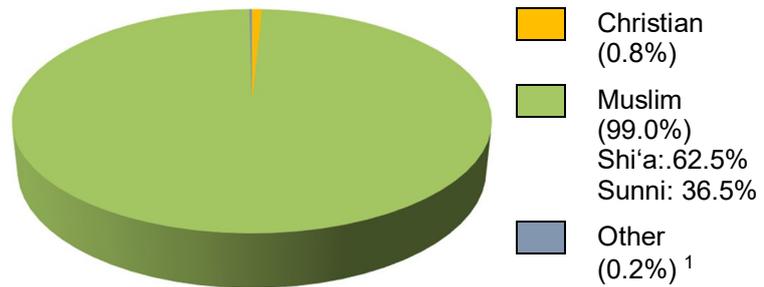


IRAQ



Area: 438,317 km ²	Population²: 37 million	Political system: Democracy	Major Language(s): Arabic, Kurdish
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Legal framework on freedom of religion and actual application

Iraq was established by the British government in 1921 after the collapse of the Ottoman Empire. Multi-religious and multi-ethnic in its composition, the country struggled to find national consensus. From 1979 Saddam Hussein ruled as a dictator. He belonged to the Sunni minority in a mostly Shi'a country. However, as an adherent of the Baathist secular ideology, Saddam did not rule on religious grounds. Nonetheless he favoured the Sunni community and oppressed the Shi'a majority for political reasons. After Saddam's removal by the U.S.-led invasion in 2003, the sectarian conflict in the country exploded. Sunni and Shi'a militias were fighting each other and committed ferocious atrocities. More than 100,000 Sunni and Shi'a were killed by bombings, improvised explosive devices, and extra-judicial killings in the months and years following the fall of Saddam Hussein's regime.³ Non-Muslim minorities, such as Christians and Yazidis, were targeted by Sunni Jihadists. These attacks and the general atmosphere of violence in the country spurred a Christian exodus. According to the most recent estimates, about 66 percent of Iraq's Christians left Iraq after 2003. While before 2003 between 800,000 and 1.2 million Christians lived in Iraq, today only around 250,000-400,000 remain. The majority of Christians in Iraq are Catholics belonging to different rites including the Chaldean and the Syriac Catholic Churches. The Yazidi and Mandaean communities have also been decimated over the last 12 years. In 2013, the Yazidis reported that since 2005 their population had decreased by nearly 200,000 to approximately 500,000. The community of the Mandaeans has been reduced by 90 percent to a few thousand.⁴ Today the country is divided along ethnic and religious lines. The presence of Daesh (ISIS) – which established a self-proclaimed caliphate at the end of June 2014, having occupied the city of Mosul in early June 2014, and seized swathes of the Nineveh Plains during the summer of that year – is also a result of the sectarian conflict and the alienation of the Sunni population under Prime Minister Nouri Al Maliki, a Shi'a. An international, American led coalition, the Iraqi army and popular militias were at the time of writing fighting Daesh. Since 2014 Daesh suffered considerable territorial losses as a result of the aerial intervention of an U.S.-led coalition and Iraqi armed forces, but is still holding substantial territorial gains and is far from being ultimately destroyed. Areas populated densely by Christians such as the Nineveh Plains – once Iraq's most diverse region with the highest percentage of non-Muslims – are still under Daesh control. More than 120,000 Christians are still displaced. However, the lack of trust between the major ethnic and religious groups in the country, such as Shi'as, Sunnis and Kurds, produces a stalemate in Iraqi domestic politics and frustrates efforts to fight Daesh effectively.

According to article 2 of the constitution adopted in 2005 “Islam is the official religion of the State and is a foundation source of legislation”.⁵ “No law may be enacted that contradicts the established provisions of Islam. No law may be enacted that contradicts the principles of democracy. No law may be enacted that contradicts the rights and basic freedoms stipulated in this Constitution.” The same article says that the “Constitution guarantees the Islamic identity of the majority of the Iraqi people and guarantees the full religious rights to freedom of religious belief and practice of all individuals such as Christians, Yazidis, and Mandaean Sabaeans”. Article 4 states that “the right of Iraqis to educate their children in their mother tongue, such as Turkmen, Syriac, and Armenian, shall be guaranteed in government educational institutions in accordance with educational guidelines, or in any other language in private educational institutions”. Article 7 declares that “any entity or program that adopts, incites, facilitates, glorifies, promotes, or justifies racism or terrorism or accusations of being an infidel (takfir) shall be prohibited and not be part of Iraq’s political pluralism.” Article 10 states that “the holy shrines and religious sites in Iraq are religious and civilisational entities. The State is committed to assuring and maintaining their sanctity, and to guaranteeing the free practice of rituals in them.” According to article 14, “Iraqis are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, colour, religion, sect, belief or opinion, or economic or social status.” Article 37 says that the “State shall guarantee protection of the individual from intellectual, political and religious coercion”. Article 41 states: “Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs, or choices, and this shall be regulated by law.” Article 42 declares: “Each individual shall have the freedom of thought, conscience, and belief.” Article 43 regulates that “the followers of all religions and sects are free in the: Practice of religious rites, including the Husseinite rituals, the management of religious endowments (waqf), their affairs, and their religious institutions, and this shall be regulated by law.” The same article goes on by saying that “the State shall guarantee freedom of worship and the protection of places of worship”.

Personal status laws and regulations prevent the conversion of Muslims to other religions.⁶

Article 372 of Iraq’s Penal Code of 1969 provides that any individual who insults the creed of a religious sect or its practices, or publicly insults a symbol or person that is an object of sanctification, worship, or reverence for a religious sect, may be punished with a term of imprisonment not exceeding three years or a fine not exceeding 300 Iraqi dinars (approximately US\$0.25).⁷

Of the 328 seats in the Council of Representatives, the law reserves eight seats for members of minority groups: five for Christian candidates from Baghdad, Nineveh, Kirkuk, Erbil, and Dahuk; one for a Yazidi; one for a Sabean-Mandaean; and one for a Shabak.⁸

Incidents

In June 2014 Daesh took control of Mosul, Iraq’s second largest, mostly Sunni city. The Iraqi army fled in disarray. The religious minorities of the northern city fell under the control of the Jihadists. They soon began discriminating against Christians for example by not distributing food or water equally to them. Also they started marking Christian and Shi’a houses with signs indicating their religious affiliation.⁹

In June 2014, in and around Samarra, a predominantly Sunni city, it was reported that more than 170 mostly young Sunni men had been abducted. Dozens were later found dead and the rest remain unaccounted for. In one single day – Friday, 6th June – more than 30 were abducted from or near their homes, shot dead and their bodies dumped nearby. Shi’a militias in Iraq, supported and armed by the government of Iraq, have abducted and killed scores of Sunni civilians and enjoy total impunity for these crimes.¹⁰

On 10th June 2014 gunmen from Daesh systematically executed some 600 male inmates from a prison outside the northern Iraqi city of Mosul, according to survivors’ accounts. The vast majority of those killed were Shi’a. After seizing Badoush Prison near Mosul, the gunmen from Daesh

separated the Sunni from the Shi'a inmates, then forced the Shi'a men to kneel along the edge of a nearby ravine and shot them with assault rifles and automatic weapons.¹¹

In July 2014 Christians fled Mosul after Daesh threatened to kill them unless they converted to Islam or paid a "protection tax". A statement issued by the Islamist group was read out in the city's mosques. It called on Christians to comply or face death if they did not leave the city. The ultimatum cited a historic contract known as "dhimma," under which non-Muslims in Islamic societies who refuse to convert are offered protection if they pay a fee, called a "jizya". "We offer them three choices: Islam; the dhimma contract – involving payment of jizya – if they refuse this they will have nothing but the sword," the Daesh statement said.¹² By the end of July about 3,000 Christians had left the city.¹³

In early August 2014 (6th to 7th) Daesh attacked Christian villages in the Nineveh Plains including Qaraqosh, Iraq's largest Christian majority city. After the unexpected withdrawal of Kurdish Peshmerga fighters, villages were left without protection. More than 120,000 Christians had to flee in dramatic circumstances, mostly to areas controlled by the Kurdish Regional Government.¹⁴

Daesh's August 2014 attack on the largely Yazidi town of Sinjar, in the Nineveh Plains, led to the massacre of Yazidis, Assyrian Christians, Shi'a and others, and the destruction of religious sites that date back centuries. According to the UN, 200,000 civilians, mostly Yazidis, fled Sinjar town for the mountain, which Daesh forces surrounded. Men, women, and children were stranded on Mount Sinjar with no escape and little access to food, water, or shelter, except for limited airlifts provided by Iraqi and Kurdish Peshmerga forces. Dozens died of starvation and dehydration. Thousands of Yazidi women and girls, including those who had not reached puberty, were kidnapped, raped, sold as sex slaves, or killed. The Kurdish Peshmerga, with the assistance of US airstrikes, were finally able to break Daesh's siege of Mount Sinjar in December 2014. Peshmerga forces reported finding mass graves in the area.¹⁵ Daesh militants have killed at least 500 members of Iraq's Yazidi ethnic minority during their offensive in the north according to Mohammed Shi'a al-Sudani, Iraq's human rights minister. He added that the Sunni militants had also buried alive some of their victims, including women and children.¹⁶

In September militias, volunteer fighters, and Iraqi security forces engaged in the deliberate destruction of Sunni civilian property after these forces, following U.S. and Iraqi air strikes, forced the retreat of Daesh fighters from the town of Amerli and surrounding areas.¹⁷

In October 2014 Chaldean Catholic Bishop Bashar Warda accused the Government of Iraq of being guilty of not helping Christians desperate to flee Islamic State militia. Archbishop Warda of Erbil said Iraq's national government in Baghdad "has done nothing, absolutely nothing" for 120,000 Christians seeking sanctuary away from areas terrorised by the extremists. In an interview with Aid to the Church in Need, Archbishop Warda said: "The reality is that Christians have received no support from the central government. They have done nothing for them, absolutely nothing."¹⁸

In November 2014 the leaders of Iraq's Christians called on "the moderate majority of Muslims" to condemn attacks on Christians and other religious minorities by Daesh. Patriarch Louis Raphael I Sako, head of the Chaldean Catholic Church, expressed concern that Muslim leaders had not strongly spoken out against attacks carried out "in the name of the Islamic religion" which targeted Christians, Yazidis, Shi'a Muslims and others.¹⁹

In November 2014 Daesh fighters blew up part of the Victory Convent, which belonged to the Chaldean Sisters of the Sacred Heart, in Mosul's suburb of Alaraby. The complex, which is located in front of the St Georgis Monastery, was badly damaged.²⁰

In January 2015 witnesses said that Iraqi forces watched as Shi'a militias executed 72 Sunnis. Accounts by five witnesses interviewed separately by Reuters provide a picture of alleged executions in the eastern village of Barwanah, which residents and provincial officials say left at least 72 unarmed Iraqis dead. The witnesses identified the killers as a collection of Shi'a militias

and security force elements. Iraqi security and government officials have disputed the accounts; with some saying radical jihadists from Daesh could have perpetrated the killings.²¹

In March 2015 Daesh militants reportedly destroyed parts of the ancient Christian monastery of Mar Benham which dated back to the Fourth Century. The Islamists first seized the monastery, which is located close to the town of Beth Khdeda, 20 miles south-east of Mosul, shortly after launching their insurgency across northern Iraq in 2014.²²

In May 2015 Daesh militias were reported to have killed hundreds of Yazidi prisoners. The massacre took place in the district of Tal Afar, west of Mosul. The Yazidi Progress Party press office reported that “at least 300 prisoners” were executed on 1st May. Baghdad stated the number of victims was “around 200”. Commenting on the news, the Iraqi vice-president Osama al-Nujaifi called it a “horrible and barbaric” act.²³

In July 2015 four Christians were kidnapped in Baghdad; for two of them their kidnapping ended with the death, despite their ransoms being paid. In a statement the Chaldean Patriarchate denounced deteriorating security and appeals to the government for the protection of persons and their property.²⁴

In October 2015 it was reported that more and more Christian refugees driven out of their towns and villages by terrorist militia Daesh were leaving Iraq – having lost all hope that they will be able to return home. Speaking to Aid to the Church in Need, Archbishop Bashar Warda said that, although the humanitarian situation of displaced Christians in Iraq had improved, the community was continuing to haemorrhage. Archbishop Warda said: “Last year we had 13,500 registered Christian refugee families in our archdiocese. Now there are only about 10,000 left. This means that more than 3,500 families have left Iraq.”²⁵

In November 2015 the Christian community was opposing a new law forcing children from minority faiths to become Muslims if their father converts to Islam or their mother marries a Muslim. In a statement sent to Aid to the Church in Need, Chaldean Patriarch Louis Raphael I Sako described the new law as “unacceptable”. The head of the Chaldean Church wrote: “The vote of the deputies of the Iraqis, which was held on 27th October 2015, in favour of the National Charter, has generated great resentment among Christians and other non-Muslim minorities.” It obliges children under 18 to automatically embrace Islam, even if only one parent decides to convert to Islam (Art. 26.2). A number of religious minorities – including Christians, Yazidis, Mandeans and Baha’is – tried without success to modify the proposal so that it read: “Minors will keep their current religion until the completion of 18 years of age, and then they have the right to choose their religion.” After the law was passed, parliamentarians from minority religions walked out of the chamber in protest. The law, which is part of the new National Card legislation, is said to conflict with parts of the current Iraqi constitution.²⁶ Later the bill was revised when the Iraqi parliament accepted the objections of Christians and other minorities. Patriarch Louis Raphael I Sako said: “I am deeply satisfied with the Iraqi parliament’s decision to change” the controversial article 26 of the constitution on the Islamization of children. “This decision shows support and is an important message for the minorities [Christian] in Iraq. It is also a clear demonstration of democracy.”²⁷

In December 2015 new attacks had been launched against Christians and Christmas celebrations in northern Iraq by Daesh and other extremist groups. It was reported that Daesh militants in Mosul posted signs in the city ordering Muslims “not to celebrate” Christmas in any way with the Christians, because “they are heretics.” While in Kirkuk, groups of Islamist extremists stormed two Christian cemeteries, desecrating and destroying several graves.²⁸

In January 2016 it was reported that Iraq’s oldest Christian monastery had been destroyed by terrorist militia Daesh. Father Dankha Issa, an Iraqi monk belonging to the Antonian Order of St Ormizda of the Chaldeans, told Aid to the Church in Need: “St Elijah’s Monastery in Mosul was a symbol of the Christian presence in Iraq. The fact that it has been destroyed is terrible.” On Wednesday, 20th January, American news agency Associated Press (AP) announced that Daesh

had razed St Elijah's to the ground. An analysis of satellite pictures of the site, conducted on behalf of AP, suggested that the monastery was destroyed between August and September 2014.²⁹

In January 2016 the UN Assistance Mission for Iraq and the UN human rights office estimated that 3,500 people were "currently being held in slavery" by Daesh. "Those being held are predominantly women and children and come primarily from the Yazidi community," said the joint report issued in Geneva.³⁰

Also in January 2016 Iraqi Sunni lawmakers and ministers decided to boycott parliament and government sessions to protest violence targeting their community in a town east of Baghdad. Anti-Shi'a bombings in the town of Muqdadiya on 11th January, which were claimed by Daesh, triggered retaliatory attacks on the Sunni community, leaving at least 23 people killed and 51 wounded in a twin blast targeting an area frequented by Shi'a militia fighters.³¹

In February 2016 Daesh reportedly beheaded a 15-year-old Muslim boy for listening to western pop music and shot dead two others for missing Friday prayers, as part of a wider crackdown in Mosul.³²

In February 2016 Iraqi Prime Minister Al Abadi said that the Iraqi government does not discriminate against its citizens based on their religious affiliation. He also said the government considers Christians as a "genuine part" of national identity, and will do everything possible to prevent their emigration.³³

In March 2016 Iraq's head of State President Fouad Masum said that Christians are "original members" of Iraq, as evidenced by the ancient monasteries scattered throughout the country. He said jihadi groups, such as Daesh, have also attacked Muslim populations, as evidenced by Muslim victims – including Sunni – and the Islamic Caliphate mosques destroyed in Mosul.³⁴

In March 2016 Daesh released a short video showing the burning of Christian books in Mosul. The images show a militant jihadist throwing books and dossiers with crucifixes on the cover in to the flames.³⁵

In April 2016 the Chaldean Patriarchate announced the creation of an *ad hoc* committee to monitor sales and transfers of property ownership – houses and land – belonging to Christian citizens in Baghdad. Chaldean Patriarch Louis Raphael I Sako denounced the misappropriation of Christian property, which soared after the U.S.-led military intervention of 2003. According to the patriarch, this phenomenon, which is made possible by the complicity of corrupt officials, is an additional factor weakening the Christian presence in Iraq.³⁶ Before, several hundred Christian Syrians, Chaldeans and Assyrians, from the region of Nahla, in the northern Iraqi province of Dohuk, organised a protest demonstration in front of the Parliament of the Autonomous Region of Iraqi Kurdistan to protest against the illegal expropriation of their property in recent years at the hands of influential Kurdish figures. These cases have often denounced to a competent court – but so far without success.³⁷

In April 2016 the Latin-rite church in the centre of Mosul, historically run by the Dominican Fathers and known as the "Church of the Miraculous Virgin" or the "Clock Church", was devastated by explosives. The Chaldean Patriarchate attributed the sacrilegious act of vandalism to Daesh.³⁸

In May 2016 the Chaldean Patriarchate said that no Christian families are left in Mosul and reports about Islamic tax payments are a false rumour. Some reports claim that some Christian families still live under caliphate rule, paying the jizya. The Iraqi Church claims the only Christians left in the city are imprisoned or disabled.³⁹

In May 2016 shooting and bomb attacks claimed by Daesh killed at least 16 people in the predominately Shi'a Muslim town of Balad, north of Baghdad. Three gunmen opened fire with machine guns on a café at around midnight. At least 12 were killed and 25 wounded.⁴⁰

In May 2016 there was an offensive by about 150 jihadists from Daesh who attacked Telskuf, in the Nineveh Plains. The military action lasted a few hours. The Kurdish Peshmerga militia, supported by air raids of anti-Daesh international coalition headed by the US, took control of the deserted city later the same day.⁴¹

In May 2016 it was reported that a number of displaced Christian Assyrians, Chaldean and Syrian, who took refuge in the city of Dohuk after their villages were conquered by the jihadists of Daesh, were forced to sign a petition in support of the proclamation of an independent Kurdish State in Iraqi Kurdistan.⁴²

In May 2016 Christian, Muslim, Yazidi and Sabeian leaders took part in prayer promoted by the Chaldean Patriarchate. Shi'a leader Ali Al-Yacoubi thanked "our Christians brothers" for their work. Despite "having suffered lot", they still promote "unity." He called for joint response "against any deed or act of terrorism."⁴³

Prospects for freedom of religion

For some years now, the situation of religious freedom in Iraq has been one of the worst in the world. During the period of this report it went into further decline. The reason for this is the advance of Daesh. The Sunni militia committed grave atrocities against the religious freedom of Christians, Yazidis, Shabak and other groups, especially Shi'a. There are reports about mass killings, systematic rape, kidnapping, enslavement especially of women, theft, and the destruction of religious sites like churches and mosques. The United States and other countries declared the acts of Daesh against Christians, Yazidis and other groups genocidal. Sunnis who don't agree with the extreme ideology of the group are also being targeted. Religious minority groups such as Christians, who had to flee Daesh in summer 2014 are still waiting to return. Meanwhile many have fled the country – to regional countries like Jordan or Lebanon or to the West. Hundreds of thousands of Sunnis fled areas controlled or attacked by Daesh because of the fighting or the group's ideology and became internally displaced people.

While the Iraqi government in general respects freedom of worship for Christians, Yazidis and others, the minorities are not well protected in areas controlled by the Iraqi government. Kidnappings and other attacks continue to take place and often go unpunished.

Sunnis also suffer from violence by Shi'a militias supported by the government, crimes which again often go unpunished. Shi'as are targeted by Sunni militants in areas controlled by the government. Prime Minister Haider Al Abadi tried to overcome the sectarian policy of his predecessor by reaching out to Sunnis and Kurds. But to date at least his success has been very limited.

The security situation in general is much better in the northern region controlled by the semi-autonomous Kurdistan Regional Government (KRG). Many Christians fled there from Baghdad during the height of the sectarian conflict between Sunnis and Shi'as after 2004. After Mosul and the Nineveh Plains fell into the hands of Daesh, more than 120,000 Christians fled to the region. Some Christians complain about being pressured by KRG officials to support their political aims. Land disputes between Kurds and Christians remain a problem.

In general religious freedom in Iraq suffers from a deeply sectarian conflict that does not seem likely to be solved any time soon.

¹ Ibid

² CIA The World Factbook (July 2015 est.)

³ <https://www.ushmm.org/m/pdfs/Iraq-Bearing-Witness-Report-111215.pdf>

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⁵ http://www.iraqinationality.gov.iq/attach/iraqi_constitution.pdf

⁶ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

⁷ <http://www.loc.gov/law/help/apostasy/#iran>

⁸ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

⁹ <http://www.acnuk.org/news.php/497/iraq-mosul-bishop-says-we-have-never-seen-anything-like-this>.

¹⁰ <https://www.amnesty.org.uk/press-releases/iraq-government-backed-shia-militias-abducting-and-killing-sunnis-anti-isis-revenge>

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¹² <http://www.bbc.com/news/world-middle-east-28381455>

¹³ http://www.fides.org/en/news/36136-ASIA_IRAQ_Last_exodus_from_Mosul_nearly_three_thousand_Christians#.V09FkJ3wCM8

¹⁴ <http://www.acn-aed-ca.org/iraq-iraqi-bishops-thank-aid-to-the-church-in-need-for-building-schools-for-refugee-children/>

¹⁵ <http://www.uscirf.gov/sites/default/files/Iraq%202015.pdf>

¹⁶ <http://www.reuters.com/article/us-iraq-security-yazidis-killings-idUSKBN0GA0FF20140810>

¹⁷ <https://www.hrw.org/news/2015/03/18/iraq-militia-attacks-destroy-villages-displace-thousands>

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¹⁹ <http://www.acnuk.org/news.php/534/iraq-christian-leader-says-muslims-must-condemn-isis>

²⁰ <http://www.asianews.it/news-en/Mosul%3A-video-shows-Islamic-state-blowing-about-Sacred-Heart-convent-32795.html>

²¹ <http://www.reuters.com/article/us-mideast-crisis-iraq-killings-idUSKBN0L20FD20150129>

²² <http://www.independent.co.uk/news/world/middle-east/isis-militants-blow-up-ancient-4th-century-christian-mar-behnam-monastery-in-iraq-10123238.html>

²³ <http://www.asianews.it/news-en/Yazidi%E2%80%99s-confirm-massacre-of-%E2%80%9CAt-least-300-people%E2%80%9D-by-Islamic-State-34140.html>

²⁴ <http://www.asianews.it/news-en/Baghdad%2C-Christians-kidnapped-and-killed.-Chaldean-Patriarchate-asks-for-protection-and-security-34760.html>

²⁵ <http://www.acnuk.org/news.php/602/iraq-iraqi-refugees-losing-all-hope-of-returning-home>

²⁶ <http://www.acnuk.org/news.php/605/iraq-new-iraq-law-to-force-christian-children-to-embrace-islam#sthash.D0EyFRTM.dpuf>

²⁷ <http://www.asianews.it/news-en/Patriarch-of-Baghdad-welcomes-amendments-to-Law-on-Islamization-of-children-35908.html>

²⁸ <http://www.asianews.it/news-en/Islamic-State-brand-Christmas-festivities-heretical.-In-Kirkuk-two-Christian-cemeteries-desecrated-36237.html>

²⁹ <http://www.acnuk.org/news.php/622/iraq-grief-over-destruction-of-historic-monastery>

³⁰ <http://www.reuters.com/article/us-mideast-crisis-iraq-un-idUSKCN0UX0ZD>

³¹ <http://www.reuters.com/article/us-mideast-crisis-iraq-violence-idUSKCN0UW2DA>

³² <http://www.asianews.it/news-en/Mosul%3A-Islamic-State-beheads-15-year-old-boy-for-listening-to-%E2%80%9CWestern-music-36737.html>

³³ http://www.fides.org/en/news/59454-ASIA_IRAQ_Iraqi_Premier_the_government_does_not_make_discrimination_based_on_religion#.V07-Np3wCM8

³⁴ http://www.fides.org/en/news/59603-ASIA_IRAQ_Iraqi_President_Christians_are_original_members_of_our_nation_And_the_jihadis_also_attack_Muslims#.V079i53wCM8

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³⁹ <http://www.asianews.it/news-en/For-Chaldean-Patriarchate%2C-no-Christian-families-are-left-in-Mosul%2C-tax-payment-a-false-rumour-37467.html>

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⁴³ <http://www.asianews.it/news-en/Shia-leader-thanks-Iraqi-Christians-37645.html>