on Iraqi Government scholarships to return. Many high-ranking Government officials have studied abroad. DFAT assesses as credible advice from the Ministry of Higher Education and Research that the Ministry will seek to relocate returning scholarship students to safer areas should they have concerns regarding security. Overall, DFAT assesses the risk faced by students or academics on the basis of their employment or education in either Iraq or abroad as low. The risk is significantly higher in ISIL-controlled areas.

Women

3.64   The 2005 Constitution provides women equal rights under the law, though in practice women face various forms of legal and social discrimination. Women enjoy somewhat greater legal protections in the Kurdish region, although, as with other areas of Iraq, conservative social norms can constrain their participation in public life. In February 2014, Iraq's Cabinet proposed draft legislation that would severely curtail the rights of Shia women and girls, including permitting girls as young as nine to be married. DFAT understands that this legislation has not been passed by the Council of Representatives.

3.65   Women are guaranteed 25 per cent of seats in both the Council of Representatives and Provincial Councils. Thirty per cent of seats in the Kurdish region's Regional Assembly are reserved for women.

3.66   Women in Iraq experience economic discrimination in access to employment, credit and pay equity. DFAT understands that women routinely need permission from husbands or male relatives in order to engage in economic activities outside the home.

3.67   Accurate data on the prevalence of violence against women does not exist, but it is widely acknowledged that it is a common and often socially accepted practice. There is no specific legislation that criminalises domestic violence. Article 29 of the 2005 Constitution prohibits all forms of violence and abuse within the family, but a husband has the legal right to punish his wife under Article 41 of the Penal Code. Attempts to address this have been rejected on the grounds that it would conflict with religious norms. The Kurdish region has passed a Family Violence Bill, which includes provisions that criminalise domestic violence. Domestic violence is often considered a private matter and is therefore not addressed effectively by the Government or the individual's community. Honour is still recognised under the Penal Code as a mitigating factor in crimes involving violence by men against women or children. Perpetrators of crimes involving sexual violence are exonerated if they marry their victim. Accurate statistics are unavailable but honour killings may number in the hundreds per year, including teenage victims.

3.68   Forced marriage affects girls as young as nine. DFAT assesses as credible reports of forced marriage of minors despite legislation stipulating that persons must be 18 years of age to marry. Many of these marriages are unregistered, and therefore children of these marriages can have problems registering for birth certificates and girls whose husbands have died are also often unable to access financial and other forms of support.

3.69   Overall, DFAT assesses that women in Iraq face a high risk of official and societal discrimination and violence. This risk is exacerbated for women who are members of ethnic or religious minorities, or who are displaced or located in areas under ISIL control.

Sexual Orientation and Gender Identity

3.70   There is no legislation that specifically prohibits same-sex sexual activity, although legislation does prohibit sodomy (irrespective of gender). The US Department of State's 2016 Human Rights Report states that legislation or criminal justice mechanisms to aid in the prosecution of crimes motivated by bias against the lesbian, gay, bisexual, trans and intersex (LGBTI) community do not exist. DFAT understands that the Government does little to protect the LGBTI community, and individuals participating in same-sex sexual activity have been prosecuted (often under the guises of public indecency or monetary exchange for prostitution charges).

3.71   Significant societal discrimination is associated with sexual orientation and gender identity in Iraq. Societal discrimination is pervasive and many LGBTI individuals consequently do not identify publicly. LGBTI individuals that do identify publicly often face abuse and violence from within their families and

communities. LGBTI individuals often do not report cases of abuse because of concerns they will be subjected to further victimisation or acts of discrimination. Organisations focused on supporting the LGBTI community do not operate openly.

3.72   ISIL has also targeted homosexual men on the basis of their sexual orientation and gender identity. Open-source reporting highlights examples of individuals in ISIL controlled areas accused of sodomy or homosexuality being thrown from buildings and beheaded.

3.73   Overall, DFAT assesses that LGBTI individuals in Iraq face a high risk of official and societal discrimination and violence on the basis of their sexual orientation and gender identity. This risk is higher in ISIL-controlled areas. DFAT further assesses that an LGBTI individual is unlikely to be able to live an open life in Iraq.

Children

3.74   Violence in Iraq continues to directly and indirectly affect children. Children have been killed or injured in attacks specifically targeting schools and playgrounds. Violence has weakened institutions and systems of physically, social and legal protection in most parts of the country. The loss of parents and caregivers due to conflict has made children vulnerable to harassment, exploitation and abuse. Children in areas controlled by ISIL have been traumatised and recruited, sometimes forcibly, as scouts, lookouts and spies, to man checkpoints, to transport explosives and equipment, to plant explosive devices and as suicide bombers. Child labour and child marriage remain significant problems.

4.   COMPLEMENTARY PROTECTION CLAIMS

ARBITRARY DEPRIVATION OF LIFE

Extra-Judicial Killings

4.1   While it is difficult to obtain accurate data on extra-judicial killings in Iraq, in-country contacts have raised allegations of extra-judicial killings, including assassinations by Government-linked forces (such as the PMF). Armed groups regularly use targeted assassinations as a tactic to discredit the Government, and for reasons such as 'moral policing' and for extortion. Investigations into extra-judicial killings are rarely effective and their independence is questionable. Reports resulting from investigations are unlikely to be published, and a pervasive culture of impunity exists.

4.2   There are credible reports of ISIL carrying out large numbers of executions in areas under its control. The US Department of State's 2016 Human Rights Report states that ISIL carried out mass executions of Sunni tribesmen who attempted to leave ISIL-controlled areas, Sunnis associated with the Government and Sunni clerics who refused to recognise ISIL. For example, in September 2016 ISIL reportedly executed two imams in eastern Mosul for failing to encourage young men to join ISIL and fight against the ISF. ISIL published videos of some executions on the internet.

4.3   Amnesty International has highlighted numerous instances of extra-judicial killings against Sunnis. This included the killing of at least 56 Sunni men in Barwana Village in Diyala Province by Government forces and Shia armed groups in January 2015. Their bodies were found littered around the village, and many were handcuffed and blindfolded. In-country contacts state that extra-judicial killings by Government and Government-linked forces have occurred, particularly of Sunnis attempting to flee ISIL-controlled areas. The Office for the High Commissioner for Human Rights stated in December 2015 that human rights abuses against Sunni communities, including extra-judicial killings had occurred.

Enforced or Involuntary Disappearances

4.4   The Human Rights Council's Working Group on Enforced and Involuntary Disappearances reported at least 16,408 outstanding cases of enforced or involuntary disappearances in Iraq, all of which remain active and of concern to the Working Group. The Ministry of Human Rights reported that the number of people reported missing between June 2014 and June 2015 had reached 2,935. There is no comprehensive publicly available account of the number of disappeared persons in Iraq.

4.5   The US Department of State's 2016 Human Rights Report states that there were enforced or involuntary disappearances with financial, political and sectarian motivations, and that criminal gangs were most often associated with enforced or involuntary disappearances outside of ISIL-controlled areas. DFAT understands that the deteriorating security and economic situation in Iraq has led to an increase in the number of enforced or involuntary disappearances associated with criminal gangs. ISIL has been responsible

for a large number of enforced or involuntary disappearances, including the abduction of members of Government security forces, ethnic and religious minorities and other non-Sunni communities.

Deaths in Custody

4.6   There is limited information available on deaths in custody in Iraq. The Committee Against Torture raised concerns in September 2015 over allegations of deaths in custody, and noted that the Government failed to provide any information on cases of deaths in custody to the Committee, despite its requests. Amnesty International has also highlighted cases where civilians have died in the custody of government-linked forces in Anbar Province.

DEATH PENALTY

4.7   The death penalty is enshrined in the 2005 Constitution which permits deprivation of the right to life if it is in accordance with the law and based on a decision issued by a competent judicial authority. The 2005 Constitution prevents the granting of clemency for terrorist crimes. Death sentences are usually subject to a review by the Court of Cassation, which may confirm or challenge both the sentence and conviction. The Code of Criminal Procedure requires all death sentences upheld by the Court of Cassation to be submitted to the President, who may decide to ratify or commute the sentence, or issue a pardon. Since 2004, the execution of any death sentence has required the approval of the Prime Minister in addition to ratification by the Presidential Council.

4.8   Capital punishment enjoys popular support across Iraq and is considered by many to be consistent with Islamic law and an appropriate punishment for specific crimes, particularly for perpetrators of large-scale human rights violations. Politically, there has been some opposition to the use of capital punishment. Until August 2015, President Massoum refused to sign death warrants (including for terrorism charges) creating a de facto moratorium on the death penalty. This de facto moratorium was fragile, as the Government was able to circumvent the normal approval process by approving death sentences while the President was out of the country (as had occurred during President Massoum's predecessor's term). In August 2015, President Massoum announced that he had approved the implementation of a number of death penalty convictions for terrorism charges. Accurate data on the number of executions carried out in Iraq is difficult to obtain. In-country contacts report that 37 people were executed in 2015, and between 40 and 45 people were executed between January and June 2016. An estimated 3,000 people remain on death row awaiting the ratification of their sentences. DFAT assesses that the number of executions in Iraq will increase, given increasing pressure on the Government to strongly respond to ISIL's crimes.

4.9   In-country contacts report that, as a rule, the Kurdish region does not implement the death penalty but maintains it as a deterrent against terrorism. Despite this, in August 2015, the KRG executed one man and two women in Dohuk for the murder and abduction of two school girls. This ended the unofficial moratorium on the death penalty that had been in place in the Kurdish region since 2008. In late 2015, in-country contacts reported that an estimated 200 people were on death row in the Kurdish region.

TORTURE

4.10   The 2005 Constitution prohibits all forms of torture and inhumane treatment and affords victims the right to compensation. Nonetheless, US State Department and UN publications as well as in-country contacts report instances of torture and other abuses by Government forces. The Kurdish region's anti-terrorist

legislation also allows for abusive interrogation under certain conditions. ISIL has used torture on a very large scale.

4.11   The UN Committee Against Torture raised concerns in September 2015 about Government and government-linked forces violating human rights, including through the use of torture during military operations. The Committee raised concerns about reports of the routine and widespread use of torture and ill-treatment of suspects in custody as well as in pre-trial detention facilities run by the Ministry of the Interior and the Ministry of Defence, primarily to extract confessions or information to be used in criminal proceedings.

4.12   The US Department of State's 2016 Human Rights Report states that former detainees and human rights organisations reported methods of torture and abuse included putting victims in stress positions, beating them, breaking their fingers, suffocating them, burning them, removing their fingernails, suspending them from the ceiling, overextending their spines, beating the soles of their feet with plastic or metal rods, forcing them to drink large quantities of water while preventing urination, sexually assaulting them, denying them medical treatment and threatening to kill them. The US Department of State's 2016 Human Rights Report stated that allegations of abuse and torture are greatly underreported, and rarely are such allegations investigated and the perpetrators punished.

CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Arbitrary Arrest and Detention

The 2005 Constitution and the Criminal Procedure Code prohibit arbitrary arrest and detention, although other legislation provides the security forces with broad discretion over arbitrary arrest and detention during times declared as a national emergency by the Government. In practice, DFAT assesses as credible reporting from multiple sources of people (particularly Sunni males) being arbitrarily arrested and detained without access to legal counsel in Iraq, including the Kurdish region. Amnesty International states that security forces carry out arrests without judicial warrants and without informing those being arrested or their families of any charges. Detainees, particularly those arrested on suspicion of terrorism, are often held incommunicado for weeks or months following their arrest. The UN Committee Against Torture has also raised concerns about the existence of secret detention facilities where alleged terrorists or other high-security suspects are held for extended periods of time. The US Department of State's 2016 Human Rights Reports states that PMF groups have also been responsible for arbitrarily arresting and detaining individuals, particularly Sunni male IDPs following the liberation of ISIL controlled areas. The Government has contended that effective screening is necessary to prevent terrorists infiltrating IDPs, and that it has made a major effort over the last year to reduce the risk of abuses occurring at screening points.

5. OTHER CONSIDERATIONS

STATE PROTECTION

5.1   As a result of the broader security situation, several areas in Iraq are not under the effective control of the Iraqi Government or the KRG. The ability of the Iraqi Government and the KRG to provide effective state protection has been severely tested by ongoing efforts to defeat ISIL. This ability has been further strained by the broader political and sectarian allegiances of different elements of the Iraqi Government and KRG and associated security forces.

Iraqi Security Forces

5.2   Responsibility for security rests with the ISF (which includes the Iraqi Army, the Federal Police and Provincial Police forces) who report to the Ministry of Defence, the Ministry of Interior, and ultimately the Prime Minister as Commander-in-Chief. The Counter-Terrorism Service reports directly to the Prime Minister, and the PMF is also supposed to report to the Prime Minister. The ISF has faced formidable challenges in combatting ISIL, including badly maintained equipment, poor logistical support, corruption and fragmented command and control that are influenced by political and sectarian allegiances. The ISF is perceived by some to be pro-Shia. Over the past year, the ISF has made significant progress in liberating areas from ISIL control.

5.3   Following ISIL-led attacks from mid-2014 onwards, the ISF withdrew from most Sunni-majority areas of Iraq, including large parts of Anbar, Ninewa, Salah al-Din and Diyala provinces, as well as part of Kirkuk Province. This has led to increased reliance on partisan militias, including the PMF (see 'Popular Mobilisation Forces').

5.4   Credible sources report that the ISF has committed a number of human rights abuses or has failed to act on human rights abuses by other actors, such as the PMF. DFAT assesses that while the Iraqi Government is taking steps in an effort to curb human rights abuses by the ISF (which disproportionately affect Sunnis), its ability to assert centralised control over the actions of the ISF is at times limited. The 2016 US Department of State's Human Rights Report notes that the Iraqi Government has rarely made public any information about investigations into human rights abuses allegedly committed by the ISF.

Popular Mobilisation Forces

5.5   The PMF is a state-sanctioned umbrella organisation composed of well over 200 armed groups that are predominantly Shia (although the PMF includes Sunni tribal fighters and minority groups). Many of these groups have existed for some time and have close links to Iran. On 7 April 2016, the Council of Ministers decided to bring the PMF under centralised control as an independent military organisation, answering to Prime Minister Abadi as Commander-in-Chief. The PMF was formally brought within the ISF in November 2016, although the organisational details are still to be developed. The PMF has an estimated 100,000 to 120,000 members, including approximately 10,000 in Baghdad. A large proportion of the PMF comprises

volunteers who have received limited training. It is not yet clear the extent to which the formal incorporation of the PMF into the ISF will give the Iraqi Government greater command and control over PMF activities.

5.6   Certain PMF groups have been accused of carrying out human rights abuses including killing, torturing, kidnapping and extorting civilians, mainly Sunnis. Open-source reporting of human rights abuses by some PMF groups has been corroborated by in-country contacts, particularly in relation to Sunnis attempting to flee ISIL at screening points (see Arbitary Arrest and Detention). Although the frequency of such reports has declined over the last year, concerns continue to be raised.

Iraqi Police Force

5.7   The Iraqi Police Force reports to the Ministry of Interior and is divided into two primary administrative groupings: the Iraqi Police Service and the Federal Police. The Iraqi Police Service operates as municipal police and the Federal Police is a paramilitary organisation that regularly conducts joint operations with the Iraqi Army and the PMF. There are estimated to be over 300,000 members of the Iraqi Police Service and the Federal Police.

5.8   The Iraqi Police Service and the Federal Police face capacity constraints and are often unable to prevent attacks against civilians by ISIL and other armed groups. Members often lack training and basic equipment. Elements of the Federal Police and some of the Shia militia groups in the PMF reportedly have close links.

Judiciary

5.9   Iraq's judicial system is a mix of civil and Islamic law, with the latter being paramount. Iraq's two highest courts are the Federal Supreme Court, which is responsible for constitutional issues, and the Court of Cassation, which is the court of last resort for all cases except security-related case and adjudicates over cases involving Government officials and jurisdictional conflict between subordinate courts. Subordinate courts include the Court of Appeal, the Court of First Instance and Courts of Personal Status, Labour, Criminal, Juvenile and Religious Matters.

5.10   The Iraqi Constitution guarantees judicial independence. The Higher Judicial Council has administrative authority over the judicial system. DFAT assesses that political and sectarian identity continues to influence appointments and decisions, and addressing these concerns has been one of the key demands of recent popular protests. Members of the judiciary continue to come under significant pressure including intimidation and violence, particularly in pursuing cases involving organised crime, corruption and the activities of militias. Judges have been violently targeted by militias. Corruption and a lack of resources, including limited forensic capabilities, remain challenges. In the Kurdish region, legislation requires that the Kurdish Judicial Council is independent from the KRG Ministry for Justice, although the US Department of State's 2016 Human Rights Report notes that the KRG continues to influence politically sensitive cases.

5.11   The range of challenges facing the Iraqi Government and strong traditions mean tribal culture continues to play an important role in dispute resolution, particularly in the poorer areas of the south and west. Some Iraqi citizens have turned to local militias and religious and tribal groups to dispense justice rather than seeking redress through official judicial bodies. Women are particularly vulnerable, with credible reports of women being awarded as compensation in disputes and facing harsh punishment for transgressing tribal customs.

Detention and Prison

5.12   While the Ministry of Justice has attempted to improve conditions in detention and prison, the 2016 US Department of State's Human Rights Report notes that conditions at some prisons and detention facilities remain harsh and life threatening. The report identifies food shortages, overcrowding, inadequate access to sanitation facilities and medical care, as well as cases of abuse and torture. Overcrowding has been exacerbated by the closure of some prison facilities in ISIL-controlled areas.

INTERNAL RELOCATION

5.13   Credible estimates from the UN Office for the Coordination of Humanitarian Affairs indicate that over 1.6 million people have been able to return to their homes since April 2017. However, over three million people remain internally displaced. Minority communities (including Sunnis, Turkmen, Yazidi, Shabak and Christians) have been disproportionately affected by displacement. Ongoing conflict has seen religiously mixed areas becoming more mono-religious – usually Shia or Sunni, thereby limiting internal relocation options. DFAT assesses as credible claims that, in most cases, internal relocation for minorities is not a reasonable option. Even where an individual may be able to escape the reach of the aggressor (such as ISIL), broader insecurity, a lack of services and limited educational opportunities along with issues with documentation hamper opportunities for internal relocation. Further, relocation to an area with a predominantly different ethnic or religious demographic can contribute to tensions, particularly for Sunnis relocating to Shia areas and vice versa.

The Kurdish Region

5.14   Since 2006, many people have found refuge in the Kurdish region. DFAT is not aware of any official or publicly accessible regulations concerning procedures and practices at checkpoints into the Kurdish region. Admission into the Kurdish region remains at the discretion of the KRG, which has exercised increasing levels of restrictions, including requiring individuals wishing to enter to have a sponsor (although the UK Home Office and in-country contacts note that the implementation of this requirement is often inconsistent in practice). Individuals who were previously from the Kurdish region or who are ethnically Kurdish should be able to enter the Kurdish region with relative administrative ease. Some in-country contacts have told DFAT that Christians, Yazidis and Shabak have been able to enter the Kurdish region with relative ease, although Arab Sunnis and other non-ethnic Kurds have faced difficulties. Large segments of the local society and elements within the KRG endorse conservative norms. DFAT therefore assesses that certain individuals such as single women and children and LGBTI individuals fleeing persecution in Iraq could still experience persecution in the Kurdish region.

5.15   Upon entry into the Kurdish region, returnees are required to register with the Mukhtar Office and the Asayish Office in the neighbourhood in which they would like to reside. Individuals are then issued with an Information Card (i.e. Residency Card) which allows them to move around the Kurdish region freely and access services. Officially, non-ethnic Kurds are unable to purchase property. Single people, especially women, are unable for cultural reasons to rent properties on their own. A lack of Kurdish language skills is an additional barrier. Patronage and nepotism significantly influence employment opportunities, making it difficult to internally relocate to the Kurdish region without existing networks.

5.16   Overall, DFAT assesses that internal relocation to the Kurdish region is difficult for most minority groups and particularly for Arab Iraqis due to official and societal discrimination.

Southern Iraq

5.17   Southern Iraq (including Basra, Karbala, Wasit, Qadisiyah, Maisan, Dhi War, Muthanna and Najaf provinces) has been and remains more secure than other parts of the country, although recent reports suggest a deterioration of law and order in Basra. Generalised criminality occurs, but at a lower level than in Baghdad. Intra-Shia violence between different Shia armed groups occurs in southern Iraq and is influenced by political and / or criminal factors. Credible in-country contacts suggest that the risk of being caught up in intra-Shia violence is predominantly borne by those who are actively involved in a militia or tribal group.

5.18   A wide range of ethnic and religious minority groups reside in southern Iraq. The overwhelming majority is Shia, although there are approximately 400,000 Sunnis (in-country contacts suggest that the number of Sunnis may have since declined), as well as Iraqis of African descent, Christians and Sabaean-Mandeans. While ongoing conflict has seen religiously mixed areas becoming more mono-religious, usually Shia or Sunni, in-country contacts claim that tolerance of religious minorities remains higher in southern Iraq than in central Iraq. However, credible in-country contacts emphasise that internal relocation to the south for any minority group is difficult and that Shias internally relocating or voluntarily returning to southern Iraq without familial, tribal or political networks would face difficulty assimilating into the community. Despite this, Iraqis who have sought asylum overseas have returned to southern Iraq without significant difficulty.

5.19   Lack of employment remains a significant issue in southern Iraq, despite the large scale oil industry and associated economic activity. In-country contacts suggest that there are limited employment opportunities and that people from southern Iraq are internally relocating to other areas of Iraq, such as Baghdad, in search of jobs. Lack of services (such as electricity and water) has been an increasing issue in the south. The capacity (and at times willingness) of local authorities to provide protection for minority groups in southern Iraq is limited.

5.20   Overall, DFAT assesses that internal relocation to southern Iraq may be a reasonable and practical option for a Shia, particularly if they have existing familial networks within the south. In practice, it would be difficult for Sunnis or other minority communities to relocate to southern Iraq, particularly if they did not originate from southern Iraq.

TREATMENT OF RETURNEES

Exit and Entry Procedures

5.21   On arrival at Baghdad International Airport, all passengers irrespective of nationality have their identity information recorded. DFAT assesses that this process occurs at all international airports in both Iraq and the Kurdish region. DFAT understands that Iraqis would not be arrested on return, even if they had left illegally. The only exception to this would be if they had committed a criminal offence and a warrant had been issued for their arrest.

5.22   Valid documentation (usually an Iraqi Passport) and appropriate approval (such as a visa) for entry into the intended destination is required in order to exit Iraq. Irregular exit from Iraq (including through the use of fraudulent documentation) is unlawful. DFAT understands that should an individual be identified in the act of exiting illegally, the individual may be detained and charged. However, DFAT is not aware of any prosecutions for individuals who have exited irregularly.

5.23   Iraqis who have lost, or do not have, an Iraqi passport must apply for a laissez passer at an Iraqi embassy or consulate abroad. To issue a laissez passer, the Iraqi Consulate: verifies the identity and

nationality of the returnee against source documents in Iraq; confirms that the person is returning to Iraq voluntarily; and checks for outstanding criminal actions against Ministry of Interior records in Iraq.

5.24   Upon arrival in Iraq, the details of the laissez passer are checked and officials re-confirm that the individual is entering voluntarily. Details of the laissez passer are recorded along with the name and date of birth of the bearer. The bearer is then informed that the laissez passer is not valid for further travel. According to the UK Home Office, a letter can be issued at Baghdad Airport in order to facilitate movement to an individual's place of origin or relocation within Iraq. Laissez passers are common and individuals who enter on laissez passers are not questioned as to how they exited Iraq nor asked to explain why they do not have other forms of documentation.

Conditions for Returnees

5.25   DFAT has considerable evidence that shows a number of Iraqis return to Iraq, sometimes only months after securing residency in Australia to reunite with families, establish and manage businesses or take up or resume employment. The practice of seeking asylum and then returning to Iraq once conditions permit is well accepted amongst Iraqis, as evidenced by the large numbers of dual nationals from the US, Western Europe and Australia who return to Iraq. DFAT has limited evidence to suggest that voluntary returnees from the West face difficulties in assimilating back into their communities. However, in-country contacts have said that returning to Iraq can be difficult, particularly if the individual does not return to their original community. Integration within new communities is difficult, and complicated by the significant influence of patronage and nepotism that affect many aspects of day-to-day life in Iraq.

5.26   Large numbers of Kurds return voluntarily to the Kurdish region, particularly from the UK and European Union countries (mainly single males). The Kurdish region's relative security compared to other areas of Iraq has encouraged returns. As with other areas of Iraq, familial connections are important in the Kurdish region and reintegration has been easier (particularly in terms of employment and housing) for those who have maintained connections in the Kurdish region.

DOCUMENTATION

5.27   The 2005 Iraqi Constitution states that citizenship is the right of every Iraqi and is the basis for nationality, noting that anyone born to an Iraqi male or female is Iraqi. The 2006 Nationality Law is more progressive and inclusive than previous legislation – it removed previous distinctions between Arabs and non-Arabs for the naturalisation process and repealed legislation that revoked the citizenship of Faili Kurds. However, it remains discriminatory against Iraqi Jews and Palestinians and is potentially problematic for other vulnerable groups who, without documentation, lack access to services, freedom of movement and other basic rights.

5.28   Procedures for issuing documentation are antiquated. Records are kept manually and most types of documentation do not have adequate security features. Issuance and updating procedures are susceptible to bribery and corruption. Citizens are usually issued with four documents – a Nationality Certificate, a Civil Status ID Card, a Residence Card and a Public Distribution System Card. The Iraqi Civil Status ID is considered the most reliable of the four.

5.29   Documents issued under religious procedures are acceptable in Iraq for the purposes of registration with the Civil Status Office only. Civil documents must be obtained to demonstrate marriage, divorce and custody. Due to a lack of security features, civil documents are also unreliable, except when presented with the corroborated Civil Status ID Card.

5.30   There are anecdotal reports that some members of minority groups face difficulties in obtaining identity documents due to discrimination by local authorities or an inability to present source records that support the issuance of further documentation. DFAT assesses that these anecdotal reports are credible based on discussions with in-country contacts.

Civil Status ID Card

5.31   The Civil Status ID Card has a number of security features and includes a photo of the bearer. Issuing procedures are generally consistent throughout Iraq. The Civil Status ID Card is updated with bio data throughout the bearer's life, recording events such as marriage, childbirth, divorce and death of a spouse. This bio data is verified against source records (for example, against manual birth records) making the Civil Status ID Card the most reliable document, particularly when presented with corroborating documents. Notwithstanding its superiority and reliability, the Civil Status ID Card is vulnerable to forgery and does not comply with international standards for identity documents. Counterfeit documents are usually easily identified.

Birth Certificates

5.32   Birth certificates have weak security features. Hospitals, obstetricians, nurses and midwives collect data, authenticate documents and verify data concerning births and issues birth certificates. Birth data is retained by hospitals and the Ministry of Health. In addition, the Civil Affairs Department records birth data in its archives. The Ministry of Health in the Kurdish region has computerised records of birth certificates.

Nationality Certificate

5.33   The Nationality Certificate has weak security features. Nationality Certificates are issued by the Ministry of Interior. The Ministry of Interior verifies nationality against supporting records (including the birth registry and Civil Status ID Cards) and retains the data in its archives. DFAT understands that Nationality Certificates are more likely to be obtained through fraudulent means compared to Civil Status ID Cards and passports.

Passports

5.34   The current 'A' series passports and the previous 'G' series passports are of an international standard with good security features. 'S' series passports (issued between 2003 and 2006) are more vulnerable to fraud and inexpensive counterfeit versions are available in Iraq.

5.35   While the current 'A' series passports have good security features, it can be issued based on a range of supporting documents such as Nationality Certificates, Civil Status ID Cards, ration cards and birth certificates. These documents can be vulnerable to fraud and counterfeited, which increases the risk of 'A' series passports being obtained based on counterfeit documentation.

5.36   The Passport Department which is part of the General Directorate for Nationality within the Ministry of Interior authenticates documentation, verifies data, issues Iraqi Passports and maintains records of issuance. The Ministry of Foreign Affairs also collects data, authenticates documentation and verifies data concerning applications for passports issued abroad through Iraqi Consulates.

Prevalence of Fraud

5.37   Documents issued under religious procedures such as marriage, divorce and custody certificate have weak or no security features. Counterfeit documents of fraudulently altered / obtained documents are commonly and cheaply available.