

Violence and Discrimination Based on Sexual Orientation and Gender Identity in Iraq

A Submission to the United
Nations Human Rights
Council for the Universal
Periodic Review of Iraq

Thirty-fourth Session of the UPR Working Group
of the Human Rights Council

Submitted March 2019

Co-Sponsors:

IraqQueer

MADRE

Outright International



OUTRIGHT
INTERNATIONAL



Outright International works together for better LGBTIQ lives. Outright is dedicated to working with partners around the globe to strengthen the capacity of the LGBTIQ human rights movement, document and amplify human rights violations against LGBTIQ people, and advocate for inclusion and equality. Founded in 1990, with staff in over a dozen countries, Outright works with the United Nations, regional human rights monitoring bodies, and civil society partners. Outright holds consultative status at the United Nations, where it serves as the secretariat of the UN LGBTI Core Group.

www.outrightinternational.org
hello@outrightinternational.org
facebook.com/outrightintl
twitter.com/outrightintl
youtube.com/@OutrightIntl

Outright International
216 East 45th Street, 17th Floor New York, NY 10017 USA
P: +1 (212) 430.6054

This work may be reproduced and redistributed, in whole or in part, without alteration and without prior written permission, solely for nonprofit administrative or educational purposes provided all copies contain the following statement:

©2023 Outright International. This work is licensed under the Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License. To view a copy of this license, visit <http://creativecommons.org/licenses/by-nc-nd/4.0/> or send a letter to Creative Commons, PO Box 1866, Mountain View, CA 94042, USA.

Contents

I. Background and Context	4
II. Violence and Discrimination on the Basis of Sexual Orientation and Gender Identity	5
III. Lack of Accountability for Sexual Violence and Gender-Based Crimes Committed by ISIL	9
IV. Discriminatory Media Portrayal of LGBT People in Iraq	12
V. Recommendations for the Government of Iraq	14

I. Background and Context

1. This report is submitted by IraQueer,¹ MADRE,² and Outright International.³ It addresses urgent areas of concern related to the status of human rights of lesbian, gay, bisexual, and transgender (LGBT) people in Iraq. Violence and discrimination against LGBT individuals in Iraq continues to flourish, and victims are guaranteed virtually no protection or redress. The Government has failed in its obligations to promote and protect the human rights of those who face violence and discrimination based on their sexual orientation and gender identity.
2. Faced with the ever-present possibility of discrimination, extreme violence, torture, and murder, being perceived as LGBT in Iraq places one in immediate danger. The state-sanctioned culture of anti-LGBT discrimination permeates Iraq's institutions and society. Perpetrators of egregious anti-LGBT human rights violations include victims' family members, militia fighters and religious militants from various groups, as well as government officials. Members of the security forces and police are, at best, non-responsive to human rights violations committed on the basis of sexual orientation or gender identity, and at worst, active participants in them. People in Iraq can count on virtually no protection or recourse for anti-LGBT violence and discrimination.
3. Iraqi non-governmental service providers and human rights activists, including victims of anti-LGBT discrimination and violence, take great risks to record human rights violations committed on the basis of sexual orientation and gender identity. The shared hope of these individuals and their international allies is that these stories will spur immediate action on the part of the Iraqi government to ensure greater safety and protections for Iraqi LGBT people. There are basic steps the Iraqi government can take to help protect LGBT people from human rights violations, namely by acknowledging that LGBT people, like all people, have human rights that must be respected.
4. This submission documents four main areas of concern: (i) violence and discrimination on the basis of sexual orientation and gender identity; (ii) lack of accountability for sexual violence and gender-based crimes committed by ISIL; (iii) lack of access to safe employment and necessary health services for LGBT people in Iraq; and (iv) discriminatory media portrayal of LGBT people in Iraq.

Footnotes

¹IraQueer is Iraq's first LGBT+ organization. Since 2015, IraQueer has been the leading the fight for LGBT+ rights in Iraq through partnering with local and international groups, and focusing on raising awareness, advocacy, and building an intersectional movement.

²MADRE is an international women's human rights organization that works in partnership with community-based women's organizations worldwide to address issues of health and reproductive rights, economic development, education and other human rights.

³Established in 1990, Outright International is dedicated to the elimination of all forms of violence and discrimination on the basis of sexual orientation, gender identity or expression, and sex characteristics. Outright has staff and offices in Singapore, the Philippines, Spain, Belize, Jamaica and international headquarters in the United States. Committed to safety and equality for LGBTIQ people globally, Outright works through research, advocacy and movement resourcing. Outright is an ECOSOC-accredited organization active at the United Nations.

II. Violence and Discrimination on the Basis of Sexual Orientation and Gender Identity

Violence and Discrimination Against LGBT Iraqis

5. The Government of Iraq is obligated to promote, defend, and protect the rights of its LGBT citizens under human rights law. The mere perception of being LGBT is extremely dangerous in Iraq and living openly as an LGBT person is nearly impossible. For victims of anti-LGBT discrimination, including violence, there is no viable recourse in the Iraqi state.⁴ Government security forces not only fail to investigate acts of discrimination and violence against LGBT people, they also have stood by and allowed murderous hate violence to occur, fully aware of what is happening.⁵ Furthermore, security forces and government officials themselves have committed anti-LGBT discrimination and violence.⁶ For LGBT people, the fact that police and other government authorities are complicit in sexual and physical violence against them further discourages reporting violence and threats against them. The government's denial of access to justice for victims of these human rights violations encourages further discrimination and acts of violence, including those committed by health professionals and others who capitalize on LGBT peoples' vulnerable status.⁷
6. IraQueer and its partners estimate that over 200 LGBT Iraqis were killed on the basis of their sexual orientation or gender identity in 2017.⁸ In 2018, IraQueer continued to document killings of Iraqis based on sexual orientation and gender identity, including the killing of

Footnotes

⁴ IraQueer, Outright International, *Dying to Be Free: LGBT Human Rights Violations in Iraq, in Response to the Fifth Periodic Report of the Republic of Iraq*, p. 8 (2015).

⁵ IraQueer, Outright International, *Dying to Be Free: LGBT Human Rights Violations in Iraq, in Response to the Fifth Periodic Report of the Republic of Iraq*, p. 8 (2015).

⁶ IraQueer, Outright International, *Dying to Be Free: LGBT Human Rights Violations in Iraq, in Response to the Fifth Periodic Report of the Republic of Iraq*, p. 8 (2015).

⁷ IraQueer, Outright International, *Dying to Be Free: LGBT Human Rights Violations in Iraq, in Response to the Fifth Periodic Report of the Republic of Iraq*, p. 8 (2015).

⁸ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 6 (2018).

15-year-old Hamoudi Al Mutairi who was filmed on camera while dying.⁹ Of 257 LGBT individuals interviewed between 2015–2018, 96% stated that they have faced verbal and/or physical violence.¹⁰ Verbal bullying and abuse are extremely common against LGBT people. Wearing fashion such as ‘skinny jeans’, having long hair, and having a more “feminine” gender expression if assigned male at birth have all provoked anti-LGBT verbal abuse.¹¹ In many cases, LGBT people have faced physical violence, rape, and in extreme cases, death.¹² Data compiled by IraQueer indicate that from 2015–2018 the Islamic State of Iraq and the Levant (ISIL) was responsible for 10% of crimes against LGBT people, while government and authorities and affiliated armed groups are responsible for 53% of crimes and violations against LGBT people.¹³

7. IraQueer has received reports from several individuals who have experienced instances of verbal, physical, and sexual abuse at various checkpoints across Baghdad and other cities. IraQueer is also in possession of several videos showing the police humiliating and physically abusing trans people, while filming the injustices themselves.¹⁴ Similarly, LGBT individuals, especially men and women who are deemed to defy gender roles by being perceived as either too “masculine” or too “feminine”, as well as trans people, have faced physical abuse in Northern Iraq under the Kurdistan Regional Government. Human rights advocates estimate that more than 70 of those individuals have been detained in 2018 without being informed about their rights, or without access to legal representation.¹⁵ These individuals are still in prison as they wait to be charged. Some of them have been in prison for more than a year. A lesbian living in Slemani reported that she was detained by the police several times. She told IraQueer, “A police officer threatened to rape me and said that might make me a real woman.”¹⁶
8. Lesbians face double discrimination for being women—who lack the same rights and protections as men in Iraq—and for being 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.¹⁷ Lesbians also face difficulties connecting with each other due to the lack of online and offline safe spaces.¹⁸ A lesbian living in the Kurdistan Region of Iraq said, “Each 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.”¹⁹ Stories like hers 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.²⁰
9. Trans people face violence and discrimination, including sexual abuse, at the hands of law enforcement, families, neighbors, and even strangers.²¹ Together with men who are

Footnotes

⁹ IraQueer, Press release (October 10, 2018), available at: <https://www.iraqueer.org/blog/iraqueer-s-statement/>

¹⁰ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 9 (2018).

¹¹ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 8 (2018).

¹² IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 9 (2018).

¹³ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 13 (2018).

¹⁴ These videos have been taken in cities such as Baghdad, Basrah, and Kirkuk.

¹⁵ Correspondence with Iraqi human rights advocate (2019).

¹⁶ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 13 (2018).

¹⁷ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 10 (2018).

¹⁸ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 10 (2018).

¹⁹ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 10 (2018).

²⁰ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 10 (2018).

²¹ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 10 (2018).

perceived to be gay, they are often the victims of the most visible kinds of hate crimes, such as public executions and harassment.²² Members of the trans community face extreme danger simply by existing, especially those who choose to undergo hormone treatment and show physical changes, and Iraqi law denies them gender-affirming healthcare. Hormone treatments are not legal and make transitioning even more dangerous.²³ In addition, the law does not permit sex change operations.²⁴ People who manage to undergo the surgery outside of Iraq face difficulties in obtaining legal documents that reflect their gender identity. In an interview with IraQueer, a trans woman stated: "Accessing hormones that I can use is life-threatening, but every day I wasn't a girl was a day I thought of committing suicide. I know I will face even more danger when my body starts to change, but I rather die looking like I really am than to die looking like what the society wanted me to be."²⁵

10. Discrimination in employment and healthcare dramatically impact the lives of LGBT individuals in Iraq. Several have reported to human rights defenders that they were denied employment or fired for looking "too feminine" (if they were assigned male at birth) or for refusing to engage in sexual practices with their employers.²⁶ They also state that sexual advances from employers occur very often, and are always unreported to authorities. LGBT individuals not only lack legal protection, but also fear the possibility of being legally persecuted for redefining social norms and potentially "damaging the public honor," as referenced in the Iraqi Penal Code.²⁷

The Government of Iraq's Failure to Prevent, Investigate, Punish and Provide Redress for Violence and Discrimination Against LGBT Persons

11. According to human rights testimonials and interviews with Iraqi community-based human rights advocates, the most basic rights and fundamental freedoms of LGBT persons are regularly violated in Iraq with impunity.²⁸ Multiple sectors of society are implicated in these human rights violations, including civilians, militia members, religious leaders, police and security forces, government officials, healthcare workers and others. People who experience severe discrimination, torture, physical injury, and even murder on the basis of real or perceived sexual orientation or gender identity find no recourse in the institutions that should provide protection and support, such as government police and security forces, or medical facilities.²⁹
12. Faced with continued armed conflict, militia violence, and the weakening of government institutions since 2003, LGBT people in Iraq are especially vulnerable to violence from these various actors. The risks are constant, and since 2003, Iraq has experienced a number of organized, deadly campaigns targeting large numbers of people based on their real or

Footnotes

²² IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 10 (2018).

²³ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 9 (2018).

²⁴ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 9 (2018).

²⁵ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 9-10 (2018).

²⁶ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 8-9 (2018).

²⁷ Articles 403, 430 and 431 of the Iraqi Penal Code; IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 10 (2018).

²⁸ IraQueer, Outright International, *Dying to Be Free: LGBT Human Rights Violations in Iraq, in Response to the Fifth Periodic Report of the Republic of Iraq*, p. 3 (2015).

²⁹ IraQueer, Outright International, *Dying to Be Free: LGBT Human Rights Violations in Iraq, in Response to the Fifth Periodic Report of the Republic of Iraq*, p. 3 (2015).

perceived sexual orientation or gender identity.³⁰ Government actors and militias instigate, inspire, and tolerate violence persecution.³¹

13. The killing campaigns organized by groups like Asa'ib Ahl al-Haq (the League of the Righteous), have been a regular occurrence for more than a decade.³² The latest campaign was reported to have taken place in January 2017 when more than a hundred names were put on a list that was distributed around neighborhoods in Baghdad, warning those listed to either change or be killed.³³ When fighting the Islamic State began in 2014, Iraqi government forces aligned with militias, including Asa'ib Ahl al-Haq,³⁴ and evidence pointed to collusion between government forces and militia in revenge killings.³⁵

Footnotes

³⁰ IraQueer, Outright International, *Dying to Be Free: LGBT Human Rights Violations in Iraq, in Response to the Fifth Periodic Report of the Republic of Iraq*, p. 3 (2015).

³¹ IraQueer, Outright International, *Dying to Be Free: LGBT Human Rights Violations in Iraq, in Response to the Fifth Periodic Report of the Republic of Iraq*, p. 3 (2015).

³² IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 8 (2018).

³³ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 8 (2018).

³⁴ David D. Kirkpatrick, *Shiite Militias Pose Challenge for U.S. in Iraq*, The 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

³⁵ 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-dozens-revengekillings-sunni-detainees-2014-06-27>

III. Lack of Accountability for Sexual Violence and Gender-Based Crimes Committed by ISIL

Background on ISIL Gender-Based Crimes: Rape, Torture and Murder Based on Prescribed Gender Roles

14. Wartime abuses against people who are marginalized within their societies are rarely documented.³⁶ As a result, such violations are excluded from human rights discourse and from future justice processes. In effect, they are left out of history. For this reason, Iraqi human rights defenders have been documenting such crimes at great personal risk. These human rights defenders have documented crimes not only committed by the terrorist organization, ISIL, but also by Iraqi government forces and other militias. They have preserved critical information about perpetrators and larger criminal networks. Many of these same documenters have also provided safe passage and shelter to people at imminent risk of sexual slavery or murder.
15. For this reason, in the fall of 2017, advocates, supported by anonymous human rights organizations whose identities were concealed for reasons of safety, filed a communication³⁷—the first of its kind—to the International Criminal Court (ICC) to

Footnotes

³⁶ Lisa Davis and Jessica Stern, “WPS and LGBTI Rights,” *The Oxford Handbook of Women, Peace, and Security*, edited by Sara E. Davies and Jacqui True (February 2019).

³⁷ See Human Rights and Gender Justice (HRGJ) Clinic, City University of New York (CUNY) Law School, MADRE & the Organization of Women’s Freedom in Iraq (OWFI), *Communication to the ICC Prosecutor Pursuant to Article 15 of the Rome Statute Requesting a Preliminary Examination into the Situation of Gender-Based Persecution and Torture as Crimes Against Humanity and War Crimes Committed by the Islamic State of Iraq and the Levant (ISIL) in Iraq* (2017), available at <https://www.madre.org/sites/default/files/PDFs/CUNY%20MADRE%20OWFI%20Article%2015%20Communication%20Submission%20Gender%20Crimes%20in%20Iraq%20PDF.pdf> [<http://perma.cc/9S4X-4BR2>] [hereinafter HRGJ Clinic et al., Article 15 Communication].

advance the protection of the rights of women and of LGBT people or those perceived to be LGBT. The petition argues that the international community should prosecute ISIL fighters for crimes committed on the basis of gender, including discrimination based on sexual orientation and gender identity. These crimes are all forms of gender-based persecution.

16. While knowledge of egregious crimes committed against women and on the basis of SOGI in armed conflict itself is not new, this is the first time the world has seen robust documentation of crimes against persons on the basis of SOGI or for transgressing gender norms during an armed conflict. The petition therefore offers a new opportunity to challenge this type of violence.
17. Under ISIL occupation in Iraq, women, girls, men and boys, including LGBT persons or those perceived as such, and those otherwise perceived as stepping outside of traditional gender roles were targeted for violence on a staggering scale.³⁸ For example, in June 2015, ISIL executed two women by shooting them in the head after finding messages on the women's phones that ISIL claimed proved they were lesbians.³⁹ In June 2016, ISIL again executed two women by shooting them in the head after accusing them of being lesbians. Again, ISIL claimed that conversations and photos on the victims' phones proved their homosexuality.⁴⁰

The Government of Iraq's Failure to Prosecute Sexual and Gender-Based Crimes Committed by ISIL

18. Prosecutions of ISIL fighters are fast-tracked under Iraq's counter-terrorism law, which carries a death penalty sentence. According to reliable sources, sentencing hearings last about 10 or 20 minutes on average.⁴¹ Convictions are often based on ties to ISIL, rather than on the specific nature and type of crimes committed.⁴² This low bar for mass conviction means that courts are not investigating the most egregious crimes. Justice actors are also not distinguishing between the guilty and the victims in some situations, with some perpetrators going free and some victims—including women forced into marriages with ISIL fighters—receiving the death penalty. No effort is being made to inform victims of when or where alleged perpetrators are being brought to trial, giving victims no opportunity to participate.⁴³ Local Iraqi civil society organizations, as well as the international community, are calling for transparent and fair trials that acknowledge the sexual and gender-based crimes committed by ISIL and the impacts they have on victims.⁴⁴

Footnotes

³⁸ Lisa Davis, *Reimagining Justice for Gender-Based Crimes at the Margins: New Legal Strategies for Prosecuting ISIS Crimes Against Women and LGBTIQ Persons*, 24 Wm. & Mary J. Women & L. 513 (2018).

³⁹ HRGJ Clinic et al., Article 15 Communication, para. 63.

⁴⁰ HRGJ Clinic et al., Article 15 Communication, para. 73.

⁴¹ *Open Letter to the U.N. Security Council on the Government of Iraq's Prosecutions of ISIS Fighters* (June 2018), <https://www.madre.org/press-publications/human-rights-report/open-letter-un-security-council-government-iraqs-prosecutions>; Margaret Coker and Falih Hassan, *A 10-Minute Trial, a Death Sentence: Iraqi Justice for ISIS Suspects*, The New York Times (April 17, 2018).

⁴² *Open Letter to the U.N. Security Council on the Government of Iraq's Prosecutions of ISIS fighters* (June 2018), <https://www.madre.org/press-publications/human-rights-report/open-letter-un-security-council-government-iraqs-prosecutions>

⁴³ *Open Letter to the U.N. Security Council on the Government of Iraq's Prosecutions of ISIS Fighters* (June 2018), <https://www.madre.org/press-publications/human-rights-report/open-letter-un-security-council-government-iraqs-prosecutions>; Human Rights Watch, *Flawed Justice: Accountability for ISIS Crimes in Iraq*, p. 54 (2017).

⁴⁴ *Open Letter to the U.N. Security Council on the Government of Iraq's Prosecutions of ISIS Fighters* (June 2018), <https://www.madre.org/press-publications/human-rights-report/open-letter-un-security-council-government-iraqs-prosecutions>

19. The Iraqi government generally acknowledges the sexual and gender-based violence that some women faced under ISIL, particularly the targeting of Yazidi women.⁴⁵ However, the government has failed to fully acknowledge and provide accountability for ISIL crimes amounting to gender-based persecution and targeting women and LGBT persons or those perceived as LGBT, who transgressed the rigid gender roles prescribed by ISIL ideology.
20. Without acknowledgement and accountability for the full range of crime and the discriminatory basis on which many of them were committed, justice cannot be obtained for victims and communities cannot heal. The Government of Iraq should acknowledge crimes committed by ISIL if it hopes to support its citizens in creating sustainable peace.

Footnotes

⁴⁵Government of Iraq, *Seventh Periodic Report Submitted by Iraq under Article 18 of the Convention, Due in 2018*, para. 11, UN Doc. CEDAW/C/IRQ/7 (August 15, 2018).

IV. Discriminatory Media Portrayal of LGBT People in Iraq

21. The media has been a frequent place for the promotion of violence against LGBT people in Iraq and the Kurdish Region. The Iraqi government controls most media outlets and has failed to address the discriminatory coverage and has not made strides to promote fair reporting in state-sponsored media outlets.⁴⁶ By using homophobic, biphobic, and transphobic language and propagating inaccurate information about LGBT 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.⁴⁷ The LGBT 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.⁴⁸ For example, some of these guests are health service providers who work for the government, but who have little to no expertise with LGBT rights and who promote discriminatory attitudes. 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 LGBT is the result of rape and needs to be treated, or that LGBT people represent a threat to the institution of marriage and the safety of children.⁴⁹
22. Reinforcement of this discrimination and abuse against the LGBT community through the use of state-sponsored media also occurs when the “experts” provide various solutions for being LGBT, including better parenting skills and for religious institutes to “treat” LGBT individuals. Using the words “treatment” and “prevention” by the media generates a dangerous environment for the LGBT community in Iraq, fuelling further hostility and isolation.
23. An analysis of five television programs during 2015 to 2018, revealed that the words, “treatment” and “prevention” were used 72 times and a homophobic word or statement was used to refer to the LGBT community every thirty seconds during LGBT-related programs.⁵⁰

Footnotes

⁴⁶ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 16 (2018).

⁴⁷ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 16 (2018).

⁴⁸ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 16 (2018).

⁴⁹ IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 16 (2018).

⁵⁰ Amir Ashour, “The Role of Iraqi Media in Promoting Anti-LGBT+ Propaganda,” Columbia University, October 2018, p.42-44.

Media has shown LGBT persons as a community that requires treatment and a community that should be prevented in Iraq's society. An example of this is Al-Sumaria TV, which is one of the widely viewed TV channels in Iraq. They have openly broadcasted propaganda against the LGBT community and spread false information.⁵¹ Programs circulating such information and false portrayals on LGBT persons should be ceased and regulated, and the Government of Iraq should take serious measures to prevent and raise the standards set for media in Iraq.

24. 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 for television media viewers is a source of great danger to LGBT people.
25. While media outlets' programs and publications frequently disseminate misinformation about LGBT Iraqis, the 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.⁵² Because most media outlets are controlled by the government, it must be held all the more accountable for addressing the media's biased, homophobic, transphobic, and biphobic coverage and reporting, and it must be called on to promote positive, non-discriminatory coverage of LGBT people and issues. The Iraqi Prime Minister, Adil Abd Al-Mahdi, recently emphasized the importance of raising the standards of journalism and reporting,⁵³ and it is crucial that this effort include the media portrayal of LGBT Iraqis.
26. Discriminatory misinformation from state-sponsored media outlets often makes its way to social media platforms such as Facebook and Twitter, which are widely used in Iraq, and have been instrumental in inciting and influencing violence against the LGBT community. A search of 40 media outlets' websites and social media accounts shows that 81% of their posts have been homophobic and encouraging anti-LGBT rhetoric, as shown in their comment section.⁵⁴ However, in a hopeful sign, the Deputy Prime Minister of the Kurdistan Regional Government, Qubad Talabani, took a positive step to counter this form of abuse by posting on Twitter in support of the LGBT community on his personal account. He said, "I believe all citizens, regardless of race, religion, gender (and or gender preference), ethnic identity and sexual preference deserve equal rights, all over the world, and especially in Kurdistan."⁵⁵ Such a public affirmation of LGBT persons was a first from a leader in government, and other government officials should follow this lead in publicly supporting LGBT citizens in widely accessible social media platforms.

Footnotes

⁵¹ Alsumaria, Al-Hawa Elak; Homosexuality, February 21, 2013, available at https://www.youtube.com/watch?v=mOVuAAwV_24, See also Alsumaria, Al-Hawa Elak; Homosexuality, March 3, 2015, available at https://www.youtube.com/watch?v=_0F_pslp96A

⁵² IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 17 (2018).

⁵³ Remarks by Iraqi Prime Minister Adil Abd Al-Mahdi (Feb. 12, 2019), <https://www.facebook.com/Adil.Abd.Al.Mahdi/videos/311253202863571/>

⁵⁴ Amir Ashour, "The Role of Iraqi Media in Promoting Anti-LGBT+ Propaganda," Columbia University, October 2018, p.42-44.

⁵⁵ Qubad Talabani, Deputy Prime Minister of the Kurdistan Regional Government, personal Twitter account @qubadjt (Feb. 9, 2018), <https://twitter.com/qubadjt/status/1094274731359027203>

V. Recommendations for the Government of Iraq

- A. The Government of Iraq should take steps to investigate and end violence against and killings of LGBT people, including people who have non-conforming appearances and/or gender expression.
- B. The Government of Iraq should take steps to hold government actors accountable for endorsement of and participation in violence or discrimination against anyone, including LGBT people.
- C. The Government of Iraq should clearly and publicly state that it does not tolerate any form of violence or discrimination against persons because of their real or perceived sexual orientation or gender identity.
- D. The Government of Iraq should hold ISIL fighters accountable for sexual and gender-based crimes, including crimes committed against persons based on their perceived or actual sexual orientation or gender identity, by supporting the inclusion of these and other internationally recognized crimes in prosecutions of ISIL fighters.
- E. The Government of Iraq should take measures to ensure the safety of witnesses and victims participating in trials or filing for assistance from any retaliation.
- F. The Government of Iraq should take measures to guarantee that all LGBT people have access to safe and stable employment opportunities, as well as full and equal access to health services.
- G. The Government of Iraq should take steps to develop and implement public awareness and sensitivity campaigns directed at changing harmful attitudes towards LGBT persons. The Government of Iraq should ensure that media portrayals of LGBT Iraqis do not disseminate discriminatory and incorrect information, in line with the Prime Minister's recommendation.⁵⁶

Footnotes

⁵⁶Remarks by Iraqi Prime Minister Adil Abd Al-Mahdi (Feb. 12, 2019), <https://www.facebook.com/Adil.Abd.Al.Mahdi/videos/311253202863571/>



OUTRIGHT
INTERNATIONAL

Contact:

Elise Colomer-Cheadle
Director of Development
ecolomer@outrightinternational.org

Outright International
216 East 45th Street, 17th Floor, New York, NY, 10017
T +1 212 430 6054
outrightinternational.org