

Introduction

1. CSW (Christian Solidarity Worldwide) is a human rights organisation specialising in the right to freedom of religion or belief (FoRB).
2. This submission draws attention to particular FoRB and human rights concerns in the Republic of Iraq. It considers Iraq's current commitments and the legal framework relating to FoRB, countering terrorism and insecurity.

UPR commitments relating to freedom of religion or belief (FoRB)

3. During the third cycle of the Universal Periodic Review (UPR), Iraq received and supported recommendations directly related to FoRB.¹
4. Accepted recommendations included calls to 'Guarantee freedom of religion or belief in Iraq, both in law and in practice, for adherents of all religions' (Chile, recommendation 147.199)²; 'Further promote tolerance and intercultural dialogue, with a view to protecting its diversity of languages, religions, ethnicities and cultures' (Brazil, recommendation 147.290)³; to 'enact legislation to protect ethnic and religious minorities' (Austria, recommendation 147.289)⁴; 'Take all measures to guarantee greater representation of religious minorities in the social and political fields of the country' (Albania, recommendation 147.285)⁵ to 'Improve the reintegration and protection of members of ethnic and religious minority groups, and those displaced by conflict, and ensure access to public services, including the issuance of identity documentation' (United States of America, recommendation 147.284)⁶; and to 'Continue efforts and undertake concrete measures to prevent and eliminate discrimination and persecution on the grounds of religion or belief' (Poland, recommendation 147.95).⁷
5. Iraq also accepted a specific recommendation to 'Deepen efforts to investigate human rights violations committed against the Yazidi people in order to punish the perpetrators, and guarantee the protection of the religious, heritage and material culture of the Yazidi people' (Argentina, recommendation 147.287).⁸

Legal Framework

6. Iraq is party to the International Covenant on Civil and

Political Rights (ICCPR), which guarantees the right to FoRB under Article 18.

7. 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 Sabaeans. Article 14 adds that all citizens are equal before the law without discrimination on the basis of religion or other status.⁹
8. Furthermore, the constitution guarantees 'freedom of thought, conscience, and belief' under 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.
9. 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, it 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.
10. Discriminatory legislation against non-Muslims remained in place during the reporting period, 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.

Recommendations

11. ***Amend the constitution to ensure that all Iraqis enjoy equal rights regardless of their religion or belief by removing stipulations mandating Islam as a source of legislation.***
12. ***Repeal all laws that restrict freedom of religion or belief, including those prohibiting the Baha'i faith.***

Terrorism and insecurity

13. During the last UPR cycle, Iraq supported four recommendations regarding the combatting of terrorism, including recommendations to 'continue safeguarding the population against terrorism, which has been a main source of massive human rights

1 United Nations, Report of the Working Group of the Universal Periodic Review: Republic of Iraq Addendum, A/HRC/43/14/Add.1, 26 December 2019, <https://documents.un.org/doc/undoc/gen/g19/353/47/pdf/g1935347.pdf?token=Vn7vFp7dhut2YNfCHN&fe=true>

2 *Ibid*

3 *Ibid*

4 *Ibid*

5 *Ibid*

6 *Ibid*

7 *Ibid*

8 *Ibid*

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

violations' (Iran, recommendation 147.145)¹⁰ and 'to address the breadth of the definition of terrorism and ensure that any existing or new counter-terrorism legislation is fully compliant with the International Covenant on Civil and Political Rights and that measures taken to combat terrorism are fully compatible with the Covenant' (Macedonia, 147.124).¹¹

14. The state also accepted several recommendations regarding improving security in the country and addressing the challenges posed by internal displacement resulting from Islamic State (IS).
15. There have been 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 2021.¹²
16. However, there have been challenges in implementing justice following the defeat of IS. It is estimated that over 2,000 Yazidi women are still missing. 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." Thousands of non-Sunni men, women and children were either killed or enslaved during the IS occupation of Mosul and the Nineveh Plains, and tens of thousands of Christians emigrated to neighbouring countries over the following years.
17. 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.
18. Six Yazidi women were rescued from IS captivity in Syria and flown back to Erbil, where they were reunited with their families on 3 June 2023 with the help of the Kurdistan Regional Government (KRG).
19. In a separate incident, a 24-year-old Yazidi woman was liberated from IS captivity in northeast Syria on 4 February 2024. She was 14 years old when IS stormed her village in Sinjar in northern Iraq in 2014 and abducted her. In a TV interview, she recounted how she was sold as a sex slave several times, and at some point she was 'owned' by an elderly man called Abou Jaafar along with six other women - all of whom were brutally beaten and repeatedly raped during their captivity. She said: 'they destroyed my life, they sold and bought me like a sheep'.¹³
20. The woman was found and rescued together with her son and daughter during a security operation conducted by the Syrian Democratic Forces (SDF) targeting the Al-Hawl Camp in northeast Syria where thousands of former IS fighters and their families are held. Whilst living in the camp the woman was forced to adopt a pseudonym to conceal her religious background for fear of retaliation from other IS women.
21. The women were children and teenagers when they were abducted in 2014, when IS took control of large swathes of land in East and Northeast Iraq, including the Yazidi city of Sinjar. IS killed an estimated 5,000 Yazidi civilians for refusing to convert to Islam after taking control. In addition, between 400,000 and 500,000 Yazidis were displaced, and 6,000 to 7,000, predominantly women and children, were enslaved. Many of them were sold and transferred to Syria.¹⁴ According to Hussein Qaedi, director of the KRG's Yazidi Captives Rescue Department, over 2,800 of the abducted Yazidis remain unaccounted for.¹⁵
22. 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.
23. 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.
24. Yazidi and Christian community leaders have expressed grave concerns regarding tension between the central government in Baghdad and the KRG in Erbil. During the reporting period local community leaders and activists reported intensified efforts by the KRG to 'Kurdify' their territories by making it difficult for individuals displaced

10 United Nations, Report of the Working Group of the Universal Periodic Review: Republic of Iraq Addendum, A/HRC/43/14/Add.1, 26 December 2019, <https://documents.un.org/doc/undoc/gen/g19/353/47/pdf/g1935347.pdf?token=Vn7vFp7dhut2YNfCHN&fe=true>

11 Ibid

12 Premier Christian News, '23,000 Christians reported returning to Iraq after Pope's visit', 7 April 2021, <https://premierchristian.news/en/news/article/23-000-christians-reported-returning-to-iraq-after-pope-s-visit>

13 Al Hurra, "I was sold like a sheep." Yazidi woman freed 10 years after she was kidnapped by ISIS, 6 February 2024, <https://www.alhurra.com/arabic-and-international/2024/02/06/شعاع-ادافطختاوين-10-يديزي-أبريرحت-عاش-لشم-ي-ي-ميت>

14 Nadias Initiative, 'The Genocide', <https://www.nadiasinitiative.org/the-genocide>

15 Al Hurra, 'Between confirmation and denial... Are there Yazidis "stuck" in Al-Hawl camp?' 3 August 2023, <https://www.alhurra.com/arabic-and-international/2023/08/03/الولام-ي-ي-ف-ن-و-ق-ل-ا-ع-ن-و-ي-ي-ي-أ-ي-ف-ن-ل-ا-و-ي-ي-ك-ا-ن-ل-ا-ن-ي-ب>

by IS violence to return.

25. 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 reported increased pressure on their 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.
26. 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.¹⁶
27. Sectarian narratives such as these reinforce division and create fertile ground for terrorism and insecurity.
28. Sectarian politics also reinforces divisions as different groups argue that they should have greater access to certain resources, such as oil. This can give rise to corruption, and a sense of grievance and victimhood among groups that receive a lesser allocation, creating further potential for tension and intolerance.
29. During the reporting period, the Iraqi state attempted to interfere in the internal affairs of the Chaldean Catholic Church, one of the 23 autonomous Eastern Catholic Churches in full communion with Rome.
30. In November 2023, Iraq's Supreme Court dismissed an attempt by the head of the Chaldean Catholic Church, Cardinal Louis Raphaël Sako, to overturn a presidential decree that removed his "institutional recognition".
31. The Chaldean Patriarch of Babylon had submitted a case to the court after a dispute in July, when President Abdul Latif Rashid rescinded a decree that formally recognised Cardinal Sako as head of the Chaldean Church and "responsible for the endowments of the Church" upon his appointment in 2013. The Patriarch left the Iraqi capital for Erbil in July 2023, making it clear he would not return unless President Rashid restores the decree. In April 2024, the Patriarch returned unexpectedly to Baghdad following the Iraqi PM's personal outreach and assurance that the cardinal's remaining concerns would be addressed.¹⁷

Recommendations

- 32. Continue efforts to combat terrorism and protect vulnerable communities and religious minorities, ensuring that all counter-terrorism measures are in compliance with international law.**
- 33. Prohibit sectarian politics and the establishment of religion-specific political parties.**
- 34. Contain and counter sectarian narratives, and work to promote an inclusive national identity.**
- 35. Combat corruption in Iraqi politics and ensure that any allegations of corruption are investigated thoroughly, and guilty parties are held accountable.**
- 36. Restore the Presidential decree of 2013 and the religious and legal status of Cardinal Sako.**

Conclusion

37. Iraq has made some positive steps towards meeting the recommendations it accepted during the last UPR cycle. However, efforts to combat terrorism and insecurity and ensure full rights for women have been slowed down by sectarian politics and narratives.
38. CSW remains concerned by contradictions within Iraq's constitution which claims to guarantee the right to FoRB while simultaneously proclaiming Islam as a source of legislation.

¹⁶ Asia News, 'Card Sako expresses sadness and sorrow over attack against a Christian shopkeeper in Al Amarah', 30 November 2021, <https://www.asianews.it/news-en/Card-Sako-expresses-sadness-and-sorrow-over-attack-against-a-Christian-shop-keeper-in-Al-Amarah-54617.html>

¹⁷ The Pillar, 'Why did Cardinal Sako return to Baghdad?' 16 April 2024, <https://www.pillarcatholic.com/p/why-did-cardinal-sako-return-to-baghdad>

**CSW everyone
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T +44 (0)20 8329 0010

🐦 @CSW_UK

f /CSWUK

csw.org.uk

PO Box 99

New Malden

Surrey, KT3 3YF

United Kingdom