



Home Office

Country Policy and Information Note

Iraq: Sexual orientation and gender identity and expression

Version 2.0

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Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the [Introduction](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into 2 parts: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note - that is information in the COI section; refugee/human rights laws and policies; and applicable caselaw - by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies:

- a person is reasonably likely to face a real risk of persecution or serious harm
- that the general humanitarian situation is so severe that there are substantial grounds for believing that there is a real risk of serious harm because conditions amount to inhuman or degrading treatment as within [paragraphs 339C and 339CA\(iii\) of the Immigration Rules](#) / Article 3 of the [European Convention on Human Rights \(ECHR\)](#)
- that the security situation is such that there are substantial grounds for believing there is a real risk of serious harm because there exists a serious and individual threat to a civilian's life or person by reason of indiscriminate violence in a situation of international or internal armed conflict as within [paragraphs 339C and 339CA\(iv\) of the Immigration Rules](#)
- a person is able to obtain protection from the state (or quasi state bodies)
- a person is reasonably able to relocate within a country or territory
- a claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- if a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under [section 94 of the Nationality, Immigration and Asylum Act 2002](#).

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual](#), 2013. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate and balanced, and to provide a range of views and opinions which are compared and contrasted where possible, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote. Full details of all sources cited and consulted in compiling the note are listed alphabetically in the bibliography.

Feedback

Our goal is to provide accurate, reliable and up-to-date COI and clear guidance and welcome feedback on how to improve our products. If you would like to comment on this note, please email the Country Policy and Information Team.

Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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Assessment

Updated: 21 July 2021

1. Introduction

1.1 Basis of claim

1.1.1 Fear of persecution or serious harm by state and/or non-state actors due to the person's actual or perceived sexual orientation and/or gender identity or expression.

1.2 Points to note

1.2.1 This note provides an assessment of the general situation for gay men, lesbians, bisexuals, trans and intersex (LGBTI) persons, as well as those perceived as such. They are referred to collectively as 'LGBTI persons', although the experiences of each group may differ.

1.2.2 For general guidance on considering claims made by LGBTI persons, decision makers should refer to the Asylum Instructions, [Sexual orientation in asylum claims](#) and [Gender identity issues in the asylum claim](#).

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2. Consideration of issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Exclusion

2.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.

2.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection.

- 2.2.3 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instructions on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and the instruction on [Restricted Leave](#).

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2.3 [Convention reason\(s\)](#)

- 2.3.1 Actual or imputed membership of a particular social group (PSG).
- 2.3.2 Establishing a convention reason is not sufficient to be recognised as a refugee. The question is whether the person has a well-founded fear of persecution on account of an actual or imputed Refugee Convention reason.
- 2.3.3 LGBTI persons form a particular social group (PSG) in Iraq within the meaning of the Refugee Convention because they share an innate characteristic or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it **and** have a distinct identity in Iraq because the group is perceived as being different by the surrounding society.
- 2.3.4 Although LGBTI persons in Iraq form a PSG, establishing such membership is not sufficient to be recognised as a refugee. The question to be addressed is whether the particular person will face a real risk of persecution on account of their membership of such a group.
- 2.3.5 For further guidance on Convention reasons see the instruction on [Assessing Credibility and Refugee Status](#).

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2.4 [Risk](#)

a. [General points](#)

- 2.4.1 Paragraphs 35 and 82 of the determination of the Supreme Court's ruling in [HJ \(Iran\) and HT \(Cameroon\) v Secretary of State for the Home Department \[2010\] UKSC 31](#), heard 10,11,12 May and promulgated 7 July 2010, have set out the approach to take and established the test that should be applied when assessing such a claim based on a person's sexual orientation and / or gender identity / expression.
- 2.4.2 For further guidance, see the [Asylum Instruction on Sexual identity issues in the asylum claim and Gender identity issues in the asylum claim](#).

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b. [State treatment overview](#)

- 2.4.3 Consensual same-sex sexual acts between adults are not specifically prohibited in Iraq. However, Article 394 of the Penal Code prohibits sexual relations outside marriage, effectively criminalising all same-sex sexual activity as there is no provision for same-sex marriage. Additionally, Article 401 of the Penal Code prohibits ‘immodest acts’ in public, which has been used to arrest same-sex couples and individuals for same-sex sexual acts and on prostitution charges, this is also used to prosecute heterosexual persons involved in sexual relations with anyone other than their spouse. However, according to available evidence there have been no recorded incidents of prosecutions by the state in recent years (see [Legal context](#), [Arrests, prosecutions and mistreatment – overview](#) and [State treatment of gay men](#)).
- 2.4.4 One source – the LGBTI rights organisation IraQueer (self-described as the only LGBTI rights group operating in Iraq) – claimed that gender reassignment treatment is illegal, although this could not be corroborated. There is no specific mention of transgender and intersex persons in Iraqi law (see [Legal context](#)).
- 2.4.5 Available evidence indicates that LGBTI people experience verbal, physical and sexual abuse as well as discrimination at the hands of state authorities in both central and southern Iraq and the Kurdistan Region of Iraq (KRI). Some sources stated that some LGBTI persons have been subjected to kidnapping and murder by state authorities, however the scale and extent of these abuses and the degree to which specific ‘group’ are targeted and treated is not clear (see [Arrests, prosecutions and mistreatment – overview](#)).
- 2.4.6 There are a number of reports that key figures across the Iraqi political spectrum, including influential clerics, make negative statements about LGBTI people, with one particular individual claiming that LGBTI people are ‘mentally ill’ and that the Covid-19 pandemic was caused as a result of countries legalising same-sex marriage (see [State rhetoric](#)).

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c. State treatment of gay men

- 2.4.7 Available evidence indicates that gay men experience verbal, physical and sexual abuse as well as discrimination at the hands of state authorities in both central and southern Iraq and the KRI. In April 2021, authorities in the KRI arrested several gay men in an operation purportedly cracking down on prostitution and ‘immorality’ but not directed against any particular group of people. There were reports that security forces attempted to force those arrested to undergo physical examinations (see [State treatment of gay men](#)). Information regarding what happened to these individuals after their arrests could not be found in the sources consulted (see [Bibliography](#)).

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d. State treatment of lesbian women

- 2.4.8 Available evidence indicates that lesbian women experience verbal, physical and sexual abuse as well as discrimination at the hands of state authorities in both central and southern Iraq and the KRI. One source reported that lesbian women and women perceived to be lesbian being arrested and

detained and threatened with 'corrective' rape (see [State treatment of lesbian women](#)). Further specific information regarding the treatment of lesbian women by the state authorities could not be found in the sources consulted (see [Bibliography](#)).

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e. [State treatment of the transgender community](#)

- 2.4.9 Available evidence indicates that transgender persons experience verbal, physical and sexual abuse as well as discrimination at the hands of state authorities in both central and southern Iraq and the KRI. There are reports of police officers filming themselves humiliating and physically abusing trans people, however it is not clear whether this happened in mainland Iraq or the KRI. Transgender people are also not able to obtain official identification documentation which reflects their gender identity, limiting their access to vital services and opening them up to discrimination when presenting their identification to officials (see [State treatment of the transgender community](#)).

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f. [State treatment of intersex persons](#)

- 2.4.10 CPIT was unable to find any specific information relating to state treatment of intersex persons in the sources consulted (see [Bibliography](#)).

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g. [State treatment conclusion](#)

- 2.4.11 Available evidence does not indicate that there is a systematic campaign of state mistreatment towards LGBTI persons in Iraq and the KRI which, by its nature and repetition, amounts to persecution. While there is reporting of state actors involved in the mistreatment of members of the LGBTI community, it appears to be largely sporadic and opportunistic rather than targeted, state sanctioned campaigns.
- 2.4.12 However, a person living openly as an LGBTI person will be at higher risk of treatment from the state which could amount to persecution or serious harm due to the state's failure to protect LGBTI persons from mistreatment at the hands of state actors, or punish officials for misdemeanours committed against members of the LGBTI community.
- 2.4.13 Additionally, transgender individuals as well as females with a 'masculine' appearance and males with a 'feminine' appearance will be at a greater risk of mistreatment which could amount to persecution or serious harm by the state authorities.
- 2.4.14 Decision makers must consider each case on its own facts. The onus will be on the person to demonstrate why, in their particular circumstances, they would be at real risk of serious harm from the authorities on the basis of their sexual orientation or gender identity and expression.
- 2.4.15 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status, Sexual orientation in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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h. Societal, non-state and 'hybrid' actors treatment – overview

- 2.4.16 LGBTI issues are taboo in Iraq and the KRI and are not discussed openly. While the KRI is said to be more tolerant than the rest of Iraq, available evidence indicates that LGBTI persons face verbal abuse, intimidation, threats, violence and discrimination in both central and south Iraq and the KRI by family members, their immediate community and society at large. Reports from NGOs estimate that over 220 killings of actual or perceived LGBTI persons took place in 2017. Additionally, 96% of a sample of 257 LGBTI persons experienced verbal and/or physical abuse between 2015 and 2018. There is little to no societal understanding or acceptance across Iraq and the KRI towards LGBTI persons who often face abuse and violence from their own families and communities. As a result people often try and conceal their sexuality or gender identity in fear of being subjected to harm or in fear of bringing 'shame' on their family (see [Societal treatment – Overview](#)).
- 2.4.17 LGBTI persons also face discrimination in regards to employment and accessing healthcare. There are reports of individuals being sacked from their job for looking 'too feminine' and there are very limited health related services available to LGBTI people in Iraq and the KRI (see [Employment and access to health services](#)).
- 2.4.18 A report looking at the language and terminology used by Iraqi media found that the overwhelming majority of words used to describe LGBTI people were negative. The study found that in the 22 television programmes analysed, when referring to LGBTI people, a derogatory or negative term was used every 30 seconds, with some coverage calling for the elimination of LGBTI people from society to help 'protect easily influenced' children. A study in 2018 found that 89% of participants stated that media coverage in Iraq had negatively impacted the way they perceived themselves (see [Media rhetoric](#)).
- 2.4.19 There are reports that 'hybrid' actors (also known as Popular Mobilisation Forces or Shia militias) target LGBTI people. There have been a number of historic killing campaigns organised by these groups, the latest of which was in 2017 when more than 100 names of actual or perceived LGBTI people were put on a list and distributed across Baghdad, with warnings that they must either change or be killed. Other similar campaigns had taken place in 2009, 2012 and 2014. A study found that 31% of 'violations' against LGBTI people between 2015 and 2018 came from 'armed groups (militias)'. However, the definition of 'violations' was broad and included incidents such as 'threats' and 'verbal abuse' and it was unclear how many people experienced these 'violations' (see [Hybrid' actors \(also known as Popular Mobilisation Forces, Shia militias\)](#)).
- 2.4.20 During the Daesh occupation, LGBTI persons were targeted and subjected to violence, with a large number of actual or perceived LGBTI persons murdered by the group (see [Daesh](#)).

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i. Societal treatment of gay men

2.4.21 Available evidence indicates that gay men or men perceived to be gay face verbal abuse, intimidation, threats, violence and discrimination from their family and community. There have been a number of incidents where men have been murdered due to being, or perceived to be, gay. It is not always clear who is responsible for physical assaults and murders as perpetrators are often referred to as ‘armed groups’, ‘street boys’ or ‘gunmen’. There are reports of those who have committed murders leaving ‘warning’ letters to other Iraqis cautioning them not to be gay. Individuals who are perceived as being effeminate because of their physical appearance or clothing are more likely to be targets of abuse and mistreatment. There are also reports that individuals who are deemed to ‘look or sound’ gay being denied housing by real estate brokers (see [Societal treatment of gay men](#)).

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j. Societal treatment of lesbian women

2.4.22 As is the case with all LGBTI persons, lesbian women face verbal abuse, intimidation, threats, violence and discrimination in both central and south Iraq and the KRI. Due to the patriarchal society in Iraq and the KRI, lesbian women are often forced into marriage and end up being controlled by their husbands and families without the opportunity to express their true sexual orientation. Available evidence indicates that lesbian women face difficulties discussing their sexual orientation and connecting with other lesbian women. Lesbian women often keep their sexual orientation hidden for fear of violence or being ostracised, particularly by their family (see [Societal treatment of lesbian women](#)).

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k. Societal treatment of the transgender community

2.4.23 Available evidence indicates that transgender people face verbal abuse, intimidation, threats, violence and discrimination from their family and community. The degree to which a transgender person’s expression of identity differs from social norms and accepted roles will likely influence how at risk they are of abuse, intimidation, discrimination, threats and violence. There were reports of two transgender women being murdered during 2019 (see [Societal treatment of the transgender community](#)).

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l. State treatment of intersex persons

2.4.24 CPIT was unable to find any specific information relating to societal treatment of intersex persons in the sources consulted (see [Bibliography](#)).

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m. Societal, non-state and ‘hybrid’ actors treatment conclusion

2.4.25 In general, a person living openly as an LGBTI person is likely to be at risk of treatment which, by its nature and repetition, amounts to persecution or serious harm from non-state and ‘hybrid’ actors, as well as from family and wider society. Additionally, transgender persons as well as females with a ‘masculine’ appearance and males with a ‘feminine’ appearance will be at a

greater risk of mistreatment which could amount to persecution or serious harm by the aforementioned actors.

- 2.4.26 Decision makers must consider each case on its own facts. The onus will be on the person to demonstrate why, in their particular circumstances, they would be at real risk of serious harm from the authorities on the basis of their sexual orientation or gender identity and expression.
- 2.4.27 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#), [Sexual orientation in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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2.5 Protection

- 2.5.1 Where the person has a well-founded fear of persecution from the state they will not, in general, be able to obtain protection from the authorities.
- 2.5.2 Available evidence indicates that state authorities make little to no effort to identify, arrest, or prosecute those responsible for threats and violence towards LGBTI people with victims having no recourse to challenge those actions via courts or government institutions (see [Official responses to reports of anti-LGBTI violence](#)).
- 2.5.3 Criminal justice mechanisms and protection are inadequate and the authorities failed to investigate abuses against LGBTI people (see [Official responses to reports of anti-LGBTI violence](#)). The person will therefore not be able to avail themselves of the protection of the authorities.
- 2.5.4 For further guidance on assessing the availability of state protection, see the instruction on [Assessing Credibility and Refugee Status](#).

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2.6 Internal relocation

- 2.6.1 Where the person fears persecution/serious harm at the hands of the state, they will not be able to relocate to escape that risk.
- 2.6.2 Where the person fears persecution/serious harm from non-state actors or family and community members, they may be able to relocate to another area, if there is not a real risk in the proposed area of relocation, and depending on their circumstances.
- 2.6.3 However, internal relocation will not be an option if it depends on the person concealing their sexual orientation and/or gender identity in the proposed new location for fear of persecution. This will not be the case if the person does so simply in response to social pressures, or for cultural or religious reasons of their own choosing. Each case must be considered on its facts with the onus on the person to demonstrate why relocating internally to another part of the country is unreasonable or unduly harsh.
- 2.6.4 For general information and analysis on internal relocation see the Country Policy and Information Note [Iraq: Internal relocation, civil documentation and returns](#).

- 2.6.5 For further guidance on internal relocation see the instructions on [Assessing Credibility and Refugee Status](#), [Sexual orientation in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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2.7 Certification

- 2.7.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

- 2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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Country information

Section 3 updated: 21 July 2021

3. Legal context

3.1 Constitution

3.1.1 Iraq's current constitution (2005) does not explicitly mention sexual orientation or gender identity. However, it contains the following Articles:

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| 14 | Iraqis are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, color, religion, sect, belief or opinion, or economic or social status. |
| 15 | Every individual has the right to enjoy life, security and liberty. Deprivation or restriction of these rights is prohibited except in accordance with the law and based on a decision issued by a competent judicial authority. |
| 16 | Equal opportunities shall be guaranteed to all Iraqis, and the state shall ensure that the necessary measures to achieve this are taken. |
| 17: First | Every individual shall have the right to personal privacy so long as it does not contradict the rights of others and public morals. |
| 29: First (A) | The family is the foundation of society; the State shall preserve it and its religious, moral, and national values. |
| 29: Fourth | All forms of violence and abuse in the family, school, and society shall be prohibited. |
| 31: First | Every citizen has the right to health care. The State shall maintain public health and provide the means of prevention and treatment by building different types of hospitals and health institutions |
| 34: First | Education is a fundamental factor for the progress of society and is a right guaranteed by the state. Primary education is mandatory and the state guarantees that it shall combat illiteracy. |
| 37: First (A) | The liberty and dignity of man shall be protected. |
| 37: First (C) | All forms of psychological and physical torture and inhumane treatment are prohibited. Any confession made under force, threat, or torture shall not be relied on, and the victim shall have the right to seek compensation for material and moral damages incurred in accordance with the law. |
| 38: First | The State shall guarantee in a way that does not violate public order and morality: Freedom of expression using all means. |

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| 38: Third | The State shall guarantee in a way that does not violate public order and morality: Freedom of assembly and peaceful demonstration, and this shall be regulated by law. |
| 39: First | The State shall guarantee in a way that does not violate public order and morality: |
| 41 | Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs, or choices, and this shall be regulated by law. |
| 42 | Each individual shall have the freedom of thought, conscience, and belief. |
| 46 | Restricting or limiting the practice of any of the rights or liberties stipulated in this Constitution is prohibited, except by a law or on the basis of a law, and insofar as that limitation or restriction does not violate the essence of the right or freedom. |

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3.2 Penal Code

- 3.2.1 In December 2020 the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) published a report entitled ‘State-Sponsored Homophobia 2020: Global Legislation’ which stated: ‘Iraq’s Penal Code (Law No. 111 of 1969) does not explicitly prohibit consensual same-sex relations. However, Article 401 of the Code criminalises “immodest acts” in public, which is punishable by a period of detention not exceeding six months and/or a fine. There have been cases of same-sex couples and individuals being prosecuted for same-sex sexual intimacy on the basis of this criminal provision and prostitution charges.’²
- 3.2.2 In August 2020 the Australian Government’s Department of Foreign Affairs and Trade (DFAT) published its country information report (the DFAT report) on Iraq which stated:
- ‘While the law does not criminalise consensual same-sex sexual conduct between adults, Article 394 of the Criminal Code prohibits sexual relations outside marriage, thus effectively criminalising all same-sex sexual activity given there is no provision for same-sex marriage. Authorities have used public indecency or prostitution charges to prosecute cases of consensual same-sex sexual activity (these charges are also used to prosecute heterosexual persons involved in sexual relations with anyone other than their spouse).’³
- 3.2.3 The United States Department of State (USSD) report on human rights practices in Iraq (the USSD report) published in March 2021 and covering events in 2020 stated that: ‘The penal code criminalizes consensual same-

¹ The Constitution Project, [Iraq’s Constitution of 2005](#) 2005

² IGLA, [State-Sponsored Homophobia 2020...](#) (page 131), 15 December 2020

³ DFAT, [Country Information Report Iraq](#) (page 46), 17 August 2020

sex conduct if those engaging in the conduct are younger than age 18, while it does not criminalize any same-sex activities among adults.⁴

3.2.4 The Iraqi Penal Code of 1969 contains the following Articles:

| | |
|---------|--|
| 394 (1) | Any person who, outside of marriage, has sexual intercourse with a woman with her consent, or commits buggery with a person with their consent, is punishable by a period of imprisonment not exceeding 7 years if the victim is between the ages of 15 and 18. If the victim was under the age of 15, the offender is punishable by a period of imprisonment not exceeding 10 years. |
| 401 | Any person who commits an immodest act in public is punishable by a period of detention not exceeding 6 months plus a fine not exceeding 50 dinars or by one of those penalties. |
| 402 | (1) The following persons are punishable by a period of detention not exceeding 3 months plus a fine not exceeding 30 dinars or by one of those penalties: (a) Any person who makes indecent advances to another man or woman. (b) Any person who assails a woman in a public place in an immodest manner with words, actions or signs. (2) The penalty will be a period of detention not exceeding 6 months plus a fine not exceeding 100 dinars if the offender, having been previously convicted for such offence, reoffends within a year of the date of such conviction. |
| 404 | Any person who himself or through some mechanical means sings or broadcasts in a public place obscene or indecent songs or statements is punishable by a period of detention not exceeding 1 year or by a fine not exceeding 100 dinars. |

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3.3 Other legislation

3.3.1 The USSD report stated that ‘The law does not prohibit discrimination based on age, sexual orientation or gender identity...’⁶

3.3.2 The organisation IraQueer (see paragraph 8.1.3 for information on IraQueer), in a report dated June 2018, commented that hormone treatments for those wishing to undergo gender reassignment surgery are ‘not legal’ and that: ‘Undergoing sex change operations are not permitted by the law.’⁷

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⁴ USSD, [2020 Country Reports on Human Rights Practices: Iraq](#) (Section 6), 30 March 2021

⁵ Iraq, [Penal Code: Iraq, No.111 of 1969](#) July 1969

⁶ USSD, [2020 Country Reports on Human Rights Practices: Iraq](#) (Section 7), 30 March 2021

⁷ IraQueer, [‘Fighting for the Right to Live’](#) (page 10), June 2018

4. State attitudes and treatment

4.1 State rhetoric

- 4.1.1 In March 2020 Al Arabiya published an article entitled 'Iraqi Shia cleric Muqtada al-Sadr says gay marriage caused coronavirus' which stated:
'Iraqi Shia political leader Muqtada al-Sadr blamed the legalization of same-sex marriage for causing the coronavirus pandemic.
"One of the most appalling things that have caused this epidemic is the legalization of same-sex marriage," al-Sadr said in a post on his Twitter account on Saturday.
"Hence, I call on all governments to repeal this law immediately and without any hesitation," he added.'⁸
- 4.1.2 On 19 May 2020 5Pillars published an article entitled 'Iraq condemns foreign embassies for flying LGBT flags' which stated:
'The Iraqi Foreign Ministry has said homosexuality goes against "the noble morals of all divine religions" and that all missions in Iraq had to "adhere to the laws of the country," after foreign embassies flew the rainbow LGBT flag in honour of the International Day Against Homophobia.
'The European Union, the World Bank and the Canadian and UK embassies all raised the flag on Sunday, commemorating the day when the World Health Organisation removed the designation of homosexuality as a mental illness.
'Iraqi leaders from across the political spectrum issued condemnations and called for the expulsion of diplomats following the embassies' actions.
'The influential Shia cleric Muqtada al-Sadr condemned homosexuality as a "mental illness" and called for Iraqi embassies in European countries to raise the flags of Muhammad and Jesus in response.
'Sadr had previously claimed that coronavirus pandemic was a punishment sent by God in response to LGBT marriage equality.
'Hadi al-Ameri, leader of the Badr Organisation and the Fatah coalition bloc in parliament, called for the expulsion of diplomats.
'Condemnations also came from spokespeople from the Islamic Dawa party and the Sairoun coalition.
'Although homosexuality is not illegal in Iraq, it is against cultural norms as Islam prohibits the homosexual act and considers it a major sin.'⁹
- 4.1.3 On 27 May 2020 Al-Monitor published an article entitled 'Rainbow flags over Baghdad fan debate, spur fear' which stated: 'Sadr's Sairoon bloc said the gesture [the raising of rainbow flags across a number of international buildings across Iraq] was "unacceptable," condemning any behavior that contradicts Iraq's culture and religion. The cleric later posted a series of

⁸ Al Arabiya, [Iraqi Shia cleric Muqtada al-Sadr says gay marriage caused coronavirus](#) 28 March 2020

⁹ 5Pillars, [Iraq condemns foreign embassies for flying LGBT flags](#) 19 May 2020

tweets in which he took aim at the LGBTQ community saying its members were "mentally ill and in need of recovery and guidance."¹⁰

- 4.1.4 On 3 May 2021 Rudaw published an article entitled 'Queer in Kurdistan: LGBT+ community weighed down by societal pressure' which stated that: 'Anti-LGBT sentiments are rife in Kurdistan, and held by some of its most educated and powerful. Omar Gulpi, a Kurdistan Justice Group (Komal) MP, filed a lawsuit in February against Rasan Organization, a non-profit advocating for LGBT+ rights in the Kurdistan Region. He called it a "sickness".'¹¹

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4.2 Arrests, prosecutions and mistreatment - overview

- 4.2.1 In September 2019 a joint report entitled 'Violence and Discrimination Based on Sexual Orientation and Gender Identity in Iraq' was submitted to the United Nations Committee on the Elimination of Discrimination against Women as part of their Iraqi country review. The joint report was drafted by a coalition of human rights organisations, included MADRE ('an international women's human rights organization and feminist fund' with a 'mission is to advance women's human rights by meeting urgent needs in communities and building lasting solutions to the crises women face'¹²), IraQueer (see paragraph 8.1.3 for information on IraQueer), Outright Action International (OAI) ('the only global LGBTIQ organization' which aims to 'combat the systemic violence, persecution and discrimination that LGBTIQ people face around the world'¹³) and the Organization of Women's Freedom in Iraq (OWFI) (an organisation that aims to 'rebuild Iraq with secular democracy and human rights for all' and 'advocates on behalf of women who are most marginalized, including those who are incarcerated, widowed, displaced or battered'¹⁴). The report ('the MADRE et al report') was intended to supplement information provided by the Government of Iraq (GoI). The report, citing various sources, stated:

'IraQueer has received reports from several individuals who have experienced instances of verbal, physical, and sexual abuse at various checkpoints across Baghdad and other cities... LGBT individuals, especially "masculine" women, "feminine" men, and trans people, have faced physical abuse in Northern Iraq under the Kurdistan Regional Government. Many of those individuals have been detained without being informed about their rights, or without access to legal representation.'¹⁵

- 4.2.2 The ILGA report published in December 2020 stated: 'There have been no recorded incidents in recent years of prosecutions by the state, though there have been reports of extrajudicial executions ordered by non-legal Sharia

¹⁰ Al-Monitor, [Rainbow flags over Baghdad fan debate, spur fear](#) 27 May 2020

¹¹ Rudaw, [Queer in Kurdistan: LGBT+ community weighed down by societal pressure](#) 3 May 2021

¹² MADRE, [Meet MADRE](#) undated

¹³ OIA, [About Outright Action International](#) undated

¹⁴ MADRE, [Organization of Women's Freedom in Iraq – Partner in Iraq](#) undated

¹⁵ MADRE, IraQueer et al, [Violence and Discrimination...in Iraq](#) (page 5), September 2019

judges, and of both police and militias frequently kidnapping, threatening and killing LGBT people.¹⁶

- 4.2.3 The Rudaw article published in May 2021 stated that: ‘Members of the LGBT+ community in Iraq and the Kurdistan Region are often persecuted by security forces and conservatives. They are subject to arrest, verbal abuse, and even murder. A crackdown on LGBT+ people in Iraq in 2009 saw deaths that probably number "in the hundreds," a well-informed official at the United Nations Assistance Mission for Iraq (UNAMI) told Human Rights Watch (HRW).¹⁷

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4.3 State treatment of gay men

- 4.3.1 It should be noted that the following information in this section covers one incident in Sulaymaniah in April 2021. CPIT was unable to find any other specific information regarding state treatment of gay men in the sources consulted (see [Bibliography](#)). On 2 April 2021 Rudaw published an article entitled ‘Sulaimani’s LGBT+ community “terrified” after security forces launch crackdown’ which stated:

‘Members of the LGBT+ community have told Rudaw they are scared to leave their homes after security forces launched an operation to arrest “suspected” LGBT+ individuals in the city of Sulaimani, just days after a US human rights report highlighted the dangers the persecuted community face in the Region.

‘Operation supervisor Pshtiwan Bahadin told local media on Thursday night that security forces have started a joint operation arresting people they suspect to be LGBT+ for immorality, going on to use derogatory terms to describe the community.

“Following the meeting of the High Security Committee of Sulaimani and after securing the permission from the investigating prosecutor of Sulaimani, it was decided that tonight an operation be carried out to prevent those who are homosexuals in the city of Sulaimani and this operation is with the cooperation of all the security forces,” Bahadin said.

“We have promised our people that we will not let anyone disrupt the security of this city, and we will continue our efforts tonight and every night. We will investigate people who have arrest warrants, those who perform destructive acts and want to ruin the city,” he added.¹⁸

- 4.3.2 The same source further stated:

“Our lives are not safe. Everyone cancelled all their plans last night. Even I was afraid of going out, in fear of being caught at a checkpoint,” LGBT+ activist Zhiar Ali told Rudaw English on Friday.

“The Asayish [security forces] were arresting people based only on suspicion of being homosexual, without even having done anything wrong,” he added.

¹⁶ IGLA, [State-Sponsored Homophobia 2020...](#) (page 131), 15 December 2020

¹⁷ Rudaw, [Queer in Kurdistan: LGBT+ community weighed down by societal pressure](#) 3 May 2021

¹⁸ Rudaw, [Sulaimani’s LGBT+ community ‘terrified’ after security forces...crackdown](#) 2 April 2021

"I am terrified. I was close to the scene when it was happening and I was wondering how I could get home. Now that I am home, I do not want to go out again," said another individual who wished to remain anonymous.

"The operation has "dehumanized" the community, another person said.

"We speak a genderless language. We seek no harm, we never have. We only wish to exist within society as normal civilians."

"This act dehumanized us to the limit."

'In a statement issued on Friday afternoon [2 April 2021], Sulaimani Asayish said the arrests were part of a crackdown on prostitution in the city and not directed against any group of people.

"Yesterday our forces launched an operation against prostitution in a district of Sulaimani, based on the people's request," read the statement. Claiming that prostitution is a growing concern, the Asayish added, "Our target is to end this phenomenon and not any other group or subgroup of people."¹⁹

- 4.3.3 On 9 April 2021 Voice of America (VOA) News published an article entitled 'LGBTQ members face threats in Iraqi Kurdistan' which provided more information on the arrest campaign mentioned in paragraphs 4.3.1 and 4.3.2 and stated:

'The plight of Iraq's lesbian, gay, bisexual, transgender and questioning or queer (LGBTQ) community returned to the spotlight last week when Kurdish security forces in Sulaymaniyah reportedly arrested several gay men. The government denied targeting the group, saying its operation was rather to crack down on prostitution.

'Members of the community told VOA the arrests of at least eight gay men on April 1 instilled fear among them, particularly after security forces reportedly attempted to force the men to undergo physical examinations.

"I don't feel like I'm part of the Kurdish society," said Zhyar Ali, an activist member of the community.

"There is so much discrimination against the LGBTQ community in Kurdistan. You don't feel there is room for you. It has unfortunately reached a level that most of the LGBTQ members are leaving the country."

'Ali lives in Sulaymaniyah, a northern city under the control of the autonomous Kurdistan Regional Government. But in this city officially nicknamed "the cultural capital of Kurdistan," there are still overt signs of discrimination.

'Before the government said the raid targeted prostitution, Kurdish local media had quoted the operation supervisor Pshtiwan Bahadin as saying the raid was against "immorality" and targeted some LGBTQ suspects.²⁰

- 4.3.4 The May 2021 Rudaw article stated:

¹⁹ Rudaw, [Sulaimani's LGBT+ community 'terrified' after security forces...crackdown](#) 2 April 2021

²⁰ VOA News, [LGBTQ members face threats in Iraqi Kurdistan](#) 9 April 2021

'On April 1 [2021], Sulaimani security forces (Asayish) rounded up a group of men in Sarchinar, a neighborhood in the city where people of any sexual orientation can pick up sex workers.

'The night of the arrests, operation supervisor Pshtiwan Bahadin told local media that the security forces had started a joint operation to arrest people they suspected of being LGBT+, and went on to use derogatory terms to describe the community.

'In a statement published a day later, the Asayish said the arrests of the men in Sarchinar were part of a crackdown on prostitution in the city and not directed against any particular group of people. But activists fighting for the rights of the LGBT+ community, made up of people who identify as gay, lesbian, bisexual, transgender or other gender or sexual identities, slammed the approach. They claimed the operation had targeted gay men first and foremost.'²¹

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4.4 State treatment of lesbian women

4.4.1 The MADRE et al report published in September 2019 stated:

'A lesbian living in Slemani reported that she was detained by the police several times. She told IraQueer, "A police officer threatened to rape me and said that it might make me a real woman."

'...Local activists have received reports from the Kurdish region of women being arrested in recent months because police suspected they were lesbians. Apparently none of the women have received formal hearings or legal representation, despite months in detention.'²²

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4.5 State treatment of the transgender community

4.5.1 The MADRE et al report published in September 2019 stated:

'IraQueer is also in possession of several videos showing the police humiliating and physically abusing trans people, while filming the injustices themselves.

'...Trans women face violence and discrimination, including sexual abuse, at the hands of law enforcement, families, neighbors, and even strangers. Trans women are not able to obtain identification or official documents with a gender marker that reflects their gender identity, which can limit their access to services and lead to discrimination when presenting their identification to officials across sectors.'²³

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4.6 State treatment of intersex persons

4.6.1 CPIT could not find any specific information relating to state treatment of intersex persons in the sources consulted (see [Bibliography](#)).

²¹ Rudaw, [Queer in Kurdistan: LGBT+ community weighed down by societal pressure](#) 3 May 2021

²² MADRE, IraQueer et al, [Violence and Discrimination...in Iraq](#) (page 5-6), September 2019

²³ MADRE, IraQueer et al, [Violence and Discrimination...in Iraq](#) (page 5-6), September 2019

4.7 Official responses to reports of anti-LGBTI violence

4.7.1 A report of the UN High Commissioner for Refugees (UNHCR), 'International Protection Considerations with Regard to People Fleeing the Republic of Iraq', published in May 2019 (the 2019 UNHCR report) stated:

'Concerns have been raised with regards to the authorities' willingness and ability to investigate, prosecute and punish human rights abuses committed against individuals of diverse sexual orientations and/or gender identities and to provide them with protection. As a result, individuals of diverse sexual orientations and/or gender identities are reported to refrain from reporting instances of discrimination, threats and violence to the police or other state authorities, for fear of their sexual orientation and/or gender identity being disclosed, legal prosecution on the basis of vague criminal provisions, and further harm at the hands of the authorities or others. Impunity is therefore reported to be widespread.'²⁴

4.7.2 The MADRE et al report stated:

'For victims of anti-LBT discrimination, including violence, there is no viable recourse in the Iraqi State. Government security forces not only fail to investigate acts of discrimination and violence against LGBTI people, but they also stand by and allow violence to occur, fully aware of what is happening. Furthermore, security forces and government officials themselves commit anti-LBTI discrimination and violence. The government's denial of access to justice for victims of these human rights violations encourages further discrimination and acts of violence, including those committed by health professionals and others who capitalize on LGBTI peoples' vulnerable status. In addition, LGBTI survivors of violence often do not report incidents due to fear of additional violence or discrimination from state officials or of their orientation or identity being disclosed to family or their community, leading to wider impunity.

'...According to human rights testimonials and interviews with Iraqi community-based human rights advocates, the most basic rights and fundamental freedoms of LGBTI persons are regularly violated in Iraq with impunity. People who experience severe discrimination, torture, physical injury, and even murder on the basis of real or perceived SOGIESC [sexual orientation, gender identity and expression, and sex characteristics] have no recourse in the institutions that should provide protection and support, such as government police and security forces, or medical facilities.'²⁵

4.7.3 The same report additionally stated that 'Members of the security forces and police are, at best, non-responsive to human rights violations committed on the basis of SOGIESC, and at worst, active participants in them. People in Iraq can count on virtually no protection or recourse for anti-LBTI violence and discrimination.'²⁶

²⁴ UNHCR, '[...Protection Considerations...to People Fleeing Iraq](#)' (page 102 - 103), May 2019

²⁵ MADRE, IraQueer et al, '[Violence and Discrimination...in Iraq](#)' (page 6-7), September 2019

²⁶ MADRE, IraQueer et al, '[Violence and Discrimination...in Iraq](#)' (page 3), September 2019

4.7.4 In January 2021 Human Rights Watch (HRW) published a report entitled 'World Report 2021: Iraq' which stated that: 'Over the years authorities have not held accountable perpetrators, including security forces, of kidnappings, torture, and killings of people perceived as gay and transgender. A 2012 government committee established to address abuses against LGBT people took few tangible steps to protect them before disbanding.'²⁷

4.7.5 The USSD report stated:

'Despite repeated threats and violence targeting lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals, specifically gay men, the government failed to identify, arrest, or prosecute attackers or to protect targeted individuals... According to NGOs, Iraqis who experienced severe discrimination, torture, physical injury, and the threat of death on the basis of real or perceived sexual orientation, gender identity and expression, and sex characteristics had no recourse to challenge those actions via courts or government institutions.'²⁸

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Section 5 updated: 21 July 2021

5. Societal treatment

5.1 Overview

5.1.1 In November 2018 the Danish Immigration Service (DIS) published a report entitled 'Kurdistan Region of Iraq (KRI): Women and men in honour-related conflicts'. The report, based on a series of interviews with interlocutors in the KRI, stated: 'One source said that the situation for homosexuals is relatively better in KRI than in the rest of the Iraq. He added that the situation for homosexuals is better in the urban areas than in the rural areas. However, homosexuality is a taboo in KRI, and it is seen as shameful and stigmatising for the family if it becomes known to the public.'²⁹

5.1.2 An article entitled "'The world is changing": Iraqi LGBT group takes campaign to streets' published on 13 April 2018 by Middle East Eye (MEE) stated:

'The KRG, as a whole, has generally been perceived as more secular and socially liberal than the Arab-majority regions of Iraq - although not on all issues, with the majority of Kurdish women facing FGM, for example. Overall, though, the influence of socially conservative religious organisations and armed groups is less pronounced.

"'Even if you compare the situation of LGBTs themselves, it's better and safer in Kurdistan. So many people just run away from the rest of the cities and they come to the north because it's safer," said [Ayaz] Shalal [Deputy Director of non-governmental organisation Rasan (see [Non-governmental organisations \(NGOs\)](#))]. "That doesn't mean it's safe. At all. But it's safer.

²⁷ HRW, [World Report 2021: Iraq](#) 13 January 2021

²⁸ USSD, [2020 Country Reports on Human Rights Practices: Iraq](#) (Section 6), 30 March 2021

²⁹ DIS, [...\(KRI\): Women and men in honour-related conflicts](#) (page 23), 9 November 2018

"Compared to the rest of Iraq, they don't get their heads smashed in the street."³⁰

5.1.3 The September 2019 MADRE et al report stated:

'IraQueer and its partners estimate that more than 220 killings of actual or perceived LGBT Iraqis occurred in 2017. In 2018, IraQueer documented killings of Iraqis based on sexual orientation and gender identity and expression, including the killing of 15 year-old Hamoudi Al Mutairi who was filmed on camera while dying. Of 257 LGBT individuals interviewed between 2015-2018, 96% stated that they have faced verbal and/or physical violence. Verbal bullying and abuse are extremely common against LGBT people because they are viewed as not conforming to prescribed societal gender norms. Expressions of identity that are seen as not conforming to these norms and roles, such [as] wearing skinny jeans, having long hair, and having a more "feminine" gender expression, often lead to instances of verbal abuse or bullying because the individual is perceived to identify as LGBT, even if they would not identify as LGBT themselves. In many cases, LGBT people have faced physical violence, rape, and in extreme cases, death.'³¹

5.1.4 In January 2019 Rudaw published an article entitled 'LGBT community fear living openly in Kurdistan' which stated:

'Many people in Kurdistan are often surprised to find out that an LGBT community exists here while others actually believe that there are "no gay people in Kurdistan". Others believe it's a sickness that can be cured with medical, psychological, or spiritual treatment, which logically isn't the case.

'LGBT communities do exist in Kurdistan in all ethnicities, religions and cities, and some of them have removed the veil of silence and secrecy to be heard.

'...While same-sex sexual activity is technically legal under Iraqi Penal Code which applies to the Kurdistan Region, the LGBT community often come under harsh scrutiny in a conservative, religious society where preferring the opposite sex as a partner is still taboo.'³²

5.1.5 The DFAT report stated:

'In addition to legal constraints, local and international groups report there is little to no societal understanding or acceptance in any part of Iraq towards consenting adults who consciously embrace same-sex attraction or alternative gender identity as a key part of their personal identity. Individuals perceived to be LGBTI often face abuse and violence from within their families and communities and may face denial of services, including health care. LGBTI individuals often do not report abuse for fear of further victimisation or acts of discrimination or violence that may result from them admitting their sexuality or gender orientation.'³³

5.1.6 The same source further stated:

³⁰ MEE, ['The world is changing': Iraqi LGBT group takes campaign to streets](#) 13 April 2018

³¹ MADRE, IraQueer et al, [Violence and Discrimination...in Iraq](#) (page 5), September 2019

³² Rudaw, [LGBT community fear living openly in Kurdistan](#) 29 January 2019

³³ DFAT, [Country Information Report Iraq](#) (page 46), 17 August 2020

'Human rights organisations report armed gangs in both Shi'a and Sunni areas have harassed and attacked LGBTI individuals, particularly men perceived to be effeminate. In 2017, a prominent actor was abducted, stabbed and tortured to death, reportedly for "looking effeminate". According to in-country sources, Shi'a militias would kill any openly LGBTI individual residing in their area.

'Human rights observers reported that in May 2019, the Kirkuk police ordered its officers to prevent youth from wearing skinny jeans in public places, to arrest violators, and to monitor and observe cases of what it called "youth effeminacy". In August 2019, Anbar police arrested numerous youth wearing skinny jeans in public places, then began to arrest those who objected to the security decision on social media platforms, including an activist who was placed in Al-Khalidiya prison.'³⁴

5.1.7 On 3 March 2021 Freedom House stated in their 'Freedom in the World Report 2021' that 'LGBT+ people are unable to enjoy equal political rights in practice due to harsh societal discrimination, and the main political parties do not advocate for the interests of LGBT+ people in their platforms.'³⁵

5.1.8 The USSD report stated:

'LGBTI individuals also faced intimidation, threats, violence, and discrimination in the IKR. LGBTI individuals reported they could not live openly in the IKR without fear of violence at the hands of family members, acquaintances, or strangers. Rasan Organization for gender-based violence and LGBT awareness posted a video documentary in September 2019 [sic 2020] about the impact of COVID-19 on LGBT individuals in the IKR. LGBTI individuals struggled to be accepted by their family members and the IKR community and disguised their identity from their families due to fear of violence, verbal abuse, and killing.'³⁶

5.1.9 The May 2021 article published by Rudaw stated:

'Anti-LGBT sentiments are rife in Kurdistan, and held by some of its most educated and powerful... Bekhal Abubakir, a lecturer from the English Department at the University of Sulaimani, called homosexuality "a sociopolitical movement." "As far as I have researched, no one is born a homosexual," Abubakir told Rudaw's Bestoon Khalid on April 9 [2021].

"It is not related to the genes, but rather picked up from the surrounding of that person, and they need a lot of therapy, treatment, and counselling."³⁷

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5.2 Societal treatment of gay men

5.2.1 In October 2018 Gulf News published an article entitled 'Iraqi teenager brutally killed because of his looks' which stated:

'A new shocking video of a brutal murder in Iraq went viral in the past few days around the Arab world: showing a teenage boy lying down on his side,

³⁴ DFAT, [Country Information Report Iraq](#) (page 46), 17 August 2020

³⁵ Freedom House, [Freedom in the World 2021: Iraq](#) (Section B4), 3 March 2021

³⁶ USSD, [2020 Country Reports on Human Rights Practices: Iraq](#) (Section 6), 30 March 2021

³⁷ Rudaw, [Queer in Kurdistan: LGBT+ community weighed down by societal pressure](#) 3 May 2021

bleeding from his abdomen, and being taunted with homosexual slurs by his killer.

'Ahmad Majed Mutairi, 14, known as Hamoudi Mutairi on social media, was brutally killed last weekend because he had "feminine" looks, which made his sexuality under suspicion.

'According to some media reports, the teenager was on his way home at night, in Baghdad's Yarmouk neighborhood, when his assailant attacked him with a knife, inflicting more than 7 stabs to his stomach while documenting all in a video, which later got posted on Facebook.'³⁸

5.2.2 The January 2019 Rudaw article stated:

'David, a 25 year old accountant and Arab from Baghdad who now lives in Erbil, detailed how he was attacked twice, once for being suspected as gay in Baghdad as well as in Erbil.

"In Baghdad, some street boys suspected me of being gay and they attacked me, hitting me, kicking me and tearing my clothes off. In Erbil, I was sitting in a car with a friend kissing when some men came from out of nowhere and attacked us. They beat us for an hour and a half. We pleaded with them to leave us alone and not report us to the police. We were still taken to the police and had to sign a pledge not to repeat the offense," he detailed.

'David explained of stories he's heard of Iraqi police officers arresting gay men or those suspected of being gay who were imprisoned. As soon as they were released they were killed by their families.

"They were killed by being beaten with building bricks on their heads and other brutal ways," he added.'³⁹

5.2.3 The same source further stated:

'In general, most people within the LGBT community say they feel relative safety, but only because they work hard at hiding their sexual affiliation.

'Others live in constant fear, with Aziz, a 19-year-old Kurdish student from Duhok living in Erbil saying: "I personally don't feel safe at all, this place likes to dictate what people say and how they think and you will get punished or killed by the authorities if you publicly defy the system."

'Aziz said his family doesn't know for sure if he is gay, but one family member who suspected it threatened to "bury him alive."

'...Mahmoud, a 32-year-old Turkmen working in education from Kirkuk also fears for his safety. "The danger comes from the community and their anger about being gay because there is no law to protect us from being killed. That has happened many times to men and women. That happened last year to someone I knew," he explained.

'Everyone who spoke with Rudaw said some of the biggest challenges faced by the LGBT community is to hide your sexuality and pressure from their families to get married and have children or getting used to being alone.

³⁸ Gulf News, [Iraqi teenager brutally killed because of his looks](#) 11 October 2018

³⁹ Rudaw, [LGBT community fear living openly in Kurdistan](#) 29 January 2019

'Nasr, a 24 year old company manager and Kurd from Sulaimani living in Erbil said that there is pressure not just from the family.

"The society discriminates against unmarried people generally, gay or not," he said. "You can't even live anywhere in peace if you are not married. They even discriminate in governmental establishments."⁴⁰

5.2.4 In May 2020 Shafaq News published an article entitled 'Gunmen assassinate "gay" person in Baghdad' which stated:

'Gunmen killed a person on Wednesday with silencer guns in Baghdad's Sadr City, leaving behind, a "warning message" that might be a prelude to homosexual assassinations in Iraq.

"An armed group killed a person with silencers in Sadr City," a police officer told Shafaq News Agency.

"Preliminary information indicates that the victim is homosexual," noting that "a letter was found near his body saying: a warning message ... To the genuine Iraqi families, your children must be followed up from practicing homosexuality".

'The incident comes days after the European Union mission in Baghdad raised the rainbow flag above its headquarters on the occasion of the International Day Against Homophobia, for the first time in the history of Iraq.

'...Raising the flag sparked widespread angry reactions from Iraqi political parties, considering that this matter contradicts the traditions of conservative Iraqi society.

'Human rights organizations say that homosexuals have been vulnerable to murder in Iraq by unknown armed men for many years.'⁴¹

5.2.5 The May 2021 article published by Rudaw stated:

'Levels of discrimination that gay men in Kurdistan face can vary. For men perceived as effeminate because of their build, their facial features, the length of their hair, or the clothes they wear, abuse can come from the most everyday actions. It is common to walk through the alleys of Sulaimani's bazaar and hear middle-aged men shouting abuse, sometimes sexually explicit, at boys and men in their teens and twenties that look effeminate.

'For Zhiar Ali, a Kurdish LGBT+ activist based in Sulaimani, the added level of discrimination more effeminate gay men face is because femininity is associated with weakness. Men are oftentimes denied housing by real estate brokers simply for "looking gay or sounding gay" – often targeting men who look less masculine.

'...Fear and hatred of effeminate men have meant that some have been killed simply for looking gay – even if the evidence pointed towards them being straight. Karar Nushi, an Iraqi man famous on social media in part for his long blonde locks, was found dead on a busy street in Baghdad in 2017, not long after receiving death threats for his modelling. "There has not been real information saying that Karar was gay," IraQueer's Ashour told The

⁴⁰ Rudaw [LGBT community fear living openly in Kurdistan](#) 29 January 2019

⁴¹ Shafaq News [Gunmen assassinate "gay" person in Baghdad](#) 20 May 2020

Daily Beast in 2017. "It's an assumption whoever killed him made based on how he looked."⁴²

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5.3 Societal treatment of lesbian women

5.3.1 The MADRE et al report stated:

'Lesbians face double discrimination for being women and queer. They are often forced into marriage, and end up being controlled by their husbands and families without the ability to express their identities. Lesbians also face difficulties connecting with each other due to the lack of online and offline safe spaces. Mara, a lesbian living in the Kurdistan Region of Iraq said, "Every day I spend with my husband, another part of me dies. My father forced me to marry my cousin. I no longer recognize myself in the mirror." Stories like Mara's are very common amongst the lesbian community, which is forced to face these abuses while being isolated from each other and the rest of the LGBTI community.'⁴³

5.3.2 The January 2019 Rudaw article stated:

'Women in the LGBT community in Kurdistan often have a harder time talking about their sexuality than the men do.

'...Blue, a 17-year-old Kurdish girl from Sulaimani realized she had an attraction to girls when she was around 11. She said that she didn't think it was a big deal at first but realized it could be dangerous in this society.

"I've had people try to "make me straight" and I lost my best friend of nine years once she found out I'm a lesbian," Blue said, adding that if her parents found out, "I'd definitely be killed."⁴⁴

5.3.3 The DFAT report stated that: 'The low levels of personal and financial autonomy for women mean it is difficult for lesbians to have primary relationships without men. Transgender women are at particular risk due to their higher visibility.'⁴⁵

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5.4 Societal treatment of the transgender community

5.4.1 The September 2019 MADRE et al report stated:

'Two recent murders illustrate the severe danger faced by transgender women, in Iraq. Local activists report that a trans woman was killed by her extended family in a so-called "honor" crime in Basra in April 2019. The woman was confronted by her family after finding her hormone drugs. After learning she was transgender, her family announced that she had died, and sources close to the victim report that she was killed because of her gender identity.

'In late August 2019, a different trans woman was found dead in the outskirts of Baghdad. Her clothes were ripped and she was shot twice. The victim had

⁴² Rudaw, [Queer in Kurdistan: LGBT+ community weighed down by societal pressure](#) 3 May 2021

⁴³ MADRE, IraQueer et al, [Violence and Discrimination...in Iraq](#) (page 5 & 6), September 2019

⁴⁴ Rudaw [LGBT community fear living openly in Kurdistan](#) 29 January 2019

⁴⁵ DFAT, [Country Information Report Iraq](#) (page 46), 17 August 2020

originally gone missing in late April 2019 after receiving numerous death threats. Since the victim had not expressed plans to flee the area to escape these threats, her friends searched for her in morgues and hospitals around Baghdad since they suspected that she was a victim of a crime. Her date of death is unknown, but activists report that she likely was killed between early May and mid-August 2019.⁴⁶

- 5.4.2 The 2020 DFAT report stated that: ‘Transgender women are at particular risk due to their higher visibility.’⁴⁷

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5.5 Societal treatment of intersex persons

- 5.5.1 CPIT could only find limited information relating to societal treatment of intersex persons in the sources consulted (see [Bibliography](#)). The Rudaw article published in May 2021 stated:

‘Lavin, from Sulaimani, does not identify with any particular gender or sexual orientation, and uses they/them pronouns. Lavin told Rudaw English that they had tried to test the waters and see if they would be able to come out to their family. The 24-year-old decided to use the Quranic story of Lot, in which God rained down stones on the people of the twin cities of Sodom and Gomorrah because of acts like homosexuality, as an example.

‘I once told my mom to tell me the story of Lot, and then asked her what would she do if I was like them ... she said ‘I would take you to a river, kill you, and leave your body there, ’ Lavin recalled with sadness in their voice.

‘Though some family members acknowledge Lavin’s sexuality, they consider it to be pathological. “My aunts and my sister know, but there are still times they call me sick,” Lavin said.’⁴⁸

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5.6 Media rhetoric

- 5.6.1 In June 2020 IraQueer published a report entitled ‘Biased – Iraqi Media and the Spread of Anti-LGBT+ Rhetoric’ which stated:

‘Based on the search results from IraQueer’s online research, the media in Iraq did not start covering topics related to LGBT+ people until the end of 2009. The rare coverage at that point was mainly as a reaction to human rights organizations highlighting the killings of LGBT+ Iraqis during what’s known as the “emo killing campaigns” and other organized killing campaigns. The coverage was mainly in written media and primarily focused on translating articles published in international media outlets. This continued to be the case until 2013 and 2014 when LGBT+ individuals and allies started to organize and became more visible.

‘For the past five years, Iraqi media became more influential in shaping the discourse around LGBT+ people and shaping the public opinion towards those who are perceived to be or identify as LGBT+. In fact, Iraqi media’s coverage of the LGBT+ community goes as far as shaping LGBT+ people’s

⁴⁶ MADRE, IraQueer et al, [Violence and Discrimination...in Iraq](#) (page 6), September 2019

⁴⁷ DFAT, [Country Information Report Iraq](#) (page 46), 17 August 2020

⁴⁸ Rudaw, [Queer in Kurdistan: LGBT+ community weighed down by societal pressure](#) 3 May 2021

opinions of themselves. In a study conducted by IraQueer in 2018, 89% of LGBT+ respondents shared that the media coverage in Iraq has negatively impacted the way they perceive their queer identities.

'...Our analysis of the search results found that the overwhelming majority of the media coverage was biased against the LGBT+ community, encouraging people to reject such identities. On many occasions, the coverage went as far as calling for the elimination of LGBT+ people from society to "protect" innocent children and youth who are "easily influenced".'⁴⁹

- 5.6.2 The same source looked at the terminology used in 22 TV programmes and segments produced by 16 television channels when referring to LGBT+ people and stated:

'When referring to LGBT+ people, the overwhelming majority of the words used to describe them were negative. Words like "faggot," "sinner," "abnormal," "mentally ill," "outcast," "lustful," and "prostitutes" were used to refer to LGBT+ people. These words are often used to voice moral disapproval toward these identities. These offensive words were used a total of 1574 times. This means at least one of these negative words was used every 30 seconds on average during the 22 programs analyzed.

'More neutral words like "the LGBT+ community" and "gay" were only used 98 times, and mostly in a negative context in which speakers used phrases like "gays or what's known as sexually abnormal individuals." The use of negative terms pushes the public to associate LGBT+ people with offensive adjectives, therefore making it harder for advocates to change public opinions as the language the public understands is inherently negative. As previously highlight[ed], this has also impacted the mental health of LGBT+ people the majority of whom were negatively impacted by the media coverage.'⁵⁰

- 5.6.3 The report stated in its conclusion:

'...the media in Iraq generally are not meeting their responsibilities. Most notably, TV channels have been systematically promoting hate speech and violence against members of the LGBT+ community in Iraq. Despite the increase in the use of more neutral words like "homosexuals" in the last year, Iraqi media outlets have not shown a noticeable will to challenge the narrative they are offering. On the contrary, they have often provided militia leaders like Al Khazali and Muqtada Al Sadr with a platform to spread and inspire anti- LGBT+ campaigns. In fact, Al-Ahd TV is run by Asaeb Ahl Al-Haq, which is an armed militia that under the leadership of Al-Kazali has organized numerous killing campaigns targeting LGBT+ people. These channels continue to offer politicians the opportunity to spread inaccurate and contradicting information to Iraqis. Ahmed Al-Sahhaf's denial of the right to life for LGBT+ people contradicts the fact that the Iraqi government recognized this right for all regardless of their sexual orientation in a submission to the United Nation's Human Rights Committee.

'This clear biased coverage threatens the LGBT+ movement as it alienates potential LGBT+ sympathizers. Even those who identify as LGBT+ will have

⁴⁹ IraQueer, [Biased – Iraqi Media and the Spread of Anti-LGBT+ Rhetoric](#) June 2020

⁵⁰ IraQueer, [Biased – Iraqi Media and the Spread of Anti-LGBT+ Rhetoric](#) June 2020

a harder time being open about it. When LGBT+ individuals feel disempowered and unsupported, LGBT+ civic organizing and the equality movement will suffer too, as it will be unlikely for individuals to join when their lives could be at stake.⁵¹

- 5.6.4 Notwithstanding the negative observations made above the same source additionally stated:

‘Despite all these negative aspects to the programs and the larger media coverage, there are still a few positive signs that could be the beginning of better media practices and coverage of LGBT+ topics. Despite the security risks, one can argue that the increased level of coverage is a positive sign that LGBT+ people are being slowly recognized.

‘The use of the Arabic word “Mujtamaa Al-Meem”, which translates to the LGBT+ community, has been notably higher than when it was first used in 2017 by IraQueer during an interview with Al-Sharqiya TV. In fact, even more conservative channels have used the term. They often used it in a negative context, but it is used nonetheless.’⁵²

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Section 6 updated: 21 July 2021

6. Treatment by non-state and ‘hybrid’ actors

6.1 ‘Hybrid’ actors (also known as Popular Mobilisation Forces, Shia militias)

- 6.1.1 The MEE article published in April 2018 described the Shia militias as ‘the other primary source [along with Daesh] of violence against LGBT people in Iraq’⁵³. The same article further stated:

‘Although homosexuality was illegal under Saddam Hussein, his overthrow by the US-led invasion in 2003 has seen the growth of armed groups with financial and ideological links to the Islamic Republic of Iran, a country responsible for more than 5,000 executions of LGBT people since 1979.

‘According to human rights organisations, the armed groups have harassed and attacked LGBT people (or those perceived to be LGBT) and in at least one instance in 2014 the Asa’ib Ahl al-Haq organisation released a wanted list with the names of suspect gay men.

‘In 2012, armed groups, primarily in Baghdad, started a campaign against people perceived to be “emo,” referring to usually young men perceived to be effeminate and sexually ambiguous. The UN Assistance Mission for Iraq reported that around 56 people were murdered for being “emo” as a result.

‘And in 2017, an actor was stabbed and tortured to death in Baghdad for “looking gay,” according to local media reports.’⁵⁴

- 6.1.2 On 16 April 2018 HRW published a report entitled ‘Audacity in Adversity – LGBT Activism in the Middle East and North Africa’ which provided details of

⁵¹ IraQueer, [Biased – Iraqi Media and the Spread of Anti-LGBT+ Rhetoric](#) June 2020

⁵² IraQueer, [Biased – Iraqi Media and the Spread of Anti-LGBT+ Rhetoric](#) June 2020

⁵³ MEE, [‘The world is changing’: Iraqi LGBT group takes campaign to streets](#) 13 April 2018

⁵⁴ MEE, [‘The world is changing’: Iraqi LGBT group takes campaign to streets](#) 13 April 2018

historic violence by pro-government armed groups against LGBTI people in Iraq:

'In 2009, fighters suspected of affiliation with Muqtada al-Sadr's Mahdi army, an armed group which publicly vilified gay and effeminate men as "the third sex," kidnapped, tortured and murdered as many as several hundred men in a matter of months, most of them in Baghdad. The Mahdi army was allied with the government at the time. Another wave of killings, attributed in some media reports to another government-allied armed group, Asa'ib Ahl al-Haq (Leagues of the Righteous), took place in 2012 after Iraq's interior minister condemned as "Satanist" the "emo" subculture—a subculture related to a form of punk music and marked by a particular form of dress, including tight jeans and long or spiky hair for men. The government failed to act against the killings, which targeted non-conformist young people, including but not limited to people perceived to be LGBT. In 2014, Asa'ib Ahl al-Haq killed several men who were, or who were perceived to be, gay and put up "wanted" posters for others. Killings of gay men attributed to Asa'ib Ahl al-Haq were reported once again in 2017.'⁵⁵

6.1.3 The MADRE et al report published in September 2019 stated:

'Faced with continued armed conflict, militia violence, and the weakening of government institutions since 2003, LGBTI people in Iraq are especially vulnerable to violence from these various actors. Since 2003, Iraq has also experienced a number of organized, deadly campaigns targeting large numbers of people based on their real or perceived SOGIESC. Government actors and militias instigate, inspire, and tolerate violent persecution.

'The killing campaigns organized by groups like Asa'ib Ahl Al-Haq (the League of the Righteous), have been a regular occurrence for more than a decade. The latest campaign was reported to have taken place in January of 2017 when more than a hundred names were put on a list that was distributed around neighborhoods in Baghdad, warning those listed to either change or be killed. Instead of holding perpetrators of these threats and killings accountable, the Government appears to have granted them a form of unwritten legitimacy.'⁵⁶

6.1.4 The report entitled 'Fighting for the Right to Live' published in June 2018 by IraQueer stated that 31% of violations committed against LGBT+ people between 2015 and 2018 came from 'armed groups (militias)'⁵⁷.

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6.2 Daesh

6.2.1 The MADRE et al report published in September 2019 stated:

'Under ISIL [Islamic State of Iraq and the Levant] occupation in Iraq, women, girls, men and boys including real or perceived LGBTI persons, and those otherwise perceived as stepping outside of traditional gender roles were targeted for violence on a staggering scale. For example, in June 2015, ISIL executed two women by shooting them in the head after findings messages

⁵⁵ HRW, [Audacity in Adversity – LGBT Activism in the Middle East and North Africa](#) 16 April 2018

⁵⁶ MADRE, IraQueer et al, [Violence and Discrimination...in Iraq](#) (page 7), September 2019

⁵⁷ IraQueer, ['Fighting for the Right to Live'](#) (page 14), June 2018

on the women's phones that ISIL claimed proved they were lesbians. In June 2016, ISIL executed two women by shooting them in the head after accusing them of being lesbians. Again, ISIL claimed that conversations and photos on the victims' phones proved their homosexuality. However there remains complete impunity for these crimes.⁵⁸

- 6.2.2 The DFAT report stated that 'A number of perceived gay men or transgender individuals were murdered during the Da'esh occupation, including through being thrown from buildings.'⁵⁹

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Section 7 updated: 21 July 2021

7. Employment and access to health services

- 7.1.1 The MADRE et al report published in September 2019 stated:

'Discrimination in employment and healthcare dramatically impact the lives of LGBTI individuals in Iraq. Several have reported to human rights documenters that they were denied employment or fired for looking "too feminine" or for refusing to engage in sexual practices with their employers. They also state that sexual advances from employers occur very often, and are always unreported. LGBTI individuals not only lack legal protection, but also fear the possibility of being legally persecuted for redefining social norms and "damaging the public honor."

'In particular, trans women face extreme danger simply by existing, especially those who choose to undergo hormone treatment and show physical changes, and Iraqi law denies them genderaffirming healthcare. Hormone treatments are not legal and make transitioning even more dangerous. In addition, the law does not permit gender affirming operations. People who manage to undergo the surgery outside of Iraq face difficulties in obtaining legal documents that reflect their gender identity. In an interview with IraQueer, a trans women stated: "Accessing hormones that I can use is life-threatening, but every day I wasn't a girl was a day I thought of committing suicide. I know I will face even more danger when my body starts to change, but I rather die looking like who I really am than to die looking like what the society wanted me to be."⁶⁰

- 7.1.2 On 17 May 2021 Rudaw published an article entitled 'LGBT+ in Kurdistan call for increased awareness, government action' which stated:

'The [LGBTI] community is also unable to access vital services, including health. "There are few services available to LGBTQI persons, including psychosocial, mental, or health related services in Iraq and in Kurdistan Region," human rights activist Bakhan Qadir told Rudaw English.

"Unfortunately, the society does not have awareness and knowledge about different gender identities so they are considered a threat to society. But I

⁵⁸ MADRE, IraQueer et al, [Violence and Discrimination...in Iraq](#) (page 8), September 2019

⁵⁹ DFAT, [Country Information Report Iraq](#) (page 46), 17 August 2020

⁶⁰ MADRE, IraQueer et al, [Violence and Discrimination...in Iraq](#) (page 10), September 2019

believe the culture of rejecting diversity in our society is what creates the problem, not the community themselves," she added.⁶¹

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Section 8 updated: 21 July 2021

8. LGBTI community and organisations

8.1 Non-governmental organisations (NGOs)

8.1.1 The DIS report published in 2018 report stated that 'Although there is one local NGO in Sulaimania working on women's and LGBT rights, and one Iraqi organisation based abroad, there is virtually zero safe space or support for people who are, or are perceived to be, LGBT in the region.'⁶²

8.1.2 The NGO in Sulaymaniyah mentioned above is Rasan. The MEE article published in April 2018 stated:

'Originally founded in 2004 as an organisation focusing primarily on women's rights, Rasan eventually adopted LGBTQI (adding queer and intersex) rights under its remit.

'Despite the difficulties that LGBT people face, both Rasan and other pro-LGBT groups such as IraQueer have managed to establish small networks and hold (usually clandestine) meetings where LGBT Iraqis can discuss their sexuality.

"The biggest thing you need for any meeting of LGBT people is a safe place," one Iraqi, who wished to remain anonymous, told MEE.

"At the moment it is very difficult to find a place for such meetings, because of the dangerous situation in Iraq at the moment.

"Because of this, we hold small meetings from time to time. They are held in private locations far from either the militias or the state."

'Despite the hostility they often face, he said that they usually managed to attract a reasonable number of both LGBT and non-LGBT people who were interested in the issue.

"The majority of people attending these meetings have previously been persecuted in our society. There are also some secularists and allies of LGBT people, especially Communists," he said.⁶³

8.1.3 The Iraqi organisation mentioned in paragraph 8.1.1 and which is based abroad is IraQueer, 'Iraq's first and only national LGBT+ organization. It was founded in March 2015, and has since gained international recognition through its work around education, advocacy, and providing direct services for LGBT+ Iraqis.'⁶⁴

8.1.4 In 2016 the Independent published an article with the organisation's founder, Amir Ashour which stated:

⁶¹ Rudaw, [LGBT+ in Kurdistan call for increased awareness, government action](#) 17 May 2021

⁶² DIS, [... \(KRI\): Women and men in honour-related conflicts](#) (page 24), 9 November 2018

⁶³ MEE, ['The world is changing': Iraqi LGBT group takes campaign to streets](#) 13 April 2018

⁶⁴ IraQueer, [Biased – Iraqi Media and the Spread of Anti-LGBT+ Rhetoric](#) (About Us), June 2020

'Ashour is the founder and leading voice of IraQueer, the only LGBT+ rights awareness organisation operating in Iraq, which is forced to carry out most of its work anonymously. The growing network of activists, most using synonyms rather than their real names, is a precious resource for Iraq's gay community, which remains almost completely underground for fear of dying at the hands of armed vigilante gangs, rogue police officers, or family members unable to accept them.

'As recently as 1995, Saddam Hussein created a paramilitary group with the sole purpose of identifying, torturing and executing LGBT+ individuals, as well as women accused of adultery, and the memory - as well as the taboo - is still fresh for many. Post-Saddam, the gay community began tentatively organising parties and meet-ups in gay-friendly spaces, but militia attacks have increased again in recent years, driving the community further underground.

'...IraQueer's role is vital in providing advice and safe houses for LGBT+ people - often teenagers - who have been disowned by their families, or fled for their own safety. Doctors and officials will often refuse to deal with people they think are gay, so IraQueer tries to connect vulnerable people to allies, too.'⁶⁵

- 8.1.5 In October 2020 MEE published an article entitled 'LGBTQ activists in Iraq will "not hesitate" to keep on protesting despite threats' which mentioned another NGO, Seefar, and stated:

'Among the few organisations that exist in Iraq to help LGBTQ people facing the threat of violence is Seefar.

'Hawar Ali, a project coordinator for the NGO, said it could provide psychological support or secure temporary places for those who are fleeing death threats - but added that many queer Iraqis were trying to leave the country altogether, often hoping Seefar could provide them with assistance to do so.

"This is impossible, especially with the strict imposition of travel restrictions on Iraqis and the failure of humanitarian organisations to obtain grants for helping those people," he said.

"All of these solutions are temporary. We don't have support to provide safe shelter for those who are under threat, and this is the reason why we lose a lot of the cases, and we do not know what their fate is later."⁶⁶

- 8.1.6 The ILGA report published in December 2020 stated that 'Article 10 of Iraq's Law of Non-Governmental Organizations (Law No. 12) (2010) forbids all NGOs from "conducting any activities or pursuing any goals that violate the constitution or other Iraqi laws". Based on this law, the General Secretariat of the Iraqi Council of Ministers has reportedly denied permission to at least one queer organisation to operate locally.'⁶⁷

- 8.1.7 The article published by Rudaw in May 2021 stated:

⁶⁵ Independent, [Iraq's only openly gay activist...fighting to make his country safer](#) 16 August 2020

⁶⁶ MEE [LGBTQ activists will 'not hesitate' to keep on protesting despite threats](#) 1 October 2020

⁶⁷ IGLA, [State-Sponsored Homophobia 2020...](#) (page 174), 15 December 2020

'...Despite the often life-threatening danger LGBT+ people face, activists both queer and straight are fighting back.

'Among them is 21-year-old Zhiar, who founded the Yeksani (Equality) initiative and is a former member of the LGBT+ advocacy group Rasan. Yeksani offers online mental health support to LGBT+ people.

'...A few organizations in the Kurdistan Region provide safe shelters for LGBT+ people who have been ostracized by their families or have chosen to leave their homes, but more are needed, Zhiar said. "We have a lot more cases that need a safe place to stay, and the current capacity is not nearly enough." People who attack the community claim that they are "protecting" Kurdish society, but Zhiar wonders what exactly they are being protected from.

"This is not a virus that could be spread, this is not an illness that could be spread – this is not something that could be prevented by denying their existence and their rights to live," he said.⁶⁸

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8.2 Protests

8.2.1 Towards the end of 2019 and throughout 2020 anti-government protests took place across Iraq. In March 2020 The New Arab (TNA) published a report entitled "'We are here": The LGBT activists on the frontline of Iraq's revolution' which stated:

'Since 1 October [2019], protesters have poured onto the streets of the Iraqi capital Baghdad and other southern provinces to demand fundamental changes to the political system.

'LGBT activists are a key part of this movement and have played a prominent role in protest zones, with many of them medics, cameramen and activists seeking basic rights.

'While these protesters say they will keep demonstrating alongside their brothers and sisters, they do not want to display their sexual orientation for fear of violence from the state security forces and various religious-affiliated militias. If targeted by the latter, their lives could be in danger.

'..."Being gay in Iraq means that you are at greatly more risk from attacks than other people," said 25-year-old Baghdad-based photographer Hayder Mundher.

"I am here protesting, wanting a change to the government and to receive the fundamental rights that I am owed. We are not just protesting but also carrying out different social activities and cultural activities to increase the movement".

'...Ayman Al Uboodi, 21, who is from Iraq but was raised in Australia, told TNA, "I think this was a great achievement in showcasing that LGBTQ Iraqis are participating with their fellow Iraqi brothers during these protests."

⁶⁸ Rudaw, [Queer in Kurdistan: LGBT+ community weighed down by societal pressure](#) 3 May 2021

"It negates the constant lie, spread by homophobic Iraqis, that homosexuals (in Iraq) are a small minority with low numbers and thus should not expect the same freedom as others. Would be great to see more of this".⁶⁹

8.2.2 The article published by MEE in October 2020 stated:

'Anti-government demonstrations that first broke out exactly a year ago on Thursday united thousands of Iraqis in denouncing a lack of services, corrupt political class and foreign interference.

'For some of the young people involved, the protests were also about challenging long-established social norms, a factor which led some LGBTQ Iraqis to play a more prominent role in the demonstrations.

'Inside a tent near the protest epicentre of Tahrir Square in Baghdad, Malak and six other young protesters hung empty tear gas canisters fired at them by the security forces like necklaces around their necks.

'Since the beginning of the demonstrations, hundreds of activists have been killed by security forces and other armed groups.

'I had announced my sexual identity among my friends in Tahrir Square and demanded they speak about LGBT rights during the protests," Malak said.

"This caused me problems, including threats by militias... so I left the protests for several days, but I returned to Tahrir Square because there was no safe place for me.

"Even if there was a law that supported us, society would remain a major obstacle - stuck on customs based on male domination and tribal custom," she added.

"Our demands are simple: to just live safely in our country without being subjected to physical and psychological abuse, and without being dealt with as outcasts, even by our families."

'...Safaa, a 29-year-old communications engineer originally from the city of Nasiriyah, said he had mixed feelings about taking part in demonstrations alongside people who would reject him due to his sexuality.

"As an LGBT person in an Islamic country that kills gays, I refused to participate in the protests, but the young men who were being killed by militia snipers are the biggest incentive to join the protesters," he said.

"I feel guilty over the blood of those who were killed. At the same time, I know that there are individuals in the protests where, if they knew I was gay, I would be at risk of being killed.

"Even if I escaped from security forces, there will be other bullets that could lodge in my head."⁷⁰

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⁶⁹ TNA, ['We are here': The LGBT activists on the frontline of Iraq's revolution](#) 27 March 2020

⁷⁰ MEE [LGBTQ activists will 'not hesitate' to keep on protesting despite threats](#) 1 October 2020

Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToR, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Legal context
 - Constitution
 - Penal Code
- State attitudes and treatment
 - statements made by government figures and public officials
 - government policies/programmes that assist or discriminate against LGBTI persons
 - how the law is applied (including discriminatory application non-LGBTI specific laws). Numbers:
 - arrests and detentions
 - prosecutions
 - convictions
 - acquittals
 - restrictions/enforcement of law against LGBTI organisations
 - access to public services
 - state protection
 - geographic, socio-economic or other factors affecting variation in attitudes/treatment
- Societal attitudes and treatment
 - prevailing cultural and family attitudes to male/female relationships, family and non-conforming behaviour
 - religious group attitudes, statements and actions
 - media representation, language and discourse
 - treatment by the public, including family members
- LGBTI individuals, communities and groups

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Version control

Clearance

Below is information on when this note was cleared:

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- valid from **1 September 2021**

Official – sensitive: Start of section

The information in this section has been removed as it is restricted for internal Home Office use.

Official – sensitive: End of section

Changes from last version of this note

Updated COI and assessment.

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