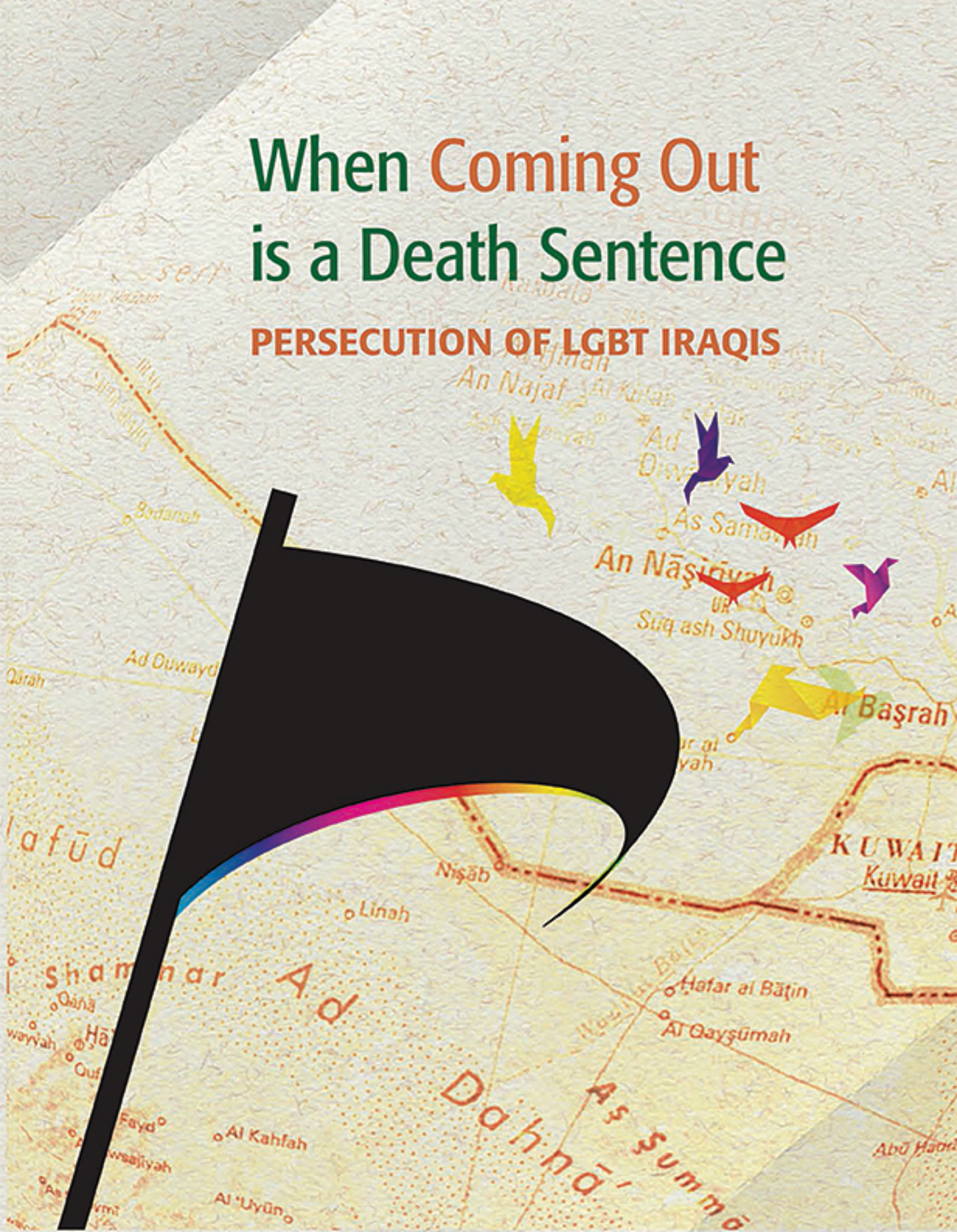


When Coming Out is a Death Sentence

PERSECUTION OF LGBT IRAQIS

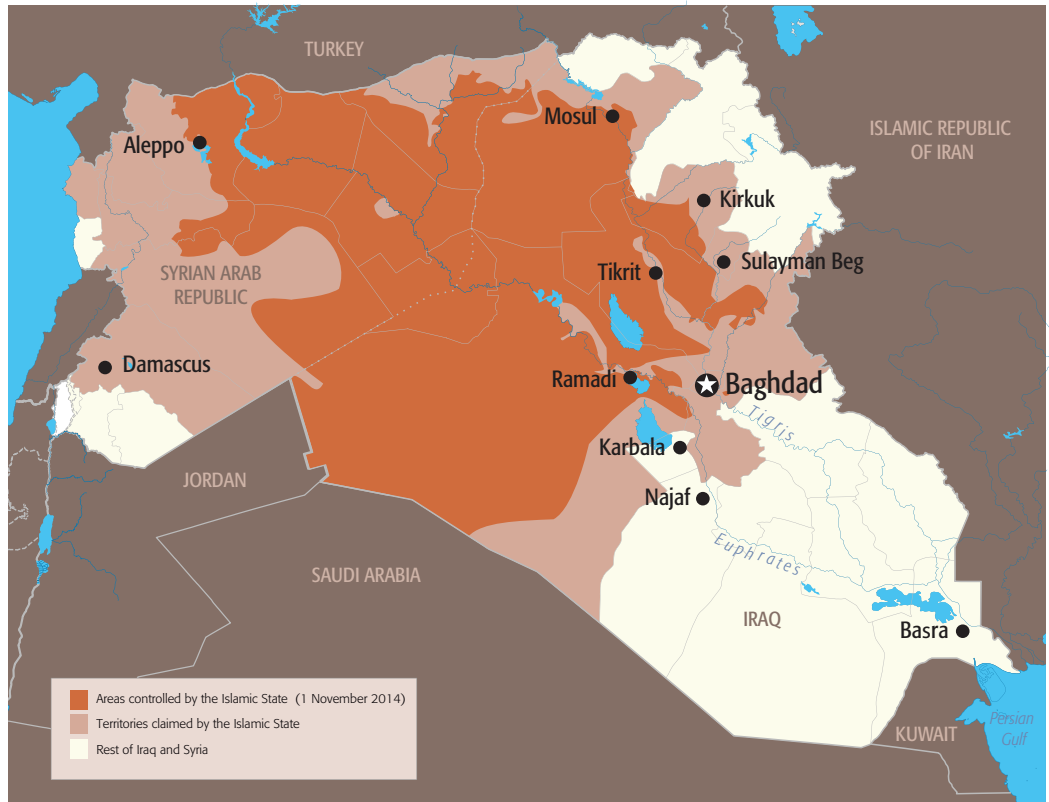


When Coming Out is a Death Sentence

PERSECUTION OF LGBT IRAQIS

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“Territorial control of IS” by NordNordWest, Spesh531

Sources: BBC’s recently updated map of IS-controlled areas. BBC’s map of Syria. Noria Research’s map of Syria. Map and information on claimed areas. Some info in Aleppo and Ar-Raqqa Governorate (Jan 2014, 19). Derived from: File: Saudi Arabia location map.svg; File: Jordan location map.svg; File: Syria location map.svg; File: Iraq location map.svg. Licensed under Creative Commons Attribution-Share Alike 3.0 via Wikimedia Commons - https://commons.wikimedia.org/wiki/File:Territorial_control_of_the_ISIS.svg#mediaviewer/File:Territorial_control_of_the_ISIS.svg

EXECUTIVE SUMMARY

“Currently, [LGBT Iraqis] should live undercover because now, there’s no hope, and no solution.”¹

The rapid advance of the Islamic State and its takeover of large swathes of Iraq has spelled the beginning of a new chapter of deadly risk for lesbian, gay, bisexual and transgender (LGBT) Iraqis, a persecuted minority against whom human rights abuses have been documented for over a decade. And in areas of Iraq outside of the Islamic

State’s control, LGBT Iraqis are caught up in a rising tide of violence and abuse, due to the unchecked power of Islamic State fighters as well as their pro-government militia opponents.

Despite the difficulty of securing interviews with LGBT individuals in areas under the Islamic State’s control, and despite the collapse of state justice and security institutions, the Islamic State’s imposition and enforcement of its interpretation of Islamic law² compels the conclusion that LGBT individuals are highly likely to be at imminent risk of death, according to research and analysis by the International Gay and Lesbian Human Rights Commission (IGLHRC) and MADRE.

¹ IGLHRC and MADRE interview with a senior member of the Iraqi governmental Lesbian, Gay, Bisexual, and Trans (LGBT) Committee, August 23, 2014.

² Christian Roman, “ISIS: Behind the Group Overrunning Iraq,” *New York Times Minute Video*, June 11, 2014, <http://www.nytimes.com/video/world/middleeast/10000002932429/isis-behind-the-group-that-took-mosul.html> (accessed September 3, 2014).

Elsewhere in Iraq, the situation for LGBT individuals is also highly precarious, due to the rise of militias. In June and July, at least two militia attacks took place in Baghdad against individuals because of their real or perceived sexual conduct or sexuality. On June 15, 2014, two adolescent boys who were thought to be gay were killed and beheaded by the League of the Righteous, their heads thrown in the garbage. Another two men were injured in the same attack and hospitalized as a result. In July 2014, the same militia attacked a brothel in Baghdad's Zayuna district, killing 34 individuals, at least two of whom were believed to be gay men, and injuring an additional four. Witnesses believe the attack was motivated by hatred of what militia considered sexual "deviance," whether in the form of buying or selling sexual services, or being thought to be gay.

In May, a Shi'a militia published the names and neighborhoods of men "wanted" for allegedly engaging in the "crime" of sodomy or for having excessively long hair.

Certainly, LGBT Iraqis are not the only group at risk in the country's current crisis and conflict. The Islamic State has engaged in mass killings, ethnic cleansing, systematic violence against women, and other war crimes against both women and religious minorities. Over 400,000 Iraqis have fled their homes in Anbar province since the Islamic State took control of that province in April. With perhaps twice as many fleeing the Mosul advance, today there are altogether 1.8 million Iraqis considered internally displaced, half of them in Iraqi Kurdistan.

But compared to the hundreds of thousands of Iraqis facing persecution and threats to their lives and livelihoods today, LGBT Iraqis may be the least protected in terms of threats to their safety because their persecutors range across society at large; they have little to no family, community support or government protection and their physical appearance may put them at risk in public. In addition they face risk and hostility in refugee circumstances.

Individuals interviewed by IGLHRC and MADRE identified in particular two Shi'a militias as responsible for sexual and gender-based violence against LGBT people: the League

of the Righteous ('Asa'ib Ahl al-Haq) and the Mahdi Army (Jaish al-Mahdi). There is also the prospect that Sunni militias—called the National Guard and equally hostile to LGBT persons—may retake Sunni areas of Iraq from the Islamic State fighters.

Despite the mid-August resignation of Prime Minister Nuri al-Maliki, his legacy—the rise of sectarian militias to unaccountable and unchecked power—continues. Some militias, backed by al-Maliki's government, such as the League of the Righteous and the Mahdi Army, have been directly implicated in past killing sprees against the LGBT community.

The Islamic State, which now styles itself as the government of a newly established Caliphate, controls vast swathes of territory in northwestern Iraq, where it has established a regime of subjugation, exploitation and wanton murder. Its abuses are most often directed at those who do not actively agree with the group's ideology, who adhere to a different religion, or who do not conform to gender and religious norms as defined by the group. This includes LGBT and gender non-conforming individuals.

Past and present killing sprees against LGBT Iraqis have taken place with total impunity. No one has been held accountable for the murders, and the previous government rejected calls to even investigate violence based on actual or perceived sexual and gender non-conformity.

The government is sometimes complicit in abuses and almost invariably offers no protection at all. The government's only official agency to deal with LGBT issues, the LGBT Committee, ceased to function after the Islamic State's June and July territorial gains. Even before the committee shut down, it had done little to deal with the clear protection gap facing LGBT and gender non-conforming Iraqis. The Islamic State's territorial control also closed escape routes for individual LGBT Iraqis to travel to safer parts of the country, such as parts of Iraqi Kurdistan.

The advice of well-meaning leading government officials working on LGBT issues is indicative. They suggest gender non-conforming individuals stay hidden, "remain discreet," and

"Every person for whom sodomy is proven, whether actively or passively, shall be executed for an offense against God."

“undercover.”³ The message the government sends is clear: If you reveal yourself or we suspect you, you will be killed.

To save lives, the Iraqi government, international relief organizations, and foreign embassies should immediately establish protected spaces within Iraq for LGBT Iraqis and those who do not gender-conform and, at the same time, expedite appeals by those individuals to safely leave the country.

VIOLENCE

LGBT individuals in Iraq are at risk of being killed once they reveal themselves or are identified as such—whether correctly or not. Hundreds reportedly have already been killed, and thousands remain at risk.

Family, Communities, and Tribes

The most common threats to gender non-conforming Iraqis come from their families, communities, and tribes. The LGBT individuals interviewed for this report identified close family members as being behind often lethal threats. More than one pointed out that these family members believed they acted to defend tribal values of family honor.

An NGO worker, the rare individual who has helped support persecuted LGBT Iraqis, recounted how a gay man he worked with was severely beaten by his family when they found out that he was in a relationship with a man. The family forced the man into therapy to “get closer to God,” implying that homosexual behavior was contrary to religion, this Iraqi LGBT rights activist said.⁴

Another Iraqi activist ascribed the persecution of gay men in Iraq to a tribal mentality that defines power and

success through displays of masculinity. Effeminate gays face social hatred, she said, because society sees them as having rejected their masculinity in favor of feminine traits. As a result, she said, “Gays don’t have tribal protection.”⁵

For lesbians, bringing shame onto the family has dire consequences. In one case, the families of two young women became aware of their relationship and forced both women into heterosexual marriages with older men, a practice that knowledgeable observers said was common for such cases although the Civil Code prohibits the practice.⁶ The current government strategy to prevent violence against women endorses “family reconciliation,” an approach that has shown to be ineffective elsewhere as it prioritizes harmony over protection.⁷

Mahmud’s story is illustrative of the persecution of gays within the family, tribe and the larger community. Mahmud comes from a powerful family and his boyfriend was the local tribal leader (who also had multiple wives). The relationship ended when there was a risk it would become known in the community, Mahmud said. After that, Mahmud endured abuse by his own brothers, and had to leave the family home. “My parents never took me back, because I attract danger to them,” Mahmud said in an interview. “It was true, because we kept receiving threats that made us move into another neighborhood. All of my family members were blaming me. My brothers kept calling me, ‘shameless faggot.’”⁸

Leyla, a lesbian from a southern Iraqi city, told IGLHRC and MADRE that her girlfriend’s tribe killed her partner after learning of their relationship, and said that she was lucky to escape herself.⁹

3 Maysoon al-Damluji, Iraqi feminist and Member of Parliament in Iraq, to *Gay City News*, Michael T. Luongo, “Gay Death and Gay Life. “Even if the killings stop, what lies beyond remains in doubt,” *Gay City News*, September 15-18, 2010, p. 29. In Iraq, “homosexuals have had to remain discreet... and they don’t come out. What has happened recently is that for some reason, they have come out... I don’t think the time is ripe for this kind of action now... I mean I am sorry that [the killings] happen, but I do hope that they remain discreet until things become different.”

4 IGLHRC and MADRE email exchange with an Iraqi LGBT rights activist based in Iraqi Kurdistan, August 11, 2014.

5 IGLHRC and MADRE interview with a staff member of an Iraqi human rights organization [name omitted], August 7, 2014.

6 IGLHRC and MADRE interview with an international staff based in Iraqi Kurdistan, concerning the forced marriage of two girls, and with senior international human rights official, concerning the practice of forcing lesbian women into heterosexual marriage once their sexuality has become apparent.

7 Iraqi government strategy against violence against women, p. 59. The Iraqi civil code prohibits and punishes forced marriages, but this does not appear to be consistently applied. Personal Status Law, para. 1, art. 9. A new, proposed civil status law for Shi’a Iraqis would legalize marital rape. See, Human Rights Watch, “Iraq: Don’t Legalize Marriage for 9 year-olds,” March 12, 2004, <http://www.hrw.org/news/2014/03/11/iraq-don-t-legalize-marriage-9-year-olds> (accessed September 5, 2014).

8 “We’re Here, Iraqi LGBT People’s Accounts of Violence and Rights Abuse”, pp. 6-7, Published by IGLHRC and MADRE, October 2014.

9 Ibid., 5.

Saad, a young gay man, said that he moved from one relative's house to another three times and was homeless at other times, because in each instance the man of the house kicked him out for being gay.¹⁰

Ali, another young gay man, left his family home when his father became abusive calling him names like "faggot." Years later, when Ali's partner left him and sent sexually explicit videos to Ali's father, Ali's mother warned him that his father and brothers were out to kill him because, "They think killing you is their duty to protect their honor."¹¹

Islamic State

The Islamic State has, by all accounts, enforced a misogynist order of subjugation and exploitation in areas under its control.

Much attention has rightly focused on sexual violence against women, girls and boys, thousands of whom have reportedly been sold into sexual slavery and raped by militiamen.¹² In early September 2014, the United Nations reported that the Islamic State had instituted a morality police "essentially to coerce women into compliance with gender-specific rulings. Women are not allowed to walk in the street without the presence of a male guardian, and there are more and more reports of women being beaten for violating the group's rules."¹³ The Islamic State is also selling girls and women into sexual slavery, according to the United Nations' estimates, up to 1,500 Yazidi and Christian women by early September 2014.¹⁴

Although little concrete information is known about the daily suffering of LGBT persons in the areas controlled by the Islamic State, the group has made clear that there is no place for gender non-conforming individuals under its rule. These views are expressed in the group's published interpretation of Islamic law (see section on "Legal Standards"), as well as in practice.

In a statement apparently from June 2014, the Islamic State said that in Syria it had condemned a man to death for homosexuality and carried out the punishment. The statement, signed "Islamic State of Iraq and Levant, Damascus governorate, South Damascus District," condemned Nasir Ibn Taha to death for alleged sodomy and allegedly corrupting youth allegedly by offering money and despite repeated admonishments to cease such actions.¹⁵ A picture shows a man kneeling before what appears to be his executioner, a second man reading out a statement, and two other individuals holding the banner of Islamic State.¹⁶ IGLHRC and MADRE spoke to a Syrian LGBT activist who said he had seen the Islamic State's announcements of the execution of two men for homosexual acts, and credible accounts that the executions had indeed been carried out.¹⁷ It is uncertain whether this is a reference to the same execution as above, or to an additional two executions.

Since announcing the establishment of a caliphate in those parts of Syria and Iraq under its control, the Islamic State has announced morality codes for the territory it claims. On its website, the group lists elements of its interpretation of Islamic law (*sharia*) some of which may

10 Ibid., pp. 10-11.

11 Ibid., pp. 8-9.

12 "SRSG [Special Representative to the Secretary-General] Bangura and SRSG Mladenov gravely concerned by reports of sexual violence against internally displaced persons," UNAMI, August 12, 2014, http://www.uniraq.org/index.php?option=com_k2&view=item&id=2373:srsg-bangura-and-srsg-mladenov-gravely-concerned-by-reports-of-sexual-violence-against-internally-displaced-persons&Itemid=605&lang=en (accessed 2 September 2014). IGLHRC and MADRE interview with the staff an Iraqi human rights organization [name omitted], August 29, 2014.

13 "Address by Ms. Flavia Pansieri, UN Deputy High Commissioner for Human Rights to the UN Human Rights Council's Special Session on Iraq," OHCHR, September 1, 2014, http://www.uniraq.org/index.php?option=com_k2&view=item&id=2535:address-by-ms-flavia-pansieri-United-nations-deputy-high-commissioner-for-human-rights-to-the-human-rights-council-s-special-session-on-iraq&Itemid=606&lang=en (accessed September 2, 2014).

14 "SRSG Bangura and SRSG Mladenov gravely concerned by reports of sexual violence against internally displaced persons," UNAMI,

August 12, 2014, http://www.uniraq.org/index.php?option=com_k2&view=item&id=2373:srsg-bangura-and-srsg-mladenov-gravely-concerned-by-reports-of-sexual-violence-against-internally-displaced-persons&Itemid=605&lang=en (accessed September 2, 2014).

15 Statement by the Islamic State, undated, on file with IGLHRC and MADRE.

16 "Elements of ISIS Execute Homosexual South of Damascus," *Syria News*, June 24, 2014, <http://www.syriansnews.com/2014/06/%D8%B9%D9%86%D8%A7%D8%B5%D8%B1-%D9%85%D9%86-%D8%AF%D8%A7%D8%B9%D8%B4-%D9%8A%D8%B9%D8%AF%D9%85%D9%88%D9%86-%D8%B4%D8%A7%D8%B0%D8%A7%D9%8B-%D8%AC%D9%86%D8%B3%D9%8A%D8%A7%D9%8B-%D8%AC%D9%86%D9%88%D8%A8/> (accessed September 2, 2014). The authenticity of the posting could not be verified, as it was circulated on personal Facebook and other social media accounts before Syrian media reported on it. The statement is in keeping with similar postings by Islamic State.

17 IGLHRC and MADRE interview with a Syrian LGBT activist, September 23, 2014.

apply to LGBT Iraqis under its control. These interpretations cite sayings (*Ahadith*) of the Prophet Muhammad and his companions, whose authenticity and legal interpretation are accorded different weight by different schools of Islamic jurisprudence. The Islamic State highlights the following *Ahadith*:

- Islam commanded the dress of women to be different from the dress of men, as well as that the dress of men be different from the dress of women.¹⁸
- [Islam] prohibited men from resembling women in dress or vice versa, and [commands] each [gender] to differentiate itself from the other.¹⁹
- God’s Messenger ... cursed the man wearing a woman’s clothing and the woman wearing a man’s dress.²⁰
- It was said to [the Prophet Muhammad’s wife] ‘A’isha, ‘Can a woman wear a shoe?’ And she answered: ‘God’s Messenger cursed the masculine women.’²¹
- I heard God’s Messenger say, ‘None of our women resemble men.’²²
- The Prophet cursed the effeminate men and masculine women and said, ‘Throw them out of your houses,’ and [Ibn Abbas] said, ‘The Prophet threw one of them out and [Caliph] Umar threw another one out.’²³

- God’s Messenger cursed men resembling women and women resembling men.²⁴

The law section of the Islamic State’s website also states:

- The Sharia ruling is to punish sodomy by death, whether or not the person is unblemished. Every person for whom sodomy is proven, whether actively or passively, shall be executed for an offense against God.²⁵

Given its own legal interpretations and its own claim to having carried out such sentences, coupled with reports of widespread sexual violence and instances of summary and arbitrary executions of persons believed to have engaged in homosexual acts, anyone believed to be LGBT under the Islamic State control is likely at imminent risk of death.

Militias

LGBT Iraqis have also faced organized, deadly persecution instigated, inspired, or tolerated by state actors and members of militia. Such “pogroms” peaked in 2009²⁶ and again in 2012.²⁷ On May 15, 2014, a list was published by the Brigades of Wrath (Saraya al-Ghadhab), the military arm of the League of the Righteous on signs around Baghdad with the names and neighborhoods of 24 “wanted” persons, 23 accused of the “crime” of homosexual acts and one man accused of the “crime” of having long hair.

18 In Arabic: وأمر الإسلام أن يكون لباس المرأة مخالفاً للباس الرجل، كما أمر أن يكون لباس الرجل مخالفاً للمرأة. لباس المرأة. State of the Caliphate, Islamic Jurisprudence and Laws, Nasr/ Social Order-Islamic Law Burdens for Women and Men: Rights and Duties [IGLHRC’s translation] دولة الخلافة، فقه الإسلام و أنظمتها، نصر / النظام الاجتماعي (الحقوق والواجبات والمرأة والرجل أمام التكاليف الشرعية . الحقوق والواجبات http://nusr.net/1/index.php/ar/nthm/nthm-ijtm/344-nthm-ijtm-12 (accessed September 4, 2014).

19 Ibid. [IGLHRC’s translation] In Arabic ومنع أحدهما أن يتشبه بالآخر باللباس، وبما يخص به ويميزه عن النوع الآخر، كترتيب بعض أعضاء الجسم.

20 Ibid. [IGLHRC’s translation] In Arabic وعن أبي هريرة رضي الله عنه قال: «لعن رسول الله الرجل يلبس لبسة المرأة، والمرأة تلبس لبسة الرجل» أخرجه الحاكم وصححه.

21 Ibid. [IGLHRC’s translation] In Arabic وعن ابن أبي مليكة قال: قيل لعائشة رضي الله عنها: «إن الرجل من النساء» خرجته الذهبي وقال إسناده حسن r المرأة تلبس التعل ؟ فقالت: لعن رسول الله.

22 Ibid. [IGLHRC’s translation] In Arabic وعن عبد الله بن عمرو قال: سمعت رسول الله يقول: «ليس منا من تشبه بالرجال من النساء» أخرجه الطبراني.

23 Ibid. [IGLHRC’s translation] In Arabic والمختنن من الرجال r وعن ابن عباس قال: «لعن النبي «فلاناً وأخرج عمر فلاناً r والمترجلات من النساء» وقال: «أخرجوه من بيوتكن» قال: «فأخرج النبي

24 Ibid. [IGLHRC’s translation] In Arabic المتشبهين من الرجال بالنساء والمتشبهات من النساء بالرجال» أخرجه البخاري.

25 In Arabic الحكم الشرعي في عقوبة اللواط و هو القتل. سواء أكان محصناً ام غير محصن. فكل من ثبت عليه اللواط سواء أكان فاعلاً ام مفعولاً به يقتل حدا Entry: Fixed Punishment for Sodomy," in- http://nusr.net/1/index.php/ar/nthm/nthm-oqoobat/319-nthm-oqoobat-6. [IGLHRC’s translation].

26 See, Human Rights Watch, “They Want Us Exterminated,” August 2009, p. 2, featuring a photo of what is alleged to be one of the lists of non-gender conforming persons threatening the “puppies” with “the most extreme punishment” and warning readers “not to engage in the acts of the tribe of Lot” i.e. homosexual acts, before listing thirty persons, mainly by first name and their residential district. See also, Michael T. Luongo, “Double Lives Gays Lead in Baghdad. Even when public spaces not lethal, freedom, privacy are relative terms,” *Gay City News*, September 29–October 10, 2010, p. 3.

27 For government perception, see below, the Interior Ministry’s statement. For religious leaders, see for example, Moqtada al-Sadr’s statement calling emos “fools and madmen.” See also, Ruhayem, Rami, “Iraq’s Emo Killings: A Horror Story Out of Control?” *BBC News*, 20 March 2012, http://www.bbc.com/news/world-middle-east-17450437.





From the photo series "Iraq's Unwanted: Gay Asylum" © Bradley Secker

Over the following two months, at least two militia attacks took place in Baghdad against groups of persons because of their real or perceived sexual conduct or sexuality.²⁸ On June 15, 2014, according to witness accounts, the League of the Righteous attacked a group of four including both men and adolescents. Two of the victims, adolescent boys between 15 and 17 years old were killed and beheaded, and their heads thrown in the garbage, said one witness who has also visited the surviving two victims in the hospital. The boys were commonly thought to be gay in their community.²⁹ In July 2014, the same militia, the League of the Righteous, attacked a brothel in Baghdad's Zayuna district, killing 34 individuals and injuring an additional four. Two of those killed were believed by Iraqi civil society activists to be gay. Witnessed believed the attack was motivated by hatred of what militia considered sexual "deviance," whether in the form of buying, selling sexual services, or being thought to be gay.³⁰

The reasons behind the sudden flare-ups of organized and deadly persecution in 2009, 2012, and the militia attacks in 2014, remain unclear. One well-placed international official surmised that "it's a form of bizarre social control," where high-ranking militiamen with ties to the government put out lists of names of gays or brothels in an attempt to violently curb behavior considered socially unacceptable. After the government of al-Maliki had reined in the militias temporarily, they re-emerged forcefully in 2014 at a time when the law and order, albeit limited, that was previously imposed by government forces broke down completely.³¹

28 IGLHRC and MADRE telephone interview with an Iraqi human rights activist based in Baghdad, July 14, 2014.

29 IGLHRC and MADRE interview with Iraqi human rights activist based in Baghdad, July 14, 2014; referencing further interview with another Iraqi human rights activist based in Baghdad immediately after the June attack, notes on file.

30 IGLHRC and MADRE interview with Iraqi human rights activist based in Baghdad, July 14, 2014. Photos from the crime site from the Iraqi Interior Ministry on file with IGLHRC.

31 In March 2008, Prime Minister al-Maliki ordered the Iraqi army to take the southern city of Basra, which the Sadrist Mahdi Army controlled. The government forced prevailed with international coalition troop support. Juan Cole, "Why al-Maliki attacked Basra," *Salon.com*, April 1, 2008, http://www.salon.com/2008/04/01/basra_3/ (accessed September 23, 2014). Concerning the militia's reemergence, IGLHRC and MADRE telephone interview with ranking UN official based in Baghdad, August 14, 2014. See also, David D. Kirkpatrick, "Shiite Militias Pose Challenge for U.S. in Iraq," *New York Times*, September 16, 2014, http://www.nytimes.com/2014/09/17/world/middleeast/shiite-militias-pose-challenge-for-us-in-iraq.html?_r=0 (accessed September 23, 2014).

The Shi'a League of the Righteous, the Mahdi Army, for example, recently "expand[ed] their room for maneuver under the veil of statehood."³²

Two militias in particular repeatedly featured in victim and observer accounts describing killings of LGBT people. Leyla, Mahmud, and Ali in interviews with IGLHRC and MADRE in 2014 identified the Mahdi Army as being behind attacks on them or their friends from 2005 to 2009.³³ A leading Iraqi human rights activist identified the League of the Righteous as most likely being behind the emo killings in 2012.

It remains unclear at present what organization is behind the killings of gay men in Baghdad in June and July 2014, although two well-placed NGO activists in Baghdad and Basra identified the League of the Righteous as being behind the recent violence.³⁴ Ali and Abbas, two gay rights activists, told IGLHRC and MADRE that they believed the militiamen did not act on their own, but on orders from religious authorities.³⁵ The militias have not publicly claimed organizational responsibility for killings or implicated religious authorities outside the militia, however.³⁶

The homophobic behavior of militias contributed to a broader atmosphere of fear for LGBT people. Individuals interviewed recounted personal experiences, or those of close friends, where militiamen had issued random threats speeding by on a motorcycle or delivered to their phones. Some pointed to abductions and killings at militia checkpoints.

32 Crisis Group, *Iraq's Jihadi Jack-in-the-Box*, June, 20, 2014, p. 5, <http://www.crisisgroup.org/en/regions/middle-east-north-africa/iraq-iran-gulf/iraq/b038-iraq-s-jihadi-jack-in-the-box.aspx>.

33 The Human Rights Watch report provides insight into the operations of militias, mostly the Mahdi Army, but also one unnamed Sunni militia and the Shi'a 'Asa'ib Ahl al-Haq militia.

34 IGLHRC and MADRE interview with two Iraqi human rights activists [names omitted], MADRE, September 2014.

35 Although no religious leader has openly claimed responsibility for these acts of violence, it is obvious that Shiite militias (including Mahdi Army and 'Asa'ib Ahl al-Haq) are both run by Shiite clerics and their ideology is deeply reflective of religious beliefs and practices. For 'Asa'ib Ahl al-Haq, see the website, <http://www.ahluhaq.com/> (accessed October 14, 2014). For Mahdi Army, see their facebook page: <https://www.facebook.com/NasrAlhqlnTsbyZynb> (accessed October 14, 2014).

36 IGLHRC and MADRE separate interviews with Ali and with an Iraqi LGBT rights activist based in the Iraqi Kurdistan, August 11, 2014.

State Security Forces

Since 2007, Iraq's security forces have become increasingly enmeshed with militias, either by incorporating militiamen within their ranks or working side-by-side.³⁷ A recent analysis of weak institutional strength of the country's security services found that former Prime Minister Nuri al-Maliki over the past few years had "reorganized [the security apparatus] as a source of patronage ... politicized in pursuit of personal adversaries and supplemented with sectarian Shiite militias."³⁸

The close coordination between security forces and sectarian militias means the police is a source of threat, not protection for persecuted LGBT individuals in Iraq. In one case, the police raped a gay man whose father had left him with the police, in effect becoming a rogue force executing tribal and militia orders.³⁹ In another case, Saad, a gay man, related how militiamen sexually abused him and a friend at a checkpoint. "The following day, [my friend's] brother called and said that the police were in our apartment and looking for us."⁴⁰

Iraqi Kurdistan

In Iraqi Kurdistan, where hundreds of thousands have sought refuge from the advances of the Islamic State group, the protection of LGBT Iraqis by state officials is only little improved over that in other parts of Iraq. The threats to LGBT Iraqis from community, tribal, and family are, however, fewer there.⁴¹

The Kurdish autonomous government in northern Iraq has appeared disinterested in making tangible progress

37 Myriam Benraad, "Iraq's Tribal Sahwa': Its Rise and Fall," *Middle East Policy Council* (vol. 18, no. 1), Spring 2011, <http://www.mepc.org/journal/middle-east-policy-archives/iraqs-tribal-sahwa-its-rise-and-fall> (accessed October 1, 2014).

38 International Crisis Group, *Iraq's Jihadi Jack-in-the-Box*, June 4, 2014, p. 3, <http://www.crisisgroup.org/en/regions/middle-east-north-africa/iraq-iran-gulf/iraq/b038-iraq-s-jihadi-jack-in-the-box.aspx>.

39 IGLHRC and MADRE interview a ranking UN staff based in Baghdad, August 14, 2014.

40 "We're Here, Iraqi LGBT People's Accounts of Violence and Rights Abuse" pp. 10-11, published by OWFI, IGLHRC and MADRE, October 2014.

41 IGLHRC and MADRE interviews with an Iraqi LGBT rights activist based in Northern Iraq, August 11, 2014.

in addressing the persecution of LGBT people in Kurdistan. When the Iraqi LGBT Committee addressed the Kurdish government officials, the officials reportedly “acted like we’re insulting them, and that homosexuality is a disease that Kurdistan region is clean from!” an Iraqi official told IGLHRC and MADRE.⁴² A senior international human rights expert cautioned: “You might have more security [in Kurdistan], but it’s not necessarily permanent or stable. It’s just a stop.”⁴³

BREAKDOWN OF LAW AND ORDER

What makes today’s situation lethally dangerous to LGBT Iraqis is less likely to be a profound shift in Iraqi society’s values towards gender norms, but the breakdown of law and order and a rise of the law of strongmen—within the family, tribe, militias and complicit state security forces. Those who translate societal hostility toward LGBT compatriots into violence, today do so with near total impunity.

The isolation of LGBT Iraqis is magnified by the lack of support, from an almost non-existing LGBT network,⁴⁴ over the charities and families that exclude them, to the lack of more formal state protection mechanisms such as shelters and law enforcement. A single non-governmental women’s rights organization has offered protection to persecuted LGBT Iraqis. Other progressive organizations keep their distance, one international NGO worker surmised, because it is “dangerous for NGO activists to deal with LGBT [persons] as they themselves would be stigmatized and threatened.”⁴⁵

42 IGLHRC and MADRE interview a senior member of Iraqi government LGBT Committee, August 23, 2014.

43 IGLHRC and MADRE interview with a ranking UN staff based in Baghdad, August 14, 2014.

44 Following the waves of anti-LGBT violence in 2009 and 2012, public meeting places like cafes closed down, and entrapment on internet sites led many LGBT Iraqis to become more cautious, further increasing their isolation. IGLHRC interview with longtime foreign resident in Iraq involved in security safe passage for some LGBT persons threatened with violence in 2009, 2012, and 2014, Erbil, September 5, 2014.

45 IGLHRC and MADRE interview with a Western rights activist working on women’s rights issues for an Iraqi civil society group, Kurdistan 2010-13, August 15, 2014.

Before the advance of the Islamic State, there was a slight but perceivable shift in the attitudes of Iraqi men who have sex with men and women who have sex with women and the growing number of Iraqis who self-

Other progressive organizations keep their distance...because it is “dangerous for NGO activists to deal with LGBT [persons] as they themselves would be stigmatized and threatened.”

identified as lesbian, gay, bisexual, or transgender. Several Iraqis and foreign activists argued that some LGBT Iraqis, publicly meeting in LGBT-friendly cafes and places along the Tigris river, especially during the somewhat more stable years around 2010, attracted attention to their community and generated a violent backlash from conservative forces whose outlook on society perceived differences as threats.⁴⁶ This threat was perceived as particularly acute in Baghdad, because LGBT Iraqis were more visible and the city more cosmopolitan than other Iraqi cities, one activist said.⁴⁷

Conservative social commentators blamed the breakdown of the family and the U.S. invasion for the change.⁴⁸ As one international official jokingly described the Iraqi reaction to the new visibility of LGBT Iraqis and issues: “you know, we had no homosexuals until the Americans came. And we never had sandstorms either.”⁴⁹

46 IGLHRC and MADRE interview with an international LGBT activist formerly based in the Iraqi Kurdistan who was involved in security safe passage for some LGBT persons threatened with violence in 2009, 2012, and 2014, Erbil, September 5, 2014. See also, the Human Rights Watch documentation about a ‘moral panic’ over the effeminization of Iraqi men and the increased visibility of the gay community. Human Rights Watch, “They Want Us Exterminated,” (August 2009) pp 34-40.

47 IGLHRC interview with an Iraqi LGBT rights activist based in Northern Iraq, August 11, 2014.

48 In his May 2012 article, Qasim Saleh Hussein, an Iraqi author, disapprovingly observes that homosexuality, transsexuality, and the emo phenomenon is especially common among Iraqi youth, who growing up in 2000s, have witnessed “car bombs, explosive, explosive belts, sectarian strife, horrific scenes, street violence, fear at home, the death that follow kids from school to their homes,...”. See, “Cultural Psychology: Emos and the responsibility of Iraqi families” (in Arabic: ثقافة نفسية: الأهو..ومسؤولية الأسرة العراقية: <http://www.ahewar.org/debat/show.art.asp?aid=307973>).

49 IGLHRC and MADRE interview with a ranking UN staff based in Baghdad, August 14, 2014.

GOVERNMENT RESPONSE

In the face of unrelenting societal hatred and threats of violence and even murder, LGBT Iraqis may be among the groups of Iraqis least protected.⁵⁰ Neither Kurdish nor central Iraqi governmental institutions offer protection, legal or physical, and community and militia violence against LGBT Iraqis takes place with impunity amid a breakdown of law and order. Where the government may have tolerated some safe houses in the past, it now tolerates attacks on these safe houses.

To date, the Iraqi central government in Baghdad has not taken seriously the persecution of LGBT Iraqis by society and government in general or by militias. In 2010, the government of Iraq all but publicly declared its intent to let crimes against LGBT Iraqis go unpunished. At the Universal Periodic Review of Iraq's human rights record—a UN procedure by which all states undergo a participatory review of their human rights record, resulting in shared commitments to improving protection of human rights—Iraq rejected recommendations to “Investigate all allegations of persecution based on gender and sexual orientation.”⁵¹ One senior international human rights expert that IGLHRC and MADRE spoke to called this a “low point” in Iraq's human rights policy.⁵²

Some government officials have compounded their complicity by openly disparaging LGBT people. An international human rights expert, who has worked for many years in Iraq, said that around 2013 one very senior police official earnestly told him that “If you

listen to rock music, because it's inspired by Satan, you become a drug user and a homosexual,” while a senior Interior Ministry official surmised that “women have sex in the toilets during weddings” (which are largely gender-segregated in Iraq), and another senior government official suggested that to “say [LGBT persons are] all mentally ill ... then people will just feel sorry for them.”⁵³

There exists in Iraq only a limited amount of shelters and safe houses, almost all run by non-governmental organizations.⁵⁴ The latest UN report on human rights in Iraq, covering the period up to June 2013, laments the lack of shelters for victims of violence as a major concern across Iraq.⁵⁵ The few private shelters that may have existed appear to be closing, a well-placed NGO worker told IGLHRC and MADRE⁵⁶

As a result of the international outcry about the continued killings of LGBT people and at the instigation of the United Nations with support from the Dutch embassy in Iraq, the Iraqi government in 2012 created a ministerial-level LGBT Committee. While the existence of this Committee up to July 2014 is in itself a significant development, it never produced any public reports or tangible policy results. The Committee has reportedly produced a set of recommendations; IGLHRC and MADRE tried numerous times to obtain a copy of the

50 For example, during the Special Session on Iraq by the UN's Human Rights Council in September 2014, the head of the coordinating committee for the session did not mention LGBT individuals among the long list of persons at grave risk of atrocities by Islamic State. See, UN OHCHR, *Statement of the Chair of the Coordination Committee at the 22nd Special Session of the HRC on Iraq*, September 1, 2014, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14982&LangID=E#sthash.K98IfYA1.dpuf> (accessed September 23, 2014).

51 United Nations General Assembly, “Universal Periodic Review, Fourteenth session, Agenda item 6, Report of the Working Group on the Universal Periodic Review, Iraq,” *Human Rights Council, A/HRC/14/14*, March 15, 2010, p. 22, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/120/70/PDF/G1012070.pdf?OpenElement> (accessed September 3, 2014).

52 IGLHRC and MADRE interview with a high-ranking UN staff member based in Baghdad, August 14, 2014.

53 IGLHRC and MADRE interview with a ranking UN staff based in Baghdad, August 14, 2014.

54 The current Iraqi government's strategy for combating violence against women puts “providing centers of shelter [توفير ... مراكز الإيواء]” under the rubric “providing services for women rescued from violence” as one of five priorities of the strategy in responding to violence against women. “National Strategy of Combating Violence Against Women in Iraq, 2013-2017,” State Ministry for Women's Affairs, p. 66. The Council of Ministers approved the strategy on March 5, 2014. See, “Council of Ministers Approves National Strategy to Combat Violence against Women,” *PUKmedia*, March 6, 2013, http://www.pukmedia.com/AR_Direje.aspx?Jimare=4777 (accessed September 3, 2014). The strategy is frank in saying that “a number of organizations opened their doors to receiving abused women ... and that we in the State Ministry for Women's Affairs are aware of the need of society for these kinds of services.” See “National Strategy for Combating Violence Against Women in Iraq, 2013-2017,” p. 13. http://www.smwa.gov.iq/_pdf/%D8%A7%D9%84%D8%A7%D8%B3%D8%AA%D8%B1%D8%A7%D8%AA%D9%8A%D8%AC%D9%8A%D8%A9.pdf (accessed by IGLHRC and MADRE on November 7, 2014).

55 UNAMI Human Rights Office/OHCHR, “Report on Human Rights in Iraq” January – June 2013, August 2013, p. 11.

56 IGLHRC and MADRE interview with an international staff member from the International Rescue Committee based in northern Iraq, August 7, 2014.

recommendations without success.⁵⁷ By October 2014, the Committee was non-functional, ostensibly due to the political crisis of forming a new Iraqi government and the security crisis following the territorial gains of Islamic State.⁵⁸ The main achievement of the Committee seems to have consisted in attempting to sensitize government officials to issues of sexual orientation and gender identity and in highlighting the government obligation to protect all persons under Iraqi jurisdiction.

Justice System

Beyond lack of political will, Iraq's law enforcement and judiciary systems are generally unfair, inefficient, inadequate and corrupt. A recent analysis of the causes for the quick rise of the Islamic State in Iraq identified the "fragility of a country ruined by sectarianism, hollowed-out institutions and high-level, pervasive corruption."⁵⁹ Then-UN High Commissioner for Human Rights, Navi Pillay, in April 2013, described the Iraqi justice system as "still not functioning adequately, with numerous convictions based on confessions obtained under torture and ill-treatment, a weak judiciary and trial proceedings that fall short of international standards."⁶⁰

A recent human rights investigation into women in Iraq's criminal justice system found that "security forces carry out illegal arrests and other due process violations against women at every stage of the justice system, including threats and beatings [and] sexual assault. [C]ourts based convictions on coerced confessions and secret informant

testimony [and] judges and investigating officers colluded to extract bribes from detainees and their families to secure their release."⁶¹ The report concluded that the government had not implemented necessary judicial reforms announced in January 2013.⁶²

Despite a generally poorly performing judiciary, the difference between the space allowed women's rights advocates and those defending LGBT Iraqis is instructive (for the parts of Iraq not controlled by the Islamic State). Advocacy by women's rights groups against honor crimes has been visible, albeit with limited results. Meanwhile, the police participated in violence against LGBT Iraqis for the sake of the same family 'honor,' without much public outrage or advocacy to counter it.⁶³

Iraqi government forces have also coopted militias to fight the Islamic State.⁶⁴ The rise of the militias has created a further vacuum of state-controlled security and justice in areas that remain under the control of the central Iraqi government. Militias and government security forces are accused of carrying out revenge killings with impunity.⁶⁵ As indicated above, at least one of the militias, the League of the Righteous ('Asa'ib Ahl al-Haq), which the former prime minister, Nuri al-Maliki, assembled to fight the Islamic State, has been implicated in the 2012 anti-emo campaign.⁶⁶

57 United Kingdom Foreign and Commonwealth Office, "Human Rights Report 2014. Iraq – Country of Concern," April 10, 2014, <https://www.gov.uk/government/publications/iraq-country-of-concern/iraq-country-of-concern> (accessed September 2, 2014).

58 Islamic State, formerly Islamic State of Iraq and Sham (Levant), renamed itself on June 29, 2014 and declared a caliphate. See, Sylvia Westall, "ISIS Declares Islamic 'Caliphate' And Calls On Groups To Pledge Allegiance," *Reuters*, June 29, 2014, http://www.huffingtonpost.com/2014/06/29/isis-declares-caliphate_n_5541634.html (accessed September 2, 2014). The Committee ceased functioning in July 2014. IGLHRC interview with a senior member of Iraqi government LGBT Committee, August 23, 2014.

59 The International Crisis Group, "Iraq's Jihadi Jack-in-the-Box," Beirut/Brussels, June 20, 2014, p. 1, <http://www.crisisgroup.org/en/regions/middle-east-north-africa/iraq-iran-gulf/iraq/b038-iraq-s-jihadi-jack-in-the-box.aspx>.

60 "Pillay Condemns Rampant Use of Death Penalty in Iraq," United Nations Office of the High Commissioner for Human Rights, April 19, 2013, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13253&LangID=E#sthash.kdlPQEqx.dpuf> (accessed September 3, 2014).

61 Human Rights Watch, "No One is Safe. The Abuse of Women in Iraq's Criminal Justice System," February 2014, pp. 3-5.

62 *Ibid.*, p. 3.

63 Several women's rights organizations have lobbied for changes in law and practice to end so-called honor crimes in which perpetrators receive no or lesser punishment if they carried out their crimes to cleanse the family 'honor'. The best-known examples of honor crimes are male family members killing a female member for a perceived moral or sexual transgression.

64 David D. Kirkpatrick, "Shiite Militias Pose Challenge for U.S. in Iraq," *New York Times*, September 16, 2014, http://www.nytimes.com/2014/09/17/world/middleeast/shiite-militias-pose-challenge-for-us-in-iraq.html?_r=0 (accessed September 23, 2014).

65 Amnesty International, "Iraq: Testimonies point to dozens of revenge killings of Sunni detainees," June 27, 2014, <http://www.amnesty.org/en/for-media/press-releases/iraq-testimonies-point-to-dozens-revenge-killings-sunni-detainees-2014-06-27> (accessed September 1, 2014). Human Rights Watch documented "the extrajudicial killings of hundreds of prisoners in June and July of this year by Iraqi army, police and special forces [and] a pattern of government-backed Shi'a militias kidnapping and killing Sunni men in Baghdad, Diyala and Babel provinces.... [T]he government has significantly increased its use of militias and sectarian volunteers in its fight against ISIS." Human Rights Watch, "Iraq: 22nd Special Session of the UN Human Rights Council," September 1, 2014, <http://www.hrw.org/news/2014/09/01/iraq-22nd-special-session-un-human-rights-council> (accessed September 3, 2014).

66 "Before Iraq election, Shi'ite militias unleashed in war on Sunni

SEEKING SAFETY

During the recent security crisis in Iraq in 2014, persecuted LGBT Iraqis have faced, and continue to face, significant obstacles to safety.

In 2009 and 2012, when militias and police sought out, apprehended, and killed LGBT Iraqis, some Iraqi and international groups helped get affected individuals to safety outside the country. One person involved in the 2009 attempts said her organization was “moving people out to Jordan and Lebanon—not really supposed to be doing that. [We were] doing it because people were going to die—immediate protection was needed—screw the rules against this.”⁶⁷

Today, the threats are even more lethal.⁶⁸ A high-ranking UN human rights staff in Baghdad told the organizations that to help protect LGBT Iraqis, the United Nations’ strategy is to rely on self-help strategies, such as maintaining a low profile at a safe place, because “you can’t get everyone out of the country.”⁶⁹ But an international NGO worker with years of experience in Iraq said that, “unlike battered women who can go back to society and be empowered to survive on their own,” once named and outed, “the LGBT people do not really have that option—they still face the same level of hostility.”⁷⁰

Compared to the hundreds of thousands of other Iraqis facing persecution and threats to their lives and livelihoods today, LGBT Iraqis are at heightened risk both because of greater threats to them and because their ability to reach safety is reduced.

insurgents,” *Reuters*, April 27, 2014, <http://uk.reuters.com/article/2014/04/27/uk-iraq-strife-idUKBREA3Q0FO20140427> (accessed September 3, 2014). “The 2012 [anti-emo] killing campaign was by ‘Asa’ib Ahl al-Haq militia.”

67 IGLHRC and MADRE’s interview with a senior international staff based in Iraqi Kurdistan, August 7, 2014.

68 For a discussion of the conditions, see “Country Conditions In Iraq: Declaration in Support of LGBT Iraqis in Immigration, Asylum, or Refugee Status Proceedings,” International Gay and Lesbian Human Rights Commission, June 30, 2014.

69 IGLHRC and MADRE interview with a ranking UN staff based in Baghdad, August 14, 2014.

70 IGLHRC and MADRE interview international staff member from the International Rescue Committee based in northern Iraq, August 7, 2014.

LGBT Iraqis face greater threats because:

- Their persecutors range across the societal and institutional spectrum;
- Their persecutors operate through networks in all parts of the country, and;
- Their persecutors operate with total impunity—not only from the law, but also from fears of tribal or religious revenge that may deter attacks on other persecuted minorities.

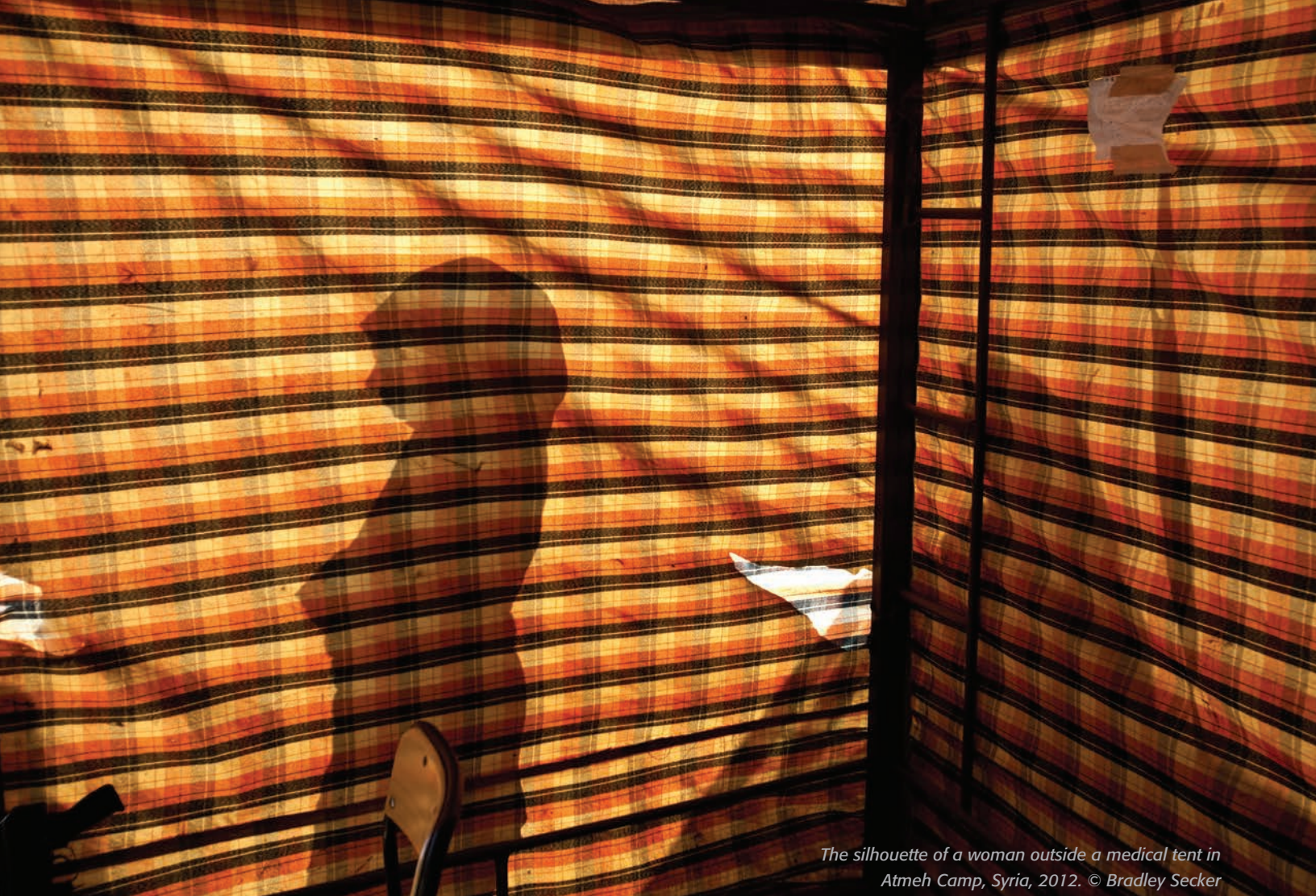
LGBT Iraqis have a diminished access to safe places because:⁷¹

- Their physical appearance may put them at risk in any public place including in particular at security check-points;
- There is often little to no family support, no community-managed or religion-affiliated safe spaces, and no government protection;
- For transgender Iraqis, especially, but also for effeminate men and masculine women, obtaining government identity documents is difficult and raises suspicions or invites questions;
- Inner-Iraqi escape routes are fraught with danger due to checkpoints;
- Finding shelter in a new city in Iraq may raise suspicions and invite questions, and;
- LGBT Iraqis remain marginalized and at risk in refugee communities or in certain host societies.⁷²

71 In 2009, Human Rights Watch described the precarious situation of LGBT Iraqis fittingly:

Pervasive social prejudice, family repression, lack of any effective legal protection, and sudden outbursts of lethal violence all mean that suspect men in Iraq are in steady danger. (HRW) Their isolated circles, organized round a few networks of friends or anonymous aliases on the Internet, constitute nothing like a cohesive community that could furnish mutual support. Nor, in most cases, are their families willing to offer any help or protection, even if they could. Many men who identify as gay have nowhere to turn, and no recourse but to leave the country. Human Rights Watch, “They Want Us Exterminated,” August 2009, p. 53.

72 IGLHRC and MADRE interview with an international staff member from the International Rescue Committee based in northern Iraq, August 7,



The silhouette of a woman outside a medical tent in Atmeh Camp, Syria, 2012. © Bradley Secker

Inner-Iraqi Escape Routes

It is not easy for LGBT Iraqis in central and southern Iraq to reach the relative safety of Iraqi Kurdistan, where LGBT Kurds reportedly face fewer death threats despite difficult prevailing societal and official attitudes.⁷³ The main north-south road has been cut off, especially since

2014 and IGLHRC and MADRE interview with senior international immigration expert previously stationed in Baghdad, August 18, 2014.

73 IGLHRC and MADRE interview with an Iraqi gay rights activist based in the Iraqi Kurdistan, September 2014.

For example, in December 2010, after the Parliament in the Iraqi Kurdistan passed a new law guaranteeing “gender equality”, local newspapers reported that local community religious and community leaders were outraged. Kamil Haji Ali, the minister of Endowments and Religious Affairs in the Iraqi Kurdistan, complained that the new law would “spread immorality” and “distort” Kurdish society, while the preacher at the Kherkhwazan Mosque in Erbil speculated that, “‘The phrase ‘gender equality’ destroys families by equating [normal marriage] with homosexual marriage.” See, <http://www.ekurd.net/mismas/articles/misc2010/12/state4461.htm> (accessed October 14, 2014).

the Islamic State’s territorial control around Mosul. An eastern route may still be passable at times, but it remains unpredictable with multiple militias exerting control over different areas.⁷⁴

Arab LGBT Iraqis, whether Shia or Sunni, Christian or of a different religion or ethnicity, face additional difficulties in Kurdistan, even if they manage to arrive there by plane. Before the recent wave of displacement from the Islamic State-held territory to Kurdistan, Arab Iraqis required a Kurdish Iraqi sponsor to get into Kurdistan. The UN High Commissioner for Refugees (UNHCR) estimates 850,000 Iraqis have been displaced to Iraqi Kurdistan in 2014.⁷⁵ Arab Iraqis entering the region receive anywhere

74 IGLHRC and MADRE interview with a longtime foreign resident in Iraq involved in security safe passage for some LGBT persons threatened with violence in 2009, 2012, and 2014, Erbil, September 5, 2014 and with an Iraqi human rights activists [name omitted], September 9, 2014.

75 UNHCR, “Shelter needs acute in northern Iraq as UNHCR steps up aid

from a few days to a few weeks or months' permission to enter by the local security forces at the checkpoints denoting the de facto internal line of control between Kurdistan and the remainder of Iraq.⁷⁶ A human rights officer in the area explained that with Islamic State's takeover, it was hard even for the United Nations to bring an Arab Iraqi to Kurdistan, and, with the influx of non-Kurdish Iraqis there: "They turn Arabs away all the time ... if someone needed to flee, maybe it would be safer for them to go somewhere where people don't know them."⁷⁷

In 2012, the UNHCR issued its latest *Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Iraq*. It found, even then, that internal flight options were "often not available in Iraq due to serious risks faced by Iraqis throughout the country, including threats to safety and security, accessibility problems and lack of livelihood opportunities."⁷⁸ This situation has only worsened.

Reaching Neighboring Countries

Leaving Iraq starts with a costly application for a passport, requiring fleeing LGBT Iraqis to have their birth certificates at their disposal—something that is not always the case for younger persons without their own living arrangements. It is certainly not a simple prospect for transgender Iraqis whose legal documents and lived experience and appearance may not match. Furthermore and crucially, women require the approval and presence of a male guardian—a close male relative—to apply for and pick up a

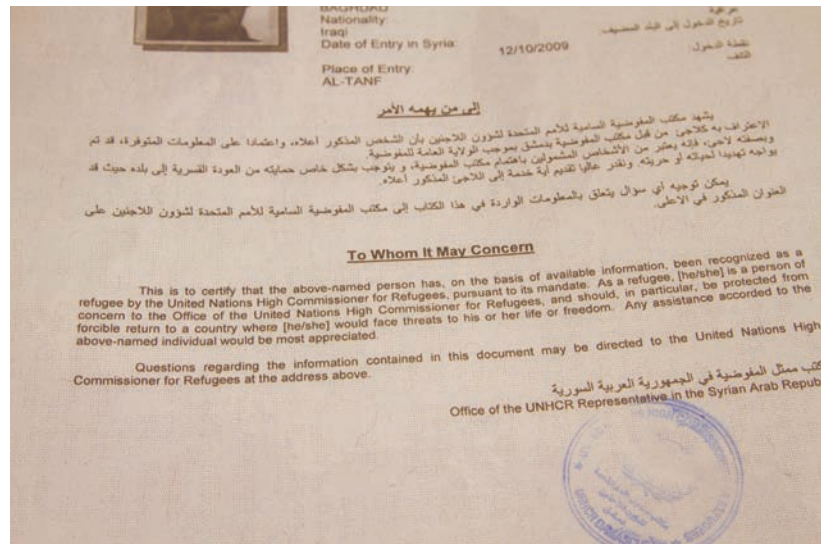
operation," September 5, 2014, <http://www.unhcr.org/5409834b9.html> (accessed September 9, 2014).

76 IGLHRC and MADRE interview with international staff member from the International Rescue Committee based in northern Iraq, August 7, 2014 and with longtime foreign resident in Iraq involved in security safe passage for some LGBT persons threatened with violence in 2009, 2012, and 2014, Erbil, September 5, 2014.

77 IGLHRC and MADRE interview with international staff member from the International Rescue Committee based in northern Iraq, August 7, 2014.

78 UNHCR, "UNHCR issued its latest Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Iraq," May 31, 2012, p. 7, HCR/EG/IRQ/12/03 <http://www.refworld.org/pdfid/4fc77d522.pdf> (accessed September 5, 2014).

passport.⁷⁹ Applying for a passport also requires interfacing with a government agency, with the risk of being seen as an LGBT person and an easy victim of extortion for bribes.



An acceptance letter from the United Nations High Commissioner for Refugees.
© Bradley Secker

Iraqis have to apply to the area in which they are registered, which is most likely where their family lives, and cannot apply for a passport at any Iraqi government office. A resettlement adviser in Baghdad described the risks involved in getting a new passport: "Of course, to get the new one, you had to go to the jurisdiction where you were from, etc. These [LGBT] people couldn't even leave their homes to get the passports and could thus not be smuggled out of the country."⁸⁰

Iraqis also require visas to travel to Jordan, as well as Egypt and Lebanon. LGBT Iraqis are highly unlikely to choose civil war-ridden Syria for refuge, or Saudi Arabia or Iran, where governments maintain particularly hostile attitudes toward LGBT people. Only Turkey remained accessible for Iraqis without a visa obtained beforehand, although by September 2014, the policy changed and Iraqis did

79 Canada, Immigration and Refugee Board of Canada, Iraq: Requirements and procedures to obtain a passport from within and outside of Iraq, including procedures to obtain a passport for youth, women, and Bahais; length of time to issue passports; features of the new A-series passport; validity of the G-, S-, H-, M-, and N-series passports, December 23 2011, IRQ103919.E, available at: <http://www.refworld.org/docid/50b61b0f2.html> [accessed October 2, 2014].

80 IGLHRC and MADRE interview a senior international immigration expert previously stationed in Baghdad, August 18, 2014.

require a visa.⁸¹ In early September, there were rumors that the Iraqi Kurdistan-Turkey land crossing was closed due to overcrowding.

UNHCR and IOM

The UNHCR has significantly increased its operations in Iraq in April 2014, when clashes between government forces and government-associated militia and the Islamic State in Anbar province began. These clashes caused a new wave of internal displacement, with over 400,000 Iraqis fleeing their homes in Anbar province. Altogether, 1.8 million Iraqis are now considered internally displaced, half of them currently residing in Iraqi Kurdistan.⁸²

The current crisis in Iraq has significantly increased the number of people the UNHCR had planned for in terms of Iraqi asylum seekers (11,470) and refugees (23,600) in Turkey for 2014. The agency says it is assisting Turkish authorities in areas including “continued emphasis on the most vulnerable asylum-seekers and refugees, with a specific focus on unaccompanied minors, survivors of SGBV [sexual and gender-based violence], women at risk, torture victims, and people in need of mental health support.”⁸³

Some also fear that staff members are unwelcoming at UNHCR and at the International Organization for Migration (IOM), which assists with internally displaced persons and resettlement of refugees. As one observer described the situation: “Iraqis I met in Syria were terrified of visiting Damascus’ UNHCR office. Simply being witnessed going there by Syria’s secret police was dangerous, let alone filling out paperwork admitting they were gay.”⁸⁴ An immigration expert who had worked in Iraq underlined

the unsympathetic and sometimes hostile attitude of some refugee resettlement processing staff from local host countries such as Jordan towards LGBT individuals.⁸⁵

In its 2012 *Eligibility Guidelines*, UNHCR considered that LGBT Iraqis were likely “in need of international refugee protection on account of their membership of a particular social group, i.e., their sexual orientation and/or gender identity, since they do not, or are perceived not to conform to prevailing legal, religious and social norms.”⁸⁶

Despite the heightened awareness of the risks and needs of LGBT Iraqi asylum seekers, processing agencies and host countries seem to continue to suspect fraud when Iraqis claim asylum on grounds of persecution for their

“Iraqis I met in Syria were terrified of visiting Damascus’ UNHCR office. Simply being witnessed going there by Syria’s secret police was dangerous, let alone filling out paperwork admitting they were gay.”

sexuality or gender identity. The immigration expert who was previously stationed in Iraq explained the nonsensical nature of this fear: “There is more of an alarmist fear of fraud [by persons claiming to be LGBT] than any other group of people [claiming asylum.] It’s important to remember, though, that vast majority of people wouldn’t want to use this as a cover story, because even pretending to be LGBT might endanger your life, especially if confidentiality can’t be trusted.”

81 Republic of Turkey, Ministry of Foreign Affairs, Visa Information for Foreigners, <http://www.mfa.gov.tr/visa-information-for-foreigners.en.mfa> (accessed September 11, 2014). Before the changed visa requirements for Iraqis over the past two years, Iraqis going to Turkey were required to carry significant amounts of cash, said to be more than \$2,000 USD, in order to be granted entry.

82 UNHCR, Iraq Fact Sheet, Quarter 1, 2014, <http://www.unhcr.org/4c9084e49.html> (accessed September 9, 2014); UNHCR, “Shelter needs acute in northern Iraq as UNHCR steps up aid operation,” September 5, 2014 <http://www.unhcr.org/5409834b9.html> (accessed September 9, 2014).

83 UNHCR, “2014 UNHCR country operations profile – Turkey,” <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e48e0fa7f&submit=GO> (accessed September 9, 2014).

84 Michael T. Luongo, “Gay Baghdad: Final Thoughts and a Call to Action,” *Gay City News*, October 13-26, 2014, p. 13.

85 IGLHRC and MADRE interview a senior international immigration expert previously stationed in Baghdad, August 18, 2014.

86 UNHCR, *Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Iraq*, May 31, 2012, p. 42, HCR/EG/IRQ/12/03 <http://www.refworld.org/pdfid/4fc77d522.pdf> (accessed September 5, 2014).

METHODOLOGY

IGLHRC and MADRE carried out this research project together in collaboration with the local Iraqi organization, the Organization of Women's Freedom in Iraq (OWFI). Between July and September 2014, IGLHRC and MADRE interviewed eight persons who identify as lesbian, gay, or trans, including three gay men, one lesbian, one transgender woman, and two transgender men. Ten additional persons who identify as lesbian, gay, bisexual, and trans, declined to speak on the record for fear of being outed with subsequent retaliation as well as despondence over the possibility of improving their situation. As one of them said, "We have been interviewed a number of times, and received nothing in return. No one helped us, and our situation has been getting worse."

The interviews took place in Iraq in-person by a native Arabic speaker and via telephone within Iraq as well as from abroad. The deterioration of the security situation prevented further interviews in Iraq after mid-August. All interviewees provided informed consent and were given contact information for the research team. Interviewees were informed of the purpose of the interview and how the team would use the information conveyed. The authors of this report have chosen not to provide direct citations to individual interviews with witnesses or victims for information used in this report for safety reasons. Furthermore, the authors have chosen to provide individual interviewees with pseudonyms in order to protect their identity for safety and security reasons.

Information about the shared or common threats LGBT Iraqis face varies greatly. Gay and bisexual men and trans women are comparatively more public, with lesbian and bisexual women, as well as trans men, relatively more hidden. As a result, most information about the persecution of LGBT individuals in Iraq tends to be skewed towards the experience of men who have sex with men and, to a lesser extent, trans women.

IGLHRC and MADRE spoke with 15 experts and observers, including UN and Iraqi government staff who are either directly involved with LGBT protection issues or work in gender-specific development positions in Iraq. Only 15 out of a total of 74 experts and observers contacted agreed to be interviewed.

IGLHRC and MADRE consulted credible sources on the current situation in Iraq, including from Human Rights Watch, Amnesty International, the International Crisis Group, the UN High Commissioner for Refugees, the UN Assistance Mission to Iraq, news reports, and original Iraqi sources, including publications of laws and jurisprudence. For safety reasons considering the heightened security risks in the current conflict, and after consultation with local Iraqi organizations, IGLHRC, MADRE and OWFI concluded that it is in the best interest of all organizations to refrain from publicly distributing the Arabic version of this report.

RECOMMENDATIONS

TO THE IRAQI GOVERNMENT

- Set up a dedicated mechanism within the Ministry of Human Rights or through the governmental LGBT Committee, to track, document, and regularly report cases of sexual harassment and gender-based violence, abuse, or discrimination perpetrated by family members, tribes, militias or the government agencies –including police- for follow-up and investigation.
- Amend the shelter law to allow NGOs to legally run private shelters for displaced persons and all victims fleeing violence.
- Provide sensitivity training for members of the police on issues related to sexual orientation, gender identity, so-called honor crimes, equality before the law, and the right to privacy.
- Instruct the judiciary to fully and impartially investigate crimes perpetrated against sexual and gender minorities, including sexual and gender based violence against LGBT Iraqis, and hold perpetrators accountable. Investigations should analyze patterns of violence with a view to preventing future violence.
- Hold militias accountable for harassing individuals based on their actual or perceived sexual orientation and/or gender identity.

TO THE INTERNATIONAL COMMUNITY, IN PARTICULAR DONOR STATES

- Join together to increase resettlement spaces for LGBT individuals and to expedite direct resettlement of LGBT individuals fleeing due to safety concerns.
- Provide funding for training of officials of the criminal justice system and security apparatus in Iraq, to improve the fulfillment of state obligations regarding due process guarantees, freedom from torture, and protection against arbitrary detention for all persons, regardless of sexual orientation and gender identity, and to increase legal and security protection for LGBT individuals.
- Establish an LGBT liaison to the Iraq community at all Baghdad embassies for the purposes of monitoring and reporting, and if needed, early intervention in case of outbreaks of violence against LGBT community.
- Provide resources to the autonomous Kurdish region to protect and shelter at-risk LGBT individuals from across Iraq.
- Provide resources to UNHCR and IOM for training of personnel and processing of refugee claims from LGBT Iraqis.

TO UNHCR, IOM

- Train all staff, local and international, in Iraq and in neighboring countries, in gender sensitization and confidentiality and heightened protection needs of persecuted LGBT Iraqis.
- Ensure the expedited processing of LGBT refugee cases seeking protection in a safe country.
- Develop a hotline for LGBT community members to provide accurate information about seeking asylum or refugee status based on sexual orientation and/or gender identity and to assist them with misplaced, mishandled, or delayed refugee cases.



ORGANIZATION OF WOMEN'S FREEDOM IN IRAQ (OWFI)

The Organization of Women's Freedom in Iraq (OWFI), founded in 2003, is a truly pioneering national women's organization dedicated to rebuilding Iraq on the basis of secular democracy and human rights for all. OWFI has developed innovative anti-violence and political empowerment strategies for women across Iraq. OWFI advocates on behalf of women who are most marginalized, including those who are incarcerated, widowed, displaced or battered.

CONTACT INFO: www.owfi.info • www.owfi.info/EN/contact-us/



I G L H R C
INTERNATIONAL GAY AND LESBIAN
HUMAN RIGHTS COMMISSION

THE INTERNATIONAL GAY AND LESBIAN HUMAN RIGHTS COMMISSION (IGLHRC)

founded in 1990, is a leading international human rights organization dedicated to improving the lives of people who experience discrimination or abuse on the basis of their sexual orientation, gender identity or expression. We are dedicated to strengthening the capacity of the LGBT human rights movement worldwide to effectively conduct documentation of LGBT human rights violations and by engaging in human rights advocacy with partners around the globe. We work with the United Nations, regional human rights monitoring bodies and civil society partners.

IGLHRC holds consultative status at the United Nations as a recognized non-governmental organization representing the concerns and human rights of LGBT people worldwide. Headquartered in New York, IGLHRC has staff and offices in Asia, Africa, Europe, Latin America and the Middle East.

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MADRE Mission

To advance women's human rights by meeting urgent needs in communities and building lasting solutions to the crises women face.

MADRE Vision

MADRE works towards a world in which all people enjoy the fullest range of individual and collective human rights; in which resources are shared equitably and sustainably; in which women participate effectively in all aspects of society; and in which people have a meaningful say in policies that affect their lives.

MADRE's vision is enacted with an understanding of the inter-relationships between the various issues we address and by a commitment to working in partnership with women at the local, regional and international levels who share our goals.

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