

Institute on Religion and Public Policy Report:

Religious Freedom in the Republic of Iraq

Executive Summary

(1) The 2005 Constitution brought important reforms in religious freedom to the Republic of Iraq. However, religious minorities, particularly non-Muslims, remain under serious threat of violence, forced conversion, persecution, kidnapping, torture, and acts of terrorism from both governmental and non-governmental groups. Some restrictive legislation remains in place from the previous Baathist regime, while sectarian violence and conflict over the northern Ninevah governate place religious minorities at particular risk.

Institute on Religion and Public Policy

(2) The Institute on Religion and Public Policy is an international, inter-religious nonprofit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. The Institute works globally to promote fundamental rights and religious freedom in particular, with government policymakers, religious leaders, business executives, academics, non-governmental organizations and others. Twice nominated for the Nobel Peace Prize, the Institute encourages and assists in the effective and cooperative advancement of religious freedom throughout the world.

Legal Status

(3) Article 2 of Iraq's Constitution establishes Islam as the official religion of the Republic, and as a legitimate source for legislation. However, the article also guarantees religious freedom and prohibits any legislation that would inhibit this or other universal freedoms. Article 14 establishes the equality of Iraqis before the law without regard for religion or certain other matters of personal identity or status. The vast majority, about ninety-five percent of Iraqis, are Muslim, a category comprised of 60-65% Sh'ia Muslims and 32-37% Sunni Muslims. The religious minority groups that comprise the remaining 5% of the Iraqi population include Chaldean, Assyrian, Syriac, and other Christians, Yezidis, Sabean- Mandaean, Shabaks, Baha'is, Kaka'is, and a very limited number of Jews. Iraqi citizens' national identity cards are stamped with their religion, sometimes exposing religious minorities to persecution. It is a particularly volatile issue for the nation's Baha'i population, and although their government issued identity cards state their faith, the Baha'I religion technically remains illegal. Moreover, while many Baha'i were issued identification cards listing their faith as "Muslim" prior to the 2005 constitution, no process has been formulated for changing this affiliation. The government established three waqfs, or endowments that distribute government funding

for the support of religious groups, including one for Sunnis, one for Sh'ias, and one for Christians and other minority religions. Islamic religious education is standard in public schools, but not mandatory. However, there have been reports of students being forced or intimidated into receiving such religious education.

(4) The majority of Iraq's non-Muslim minority communities reside in the northern provinces, including Dahuk, Erbil, and Sulaymaniyah, which is controlled by the Kurdish Regional Government (KRG), and Ninevah, a disputed region. Kurdistan is an autonomous region in federal Iraq, governed by the KRG. The Ninevah Plains area of the Ninevah governate has historically been home to Iraqi Christians, and has been proposed by some groups as a possible site for a semiautonomous or autonomous region that would be home to Christian or non-Muslim populations. Iraqi Yezidis reside primarily in Ninevah and Dahuk, and a number of other internally displaced religious minorities have settled in these four governates. Iraq's Sabean-Mandaeans population, however, reside primarily in Baghdad and in southern governates.

(5) The Nineveh governate is an area of particular concern. Control over this territory is disputed between the KRG and the Iraqi federal government, and in the resulting conflict, religious minorities have been the targets of persecution and violence. Additionally, this area remains a substantial site of religiously-motivated extremist violence.

(6) Article 39 of the Iraqi Constitution establishes the legal protection for Iraqi citizens' freedom in "their commitment to their personal status according to their religions, sects, beliefs, or choices". Under Iraqi law, there is no punishment for conversion between religions, although a punishment is mandated for conversion from Islam in some interpretation of Shar'ia law. In Iraq, a criminal penalty can only be imposed by civil, not religious, law. However, a 1972 law still in effect stipulates that the minor children of any convert to Islam shall automatically undergo Islamic conversion as well. There are numerous unchallenged laws that remain in effect that predate the 2005 constitution and place limits on the free practice of religion or discriminate against particular religious groups. A 1970 law (no. 105) explicitly prohibits the Baha'i faith, while a 2001 law forbids the Wahhabi branch of Islam. A 2006 law was created to prohibit Iraqi Jews who emigrate or lose their Iraqi citizenship for any reason from being reinstated as Iraqi citizens.

(7) A substantial number of Iraqis have been displaced since 2006 due to violence and religious persecution, with an estimated 2 million fleeing to neighboring countries and 2.8 million internally displaced. Of Iraq's internally displaced persons, approximately 52% report fleeing because of a direct threat to their lives based on their religious or sectarian identity.

Specific Abuses of Religious Freedom

(8) In disputed areas controlled by the KRG, particularly the Ninevah province, there

have been claims of discrimination and persecution on the basis of religious identity. In particular, religious and ethnic minorities (non-Muslim groups and Muslim Shabak and Turkomen) have reported abuses related to Kurdistan's efforts to gain political control in their areas, including seizure of land and property, limiting public services to minority groups on the basis of support for Kurdish expansion, and preventing the establishment of minority police forces. Additionally, specific claims were made that the KRG had seized Christian properties without payment, and that the judicial system in KRG-controlled areas had systematically discriminated against Assyrian Christians and other non-Muslims, both in their judgments and in their enforcement of rulings. Additionally, the political rights of religious minority groups in KRG-controlled areas were under threat. Just before the 2008 provincial elections, a law requiring regional governments to dedicate a specific number of seats to religious minority groups was re-written such that the number of dedicated seats was substantially reduced. Moreover, a number of electoral irregularities were reported, including allegations that religious minority populations were specifically intimidated from attending campaign rallies or voting for non-Kurdish candidates.

(9) A number of religious minority groups reported experiencing pressure to convert to Islam under threat of death. Sabean-Mandaeans were threatened, kidnapped, and killed by Islamic extremists for refusing to convert. The Sabean-Mandaeans population is uniquely susceptible to violent attack, because their religion prohibits them from using weapons, including in self-defense. Since 2003, approximately 90% of Iraq's Sabean-Mandaean population has either been killed or fled the country. The Mandaean Human Rights Groups reports a total of 167 murders, 275 kidnappings, and 298 assaults and forced conversions since 2003. Only 3,000-5,000 Mandeans remain in Iraq today, with just 5 religious leaders. Meanwhile, additional reports of pressure to convert came from Christians in Baghdad's Doura district, who were told by Islamic extremist groups to convert, pay a tax historically owed by non-Muslims to Muslims, leave the area, or be killed. It is estimated that Iraq's indigenous Christian population has decreased by 50% or more since 2003. A Chaldean Christian Archbishop estimates that 750 Christians have been killed in Iraq during that time period.

(10) Despite a reduction in minority-targeted violence in Iraq in the past year, there have still been significant attacks on minority religious populations. A number of attacks targeted places of worship and religious services, resulting in the destruction of religious property and many deaths. In January 2008, six churches in Mosul and Baghdad were bombed on Epiphany and Orthodox Christmas, major Christian holidays. This past year, some Christian churches in these cities held services at alternate times or a day early to protect against attack. Both Christmas and Easter celebrations were held this year with attack, and the Iraqi government declared Christmas an official holiday. In August 2007, coordinated bombings completely destroyed two Yezidi towns, resulting in 796 deaths, 1,562 wounded civilians, and the destruction of 1,000 families' homes.

(11) In addition to attacks on formal religious groups, there have been numerous reports of attacks on and discrimination against individuals on the basis of their religious

identity. A Chaldean Christian Archbishop was abducted and killed in Mosul, while an Assyrian Orthodox priest was shot in Baghdad, and two others were kidnapped but released after the payment of a ransom. In July 2008, Christians from Mosul received threatening letters from a group affiliated with Al Qaeda in Iraq. In the fall of 2008, there was a series of attacks on Christians in Mosul. On September 2, two Christians were kidnapped and killed. At least an additional 14 Christians were subsequently killed, resulting on the flight of approximately 15,000 individuals to the north and to Syria. However, additional security forces were dispatched to the area by the Iraqi government, and the majority of people displaced by the attacks have returned to their homes. In January 2009, a Christian man was shot in Mosul, and a second kidnapped and later released. In Baghdad and Kirkuk, seven Christians were killed and two injured. The Mandeian Human Rights Group reported 42 murders, 46 kidnappings, 10 threats, and 21 attacks over the period from January 2007-February 2008, including the bombing of a family home and public shootings. In 2008 and 2009, 16 Yezidis were reported to have been killed in Mosul and Sinjar.

(12) Iraq's Baha'i and Jewish populations are among the smallest religious groups in the Republic. The question whether the 1970 law making the Baha'i faith illegal will be overturned under the new constitution remains to be seen. A 2006 law still prevents Jewish émigrés from returning to Iraq. Under the Baathist regime being a member of the Baha'I faith was punishable by death, which has now resulted in Iraq's Baha'i being reduced to approximately 2,000 individuals, but there is little information available about the status of this group in Iraq. The Jewish community in Iraq, with official numbers less than ten people, exists almost completely underground, holds no public services, and seems unlikely to continue under the current conditions.

(13) Although decreased since 2007, sectarian abuses continue to be a major threat to human rights and freedom of religion. In past years, such abuses have been attributed both to governmental forces and to paramilitary groups with government ties. The US State Department's 2008 Human Rights Report documents cases of sectarian-motivated torture in detention facilities of the Iraqi Ministry of Defense (MOD) and Ministry of the Interior (MOI) as well as in KRG detention facilities. The Sh'ia-dominated MOD and MOI, as well as Sh'ia militias linked to the government or integrated with the Iraqi Security Forces (ISF) committed frequent attacks against civilians, some motivated by sectarian tensions. Meanwhile, the Sunni "Sons of Iraq", groups of Sunni Muslim former insurgents who act as security forces for the Iraqi government in exchange for pay, clashed with the government over the arrest of a Sons of Iraq leader in 2009. In the course of the conflict, many Sh'ia neighborhoods were bombed, including the area surrounding a Sh'ia shrine. Suicide bombings targeted Sh'ia mosques and pilgrimage sites, including three attacks on a shrine in Baghdad, killing a total of at least 124 people and culminating in an attack called "the most serious attack on a Sh'ia holy site" since February 2006 by the Iraqi government.

(14) Compounding issues of religious persecution, the human rights situation in Iraq for certain vulnerable populations, particularly women and gay and lesbian people, is

precarious. The 2008 US Commission on International Religious Freedom Report cites many religiously-motivated abuses of women and girls, including killings, abductions, forced marriages and conversions, and sexual violence. The report also cites pressure and threats for women of all faiths to conform to strict interpretations of Islamic law, including a prohibition on women attending school or holding public office, as well as the obligation to wear a head covering. “Honor” killings of women by family members continue to be a serious problem, especially in Basra and KRG-controlled areas. A number of clerics, including Grand Ayatollah Ali Sistani, have advocated the killing of Iraq’s gay and lesbian citizens. These citizens have reported experiencing physical and sexual violence from the ISF, while a number of murders and executions have been occurred, some attributed to Sh’ia militias.

US Policy in Iraq

(15) In 2008 in Iraq, the US worked to increase the inclusion of Sunni and other minority religious groups in the political process. According to the Department of State, embassy and State officials met regularly with leaders of religious and ethnic minority groups, and worked to emphasize the rights of these groups in national policy-making. The US government is conducting multi-billion dollar reconstruction program in Iraq, \$11 million of which was dedicated to supporting minority communities in Ninevah governate. In recent years, the U.S. government has substantially increased the number of Iraqi refugees accepted for settlement in the U.S., up to 13,823 in fiscal year 2008, as well as providing monetary support for the resettlement of Iraqi refugees. A new category of Priority 2 (P2) refugee status was created for Iraqis. However, the category gives preference on the basis of family reunification, rather than religious minority status, as was initially intended as critically needed.

Conclusion

(16) Though significant improvements have been made in the state of religious liberty in Iraq in recent years, the situation remains grave, particularly for members of the nation’s smaller religious minorities and those in the Ninevah province. With increasing attention directed to the issue by the Iraqi government, as well US officials in Iraq, it is likely that religious freedom in Iraq will continue to improve. Unquestionably, the atmosphere of violence in the country as a whole contributes to religious persecution and abuses, which are particularly tied to sectarian conflict, the conflict over Ninevah governate, and extremist violence. It will be important for the Iraqi government to address issues of legal status, including laws targeting Baha’is and Jews, to eliminate abuses perpetuated by the ISF, MOD, MOI, and affiliated Sh’ia militias, and to provide greater protection against abuse by non-governmental actors. Similarly, the KRG must address issues of religious persecution of non-Muslims, particularly in Ninevah province, and the continuing violence in and around Mosul. With continued attention from the Iraqi and Kurdistan Regional Governments, as well the international community, it is probable that progress will continue. However, at the present time, the plight of refugees and internally displaced persons remains pressing and severe.