



Fighting for the Right to Live

The State of LGBT+ Human Rights in Iraq

Fighting for the **Right to Live**

The State of LGBT+ Human Rights in Iraq

Table of Contents

Terminology	4
Executive Summary	7
Violence Against LGBT+ Iraqis	9
Who Commits These Violations?	12
Where Does The Violence Occur?	15
The Role of the Media	16
Iraqi LGBT+ Asylum Seekers	18
Iraq's Legal Obligations	19
Recommendations	20
About This Report	21
Credits	22

Disclaimer: This report contains violent images and details.

Terminology

LGBT+	Lesbians, gays, bisexuals, transexuals, and other identities
Queer	IraQueer uses “Queer” as an umbrella term for the LGBT+ community
Gay	A person who identifies as a man and is attracted to men.
Lesbian	A person who identifies as a woman and is attracted to women.
Bisexual	A person who is attracted to men and women.
Transexuals	A person whom identifies with a sex that is different than the one they were assigned to at birth.
+	Other identities that include pansexual, asexual, and others.
Gender Expression	Behaviors that are associated with one’s gender identity.

Executive Summary

The Lesbian, Gay, Bisexual, Transsexual, and other (LGBT+) community is one of the most invisible communities in Iraq. Members of this group are forced to live in the shadows for fear of losing basic rights to health and education, and even their right to life. The

community faces violence from armed groups, the government, and even families, friends, and neighbors. Every year since 2006, there has been at least one killing campaign targeting the LGBT+ community in Iraq. Human Rights Watch estimates the killings in 2012 at more than 200.¹ IraQueer and its partners estimate the killings in 2017 at more 220.² Omar, a 28-year-old gay Iraqi in Lebanon told IraQueer, “My boyfriend was killed in February 2017. We’ve been together for two years, and he was my only support system. Shortly after that, I had to escape to save my life.”

And yet, despite the large reported numbers of killings, there has been no action from the government to bring those who committed these crimes to justice. In fact, the government is complicit in these crimes, and that has only served to further isolate queer individuals by reducing their ability to advocate for their rights, push back against oppression, and safely live a life of their choosing.

Since the United States and United Kingdom led invasion in 2003, one might argue that all Iraqis have been facing life-threatening circumstances. But the situation for LGBT+ individuals is worse and more dangerous because they lack any legal protection whatsoever and to date there is no political will on the part of the government to address human rights violations against LGBT+ individuals. The government refuses to acknowledge LGBT+ individuals as Iraqi citizens and is not willing to protect them.³ Being invisible before the law puts the LGBT+ community at great danger as it deprives them legal recourse to fight back against human rights violations. Lacking protection and the opportunity to seek justice pushes

¹ "They Want Us Exterminated" | Murder, Torture, Sexual Orientation and Gender in Iraq." Human Rights Watch. April 29, 2015. <https://www.hrw.org/report/2009/08/17/they-want-us-exterminated/murder-torture-sexual-orientation-and-gender-iraq>.

² IraQueer Documentation, 2016 - 2017.

³ “Gay Witch Hunt in Iraq.” *BBC Documentary*, YouTube, 9 Oct. 2012, www.youtube.com/watch?v=1vvMCXI1Z14.

them deeper underground. Rana from Babylon told IraQueer that she “will die without anyone knowing that I was a lesbian. All the feelings I have, and all the girls I had crushes on will remain secrets I will take with me to my grave. I don’t think I will ever live to see an Iraq that welcomes people like me”

Now that the Islamic State is defeated in Iraq, the Iraqi government must address the terrorist group’s crimes against Women, LGBT+ people, and others. Similarly, the International Community needs make good on its promise to advocate for the human rights of queer individuals by pressuring the Iraqi government to protect the lives of LGBT+ citizens and supporting LGBT+ asylum seekers who flee countries like Iraq where their lives are in danger.

Recognizing these crimes services to not only protect the LGBT+ community’s right to life and to be who they are, but it’s also a recognition of their humanity which is no different than any other group’s.



Unverified images posted online by ISIS supporters of a man accused of homosexuality being tossed from a

Violence Against LGBT+ Iraqis

Members of the LGBT+ community in Iraq have been facing extreme violence. Since 2003, there has been at least one annual killing campaign targeting queer individuals.⁴ These crimes have been committed by a number of different groups. But despite the public and

horrific nature of these crimes, the Iraqi government and its legal system have failed to address them. No one has been held accountable for torturing and killing members of the LGBT+ community or those who are perceived to be members. The vast majority of the LGBT+ community have reported that they have faced violence in some form.⁵ Verbal bullying and abuse extremely common against LGBT+ people. Wearing skinny jeans, having long hair, and having a more “feminine” gender expression are all reasons for why those individuals have faced verbal abuse. In many cases, LGBT+ people have faced physical violence, rape, and in extreme cases, death. Mazin, a gay man living in Baghdad, told IraQueer about the threats he’s been facing from his father. In an interview conducted in January 2018 he said, “I escaped my family’s home six months ago. My dad is a police officer and he found out that I am gay. He’s been threatening to kill me since then. I’ve been staying at my friend’s house since, and rarely go out.”

The killing campaigns organized by groups like Asa’eb Ahl Al-Haq 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 warning those listed to either change or be killed.⁶ Organizations like IraQueer and Helem⁷ have been directly in touch with several individuals who were on the list and needed help in early 2017. Several of those people also knew other queer individuals who were on the list and killed for being LGBT+. The injustices queer people face extend to their daily lives. Several individuals have been denied employment or have been fired for looking “too feminine” or for refusing to

⁴ “Dying to Be Free: LGBT+ Human Rights Violations in Iraq | In Response to the Fifth Periodic Report of the Republic of Iraq. August 2015. <https://www.iraqueer.org/projects/publications/>

⁵ IraQueer interviews with 257 LGBT+ individuals — 2015 - 2018.

⁶ Information gathered from LGBT+ individuals by IraQueer and Helem — January 2017.

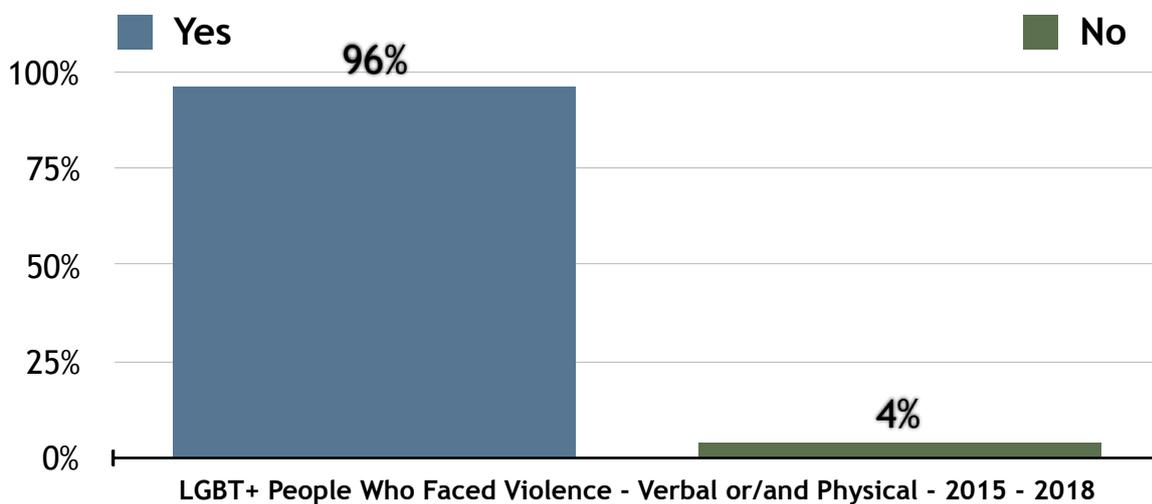
⁷ A Lebanese LGBT+ organization. For more details: www.helem.net

engage in sexual practices with their employers.⁸ Sexual advances from employers occur very often, and are always unreported. LGBT+ individuals do not only lack legal protection, but also fear the possibility of being legally persecuted for redefining social norms and “damaging the public honor.”⁹ This was the case for

“I do not feel safe here. I do not feel like this is my home.”

Rawa, a 26-year-old gay man living in Duhok. He stated in an August 2017 interview with IraQueer that he’s been unable to sustain a job because of the harassment he faces. “I’ve been raped by my boss when I was working as a barista,” he said. “He then threatened that he will report me to the police if I said anything. I had no choice but to escape.”

Members of the trans community, in particular, face extreme danger simply by existing. Especially those who choose to undergo hormone treatment and show physical changes. The fact that hormone treatments are not legal make transitioning even more dangerous for those individuals. Undergoing sex change operations are not permitted by the law. People who manage to undergo the surgery outside of Iraq face the difficulties in obtaining legal documents that reflect their post surgical identity. In an interview with IraQueer, Noor 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.” She continued, “I know I will face even

⁸ IraQueer interviews with 257 LGBT+ individuals — 2017 - 2018.

⁹ Articles 403, 430 and 431 of the Iraqi Penal Code

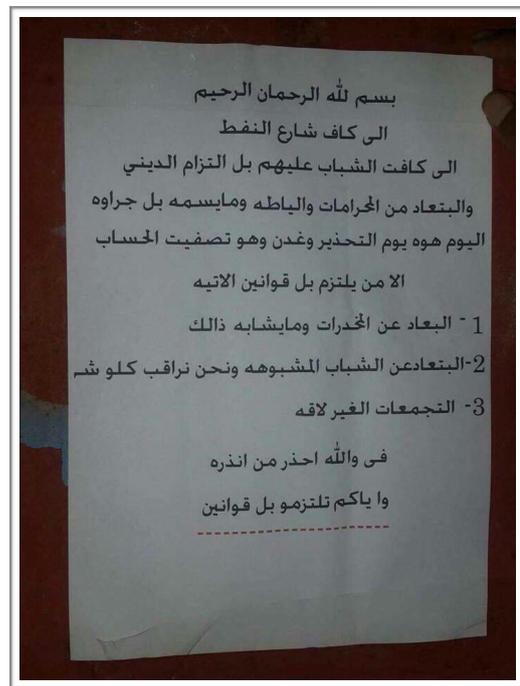
“The only doctor that did not deny me treatment asked me to pay four times more than other people. I did not get the treatment because I could not afford it.”

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.”

Locally, trans people face life-threatening circumstances caused from law enforcement, families, neighbors, and even strangers. They face sexual and other abuses. Together with feminine men who are perceived to be gay, they are often the victims of the most visible kinds of hate crimes, such as public executions and harassment.

The lesbian community, on the other hand, tends to be extremely invisible. Lesbians face double discrimination for being women – who lack the

same rights and protections as men – and lesbians who challenge the norms of sexual practices in Iraq. 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. Among many lesbians who have been interviewed by IraQueer, Hana, a 31-year-old` 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 Hana’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 LGBT+ community.



Warning posted in December 2017 on the streets of Baghdad threatening those who are suspected to be gay.

WHO COMMITS THESE VIOLATIONS?

LGBT+ Iraqis have been targeted by a number of different groups, especially after the invasion of Iraq in 2003 which left a power vacuum that empowered extremists and fundamentalists to violently target and eliminate individuals who do not fit into their understanding of masculinity and femininity.

Despite the relatively positive statement by the prominent Iraqi religious leader and politician, Muqtada Al Sadr who condemned the killing of any individual including LGBT+ people¹⁰, violence against queer people persists in Iraq. Armed groups like the Islamic State and Asa'eb Ahl Al-Haq have been two of the main groups threatening the LGBT+ community.^{11 12} ISIS's crimes, in particular have been very violent and public. Throwing gay men off of buildings and stoning them have been occurring regularly under the Islamic State. But these crimes are only the extension of more than a decade of killing campaigns targeting men perceived to be gay, trans or otherwise. These campaigns have been led by armed groups like Asa'eb Ahl Al-Haq, who receive orders from religious leaders. They often publish a list of the names of queer individuals who are given an ultimatum to "change" or be killed. The lists are distributed across Baghdad and other cities.

Armed groups have used bricks, gas bottles, guns and other weapons to kill queer people. These killings are reported to have

“My family wants to kill me. The people who brought me to life are also the people who want to take my life, and no one is willing to protect me”

¹⁰ "Iraq: Cleric's Call Against Anti-LGBT Violence." Human Rights Watch. August 18, 2016.. <https://www.hrw.org/news/2016/08/18/iraq-clerics-call-against-anti-lgbt-violence>.

¹¹ "Dying to Be Free: LGBT+ Human Rights Violations in Iraq | In Response to the Fifth Periodic Report of the Republic of Iraq. August 2015. <https://www.iraqueer.org/projects/publications/>

¹² Banning-Lover, Rachel. "Where are the most difficult places in the world to be gay or transgender?" The Guardian. March 01, 2017. <https://www.theguardian.com/global-development-professionals-network/2017/mar/01/where-are-the-most-difficult-places-in-the-world-to-be-gay-or-transgender-lgbt>.



Unverified image posted online by ISIS

happened as recently as September 2017.¹³ Aside from killings, several gay men have reported that they have been sexually assaulted by members of those groups. To date, the Iraqi government has not held anyone accountable for killing queer people. In fact, the Iraqi government has publicly announced a partnership with Asa'eb Ahl Al-Haq of fighting the Islamic State.¹⁴ The Iraqi government itself has also been directly involved in violating the rights of LGBT+ individuals. Despite its obligations under international human rights law to protect and realize human rights for all its citizens, and its ratification of several human rights treaties including the International Covenant Against Torture, several individuals – especially trans persons – have reported instance of verbal physical, and sexual abuse at various checkpoints across Baghdad and other cities. IraQueer is also in possession of several videos showing the police humiliating and physically abusing trans people, while filming the injustices themselves. Similarly, queer individuals, especially “masculine” women, “feminine” men, and trans people, have faced physical abuse in Northern Iraq under the Kurdistan Regional Government. Many of

¹³ IraQueer interviews with 257 LGBT+ individuals — 2015 - 2018.

¹⁴ Press Release - January 12, 2018, Press Release - January 8, 2018, and Press Release - January 4, 2018. "Asaib Ahl al-Haq." Counter Extremism Project. <https://www.counterextremism.com/threat/asaib-ahl-al-haq>.

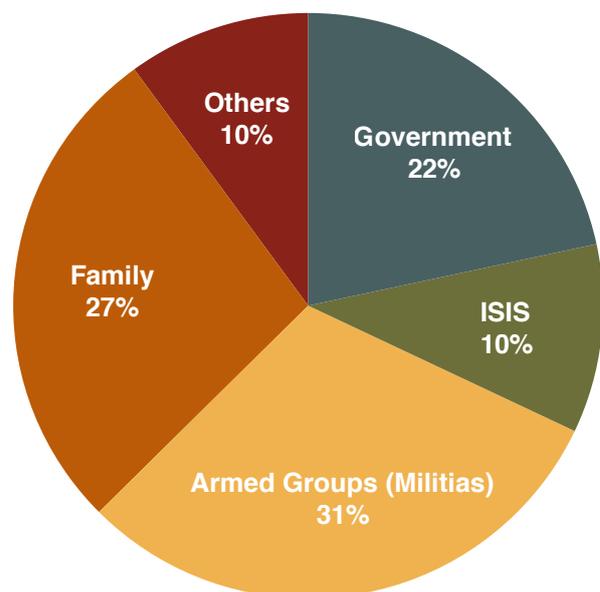
those individuals have been detained without being informed about their rights, or without access to legal representation.¹⁵ Sazgar, a 41-year-old Lesbian based in Slemani was detained by the police several times. She told IraQueer, “A police officer threatened to rape me and said that it might make me a real woman”.

In Southern Iraq, specifically cities like Karbala and Basra, most of the violence is caused by tribes and extended family members. The latter target their queer family members in order for them to protect the “family honor.” These crimes often go unreported.

Violent threats are also directed toward activists who voice concern about issues related to LGBT+ rights. Several LGBT+ and women’s rights activists have been targeted by the different extremist groups. Many of those activists have been forced to flee the country weakening the national LGBT+ movement. Salah from Baghdad told IraQueer, “We are unable to print posters promoting LGBT+ rights as printing houses report us to the authorities, and we could face imprisonment. We could go to jail simply because we printed a poster.”

“Policemen in Karbala took a video of me while forcing me to undress. They then raped me.

Who Commits These Violations? 2015 - 2018



¹⁵ Shibata, Mari. "How one man is trying to make it safer to be LGBTQ in Iraq." The Washington Post. July 27, 2016. https://www.washingtonpost.com/news/soloish/wp/2016/07/27/how-one-man-is-trying-to-make-it-safer-to-be-lgbtq-in-iraq/?utm_term=.d6db88cdf15b.

Where Does The Violence Occur?

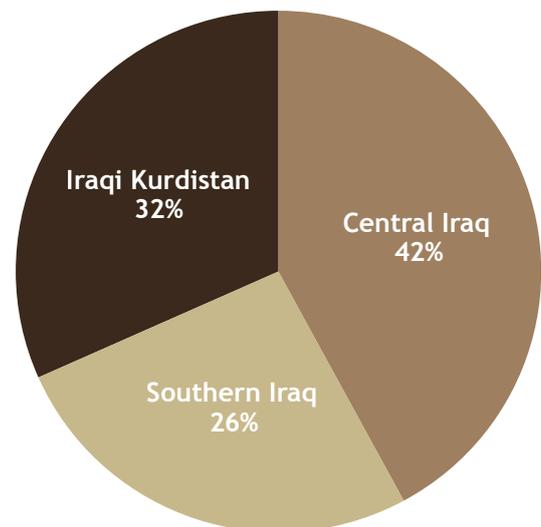
LGBT+ people are oppressed in every corner of Iraq. The abuses take different forms, however, depending on where in the country they take place. In certain parts of Iraq, the abuses are more public, while in other parts, violations are more discreet.

Most of the public violence faced by LGBT+ individuals occurs in Baghdad and surrounding cities. This is mainly because armed groups like Asae'b Ahl-Haq operate in Baghdad and the surrounding cities. It could also be because information and reports on the violence in these areas is more accessible in those areas. On the other hand, the violence taking place in Iraqi Kurdistan is underreported due to the heavy police surveillance of citizens, and the regional government's desire to maintain a friendly reputation among the international community. In Southern Iraq, most LGBT+ people face threats from their families. These crimes are covered as honor crimes.

Lastly, the Islamic State has been responsible for the public killing of tens of LGBT+ people from 2014 to 2017. Organizations like IraQueer and Outright Action International documented more than 30 killings.¹⁶ But the widespread violence is still unaddressed by the Iraqi and Kurdish governments.

Even LGBT+ friendly spaces like cafes and restaurants have rarely existed in Iraq. Those that were LGBT+ friendly were the target of terrorist attacks and bombings, leaving no safe spaces for LGBT+ individuals in the country.¹⁷

Where does the violence occur?
2015 - 2018



¹⁶ LGBTHumanRights. "Alleged Killings By ISIS as Punishment for Sodomy and Related Crimes of "Morality"." YouTube. August 31, 2015. <https://www.youtube.com/watch?v=uuW3HzhwmkQ>.

¹⁷ "They Want Us Exterminated" | Murder, Torture, Sexual Orientation and Gender in Iraq." Human Rights Watch. April 29, 2015. <https://www.hrw.org/report/2009/08/17/they-want-us-exterminated/murder-torture-sexual-orientation-and-gender-iraq>.



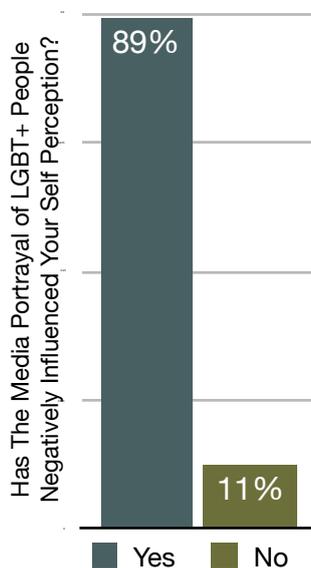
Screenshots from Afar TV in their report about IraQueer and other similar organizations - October 2017

The Role of the Media

The media has played a significant role in promoting violence against LGBT+ people in Iraq and the Kurdish Region. By using homophobic, biphobic, and transphobic language and propagating inaccurate information about queer people, the media has been instrumental in agitating and perpetuating discriminatory sentiments towards LGBT+ people. The use of words like “faggot”, “abnormal” and other offensive terms are commonplace in the Iraqi media when referring to LGBT+ individuals. The queer community is often discussed on TV by guests and talking head “experts” who have never worked on matters related to LGBT+ rights and do not have a background that qualifies them to share informed opinions about LGBT+ people before a mass audience. Religious leaders and psychiatrists often use personal beliefs and values as the basis for “expert opinions” instead of relying on facts. They influence the public by making sweeping homophobic and transphobic claims that lack factual basis, such as the idea that being queer is the result of rape and needs to be treated, or that LGBT+ people represent a threat to the institute of marriage and the safety of children.

Media, namely television, plays a major role in shaping views across the Iraqi society. According to the 2017 Report by The Broadcasting Board of Governors (BBG), 91% of adults in Iraq get their news and information from TV. The lack of accurate sources of information about sexual orientation and gender identity are not available to members of the television media is a source of great danger to LGBT+ people. The TV channels have not been only shaping the public’s opinion, but have also been negatively impacting the way LGBT+ people view themselves.¹⁸ Saad from Samaraa told IraQueer how he thought of committing suicide after watching a special program by Al Sharqiyah TV in 2014. That being said, despite the continuous reliance on misconceptions, some of the major TV channels like Al-Sharqiyah and NRT have been trying to adopt more neutral language in recent years, after being pressured by organizations like IraQueer and independent journalists. But the vast majority of media outlets remain biased in the way they present topics related to LGBT+ individuals.

The media's biased, homophobic, transphobic, and biphobic approach to queer issues reflects the government’s views regarding LGBT+ people as most outlets are



controlled by the state. Even though media outlets’ programs and publications help mobilize violent campaigns and campaigners against LGBT+ individuals, the Iraqi Government’s Communication and Media Commission, which regulates and monitors media outlets, has not taken any noteworthy steps to hold media outlets accountable for unethical reporting and bias. Al Ahd TV has directly threatened IraQueer members. In a text message to an IraQueer member, they said “Stop defending ‘hermaphrodites’-or your head will be found in trash cans like those before them,” which is a reference to the LGBT+ individuals who have already been killed, many of whom were beheaded.

¹⁸ IraQueer interviews with 257 LGBT+ individuals – 2015 - 2018.

Iraqi LGBT+ Asylum Seekers

Members of the Iraqi LGBT+ community face extreme danger while living inside the country. The mere perception of being queer can be reason enough to threaten one's life. Despite the structural and long-lasting discrimination, host countries and United Nations mechanisms have

failed to fully address the shortcoming of in dealing with LGBT+ asylum seekers. Almost all host countries require asylum seekers to have proof supporting their claims, and showing the threats they have faced. While it's an understandable request, it is based on the assumption that LGBT+ Iraqis were able to obtain these evidences when in reality most LGBT+ people flee their homes and countries suddenly without having the time to gather their documents, or might have not had the evidence in the first place as most threats are not documented. Ammar, an asylum seeker in Germany, told IraQueer, "I escaped a minute after my dad caught me with my boyfriend in my room. If I had stayed to gather my documents, I would've been dead by now".

Similarly, the United Nation's Relocation program has been overlooking the extreme and special circumstances LGBT+ people face. The program requires them to stay in the country where they applied with no financial support or housing, while also not having the right to work in these countries forcing them to resort to other means to survive. Tariq, a 28-year-old gay man who has been in Beirut since 2015, told IraQueer, "My money quickly ran out after I arrived to Beirut as it is more expensive than Karbala where I was living. Now, I am forced to be a sex worker to be able to eat and have a roof over my head." Additionally, asylum officers often reject asylum claims because the asylum seeker "could not prove that they were queer."¹⁹

The international community needs to respect and follow the standards that were developed by nations including the Refugee Convention and the UNHCR's Guidelines on International Protection No. 9 which provides comprehensive recommendations for states to follow when dealing with LGBT+ asylum seekers.

¹⁹ Radio, Sveriges. "Migration Agency cannot say how many LGBTQ asylum cases it handles - Radio Sweden." Radio Sweden | Sveriges Radio. <http://sverigesradio.se/sida/artikel.aspx?programid=2054&artikel=6753213>.

Iraq's Legal Obligations

Under the Iraqi constitution, the government of Iraq is obliged to protect every citizen's rights. Among many rights, the right to life, privacy, and freedom are ensured to all Iraqis regardless of their backgrounds. Further, the Iraqi Penal Code guarantees that the government will hold perpetrators of human rights abuses accountable for their crimes. Holding murders, kidnappers, and torturers accountable is guaranteed under articles (405), (406), (412), and (421).

The Iraqi government has legal obligations to protect the human rights of its citizens under international human rights law. The process of rebuilding Iraq in the aftermath of the Islamic State needs to be inclusive, and crimes against LGBT+ people must be punished and prevented. To ensure human rights for the LGBT+ community, Iraq does not need to pass or amend legislation. The Iraqi Government simply needs to respect and implement its own commitments to the national and international laws.



الله أكبر

— RECOMMENDATIONS —

TO THE IRAQI GOVERNMENT

- Publicly condemn crimes against the LGBT+ community, and take tangible steps to hold perpetrators like Islamic State militants and other armed groups accountable for these crimes.
- Work closely with Independent Expert on Sexual Orientation and Gender Identity and the Special Rapporteur on Extra Judicial Killings to document violations against the LGBT+ community, and advance human rights of queer people.
- Protect human rights activists who are working on human rights of LGBT+ people.
- Provide sensitivity training to police forces on issues related to gender identity and sexual orientation.
- Promote and enforce higher ethical standards for media reporting.
- Respect and implement the Iraqi constitution and the Iraqi penal code, which does not criminalize homosexuality, protects Iraqis' rights to freedom of expression and privacy, and calls for justice in response to murder, torture, and other abuses.

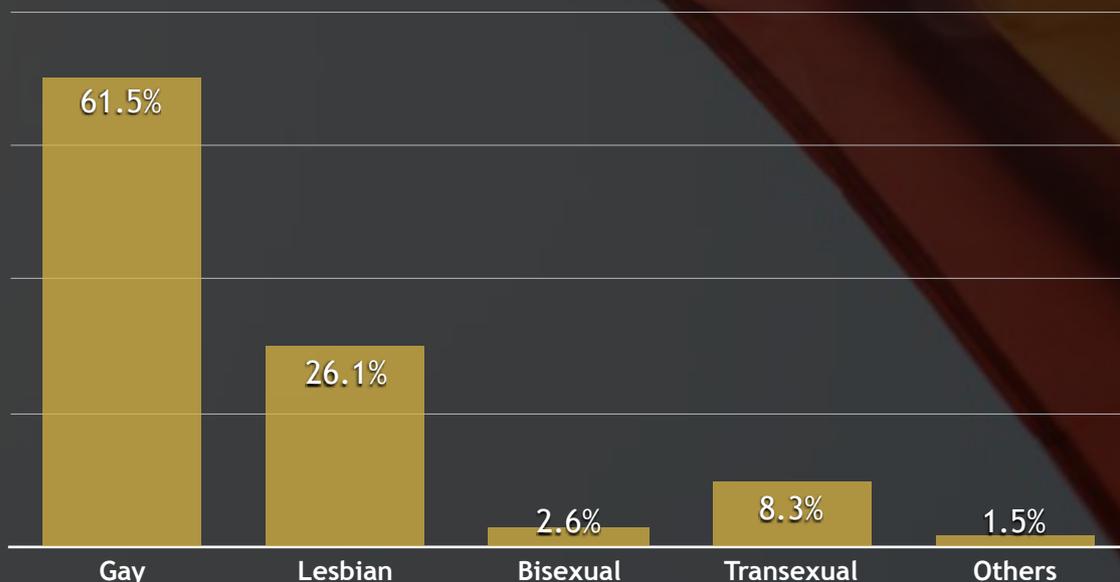
TO THE UNITED NATIONS AND THE INTERNATIONAL COMMUNITY

- Release statements condemning crimes against the LGBT+ community in Iraq, and encourage the Iraqi Government to take the necessary actions.
- Urge the Iraqi Government to respect the Iraqi constitution and its commitment to International Standards by protecting the LGBT+ community from violence.
- Put pressure on the Iraqi government to work with the Independent Expert on Sexual Orientation and Gender Identity, and the Special Rapporteur on Extra Judicial Killings.
- Establish special procedures for LGBT+ asylum seekers that take into consideration their unique circumstances, and implement them across host countries and the UNHCR.
- Encourage the Iraqi mission to the UN to meet with Iraqi LGBT+ activists, especially now that Iraq is a part of the human rights council.

About This Report

This report is the result of a year-long research project conducted by members of IraQueer with references to publications by organizations like Outright Action International, Madre, and Human Rights Watch, and interviews with 257 LGBT+ individuals, 11 government officials/employees, 16 religious leaders, and 201 members of Iraqi society. The vast majority of the LGBT+ individuals who were interviewed are based in Iraq. The rest are located outside of Iraq and are either in the process of being relocated or have received asylum status. For their protection, interviews with LGBT+ individuals were conducted discreetly, and in some cases, anonymously. Interviews were conducted in person as well as via phone calls, email, and more.

■ LGBT+ Identities Represented in This Report



IRAQUEER

عراق كوير

عراق كوير

IraQueer is the first and only LGBT+ organization focusing on Iraq and the Kurdish region. It was founded in 2015 and has since gained international recognition among international human rights organizations, UN agencies, and others. Through focusing on knowledge production and international advocacy, and by partnering with local and international organizations, IraQueer is leading the country's first queer movement.

For More Information

Visit IraQueer's Website:
www.iraqueer.org

Follow IraQueer on Twitter,
Facebook, Instagram, LinkedIn,
and Youtube.

This report was done in partnership with another Iraqi organization that chose to remain anonymous for safety reasons.

Supported By
COC Netherlands



