

Introduction

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 Sabians.” Article 14 adds that all citizens are equal before the law without discrimination on the basis of religion or other status.¹

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 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 guaranteeing the free practice of rituals therein.

However, the constitution also focuses heavily on 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. Thus, 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 against non-Muslims is also evident in 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. These laws remained in place during the reporting period.

There are other vulnerable minorities such as Iraq’s Mandaeans, of whom only a few thousand remain. Iraqi Kurdistan has also historically been home to Zoroastrianism and the Kakai faith, (Yarsanism) with synchronistic mystical beliefs. The deliberate destruction of these ancient religious communities by terrorist groups is a tragedy for their adherents, as well as for Iraq’s majority Muslim community.

Terrorism and insecurity

Terrorism and insecurity continue to be of serious concern in Iraq. In 2014 the Islamic State (IS) captured Mosul and Nineveh Plains. Thousands of non-Sunni men, women and children were either killed or enslaved, and tens of thousands of Iraqi 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.²

In July 2017 Mosul and Nineveh Plains were liberated; however terrorist attacks have continued and many members of religious minority communities remain unwilling to return to liberated regions due to continued security concerns. For example, less than 20 Christians returned to Mosul after its liberation. The city was once home to nearly 100,000 Christians.³

Sectarianism

Attempts to combat terrorism and provide adequate security for religious minorities have been hampered by sectarian narratives and policies that continue to prevail in the country, prompting widespread divisions and distrust between different ethnic and religious communities. The situation is further exacerbated 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 from the KRG on the Yazidi community to identify as Kurds, even when they did not wish to do so.

¹ Iraqi Constitution of 2005, https://www.constituteproject.org/constitution/Iraq_2005.pdf?lang=en

² Public Library of Science, ‘Mortality and kidnapping estimates for the Yazidi population in the area of Mount Sinjar, Iraq, in August 2014: A retrospective household survey’, 9 May 2017

<https://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.1002297>

³ CBS News, ‘Iraq’s Christians persecuted by ISIS’, 22 March 2015 <https://www.cbsnews.com/news/iraq-christians-persecuted-by-isis-60-minutes/>

Recent developments

In December 2019 crossbench Peer Lord Alton of Liverpool took part in a fact-finding visit organised by CSW to northern Iraq and Nineveh Plain where they met with Christian, Kurdish and Yazidi politicians, religious leaders and civil society activists. The team also met with survivors from Mosul and refugees from northeast Syria who fled their homes following the Turkish invasion in August 2019. Kurdish refugees reported summary executions by Islamists fighters backed by Turkey and the use of White Phosphorous by Turkey.⁴

Implementing justice remains a challenging issue following the defeat of IS. Many survivors informed CSW during the December 2019 visit that no one from the international community or the Governments in Baghdad or Erbil has ever asked to meet them or has documented their testimonies despite the fact that they are regularly told the government is “collecting evidence” and that perpetrators will “be brought to justice.”

The visit coincided with widespread protests against corruption in Iraq. Baba Sheikh, the High Priest of the Yazidi people, told CSW: “The international community have brought us all the thieves from all over the world. What are we to think when we hear a President say “we only care about the oil?” 25 billion barrels of oil in Nineveh is a curse not a blessing. Meanwhile our people can’t even get kerosene or fuel for their homes. Our country’s assets are stripped and given to Iran or Assad. Meanwhile, a people who have experienced genocide are left unprotected as new waves of Shabak militias replace ISIS.”

Iraq’s Christian and Yazidi communities remain vulnerable and could face extinction if both the Iraqi government and the international community fail to take drastic measures to assist them.

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 counter-terrorism efforts are executed in compliance with international law.

- Prohibit sectarian politics and the establishment of religion-specific political parties.
- Contain and counter sectarian narratives, and work to promote an inclusive national identity.
- Combat corruption in Iraqi politics and ensure that any allegations of corruption are thoroughly investigated and guilty parties are held accountable.

⁴ David Alton, 'Knowing Their Own Story – Self Governing Kurds in Iraq Have Been An Oasis Of Stability And Provided Sanctuary For Persecuted Minorities. Signs of hope amongst great suffering and persecution', 3 December 2019

<https://davidalton.net/2019/12/03/knowning-their-own-story-self-governing-kurds-in-iraq-have-been-an-oasis-of-stability-and-provided-sanctuary-for-persecuted-minorities-signs-of-hope-amongst-great-suffering-and-persecution/>