



**Lives at risk:
The perpetual struggles
of LGBTIQ people in Iraq**



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This publication is commissioned by ILGA Asia - the Asian Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association, representing more than 170 LGBTI organizations in East, South, Southeast, and West Asia. The document has been produced in consultation with member organisations and key partners as suggested by member organisations in the country. Permission to quote or otherwise use the information has been provided by the informants.

The analysis in the report is intended to recommend ILGA Asia to produce a strategic plan for 2021-2025. Positions in the report lie with the participants of the consultations and interviews, and do not reflect the values and viewpoints of the collective network.

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Executive Summary

Lives at risk: The perpetual struggles of LGBTIQ people in Iraq encompasses the most up-to-date account of human rights situations of LGBTIQ persons in Iraq and identifies the needs, challenges, and opportunities for advancing the human rights of queer Iraqis. The report is based on interviews with ten LGBTIQ activists and organizations, and literature review on published reports, articles, and visual media. In Iraq, human rights enjoyment including freedom of expression, gender equality, and the right to life is constantly undermined by the Iraqi authorities and affiliated armed groups. LGBTIQ Iraqis have been targeted for systematic killing. Politicians and leaders have negative perceptions towards LGBTIQ movement and farmed it as “attacking” the Iraqi society’s values and religious teachings.

LGBTIQ organizations have been facing threats from religious and conservative groups, and most of the organizations are operating underground to provide safe houses, medical services, awareness raising, public education, and human rights training. Some organizations are more active with international advocacy and lobbying with regular submission of reports to different U.N. bodies such as the Human Rights Council and the Human Rights Committee. These organizations produced publicly available resources such as guides, videos, reports, and articles aiming to advance the movement.

Despite a suppressive environment, the number of LGBTIQ activists and organizations is increasing due to the strong demand for support of the local community, along with leading efforts of international organizations. The visibility of LGBTIQ organizations is increased through media coverage and more community members are starting to get involved with them. A number of media personnel started more queer-friendly language and hosting LGBTIQ activists. There is an urgent need to put an end to the systematic killing campaigns against LGBTIQ Iraqis and recognition

of the right to life by Iraqi government domestically. The advocacy to end the systematic killing against LGBTIQ is one of the priority areas of LGBTIQ organizations, in addition to safe health services including STI treatment. Another priority is the amendment of the shelter law which currently does not allow civil society organizations in Iraq to provide safe housing for victims in need. Even though there are existing laws protecting Iraqis violence, LGBTIQ Iraqis are often not protected by law enforcement. Lack of awareness about LGBTIQ people and negative portrayal of LGBTIQ people in media are the other key challenges for LGBTIQ organizations to protect the rights of LGBTIQ persons in Iraq.





Background

In seven sections, the review encompasses the most up-to-date account of human rights situations and snapshot of LGBTIQ rights in Iraq. The review highlights the state of LGBTIQ rights in Iraq while identifying the needs, challenges, and opportunities for advancing the human rights of queer Iraqis. The consultant relied on numerous reports, articles, and visual media published by Iraqi and international organizations, governments, and media outlets. The consultant also conducted interviews with ten LGBTIQ individuals and organizations.

About Iraq

The Republic of Iraq is a country in Western Asia bordering Turkey, Iran, Saudi Arabia, Kuwait, Jordan, and Syria. Iraq is home to diverse ethnic groups including Arabs, Kurds, Turkmen, Assyrians, Yazidis, Shabakis, Armenians, Mandeans, Circassians, Sabians, Kawliya, among others. About 99% of the country's 38 million population are registered as Muslims, though there is no accurate data about how many of them are identified as Muslims. Arabic and Kurdish are the two official languages of the country. Officially, there are two governments in Iraq. The first is the central government in which all ethnic and religious groups form, and governs the country. The second is the Kurdistan Regional Government which governs the Kurdish cities of Slemani, Hawler, and Duhok under the supervision of the Iraqi government.

In October 2005, the new Constitution of Iraq was approved by a referendum with a 78% overall majority, although the percentage of support varied widely between the country's territories. Article 1 of Iraq's Civil Code identifies Islamic laws as a formal source of law. While Iraq has no *Sharia* courts, civil courts have used *Sharia* for matters pertaining to personal status including marriage and divorce (Fox 2008). The code is based on French civil law as well as *Sunni* and *Jafari (Shi'ite)* interpretations of *Sharia* legislations (Council for Foreign Relations n.d.). As such, *Sharia* law is considered to be the source of laws in Iraq, and no law can be passed if it opposed to the teachings

of Islam Iraq holds elections every four years to elect the President and the Parliament. The President delegates the leader of the winning party to form a government as the Prime Minister. The current president is Barham Saleh, while the Prime Minister is Mustafa Al-Kathimi. The Prime Minister holds most of the executive authority and is appointed by the Council of Ministers, which acts as a cabinet and/or government.

The social and cultural norms in Iraq are largely dictated by religious beliefs. These beliefs are expected to be followed. In 2003, Iraq's social and political system were destabilized after the US-UK military led an invasion which left a power vacuum that was filled with extremist, religious, and fundamental groups and parties. These groups were empowered to impose strict social rules on the public without being challenged by more progressive groups (reliefweb 2020).

Overview of Human Rights Situation in Iraq

Human rights enjoyment including freedom of expression, gender equality, and the right to life is constantly undermined by the Iraqi authorities and affiliated armed groups (Human Rights Watch 2020). For women, domestic violence continues to increase especially during the COVID-19 pandemic and the subsequent lockdown (reliefweb 2020). Protestors and the youth who have been demanding their rights and the separation of religion and the State have been under attack, especially after the start of the October 2019 revolution led by youths and academicians. Numerous attacks and killings against protestors by government-affiliated armed groups have been reported and documented. More than 500 people were killed, and thousands have been injured between October and December 2019 (Amnesty International 2021). The situation in the autonomous, self-governed Kurdistan Region of Iraq is not very different from the rest of the country. Reports of enforced disappearances, arbitrary arrests, and intimidation of journalists and academicians have been documented by local and international organizations (Amnesty International 2021). Nonprofit organisations continue to be banned from offering safe housing for victims as it is still illegal under the domestic

violence law for them to run safe houses (UN OHCHR 2020). This has directly impacted the ability of vulnerable and marginalized groups like LGBTIQ Iraqis, women fleeing ISIS, and others to access safe housing. Crimes related to honor killing continue to occur regularly in Iraq as laws are lenient with perpetrators and impunity prevails (Catherine 2018).

Iraq is one of 53 countries that still impose the death penalty on crimes such as homicide. In fact, it has one of the highest rates of implementing the death penalty, alongside countries like China and Iran (Human Rights Watch, 2020).

The State of LGBTIQ Rights in Iraq

Despite the fact that being LGBTIQ is not expressly criminalized under Iraqi laws, Iraq is considered to be one of the most dangerous countries for LGBTIQ people (The Guardian, 2017). LGBTIQ Iraqis often fall victim to systematic killing campaigns organized by armed militias including Asaeb Ahl Al-Haq, Sadr Army, and ISIS (Human Rights Watch, 2019). In 2012 and 2017, organizations like Human Rights Watch and IraQueer documented more than 200 killings for each of these years alone. An organized killing campaign has been documented by these organizations and others like Outright Action International and Madre, at least once a year since 2006. These killings are motivated by hate speech that is mainly shared by fundamentalist religious leaders who release a “fatwa” or a statement, to warn people that they either change or be killed. Given that those leaders have a large number of followers and political influence, and in some cases, an armed militia, these crimes are easily committed without any consequences (Outright Action International, 2014).

In 2020, numerous religious leaders, including Muqtada Al-Sadr, claimed that COVID-19 was God’s punishment to humanity because of the existence of homosexuality (Mosimann, 2020). Similarly, politicians and leaders in Iraq have aggressively attacked the LGBTIQ community and movement through media and public statements in response to different milestones achieved by the LGBTIQ movement. This includes IraQueer’s celebration of its fifth anniversary on social media which was echoed and shared by the likes of the UK Embassy in Iraq, and other governments like Sweden and the EU¹. This celebration

¹ A video of that celebration is available at <https://www.youtube.com/watch?v=pAvcEFqG-Xc&t=1s>

was used by different politicians to attack those states, IraQueer, and the LGBTIQ movement in general (Maurice, 2020).

Additionally, marking the International Day against Homophobia, Biphobia, and Transphobia (IDAHOBIT) by the embassies of Canada and the European Union and raising the rainbow flag on 17 May 2020 have led to an outrage by Iraqi politicians and parties calling for the expulsion of these embassies from Iraq and demanding an apology from them for “attacking” the Iraqi society’s values and religious teachings (Scene, 2020). According to IraQueer’s documentation, nine LGBTIQ people have been killed as a result of the increased hate speech.

In addition to the right to life, other human rights of LGBTIQ people are threatened. LGBTIQ people continue to face risks when trying to get treatment for sexually transmitted infections (STI), especially when the STI could indicate the type of sex they have; for instance, if someone has an STI in their anus, they face the risk of being outed to the police by the doctor. They often find themselves having to pay triple the amount of money to be treated, although this strategy does not work all the time.²

Finally, LGBTIQ Iraqis often find themselves either being kicked out by their families or escaping them as their lives are in danger. The lack of employment opportunities for many LGBTIQ people, especially those who have non-conforming gender expressions, or those that do not match their gender markers, further marginalizes them as they cannot afford to rent a place on their own. This challenge has been exacerbated by the COVID-19 pandemic as many of them found themselves having to quarantine with abusive families or temporary hosts. While organizations like IraQueer, Organisation of Women’s Freedom in Iraq (OWFI), and others provide safe housing, the need far exceeds the capacity of the safe houses offered by these organizations, forcing many LGBTIQ people to continue living with families that are verbally and physically abusive of them.³

² ILGA Asia interviews with IraQueer and OWFI, undisclosed locations, 2020.

³ Other organizations chose to remain anonymous to avoid threats.

Strategies Employed to Advance LGBTIQ Rights

In Iraq, the leading LGBTIQ rights organizations have seen their work gaining attention over the past years, which led to threats from religious and conservative groups. They were attacked on social media, and were asked to stop defending LGBTIQ people. These organizations continue to operate mostly underground as exposure could endanger their work and the lives of people working at the organization. For example, IraQueer, while doing their work more publicly, kept most of their employees hidden. Other organizations like SEED and OWFI operate mostly underground for security reasons.

IraQueer (www.iraqueer.org):

IraQueer is the country's first and only national LGBTIQ led organization. It was founded in 2015, and is run entirely by LGBTIQ staff and volunteers. IraQueer's work has reached more than 1 million people in the last five years. This includes providing safe housing, raising awareness, and providing other services. In general, they focus on three different areas:

- **Education:** In the beginning of its founding, IraQueer focused on education as a primary aspect of its work. During these years, the organization produced numerous guides for the LGBTIQ community including a sexual health guide, security guide, a story book, and other publications that were aimed at raising awareness amongst and about LGBTIQ Iraqis. Some of these publications were authored in collaboration with partners, while others were done all by themselves. IraQueer also joined OWFI's efforts in producing a radio program that talked about LGBTIQ people for the past three years.
- **Advocacy:** IraQueer has been the leading voice in advocating for LGBTIQ rights at the international level. IraQueer and other partner organizations have submitted numerous UN

reports, spoken at different international events including the Human Rights Council, the Human Rights Committee, among others. IraQueer was the leading force behind Iraq's recognition of the right to life for people regardless of their sexual orientation in their submission to the Human Rights Committee for the review of Iraq's commitments under the International Covenant on Civil and Political Rights in February 2020 (Human Rights Committee, 2019).

- **Direct Services:** Together with OWFI, IraQueer provides LGBTIQ Iraqis with safe housing, medical services including treatment for sexually transmitted infections, and referrals especially for those who are seeking asylum to support them with their cases.

Organization of Women's Freedom in Iraq (OWFI) (<http://www.owfiiraq.org/>):

As a feminist organization, OWFI supports LGBTIQ rights discreetly to protect their other work. OWFI provided safe housing for nearly 100 LGBTIQ people in the last six years, and supported about 25 people with medical services. Their radio program reached more than 600,000 listeners in the last five years.

- **Education:** In partnership with IraQueer, OWFI made numerous brochures and posters that were distributed around Baghdad to raise awareness about LGBTIQ people. They were the only organization in Iraq to start a radio program that talks about LGBTIQ people which was later hosted jointly with IraQueer.
- **Direct Services:** In partnership with IraQueer, OWFI provided safe housing to members of the LGBTIQ community who were fleeing from violent families, neighbors, or other threats. They also helped LGBTIQ people with medical needs and legal representation through bailing them out of prison or legal assistance.

SEED (www.seedkurdistan.org):

- **Direct Services:** SEED provided a number of direct services and remained anonymous.
 - **Training:** SEED provided training on gender-based violence and human rights to different groups including police officers, social workers, activists, and political leaders, to improve their ability to serve LGBTIQ citizens.
-

Rasan (www.rasanorg.com):

- **Training:** Rasan introduced the basic terms and definitions related to sexuality and gender to young people and activists to increase their awareness about LGBTIQ people.
 - They completed a mural project to promote LGBTIQ rights in the city of Slemani, Iraq.
-

Art15 – A New Artistic Initiative Promoting Equality:

An artistic platform that promotes gender and sexual equality through sharing art produced by local queer artists on social media. This initiative started in July 2020 and was funded by IraQueer and others. Their aim is to use a medium, like art, that people can relate to, to convey a message of acceptance and diversity.

SEEFAR (<https://seefar.org/>):

An international organization based in Erbil that conducts research around LGBTIQ people's need to leave Iraq. This research is yet to be published as of the publication of this report.

Priorities – Lobbying and Advocacy

- 1. End Systematic Killing:** The vast majority of LGBTIQ people and organizations who were interviewed expressed the urgent need to put an end to the systematic killing campaigns against LGBTIQ Iraqis where impunity prevails and perpetrators of such horrific crimes go unpunished. All these groups highlighted the fact that their inherent and fundamental rights are threatened in almost every aspect of their lives. As such, many LGBTIQ people are afraid to even go grocery shopping. Organizations stated that achieving this goal was a huge task. They approached the issue through lobbying for the universal right to life of LGBTIQ people. IraQueer successfully pushed Iraq to recognize this right at the United Nations (UN). However, the government had not acknowledged this to the Iraqi public.
- 2. Right to Health:** Appeal to the Iraqi government to ensure that LGBTIQ citizens have access to equal and safe health services.
- 3. Right to Housing:** Provide more safe housing for LGBTIQ people, and amend the shelter law which currently does not allow civil society organizations in Iraq to provide safe housing for victims in need.
- 4. Leaving Iraq:** Most LGBTIQ interviewees have expressed their desire to leave Iraq as they see no hope in things changing for them. Some of them are in the process of leaving Iraq as they plan to seek asylum, but the vast majority of them find themselves in difficult positions and unable to plan to leave Iraq as they do not have the financial resources, the network, and in certain cases, the documents needed to leave Iraq.





Challenges and Opportunities for Intervention

CHALLENGES

1

Misapplication of the Law: Iraq does not explicitly criminalize the LGBTIQ community according to the Iraqi Constitution and the Penal Code. In fact, numerous laws and articles can be used to ensure LGBTIQ people's human rights including Articles 14, 16, and 22 of the Constitution which guarantee equality for all Iraqis regardless of their sex, gender, expression, ideologies, ethnicities, religion, and belief. Similarly, Articles 421, 423, 430, and 431 of the Penal Code protect all Iraqis from violence, kidnapping, and other crimes (Iraqueer).⁴

⁴ https://www.iraqueer.org/uploads/1/2/4/0/124034920/legal_guide_-_english.pdf

However, the text of these laws is often overridden by an application that reflects the personal beliefs and values of the implementing authorities which includes the police and the judicial system. All Iraqi politicians who made statements about the LGBTIQ community inaccurately claimed that being LGBTIQ was punished by law in Iraq (Iraqueer, 2020). This actively limits LGBTIQ Iraqis' access to justice and puts their lives in danger as perpetrators are rarely brought to justice.

2

Lack of Awareness: Official data measuring people's awareness level regarding LGBTIQ people does not exist. However, looking at the media coverage of LGBTIQ people, one can obtain an accurate idea of the level of awareness about LGBTIQ identities. Doctors, politicians, religious leaders, and other guests who were hosted and interviewed by different media outlets have relied on personal beliefs to condemn LGBTIQ people (Iraqueer, 2020). Some went as far as misrepresenting facts and making claims like "The World Health Organization classifies homosexuality as an illness,"; despite the fact that this heavily misguided notion was changed more than three decades ago (Iraqueer, 2020).

3

Media Outlets: Iraqi media outlets have been playing a crucial role in shaping the public's opinion about LGBTIQ people. While in general, media outlets in Iraq enjoy some freedom to cover different topics, most outlets are controlled by armed groups or the government. In many incidents, certain activists and journalists have been the target of threats and killings (Arwa Ibrahim, 2020) (Johnston, 2020). In a study published by IraQueer in June 2020, they found that the overwhelming majority of the coverage incites violence against LGBTIQ citizens (Iraqueer, 2020). In shows talking about LGBTIQ people, only 13% of the time was dedicated to LGBTIQ speakers. Most shows did not provide any air time for queer speakers. 95% of the words used to refer to LGBTIQ people have been offensive, including words like "Shath", "Marith", "Kafir" "faggots", "terrorists", and "sinners" (Iraqueer, 2020).

OPPORTUNITIES

1**Increasing number of activists and organizations:**

Despite difficulties, an increasing number of civil society organizations have started showing interest in supporting and advocating for LGBTIQ Iraqis. The number of activists and organizations is increasing due to the leading efforts of certain international organizations like Outright and Madre, the emergence of Iraqi LGBTIQ activists, and the increasing accessibility to resources on the internet. Before 2015, OWFI was the only organization advocating for LGBTIQ Iraqis despite being a feminist organization. In 2015, IraQueer was launched as the first national LGBTIQ led organization in Iraq, and it was followed by other feminist organizations like SEED, Al-Amal, and a number of individual LGBTIQ activists that became more vocal about the rights of LGBTIQ Iraqis.

2**Social and Cultural Change:**

While the vast majority of media outlets continue to promote hate speech and use queer-phobic language, there has been a change in the frequency of using more queer-friendly language and hosting LGBTIQ activists as they increased the use of more neutral and accurate words like "*Mithly*" which means homosexual. This change was a direct result of organizations like IraQueer demanding that these words be used if TV channels wanted to feature them. IraQueer has also given training to a number of media personnel who started using more neutral words after these training sessions.

3**Political Progress:**

As a result of the work done by IraQueer and OWFI, Iraq has recognized the right to life for all people regardless of their sexual orientation in numerous UN submissions, although this right has yet to be recognized domestically. This was however a result of accepting numerous recommendations regarding the LGBTIQ community, making Iraq the first Arab country to accept UN recommendations regarding the queer community (Human Rights Watch, 2018).

4

Increased Visibility: Despite the increased level of threats faced by the different organizations, the heightened visibility due to the increased media coverage meant that more LGBTIQ people were aware of the existence of these organizations and were starting to get involved with them. The rest of the LGBTIQ community however remains discreet as the fear of losing their lives stops them from being more outspoken in public.

5

Availability of Resources: The organizations listed earlier have produced a lot of resources that are available to the public and can be used to advance the movement. Guides, videos, reports, and articles have been published in Arabic, Kurdish, and English highlighting the different needs, difficulties, and goals for LGBTIQ Iraqis and the movement.





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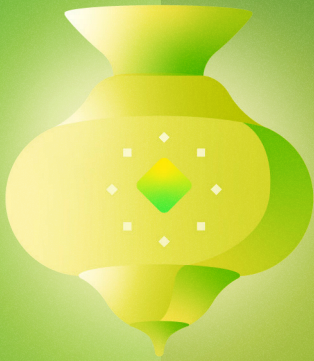
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ILGA Asia is the Asian Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association, representing more than 170 member organizations in East Asia, South Asia, Southeast Asia and West Asia.

Our vision is a world where Asia is a safe place for all, where all can live in freedom and equality, be properly informed in the nature of sexual orientation and gender identity & expression and sex characteristic (SOGIESC) rights, have access to justice, and diversity is respected.

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