

2.8 LGBTIQ

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In April 2024, an amendment to the 1988 anti-prostitution law was adopted, imposing prison sentences for same-sex relations.[946] In addition, the anti-LGBTIQ law explicitly targets transgender women with penalties for ‘imitating women’. The law also outlaws undergoing or performing gender-affirming procedures, except for individuals born with intersex characteristics.[947] While Iraq did not have an explicit anti-LGBTIQ legislation before this amendment,[948] LGBTIQ individuals faced prosecutions under vague laws,[949] such as those criminalising ‘immodest acts’ and ‘prostitution’, as well as Sharia law.[950] LGBTIQ individuals were reported as living in fear already before the April 2024 legislation.[951] There is no legal protection against discrimination on grounds of sexual orientation or gender identity in Iraq.[952] The situation of LGBTIQ individuals is therefore reported as ‘extremely unsafe’.[953] Individuals face threats to their physical safety, including harassment, assault, arbitrary detention, killings, [954] kidnappings,[955] torture, sexual violence,[956] as well as online targeting.[957] Risks were reported to emanate from armed groups,[958] society at large,[959] family,[960] and state agents. [961] The lack of accountability for abuses, combined with the prevailing patriarchal social norms, exacerbate the situation. LGBTIQ individuals are compelled to keep their identity secret to avoid abuses.[962] Authorities use vague penal code provisions to prosecute LGBTIQ individuals.[963] According to IraQueer, an Iraqi NGO supporting LGBTIQ rights based in Sweden, it is ‘nearly impossible’ to live openly as a LGBTIQ individual in Iraq, which the same source describes as ‘extremely dangerous’.[964] NGOs openly supporting LGBTIQ rights cannot operate in Iraq without risking closure or prosecution.[965]

Since the 2019 Tishreen (October) protests, sociopolitical discourse focused on criticising gender and homosexuality, portraying them as a ‘western plot aimed at undermining Islamic values and societal norms’, according to scholar Balsam Mustafa.[966] This trend has had a negative repercussion particularly on female activists, feminists, and LGBTIQ individuals.[967] Starting in 2023, the Iraqi government has forbidden media companies to use the words ‘homosexuality’ and ‘gender’ and instructed them to use the word ‘sexual deviance’ when referring to homosexuality.[968] Public discourse online was reportedly distorted by wrong translations of ‘gender’ into Arabic and equating the term with homosexuality.[969] NGO and media sources indicated that online space has become increasingly dangerous for LGBTIQ individuals in 2024, [970] LGBTIQ people were also targeted online[971] and people who have expressed their LGBTIQ identity online faced harassment and death threats.[972] In 2024, authorities pressured social media companies to remove LGBTIQ content.[973] Media companies were also reported to contribute to homophobia by referring to LGBTIQ individuals using derogatory language and

slurs.974 Anti-LGBTIQ sentiment has been fuelled in the recent years by politicians, media personalities975 and religious leaders, describing homosexuality as ‘immoral’.976 Conservative actors have framed homosexuality as an ‘western import’ that is not in line with Iraqi traditional values977 (See also 2.6. Women and girls).

Iraqi authorities accentuated their repression of LGBTIQ people in 2024.978 Since the passing of the April 2024 amendment to the anti-prostitution law, hate crimes against the LGBTIQ people have increased.979 People wishing to undergo gender-affirming healthcare reportedly do it on their own at home or move abroad for surgeries.980 Transgender individuals face difficulties when obtaining legal recognition from the authorities,981 which hinders their access to services.982 According to Haley Bobseine, same-sex relations and perceived violations of gender and sexual norms can also lead to honour killings.983

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