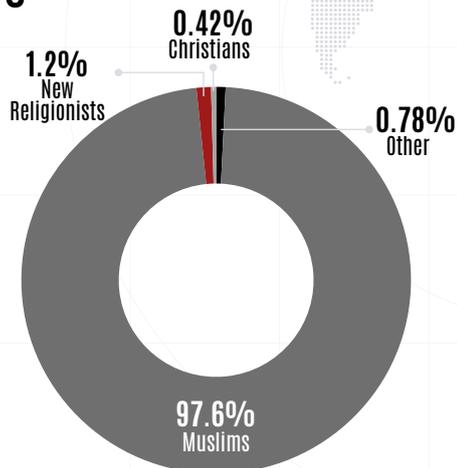




# IRAQ

## RELIGIONS



## 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 Mandaean Sabians are equally protected.

Article 4 states that Iraqis have the right "to educate their children in their mother tongue, such as Turkmen, Syriac, and Armenian", which "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 7. The state has a duty under Article 10 to maintain and protect "holy shrines and religious sites" with the right to use them freely for the "practice of rituals".

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."

According to Article 41, the law regulates personal status according to the various "religions, sects, beliefs, and choices". "[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 in accordance with 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: five seats for Christians from Baghdad, Nineveh, Kirkuk, Erbil, and Dohuk; a seat each for the Yazidis, Sabean-Mandaeans, and Shabaks, as well as one for Faili Kurds from Wasit.<sup>4</sup>

## INCIDENTS AND DEVELOPMENTS

On 2nd June 2018, Iraq's Shia cleric Muqtada al-Sadr spoke in favour of the return of the Jews who were expelled from Iraq half a century ago. "If their loyalty was to Iraq, they are welcome." Sadr said this in response to a question by one of his followers on the right of Iraqi Jews to return to a country where they once lived and in which they owned property.<sup>5</sup>

In July 2018, US Vice President Pence announced a new US initiative to help the victims of the atrocities committed by Daesh, i.e., the Islamic State (IS) group. The USAID's Genocide Recovery and Persecution Response program doubled US assistance for Iraq's persecuted ethnic and religious minorities to more than US\$239 million.<sup>6</sup>

In July 2018, the Nineveh Provincial Council suspended the transfer of 450 Sunni Arab families to the Nineveh Plain, which had already been authorised by the federal government, and requested instead that they be relocated to areas south and east of Mosul.<sup>7</sup> The move was reportedly taken with the declared aim of preventing or at least limiting any attempt to change the demographic balance in the Nineveh Plain, an area traditionally inhabited by Iraqi Christians, Yazidis and Shabaks.<sup>8</sup>

On 2nd August 2018, then Iraqi Prime minister Abadi signed Executive Order 1388 moving the Popular Mobilisation Forces (PMF) out of Mosul city and the Nineveh Plain, and placing them under the operational and administrative control of the army-led Nineveh Operations Command.<sup>9</sup>

In late 2018, media began reporting a number of real estate scams at the expense of Christians. As cited by Fides, an Iraqi TV network reported that at "least 350 homes belonging to Christians [ . . . ] have been illegally taken away from their legitimate owners, taking advantage of their absence and through the creation of false legal documents, which make their recovery very difficult."<sup>10</sup> Thanks to greater government controls, at least 50 attempts at false buying and selling of real estate belonging to Christians were thwarted.

In an address in Baghdad to the Catholic Patriarchs of the Middle East Council of Churches in November 2018, <sup>11</sup> Iraqi President Barham Salih stressed the principle of "citizenship". He said this should apply to "all people,"<sup>12</sup> in a nation whose citizens are all equal, free of any cultural, ethnic or religious discrimination. President Salih also

mentioned his meeting with Pope Francis in the Vatican earlier that month in which he invited the Holy Father to visit Iraq to pray with other religious leaders in memory of Abraham, the father of all believers.<sup>13</sup>

Iraqi Deputy Justice Minister Hussein al-Zuhairi is quoted in Al-Monitor as saying that Bahaimism is not a religion or faith. Zuhairi was reiterating the Iraqi government's commitment to 1970 legislation prohibiting the Baha'i religion, adding that there can be no religion above Islam since the Iraqi constitution sets the tenets of Islam as a source of law. In his view, Iraqi society is Muslim, and it is not possible to ignore Islamic principles in legislation.<sup>14</sup>

In December 2018 US President Trump signed into law the Iraq and Syria Genocide Relief and Accountability Act. The legislation is aimed at improving US aid for Christians and Yazidis who suffered from the genocide committed by Islamic State terrorists.<sup>15</sup>

At the beginning of 2019, Iraqi Shia leader Ayatollah Ali al Sistani met with a UN delegation which visited the country to collect evidence against Daesh's crimes. He reiterated the urgent need to investigate the militant group's violence and crimes. In particular, Al Sistani recommended an investigation into the "heinous crimes" perpetrated against certain Iraqi communities, such as Yazidis in Sinjar, Christians in Mosul, and Turkmen in Tal Afar, and in particular the "abduction, slavery and sexual violence" of women.<sup>16</sup>

Al-Monitor reported that a high-ranking Shia clerical delegation from Najaf visited the Yazidi holy temple in Lalish, northern Iraq, in March 2019. Earlier that month, high-level Christian, Muslim and Yazidi religious leaders met at the Shia Imam Hussein Shrine in Karbala.<sup>17</sup>

In a letter to Iraqi Premier Adel Abdul Mahdi, the Syriac Catholic Archbishop of Mosul, Yohanna Petros Moshe, expressed concern that, under the cover of post-Daesh reconstruction plans, the religious and demographic balance in the Niniveh Plain is at risk of being fundamentally altered. Reconstruction plans in the town of Bartella are of great concern to Christians who fear the growing demographic influence of the Iran-backed Shabak Shia community.<sup>18</sup>

Forced by Daesh to flee to Canada, the US and Europe in the summer of 2014, a number of Christians returned to Mosul and the Nineveh Plain to celebrate Easter 2019, a Chaldean clergyman told AsiaNews.<sup>19</sup>

After two elderly Christian women were robbed and injured in their homes in the Niniveh Plain in May 2019,

Christians questioned what religious motive lay behind the attack. Prof Muna Yaku, who teaches law at the University of Salahaddin in Erbil, linked the beating of the two women to other acts of intimidation aimed at removing or keeping Christian families away from their villages of origin.<sup>20</sup>

According to media reports, provincial officials said sporadic sectarian attacks by members of pro-Iran militias in Iraq's Diyala province have threatened the peace of local communities and incited retaliatory violence. Iraqi MP Raad al-Dahlaki, who represents Diyala in parliament, said the militias are "undermining safety and security" and causing a return of incidents of "murder, displacement and expulsion."<sup>21</sup>

In June 2019 the Chaldean Church of the Virgin Mary in Basra was reopened after undergoing extensive restoration work funded by Iraq's central bank and the Association of Iraqi Private Banks.<sup>22</sup>

In July 2019, the Masarat, a Baghdad-based nonprofit organisation dedicated to minorities, collective memory studies and interfaith dialogue, inaugurated the Institute for the Study of Religious Diversity in the Iraqi capital in cooperation with several universities and civil rights groups.<sup>23</sup> Cardinal Louis Raphael I Sako, head of the Chaldean Catholic Church, and author of the institute's Christian curriculum said: "By teaching Christianity and other religions to Muslims, the institute will contribute to the confrontation of sectarianism and ignorance of the other." Such an "experience deserves support, as it includes authoring the religious curricula by its adherents and teaching it by them as well."<sup>24</sup>

In a letter to the speaker of the Iraqi parliament, Cardinal Sako also urged the house to keep the quota of seats reserved for Christians and other minority ethnic-religious groups in provincial councils in order to maintain their representation.<sup>25</sup>

On 10th June 2019 Pope Francis announced plans to visit Iraq in 2020, a trip that would bring together "Christians and Muslims", Chaldean Primate Cardinal Sako told AsiaNews.<sup>26</sup> According to Abdul Amir al Hamdani, Iraqi Minister of Culture, Tourism and Antiquities, the Iraqi government has already set aside funds for the papal visit.<sup>27</sup>

The Syriac Catholic Church re-established a diocese in the Kurdistan region of Iraq. Archbishop Nathaniel Nizar Semaan heads the new Diocese of Hadiab-Irbil and all of Kurdistan. Previously, the area was under the jurisdiction of the Archdiocese of Mosul. Archbishop Semaan was

ordained on 7th June 2019 as the Coadjutor Archbishop of Mosul, and Archbishop of the new diocese which was erected on 28th June.<sup>28</sup>

Kurdistan's regional parliament officially declared 3rd August as Yazidi Genocide Remembrance Day in commemoration of the fifth anniversary of the massacre in the Yazidi heartland of Shingal. The next day, representatives of the Kuridsh regional government (KRG) attended a ceremony marking the event.<sup>29</sup>

Around 3,000 Mandeans remain in Iraq, the majority living in the southern province of Basra. Ghazi Laibi, head of the Sabian Mandaean Council in Basra, told Al-Monitor that due to the relatively substantial Mandaean population in Basra, the community deserve a seat in the local provincial council.<sup>30</sup>

Chaldean Patriarch Sako told AsiaNews in December 2019 that Christians should set up their own party in order to be stronger and better represented in Iraq's political institutions. "Perhaps it is now necessary, before it is too late, to think and plan a unified Christian strategy," he wrote.<sup>31</sup>

In January 2020 Pope Francis met Iraqi President Barham Salih at the Vatican.<sup>32</sup>

The Iraqi Human Rights Commission condemned an attack against a Kakai cemetery in the Safiya, Gwer sub-district, an area claimed by the Kurdistan Regional Government against Iraq's federal government, local media reported.<sup>33</sup>

In February 2020 it was announced that the reconstruction of the St Thomas Syriac Catholic Church in Mosul would start in April. The church was devastated by Daesh. UNESCO will support the restoration work, thanks above all to substantial funding provided by the United Arab Emirates.<sup>34</sup>

In March 2020, Iraqi Muslim, Yazidi and Christian religious leaders released a joint statement to highlight their commitment towards peace, and show solidarity to the victims of crimes committed by Daesh. This is the first time the country's religious leaders have come together to call for justice on behalf of Daesh's victims. The UN hailed the statement as "the beginning of a process of further engagement with other religious leaders in Iraq".<sup>35</sup>

On 26th March French authorities reported that four aid workers with SOS Chrétiens d'Orient, a French Christian non-governmental organisation, had been released. The four had been missing since 20th January.<sup>36</sup>

The precarious condition of Christian and Yazidi refugees still displaced in Iraqi Kurdistan was the focal point of talks held in July 2020 in Erbil between Evan Faeq Yakoub Jabro, the federal minister of Migration and Refugees and a Chaldean Christian, and Kurdish President Nechirvan Idris Barzani.<sup>37</sup> Ms. Jabro was confirmed in her post by Iraq's parliament in June 2020.<sup>38</sup>

In September 2020 suspected Daesh terrorists stormed a village near Iraq's border with Iran, killing at least seven people and injuring four others.<sup>39</sup>

During a visit to Mosul and Nineveh province, the new Iraqi Prime Minister, Mustafa al Kadhim, who assumed office on 6th May 2020, said that "Christians represent one of the most authentic components of Iraq, and it saddens us to see them leave the country".<sup>40</sup>

In June 2020 the Turkish Air Force targeted PKK bases near Zakho, a city inhabited by Kurds and Christians. Cardinal Sako, a Zakho native, described the situation as "tense and confusing. There is talk of at least five civilian deaths and also of many displaced people."<sup>41</sup>

In July 2020 Cardinal Sako urged the Iraqi government to find a solution to the legal status of the country's Christian and other minorities.<sup>42</sup> The prelate was critical of the fact that legal questions relating to the personal status of all Iraqi citizens are regulated by laws based on Islamic legal tradition, which directly or indirectly refer to Sharia, i.e., Islamic law. The patriarch suggested the government adopt laws on the model of Lebanon, with civil laws valid for everyone and not inspired by religious juridical schools, leaving to clerical or religious courts the possibility of regulating marriage, child custody, and inheritance that pertain to the various faith communities.<sup>43</sup>

Cardinal Sako also called for changes to apostasy legislation. "We believe that the time has come," wrote the Iraqi cardinal, "to enact a law that respects freedom of conscience, that is, the right to change doctrine and religion without exerting any pressure, following the examples of Lebanon, Tunisia, Morocco and Sudan, which [have] repealed the law of apostasy".<sup>44</sup>

Thousands of tearful Shia pilgrims, wearing masks as required by regulations to contain the novel coronavirus pandemic, gathered in August 2020 in the holy city of Kerbala to celebrate the feast of Ashura. The pandemic meant foreign pilgrim numbers were down considerably.<sup>45</sup>

Prime Minister Al Khadimi appointed Suha Daoud Elias al Najjar, a Chaldean Christian, to the post of president

of Iraq's National Investment Authority. Al Najja will be in charge of overseeing the use of foreign funds for areas hit by conflict.<sup>46</sup>

The summer of 2020 saw the start of reconstruction work on the Al Tahera Catholic Church in Mosul, which had been damaged by Daesh. Emirati media reported that funding for the reconstruction of this and other religious sites - including the famous Al Nuri Mosque with its leaning minaret - is coming from the United Arab Emirates.<sup>47</sup>

Turkish air raids in the Sinjar mountains, northern Iraq, damaged Yazidi religious sites, local sources reported. Fr. Samir Al-Khoury, a Chaldean parish priest in Enishke, speaking to the Italian news agency SIR, stated: "The Turks managed what even the Islamic State terrorists couldn't do: hit the Yazidi shrine of Sheikh Chilmira located on the highest peak of the mountain range."<sup>48</sup>

Further Turkish air raids against PKK positions in northern Iraq also hit the Christian villages of Chalik, Bersiveh and Sharanish, north of Dohuk. Since the beginning of 2020, at least 25 Christian villages in northern Iraq have been abandoned by those who formerly lived there.<sup>49</sup>

Villages in Diyala's Khanaqin area inhabited by the Kakai religious community have been depopulated following repeated Daesh attacks, local media reported. Daesh has exploited the lack of security in the region resulting from the dispute between the Kurdish authorities and Iraq's federal government. Iraqi MP and Khanaqin native Sherko Mirways told Rudaw that more than 10 Kakai villages in Khanaqin lie empty because of Daesh attacks and "unidentified gunmen".<sup>50</sup>

For the first time, the Iraqi Postal Service issued a series of stamps celebrating the country's churches.<sup>51</sup>

Yazidis mourned the loss of their spiritual leader, Baba Sheikh Khurto Hajji Ismail, who passed away on 1st October 2020 at the age of 87.<sup>52</sup>

The Presidential Office of Iraq's Kurdistan Region instructed the regional government to create an ad hoc commission to examine, document and prosecute the systematic illegal expropriation of land and real estate owned by Christians, especially in the Dohuk Governorate (province).<sup>53</sup>

On 19th October, during a visit to Iraqi President Barham Salih, Chaldean Primate Cardinal Sako presented a request to make Christmas a public holiday for all Iraqis.<sup>54</sup>

In November 2020 approximately 200 displaced Christian

families who had fled Daesh returned to Mosul and the Nineveh Plain.<sup>55</sup>

In November 2020 a court of appeal in Dohuk, Iraqi Kurdistan, accepted to hear a petition by more than 100 Christian families against the illegal seizure of their land by Kurdish landowners, thus overturning a prior ruling by a lower court.<sup>56</sup>

On December 16, the Iraqi parliament voted unanimously to establish Christmas as an annual national holiday. Previously, December 25 was recognised as a Christian holiday but not a national public holiday.<sup>57</sup>

In the first days of January 2021, Iraqi Shiite leader Muqtada al Sadr, head of the influential Sadist political party, announced the creation of a Committee charged with “collecting and verifying news and complaints regarding cases of illegal expropriations from Christian property owners” throughout Iraq.<sup>58</sup>

On Sunday 3rd January, a delegation of the same party led by Sheikh Salah al-Obaidi offered Christmas greetings and congratulations to the Head of the Chaldean Church, Patriarch Louis Raphael Sako together with a copy of the document.<sup>59</sup>

## PROSPECTS FOR RELIGIOUS FREEDOM

With the military defeat of Daesh (Islamic State) the country overcame the worst enemy of religious freedom in its modern history. As a result, the general situation for religious freedom has improved considerably. But the threat has not gone away. Many Daesh fighters have not been arrested and have gone underground. They continue to attack religious minorities.

Meanwhile, new sources of conflict are emerging. Turkish interventions in northern Iraq are affecting different religious minorities, most notably Christians and Yazidis. Around 45 per cent of Christians have gone back to their homeland in the Nineveh Plains. Despite considerable efforts to encourage the Christians to go back, conflicts have developed with ethnic Shabak, who are mostly Shia. The latter have created their own militia, which is preventing more Christian families from returning.<sup>60</sup> The generally poor economic and security situation adds to the difficulties of minorities wanting to re-establish themselves. The coronavirus pandemic is making things worse.

It should be noted that Muslim religious and political au-

thorities have undertaken various initiatives to build bridges, expressing their appreciation for a multi-religious Iraq and taking concrete steps towards inclusion. The recent recognition of Christmas as a national public holiday as well as the creation of a Committee charged with the review of illegally expropriated Christian properties seeking “to restore justice and end violations of the property rights of the ‘Christian brothers’<sup>61</sup>, is a strong signal.

Protests in late 2019 bringing together demonstrators from various religious groups unified against corruption and mismanagement have also hinted at a possible end to the sectarian polarisation that has ravaged the country for more than a decade. Chaldean Archbishop Bashar Warda of Erbil said that Christians, Yazidis and other minorities have been openly welcomed into the ranks of the protest movement.<sup>62</sup>

Notwithstanding this, the prelate is anything but optimistic about the future of Iraqi Christians. “Christianity in Iraq, one of the oldest Churches, is perilously close to extinction,” he said. “In the years prior to 2003, we numbered as many as one-and-a-half million - six per cent of Iraq’s population. Today, there are perhaps as few as 250,000 of us left. Maybe less. Those of us who remain must be ready to face martyrdom.”<sup>63</sup>

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