

## RELIGION



- Muslims: 98,3%
- Others: 1,7%



AREA	POPULATION
435.052km <sup>2</sup>	37.548.000

### Legal framework on freedom of religion and actual application

Under Iraq's 2005 constitution,<sup>1</sup> Islam is the official state religion and a "source of legislation". According to article 2.1, nothing can contradict Islam, the principles of democracy or constitutionally recognised rights and freedoms. Under article 2.2, the Islamic identity of most Iraqis and the religious rights of Christians, Yazidis, and Mandeans are equally protected.

Article four states that Iraqis have the right "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."

Racism, terrorism and takfirism (accusing other Muslims of apostasy) are banned, under article seven. The state has a duty under article 10 to maintain and protect "holy shrines and religious sites" as well as "the free practice of rituals in them".

Equality before the law is guaranteed, under article 14, "without discrimination based on gender, race, ethnicity, nationality, origin, colour, religion, sect, belief or opinion, or economic or social status." The state is bound by article 37 to protect individuals "from intellectual, political and religious coercion".

The law regulates personal status according to the various "religions, sects, beliefs, and choices", according to article 41. "[F]reedom of thought, conscience, and belief" are guaranteed under article 42.

Iraqis are free, under article 43.1, to practise their religious rites, manage their religious affairs, institutions and endowments (waqf) as "regulated by law". Likewise, the state guarantees and protects places of worship, under article 43.2.

Muslims cannot convert to other religions.<sup>2</sup> Under article 372 of Iraq's 1969 Penal Code, insulting religious beliefs, practices, symbols or individuals seen as holy, worshipped or revered can be punished with imprisonment (of up to three years) or fines.<sup>3</sup>

By law nine seats out of 329 in the Council of Representatives (lower house of parliament) are reserved for members of minority groups: Baghdad, Nineveh, Kirkuk, Erbil, and Dohuk each have one reserved seat for a Christian; one for a Yazidi; one for a Sabeen-Mandaean; one for a Shabak; and one seat for a Faili Kurd in Wasit.<sup>4</sup>

## Incidents

### Central Government

During the period under review, several measures were taken by the central government aimed at advancing the Islamisation of Iraqi society.

On 23rd October 2016, the Shia-based State of Law coalition presented a bill in parliament to ban alcohol, which Prime Minister Haider Al-Abadi accepted in December, a step seen as discriminatory by non-Muslim minorities.<sup>5</sup> Proponents of the law argued that alcohol is banned under Shari'a, and that the government cannot derive nor use any tax revenue from its production, consumption, and sale. Unconvinced, Christian lawmaker Joseph Sylawa said that "the ban on alcohol is part of a war against religious minorities that aims to force them out of the country through exclusion, marginalisation, and harassment policies."<sup>6</sup>

On 28th October 2016, Ministry of Higher Education and Scientific Research issued a decree mandating conservative uniforms for female students on university campuses.<sup>7</sup> The restrictions include a ban on trousers, short skirts and high heels. Following criticism, the Ministry issued a clarification, saying that "uniform rules should be strictly applied but each university administration can determine the specifications of its uniform."<sup>8</sup> For the decree's critics, including the UN High Commissioner for Human Rights, the uniform requirement comes from conservative parties seeking to impose Islamic values on society.<sup>9</sup>

In November 2017, the Iraqi parliament rejected an amendment to the Personal Status Law introduced by the Fadhila (Islamic Virtue) Party along with other Shia Muslim parties. Known as the "underage marriage law", it would have required Iraqis to be identified by religion, something that would infringe religious freedom. Had it been approved, Shia and Sunni clerics would control marriage-related matters as well as inheritance and divorce, allowing them to marry girls as young as eight.<sup>10</sup> Although the bill was not adopted, several parties have threatened to reintroduce it. If it is, it would alter Iraq's current secular legal system and require courts to apply religious law in family and personal matters.<sup>11</sup>

### Kurdish Autonomous Region

In 2016, the Kurdistan Regional Government (KRG) took steps in support of minorities such as the Minority Rights Law (upholding freedom of religion and outlawing religious discrimination), appointing minority religious representatives, and attempting to incorporate minorities in the Peshmerga.

Shari'a is included in KRG's draft constitution as a source of legislation, but unlike Iraq's federal Constitution, it also allows legislation that contradicts Shari'a and recognises the rights of non-Muslims. Kurdistan's 111-member parliament has also reserved seats for

**IRAQ** minority communities: five seats for Turkmen; five for Assyrians, Chaldeans, and Syriacs; one seat for Armenians, but none for Yazidis or Shabaks.

Despite the seemingly better treatment, religious minorities complain that, although KRG laws are not explicitly discriminatory, they are not enforced and the court system seems to favour ethnic Kurds. Religious minorities are also increasingly concerned about growing extremism in both the Shia and Sunni Arab communities.<sup>12</sup>

After Kurdish forces seized ethnically diverse areas during the fight against Daesh (ISIS),<sup>13</sup> tensions between the KRG and the Iraqi central government rose. In order to control these areas better, Kurdish authorities and security services are believed to want to “Kurdify” them by destroying non-Kurdish property and preventing non-Kurds from returning to their homes. Some reports suggest that those who do not support Kurdish parties are denied humanitarian or financial aid.<sup>14</sup> Assyrians in more remote areas have complained that Kurds have taken their land, sometimes with Kurdish officials turning a blind eye. Many Yazidis also report discrimination and pressure to identify as Kurds. Conversely, Christians in the capital Erbil and major cities acknowledge the KRG’s support.<sup>15</sup>

#### Aftermath of Daesh (ISIS) seizure of Nineveh Plains

Iraq’s religious minorities<sup>16</sup> have experienced substantial decline since Daesh took over large swathes of Iraq in 2014. Before 2003 Iraqi Christians numbered around 1.4 million, Christian leaders estimate that there are fewer than 250,000 left. The Mandaean community has also seen a drastic fall in numbers. In the mid-1990s there were around 300,000, but current estimates suggest there are only 1-2,000 left. The vast fall in these groups is not just the result of the recent Daesh campaign but also of targeted attacks on these communities by Islamists following the 2003 invasion of Iraq.<sup>17</sup> In 2006 Yazidis were estimated at about 4-500,000, and this may have fallen to around 300,000. However the Pew research Centre has raised questions over the reliability of some of the data about the group’s numbers.<sup>18</sup> Kaka’i (Yarsanis) now number at no more than 300,000, and Baha’is at less than 2,000.<sup>19</sup>

In the areas seized by Daesh, following their seizure of Mosul in June 2014, significant numbers of religious minorities were driven out of their towns and villages. Many were displaced to Erbil, northern Iraq’s semi-autonomous Kurdish capital.<sup>20</sup> Others went north to Dohuk or sought to leave Iraq altogether. Members of religious minorities were seized and imprisoned by Daesh, Yazidis were often killed or forced into sexual slavery.<sup>21</sup> Christians were forced to convert, often under threat of violence, and those who refused had their children taken and placed with Islamist families.<sup>22</sup> A number of Christians also reported sexual abuse. There is evidence that, in carrying out these crimes, Daesh was trying to systematically eliminate both groups. This has been recognised by a number of bodies as genocide including the European Parliament and the US State Department as Genocide. In September 2017, the UN Security Council finally approved Resolution 2379 authorising a UN team to “collect, preserve, and store evidence of acts that may be war crimes, crimes against humanity, or genocide”.<sup>23</sup> The resolution, which was four years in the making, created the position of UN Special Adviser to promote accountabi-

lity in relation to Daesh's atrocities and to work with survivors.<sup>24</sup> This body replaced the previous informal efforts to prosecute captured Daesh members, through the Nineveh Investigations Unit.<sup>25</sup>

In February 2017, NGOs uncovered over 50 mass graves in northern Iraq, such as the Khasfa sinkhole with 4,000 bodies, including captured policemen and Yazidi men.<sup>26</sup> In December, it was announced that 62 mass graves containing the bodies of Yazidis had been found in Sinjar, in the west of the Nineveh Plains.<sup>27</sup> Estimates from local authorities and human rights organisations in Iraq suggest that somewhere between 2-5,500 Yazidis were killed and more than 6,000 kidnapped during Daesh's August 2014 attack on Mount Sinjar alone.<sup>28</sup> There were also unconfirmed reports of a mass grave containing 40 Christians located outside Mosul in March 2018.<sup>29</sup>

Mosul was the first settlement to fall to Daesh, and the impact of the extremists' seizure of the town continued to affect daily life well into 2017.<sup>30</sup> Unlike elsewhere on the Nineveh Plains, Christians in Mosul were initially given three options: convert to Islam, submit to dhimma status and pay the jizya (poll tax) payment, or flee.<sup>31</sup> But this was changed when Christians were subsequently told to convert or "there is nothing for [you] but the sword".<sup>32</sup> Local Christians, who numbered around 120,000, fled to Iraqi Kurdistan often with nothing but the clothes they were wearing.<sup>33</sup> In Mosul and the surrounding area alone, at least 33 churches were burnt and/or suffered significant damage. Daesh used many of them as military bases or administrative buildings. Several reports indicate that Daesh also destroyed and stole artefacts from major heritage sites including churches and sold them on the black market. Villages around Mosul also had crucial infrastructure destroyed, in part due to shelling and airstrikes by liberation forces.<sup>34</sup>

With the rise of Daesh, the Christian communities experienced an "overall loss of hope for a safe and secure future" leading to significant numbers fleeing in the aftermath of the Nineveh Plains seizure.<sup>35</sup> However, an early 2017 survey found that given the right conditions 87 percent of displaced Christians in Erbil, where the majority fled, indicated that they would be willing to return, with 41 percent saying that they definitely wanted to go back.<sup>36</sup> In June 2017, the head of Aid to the Church in Need's Middle East projects, Father Andrzej Halemba, noted that the number of Christians wanting to return to their villages "keeps increasing".<sup>37</sup> Christians have been encouraged to return to their villages by the Churches despite tensions between the central government in Baghdad and the Kurdish Regional Government over the future of the region. A de facto border maintained by armed units belonging to the two administrations continues to divide the Nineveh Plains.

In August 2017, on the third anniversary of the fall of the Nineveh Plain to Daesh, Chaldean Patriarch Louis Raphael Sako urged displaced Christian to "return quickly to reclaim their lands before others seize them" and to avoid internal disputes. "We are the indigenous people of this country and its ancient civilisations. Our history is traced back to the oldest Christian Church in the world."<sup>38</sup> In September 2017, a ceremony took place in Qaraqosh, the largest of Nineveh's Christian towns, to celebrate the long-awaited homecoming of some 500 Christian families.<sup>39</sup> Helping to coordinate the ceremony was a priest from Qaraqosh called Father George Jahola, from the Nineveh Reconstruction Committee (NRC),

which was established by Aid to the Church in Need in March 2017 to rebuild destroyed Christian settlements. The committee was formed to include representatives of the Syriac Catholic, Syriac Orthodox and Chaldean Catholic Churches. According to NRC figures, as of June 2018, 25,650 Christians had returned to Qaraqosh,<sup>40</sup> which had been Iraq's last Christian majority town before it fell to Daesh. Nearby Yazidi and Christian towns and villages including Bartela, Karamles and Teleskof have all seen considerable numbers of displaced people return.<sup>41</sup>

However, with the exception of aid from the Hungarian government, most of the funds for rebuilding homes have come from private donations. While the UN has overseen the refurbishment of schools, there have been problems with the work that they have done for religious minority groups. Stephen Rasche, from the Chaldean Catholic Archdiocese of Erbil, told a hearing at the US House of Representatives that so-called "completed" schools in the Christian-majority Teleskov and Batnaya were unusable. They only received "one thin coat of paint on the exterior surface walls, with freshly stencilled UNICEF logos every 30 feet". No work had been done inside the buildings. In October 2017, four members of the US Congress, in a letter to Mark Green, administrator of the US Agency for International Development (USAID) in Washington, DC, called on the latter to bypass the United Nations and channel funds intended to help Christians and Yazidis in Iraq directly to charities operating on the ground.<sup>42</sup>

### Other incidents

In November 2016 four gunmen opened fire on two two Mandaean men as they were driving to work in Kirkuk. Sami Kafif Z. Al-Zuhairy was killed. As the attackers left they described their victims as "Kuffar" – non-Muslims.<sup>43</sup>

In May 2017, during Ramadan, Daesh targeted an ice-cream shop in a Baghdad Shia neighbourhood killing at least 17 people and injuring another 32.<sup>44</sup> In September, scores of people were killed and wounded in a double attack by Daesh against two restaurants.<sup>45</sup>

In June 2017, a video was released showing Sheikh Alaa Al-Mousawi, head of the Shia Endowment,<sup>46</sup> described Christians as "infidels" who "should convert to Islam," be killed or pay the jizya. By way of explanation, Al-Mousawi said the video dates back to 2014. Others insist it was more recent.<sup>47</sup>

In March 2018 a Christian doctor and his family were stabbed to death in Baghdad.<sup>48</sup> Later the same week, a member of the Mandaean community was kidnapped and later found dead.<sup>49</sup> That same month, in the south town Nassiriyah, a Mandaean was stabbed while working in his shop. He survived after Muslim neighbours came to his assistance.<sup>50</sup>

### **Prospects for freedom of religion**

Daesh's seizure of the Nineveh Plains saw grave atrocities against Yazidis, Christians, Shabak and other groups, especially Shias, which the United States and other countries have described as genocide. Sunnis who did not agree with the group's extremist ideology were also targeted. There were reports about mass killings, systematic rape, kidnapping,

enslavement, especially of women, stealing, and the destruction of religious sites like churches and mosques.

However, with the defeat of Daesh things have started to improve. Christians and a few other religious minority groups have started to return to their homes, but their overall numbers in Iraq have declined. During Daesh occupation, many fled the country – some went to elsewhere in the Middle East but many to the West, and it looks highly unlikely that most of these will return.

While the Iraqi government, in general, respects freedom of worship for Christians, Yazidis and others, the minorities are not particularly well protected. Intimidation and attacks continue and often go unpunished. Proposed legislation on alcohol, female university students' dress code, and underage marriage, which would move the country in a more Islamist direction, would impact religious minorities.

The results of the May 2018 general elections, the first since the Iraqi government announced the defeat of Daesh, brought further instability to the country. Because of serious allegations of fraud and irregularities, ballots are still being recounted in many provinces at the time of writing this report.<sup>51</sup> Sunni-Shia tensions in the country continue to add to the instability.

In general, despite signs of improvement, religious freedom in Iraq suffers from deep sectarian cleavages that are not likely to go away any time soon.

## Endnotes

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