

## Legal framework

Article 2.2 of the Iraqi constitution “guarantees full rights to freedom of religious belief and practice to all individuals, including Christians, Yazidis and Mandaean Sabeans.” Article 14 adds that all citizens are equal before the law without discrimination on the basis of religion or other status.

Furthermore, the constitution guarantees “freedom of thought, conscience, and belief” in Article 42, and states that the followers of all religions are free to practice their religious rites (43.1), and to worship (43.2). Article 37.2 asserts that the state will protect individuals from religious coercion. Article 10 establishes the state’s commitment to assuring and maintaining the sanctity of holy shrines and religious sites and guarantees the free practice of rituals therein.

However, the constitution also emphasises Iraq’s Islamic identity. Article 2 recognises Islam as the country’s official religion and mandates it as a source of legislation, stating that no law can be enacted that contradicts it. Consequently, the Iraqi constitution contains two competing principles: equal rights for everyone, including the right to FoRB, and a system of Islamic law in which rights vary based on whether one is male or female, Muslim or non-Muslim.

## Discrimination

Discriminatory legislation remains in place, including the prohibition of the Baha’i faith under a law dating back to 1970, and a 2006 law that prohibits Jews who have emigrated from regaining Iraqi citizenship.

## Terrorism and insecurity

Terrorism and insecurity continue to be of serious concern in the aftermath of the 2014 seizure of Mosul and the Nineveh Plains by the Islamic State (IS) terrorist group. Thousands of non-Sunni men, women and children were either killed or enslaved under IS occupation, and tens of thousands of Christians emigrated to neighbouring countries over the following years. One [study](#) estimates that 3,100 Yazidis were killed in a matter of days following the 2014 attack.

In July 2017 Mosul and Nineveh Plains were liberated; however, terrorist attacks continue, and many members of religious minority communities remain unwilling to return to liberated regions due to ongoing security concerns. For example, fewer than 20 Christians returned to Mosul after its liberation. The city was once home to nearly 100,000 Christians.

There have been some limited recent improvements. In March 2021 Pope Francis made a historic visit to the country, a move that appears to have given hope to Iraqi Christians returning to their homeland. Father Ammar Yako, who runs a centre for displaced families, [reported](#) that 23,000 Christians had returned as of April 2021.

Other vulnerable minorities such as the Mandaean, of whom only a few thousand remain, adherents of Zoroastrianism and those of the Kakai faith (Yarsanism), have also been targeted by terrorist groups. Their deliberate and systematic destruction represents a tragedy for Iraq’s religious diversity.

There have been challenges in implementing justice following the defeat of IS. During a December 2019 visit to northern Iraq and the Nineveh Plains, survivors informed CSW that no one from the international community or the governments in Baghdad or Erbil had ever asked to meet them or had documented their testimonies, despite being regularly told that the government is “collecting evidence” and that perpetrators will “be brought to justice.”

## Sectarianism

Attempts to combat terrorism and provide adequate security for religious minorities have been hampered by sectarian narratives and policies that prompt division and distrust between different ethnic and religious communities. The situation is exacerbated further by corruption.

Yazidi and Christian community leaders have expressed grave concerns regarding tension between the central government in Baghdad and the Kurdistan Regional Government in Erbil (KRG). Local community leaders and activists have reported intensified efforts by the KRG to ‘Kurdify’ their territories by making it difficult for individuals displaced by IS violence to return.

Tactics employed by the KRG have included forcibly appropriating land and property, and using intimidation, while also attempting to ‘divide and rule’ by offering financial and status privileges to selected political and religious figures within these communities. Many Yazidi activists report increased pressure on the Yazidi community from the KRG to identify as Kurds, even when they do not wish to do so. The KRG has also reportedly intensified efforts to impose Kurdish identity on the region’s Christian community.

Sectarian tensions have also permeated into wider Iraqi society, as evidenced by the [bomb attack](#) on the home of a Chaldean Catholic shopkeeper in Amarah, southern Iraq, on 28 November 2021. Fortunately, no-one was killed or injured, and only material damage was reported.

## Recommendations

### ***To the government of Iraq:***

- Amend the constitution to ensure that all Iraqis enjoy the same rights regardless of their religion or belief.
- Continue efforts to combat terrorism and protect vulnerable communities and religious minorities, ensuring that all counterterrorism efforts are executed in compliance with international law.
- Contain and counter sectarian narratives, and work to promote an inclusive national identity.

### ***To the United Nations and Member States:***

- Urge all relevant UN mechanisms, including the Special Procedures and Treaty Bodies, to include the right to freedom of religion or belief in their reporting on Iraq, acknowledging the vulnerabilities and violations faced by religious or belief communities.
- Call on Iraq to revise any regulations and legislation pertaining to religion or belief which do not align with international standards as set out in Article 18 of the International Covenant on Civil and Political Rights (ICCPR), and to do so in consultation with religious or belief communities, including minority groups, as well as consulting legal experts.
- Urge Iraq to contain and counter sectarian narratives, including by amending discriminatory legislation, and to combat terrorism and provide adequate security for religious minorities.
- Ensure that the situation of freedom of religion or belief in Iraq is consistently raised in public and in private, including during high-level visits and other bilateral exchanges, as well as during the regular sessions of the UN Human Rights Council and General Assembly.

**CSW everyone  
free to believe**

T +44 (0)20 8329 0010  
@CSW\_UK  
/CSWUK  
csw.org.uk

PO Box 99  
New Malden  
Surrey, KT3 3YF  
United Kingdom

© Copyright CSW 2022. All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, transmitted, in any form or by any means, electronic, photocopying, mechanical, recording and/or otherwise without the prior written permission of CSW.