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JUBILEE CAMPAIGN USA
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With:
SET MY PEOPLE FREE
CANADIAN YAZIDI ASSOCIATION
ASSYRIAN AID SOCIETY OF IRAQ

United Nations Human Rights Council
Universal Periodic Review - FOURTH CYCLE

Submission to the 48th session of the Human Rights Council's Universal Periodic Review Working Group
January - February 2025

Republic of Iraq

A Vital Voice for Those Suffering in Silence
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United Nations Human Rights Council
Universal Periodic Review of the Republic of Iraq

I. Background.

1. **Jubilee Campaign** is a non-governmental organization which holds consultative status with the Economic and Social Council since 2003 and whose work focuses on promoting the rights of religious and ethnic minorities and raising the status of vulnerable women and children to protect them from bodily harm and exploitation. Jubilee Campaign submits this analysis of religious freedom and human rights in the Republic of Iraq as a contribution to the Universal Periodic Review.

2. **Set My People Free** is a network of individuals, churches and organizations working for the freedom of converts from Islam to live and practice their new faith, and to experience equality and justice in their home countries.

3. **Canadian Yazidi Association** is a non-profit organization designed to assist Yazidis in need. It was founded shortly after ISIS's genocidal campaign to eradicate the Yazidi people in August 2014 in Iraq. The Canadian Yazidi Association seeks to implement projects and programs to support members of the Yazidi community and create local and global awareness of the plight of the Yazidis.

4. **Assyrian Aid Society of Iraq** was formally and officially established in the spring of 1991, growing from the core of the pre-war refugee relief organization. AAS-I was one of the very first humanitarian organizations in the region working and coordinating with the United Nations (UN) agencies just beginning their own local and international humanitarian work in Iraq.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies.

We urge the Republic of Iraq to:

5. Accede to the procedures of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; and the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

6. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

III. Violations of human rights obligations, considering applicable international human rights legislation.

A. Freedom of thought, conscience, and religion.

7. Article 2(1) of the 2005 Constitution of Iraq identifies Islam as the nation's official religion and prohibits the enactment of any legislation which "contradicts the established provisions of Islam". Article 2(2) "guarantees the Islamic identity of the majority of the Iraqi people and guarantees the full religious rights to freedom of religious belief and practice of all individuals such as Christians, Yazidis, and Mandean Sabeans". Constitutional Article 10 outlines the State's responsibility and duty to protect "holy shrines and religious sites" and the religious activities which take place therein. Article 37(2) guarantees that civilians shall be protected by the State from "intellectual, political and

religious coercion". Articles 42 and 43(1) grant people of all faiths the freedom of thought, conscience, and belief, and it additionally allows believers of all faiths the authority of "management of religious endowments (waqf), their affairs, and their religious institutions". Article 43(2) guarantees freedom of worship.[1]

8. Chapter 8 Section 2 of the 1969 Penal Code of Iraq specifies numerous penalties for conduct which is protected under freedom of expression and freedom of religion. Article 372 prescribes a maximum three-year term of imprisonment for any individual who (1) "attacks the creed of a religious minority or pours scorn on its religious practices"; (4) "prints or publishes a book sacred to a religious minority and deliberately misspells the texts so that the meaning of the text is altered or makes light of its tenets or teachings"; or (5) insults a faith or its personages, objects, and tenets. Such provisions constitute blasphemy laws; however, Article 372 does include some provisions which are beneficial in its protection of places of worship, such as the criminalization of (2) disrupting or preventing a religious ceremony; and (3) desecrating or vandalizing religious sites and symbols.[2] Therefore Article 372, in its effort to criminalize conduct which violates religious freedom (i.e., disrupting rituals and ceremonies; damaging and destroying religious sites) in itself violates religious freedom by extraneously encroaching upon permissible conduct which - though perhaps offensive - does not cause actual harm to individuals or places (i.e., criticism of religion; distributing books). Authorities in Iraq have pursued blasphemy charges against Christian exMuslims and fail to condemn religious leaders calling for the execution of converts from Islam.[3]

9. Iraq's Personal Status Law of 1959 in Article 17 prohibits marriage between a Muslim woman and non-Muslim man, although a Muslim man is permitted to wed a woman "from a religion that has been divinely revealed" (Christianity, Judaism, Zoroastrianism). Article 18 states that "entering into Islam by one spouse before the other shall follow the Shari'a-based provisions in remaining married or becoming separated". Article 39(1) requires all divorces be filed as a suit within Sharia courts.[4]

10. Article 26 of the National Identity Card Law clarifies that non-Muslim citizens are permitted to convert religions (accept Islam) but does not extend the same right to Muslims who wish to convert to other faiths. The article additionally notes that in the case of religious conversion within marriage in which one spouse converts to Islam, any of the couple's minor children under 18 years is by default deemed Muslim in the eyes of the law.[5]

11. Law No. 105 of 1970 outlaws the Bahá'í faith and continues to remain in effect over half a century later. Law No. 358 of 1975 which forbade the inclusion of references to the Bahá'í faith in any civil status documentation was repealed by the Ministry of Interior in 2007. These incompatible legislations have created an environment where some Bahá'í practitioners have been able to acquire identification cards accurately listing Bahá'í as their religious affiliation. However, many more have declined to include their faith on their identification cards as it could expose them to discrimination should they at any point come into contact with government authorities. In recent years, the Ministry of Interior has placed an indefinite halt on issuing identification cards to Bahá'í citizens; as such, they are effectively unable to access public services including education, property ownership, health care, marriage proceedings, and more.[6]

12. In 2023, the government re-introduced to Parliament the Law on Freedom of Expression and Peaceful Assembly which authorizes police to prosecute individuals who make public remarks which

1 [Iraq] *Constitution of Iraq*, 15 October 2005.

2 [Iraq] *Iraq: Penal Code, No. 111 of 1969*, July 1969.

3 Middle East Concern, "Iraq: Court of Appeal confirms Christian's conviction", 19 April 2023. ; Middle East Concern, "Iraq: Church leader faces blasphemy charges and threats", 21 March 2023.

4 [Iraq] *Iraq: Personal Status Law and its Amendments (1959)*, 30 December 1959.

5 [Iraq] *Iraq: National Card Law No. (3) of 2016*, 2016.

6 Minority Rights Group International, "World Directory of Minorities and Indigenous Peoples - Iraq: Bahá'í".

contravene "public morals" or "public order", which can be leveraged not only against political dissidents but also religious minorities for conduct deemed 'blasphemous'. The Iraqi Civil Society Solidarity Initiative notes that multiple iterations of such a draft law have been introduced numerous times and that it is unclear which version is currently up for debate in the Parliament. A previous draft included an article prohibiting "undermining of 'religions, religious beliefs, sects'" and prescribing a ten-year prison term to any individual who publicly insults "a symbol or a person who constitutes an object of sanctification, worship or reverence to a religious sect".[7] Such a penalty far surpasses that of the similarly inhumane Penal Code Article 372 as discussed in paragraph 5 of this present submission.

13. While the Constitution refers to Muslims, Christians, Yezidis, and Mandean Sabeans as legally recognized faith groups, it does not address the Jewish community. The vast majority of Iraq's Jewish population has been expelled or has fled due to such persecution which has transpired over the past century, the approximately only a few hundred that remain are proscribed from military service and holding public sector jobs. Concurrently, an estimated 90% of Jewish heritage sites in Iraq have fallen to partial disrepair or entire dilapidation.[8]

14. When militants of the Islamic State invaded northern Iraq and Syria in June 2014 and announced the establishment of a caliphate, troops embarked on a campaign to either convert Yazidi civilians to Islam or execute them en masse. Yazidis are a Kurdish-speaking ethno-religious group who practice a "monotheistic religion with elements of Zoroastrianism, Mithraism, Mathadaism, and other elements of the area's oral traditions", as well as Christianity.[9] Coinciding with these mass killings, ISIL forces abducted an estimated 5,270 Yazidi girls and women, of whom approximately 2,700 remain in militant captivity a decade later.[10] In March 2021, the Iraqi parliament passed the Law on Yazidi Female Survivors, one of the government's first public acknowledgements that the Islamic State had perpetrated genocide by imposing "sexual enslavement, forced marriage, pregnancy, and abortions" not only on Yazidi women and girls but also those from the Turkmen, Christian, and Shabak communities.[11] The Yazidi Female Survivor Law entitles its beneficiaries to financial restitution, psychological care, housing assurances, and employment and education assistance. Numerous obstacles hinder the law's effective implementation, including: lack of a strategy to prosecute perpetrators; exclusion of children born from rape; inequitable allocation of funds for compensation, either due to budgetary constraints or lack of political will.[12] Children of Yazidi survivors are often denied legal registrations as Yazidi because they are biological offspring of Muslim militants and are therefore subject to the Personal Status Law.[13] Most recently, the Iraqi government introduced the requirement that Yazidi survivors must file a judicial complaint in order to be eligible for reparations offered by the law; this requisite exposes survivors to potential re-traumatization as well as negative stigma due to their status as victims of sexual offenses.[14]

15. The nation's internal displacement camps are overpopulated and remain inadequate for long-term residence, with approximately 120,000 Yezidi living in 23 displacement settlements in the Kurdistan

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[7] Amnesty International, "Iraq: Draft laws threaten rights to freedom of expression and peaceful assembly", 18 July 2023. ; Iraqi Civil Society Solidarity Initiative (ICCSI), "Democracy Risks in Iraq: Debate over expression, association, and protests law", 13 April 2023.

[8] Al-Hamadani, "A Constitutional Challenge to Iraq's Treatment of Iraqi Jews", *Washington Institute for Near East Policy,* 21 October 2021. ; Ido Levy, "Reclaiming Iraq's Jewish Heritage", *Washington Institute for Near East Policy,* 19 October 2021.

[9] David Sverdlov, *Rape in War: Prosecuting the Islamic State of Iraq and the Levant and Boko Haram for Sexual Violence against Women*, Cornell International Law Journal, 2017.

[10] United Nations Security Council, "ISIL/Da'esh Committed Genocide of Yezidi, War Crimes against Unarmed Cadets, Military Personnel In Iraq, Investigative Team Head Tells Security Council" [Press Release], 10 May 2021. ; Nadia's Initiative, *The Genocide*. ; Free Yezidi Foundation, *My Life My Future: 2022 Annual Report*, 2023.

[11] Human Rights Watch, *Iraq: Events of 2022*.

[12] Dana Taib Menmy, "Iraq government not doing enough to heal wounds of Yazidi genocide, says community leader", *The New Arab,* 3 August 2022. ; Amnesty International, "Iraq: Yezidi reparations law progress welcome, but more must be done to assist survivors", 2 November 2021.

[13] Tom Allison, "Yazidi women seek acceptance for children born of IS rape", *Info Migrants,* 1 May 2019.

[14] Human Rights Watch, "Iraq: Flawed Implementation of Yazidi Compensation Law", 14 April 2023.

region more than a decade after their escape from Islamic State violence in 2014. The Iraqi government - notably the Ministry of Labour and Social Affairs (MoLSA), with assistance from the UNHCR, has made progress in poverty alleviation programs for refugees; increasing educational enrollment of displaced children; helping refugees obtain legal documentation which was lost due to their unanticipated migration; improving water, solar, and electricity infrastructure.[15] In late 2022, however, the Iraqi Ministry of Migration and Displacement announced its plans to shut down all IDP camps across federal territory, and having completed this initiative, it has set a 30 July 2024 deadline by which the remaining camps in Kurdistan region will be permanently closed. Numerous human rights organizations and humanitarian groups have criticized this decision, as the Iraqi government has made negligible progress in reconstructing displaced peoples' origin communities, compensating them for property damage and loss, and establishing public services. Yezidis specifically have noted that their ancestral towns "are not safe enough to return to".[16]

16. In the summer of 2021, Christians in Iraq's Kurdistan region were forced to flee their homes and communities in response to Turkish Armed Forces (TAF) bombings as part of the military's "Operation Claw-Lighting". The initiative sought to eradicate the guerrilla group Kurdistan Workers' Party (PKK) which has been designated as a terrorist faction by Turkey, the United States, and the European Union. Human rights activists raised concerns that Turkish troops had "indiscriminately targeted Christian communities and other civilian communities", predominantly indigenous Assyrian Christians residing in the Nineveh Plains. While the vast majority evacuated Duhok region's Kesta and Chalke villages, one resident refused to leave his home; meanwhile, in the village of Miska a church and multiple Christian residences were destroyed in the bombings.[17] In July 2023, Community Peacemaker Teams (CPT) and End Cross-border Bombing Coalition Partners identified 2022 as the deadliest year in Northern Iraq, with a single Turkish military artillery attack of Zakho village in late July 2022 resulting in nine casualties - the youngest victim an infant girl - the highest "civilian death and injury toll for any single bombardment since 2015".[18]

17. In March 2022, 20-year-old Christian convert woman Maria Iman Sami Maghdid was murdered by a Muslim family member – believed to be her uncle – after she had posted a video on social media website TikTok in which she expressed her newfound faith by singing Christian songs. One month prior to her death, Maria was gifted a Bible from a member of a Bible study group, after which she made the decision to leave Islam and follow Christianity.[19]

18. The Iraqi Federal Government and Kurdistan Regional Government have been unsuccessful in curbing the activities of the Popular Mobilization Forces (PMF) and its predominantly Shia Muslim militias. Kataib Babiliyoun is a PMF brigade founded by Chaldean Catholic politician Rayan al-Kildani; the group claims to represent the Chaldean Catholic community but in reality draws its membership largely from Shia and is aligned with pro-Iran militias. In March 2023, Kataib Babiliyoun expanded its attempts to "exercise law and order functions in the Nineveh Plain, an area of traditional rooting of Iraq's indigenous Christian communities".[20] When met with resistance by local churches, the brigade kidnapped seven Christian members of the Nineveh Plain Protection Units and transferred them to an undisclosed location. Out of the Babylon Brigade the political party Babylon Movement was formed, and in October 2021 representatives of the party were elected to four of the five parliamentary seats reserved for Iraqi Christians. The electoral results drew scrutiny,

15 UNHCR, *Iraq situation*.

16 The National News, "UNHCR voices concerns over Iraqi government decision to close IDP camps", 10 June 2024. ; Human Rights Watch, "Iraq: Looming Camp Closures in Kurdistan", 13 May 2024.

17 Barnabas Aid, "Christians in Iraqi Kurdistan Forced to Abandon Homes Due to Turkish Bombardment", 26 July 2021.

18 Community Peacemaker Teams (CPT) and End Cross-border Bombing Campaign, *Civilian Casualties of Turkish Bombardments in Northern Iraq in 2022*, August 2023.

19 Asia News, "Maria, 20, killed in Erbil by relatives for converting to Christianity", 9 March 2022.

20 Agenzia Fides, "ASIA/IRAQ - Qaraqosh, tensions and disputes around the role of the 'Babylon Brigades'", 16 March 2023. ; SyriacPress, "Iran-backed Babylon Brigades kidnap seven members of Nineveh Plain Protection Units in Baghdede, Iraq", 15 March 2023.

with some individuals suggesting that "the votes of Shiite voters had also been diverted towards the candidates of the 'Babylon Movement' so as to place in the seats reserved for Christians, representatives who in fact respond to Shiite political formations".[21]

19. In late April 2023, the Iraqi government facilitated the return of a group of displaced families to Sinjar district, causing one local Yazidi women to claim that one of the returnees was an Islamic State militant which had enslaved her in 2014 during the Yazidi Genocide. Fabricated videos circulated online accusing this Yazidi woman and her peers of pelting a local mosque with stones and setting the facade ablaze. The Iraqi mosque oversight body, the Sunni Endowment Office, publicly disputed the false rumors and videos, informing that the mosque did not sustain any attacks or damages. Notwithstanding this swift clarification of the facts, Facebook and WhatsApp users - some of which were Muslim faith leaders - engaged in hate speech against Yazidis, deeming them "devil worshippers", and making threats of physical attack. In response to the incendiary situation, the French Embassy in Iraq made a public statement condemning the online proliferation of hate speech against Yazidis.[22]

20. In July 2023, Iraqi President Abdul Latif Rashid revoked the cardinal status of Louis Sako, patriarch of the Chaldean Catholic Church. Exposing this decision as "unprecedented" and "unfair", Cardinal Sako announced that he would be leaving Baghdad and resettling in Kurdistan to continue his leadership.[23] Cardinal Sato filed an appeal against the presidential decree stripping him of his title and one year later in June 2024 Iraqi Prime Minister Mohammed Shia al-Sudani reinstated the cardinal's position and function as leader of the Chaldean Catholic Church.[24]

21. In June 2024, an Iraqi court in Kurdistan ordered Christian mother Elvin Joseph and her three children to convert to Islam pursuant to the nation's Personal Status Law. Earlier, Elvin had visited the National Identity Documents Office to obtain a card, but was informed by authorities that her mother had converted to Islam, divorced her husband (Elvin's father), and remarried a Muslim man all while Elvin was 15 years old and. The court cited the legislation requiring children under the age of majority to accept Islam if one of their parents or guardians has converted. Elvin herself is now an adult with her own family, has had her marriage to a Christian man registered by their church, and raises her children in the Christian faith, and this court ruling places the family's faith identity in peril.[25] Further, Iraq's national identity card law continues to deny the recognition of children of Yazidi women as Yazidi since the biological father is presumed Muslim.[26] This potential imposes a renewed trauma on the mother, a survivor of genocidal violence, and in the long-term: "the subtle erosion of these already small minority groups and a lost opportunity for a child to know their roots."[27] If the child is a daughter she will also not be permitted to officially marry a non-Muslim when she comes of age. This law negates the Republic of Iraq's commitment during the last Universal Periodic Review to: "deepen efforts to investigate human rights violations against the Yazidi people […]and guarantee the protection of the religious, heritage and material culture of the Yazidi people." [recommendation 147.287 from Argentina].

22. The Republic of Iraq during its last review supported recommendations where it promised to: "improve the reintegration and protection of ethnic and religious minority groups and those displaced by conflict, and ensure access to public services, including the issuance of identity documentation" [UPR recommendation 147.284] and "take all measures to guarantee greater

21 Agenzia Fides, "ASIA/IRAQ - Elections, the 'Babylon Movement' obtains 4 of the 5 seats reserved for Christian candidates", 12 October 2021.

22 Frankie Vetch, "Hate speech sparks fears of violence against Yazidis in Iraq", *Coda,* 18 May 2023.

23 Peter Pinedo, "Iraq's president revokes recognition of Catholic leader", *Catholic News Agency*, 17 July 2023.

24 Kurdistan 24, "Cardinal Louis Sako reinstates his position as Patriarch of Chaldean Catholic Church in Iraq and World", 11 June 2024.

25 Open Doors, "Iraq: Christian woman must convert to Islam, according to Iraqi court", 13 June 2024. ; Rafael Llanes, "Iraqi court orders conversion of Christian mother and her children to Islam", *Zenit,* 2 July 2024.

26 InfoMigrants, "Yazidi women seek acceptance for children born of IS rape", 1 May 2019.

27 Serri Mahmood, *Challenges of Children Born by ISIS rape in Iraq*, CERAH Geneva, September 2017.

representation of religious minorities in social political fields of the country." [UPR recommendation 147.285], the government of Iraq however, have unfortunately taken steps during the review period which run contrary to these commitments. The reduction of reserved minority seats is one concern expressed by ethnic religious minorities but also the discrimination in application of court decisions to return land to indigenous Assyria. Assyrian communities in Iraq have also had to rely on aid from diaspora to cover basic infrastructure and educational needs since no aid has been provided from the government.

23. In February 2024, Cardinal Sako reaffirmed his growing concern about the mass exodus of Christians which continues, with approximately 100 Christian families fleeing Qaraqosh in the past few months alone. The cardinal expressed that restrictions on political participation, confiscation of property, and general feelings of insecurity have caused the nation's Christian population to "feel that they are being squeezed out of public life". Interestingly, one of the events which caused the more recent spike in uncertainty was the fatal fire which took place at a Christian wedding in Qaraqosh in September 2023 and which caused more than 130 fatalities. The fire, though an accident, underscored authorities' negligent monitoring of safety guidelines in public settings and exacerbated Christians' fear that the government "lacked concern" for their "safety and wellbeing".[28]

Recommendations.

We urge the Republic of Iraq to:

24. Revise Penal Code Article 372 in order to ensure it does not penalize peaceful expression of opinions, including criticism of religious beliefs and practices;

25. Encourage initiatives that foster mutual respect and understanding among different religious communities, including individuals who have left Islam and/or converted to another religion or belief;

26. Allow Muslim women the same right as Muslim men to marry individuals of any faith, promoting gender equality and freedom of choice in marriage;

27. Remove the requirement for Sharia-based provisions to dictate the marital status upon one spouse's conversion to Islam, allowing couples to make decisions based on mutual consent and personal beliefs;

28. Allow all citizens, regardless of their current religion, the freedom to convert to any religion of their choice or to adopt no religion at all;

29. Establish a legal framework that respects the religious upbringing and identity of children, taking into account the rights and beliefs of both parents and the child's best interests; remove the legal provision that automatically recognizes minor children as Muslims if one parent converts to Islam;

30. Immediately repeal Law No. 105 of 1970 to decriminalize the Bahá'í faith and align Iraq's legal framework with international human rights standards, particularly the right to freedom of religion and belief;

31. Reinstate the issuance of identification cards to Bahá'í citizens without discrimination, ensuring that their religious affiliation can be accurately and safely recorded if they choose;

32. Significantly amend proposed legal provisions (Law on Freedom of Expression and Peaceful Assembly) authorizing prosecution for remarks contravening "public morals" or "public order" to ensure they are not used to suppress legitimate free speech and peaceful assembly;

33. Amend the Iraqi Constitution to include the Jewish community as a legally recognized faith group, ensuring they have equal rights and protections under the law;

34. Allocate funds and resources for the preservation and restoration of Jewish and other religious and indigenous minority heritage sites, recognizing their historical and cultural significance;

[28] Matthew Barns, "Vanishing faith: the exodus of Iraq's Christians", *Premier Christianity,* 13 March 2024.

35. Establish a clear and comprehensive strategy to prosecute Islamic State perpetrators, including cooperation with international bodies such as the International Criminal Court (ICC) to ensure justice for survivors;

36. Amend the Yazidi Female Survivor Law to include children born from rape, ensuring they receive legal registration and are entitled to benefits such as education and healthcare;

37. Allocate sufficient budgetary resources to fully implement the Yazidi Female Survivor Law, ensuring all eligible survivors receive the financial restitution and support to which they are entitled;

38. Remove the requirement for Yazidi survivors to file judicial complaints to access reparations, implementing a more survivor-centered approach that minimizes re-traumatization and stigma;

39. Extend the deadline for closing IDP camps in the Kurdistan region beyond 30 July 2024 to ensure that displaced persons have adequate time and support to transition to safe and secure living conditions;

40. Actively engage with displaced communities, including Yezidis and Assyrians, to understand their concerns and needs, involving them in decision-making processes related to their return and reintegration;

41. Expand public services in origin communities, including healthcare, education, and social services, to support the reintegration of returning IDPs;

42. Engage in diplomatic discussions with Turkey to address the impact of their military operations on civilian populations and seek assurances for the protection of non-combatants.

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