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5.1.2. Kurdistan Regional Government (KRG)

COMMON ANALYSIS
Last update: November 2024

The analysis below is based on the following EUAA COI reports and query: Country Focus 2024, 1.3.1, 1.6; Security 2024, 1.4; COI Update 2024, 3.4; Arab tribes 2023, 1.1, 3.11; Actors of protection 2018, 8.3, 8.4.3. Country Guidance should not be referred to as source of COI.

When the actor of persecution is the KRI authorities, such as for some individuals falling under the profiles of 3.1. Persons perceived to be affiliated with ISIL, 3.4. Journalists and media workers, 3.3 Human rights and political opposition activists, protesters and other perceived critics of the authorities, it is presumed that, in areas under their control, **protection is not available**.

For other cases, **the KRG is, in general, considered to be an actor of protection meeting the requirements of Article 7 QD/ QR.** However, in areas heavily affected by the Türkiye-PKK conflict, KRG protection would remain limited.

In the KRI, the Kurdistan Judicial Council is independent of the Ministry of Justice; however, the executive branch reportedly ‘politically influenced sensitive cases’ according to USDOS in 2017. Judges were frequently appointed based on partisanship rather than merit or independence. The Peshmerga have also historically been divided into forces under the KDP and forces under the PUK.

Recently, the US has pushed to move the partisan units under a joint MoPA command. However, there has not been much progress resulting in groups’ operating procedures not being standardised or uniformed.

The KRG forces have maintained control over the KRI. However, some border areas have been characterised by increasing violence between Türkiye and the PKK. ISIL’s presence in the KRI

appears to be very limited.

Recent sources also indicate that Kurdish tribes have gained significant political and military power since the formation of the KRG, influencing administrative and institutional establishments. Increasingly more people are reported to solve their issue through tribal justice mechanism. Tribalism is also prevalent within the Peshmerga across the KRI.

For **persons with diverse SOGIESC**, KRG protection **is generally not considered available** . In September 2022, members of the Kurdistan regional parliament introduced the 'Bill on the Prohibition of Promoting Homosexuality,' which, if passed, would punish any individuals or groups advocating for LGBTIQ rights. See also 3.7. Persons with diverse SOGIESC.

In certain individual circumstances, **KRG may be unable and/or unwilling to provide protection**, notably for:

- **Individuals considered to have committed blasphemy and/or apostasy, including converts and atheists:** One source reported that the KRG authorities cannot provide the converts constant protection against the possible threat posed by their own tribe. The source added that the KRG cannot control the affairs settled on the basis of tribal laws in the KRI [Atheism and conversion in the KRI 2019, 6]. See also 3.9. Individuals considered to have committed blasphemy and/or apostasy, including converts and atheists.

- **Victims of harmful traditional practices, honour-based and domestic violence:** The KRG formally adopted a law to combat domestic violence and repealed the Penal Code as part of these reforms. However, the authorities in the KRI have failed to protect women survivors of domestic violence. Reports indicate that violence against women remains high and is increasing. Among such acts of violence is the practice of traditional early and forced marriage. There has further been an increase in cases of women killed by male relatives for reasons such as converting to a different religion or identifying as transgender. In the KRI as in the rest of Iraq, political connections can grant impunity to those involved in tribal or clan violence. See also 3.11. Women and girls.

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