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2011 Report on International Religious Freedom - Iraq

Bureau of Democracy, Human Rights, and Labor
July 30, 2012

[Covers calendar year from 1 January 2011 to 31 December 2011]

Executive Summary

The constitution provides for religious freedom and, in practice, the government generally respected religious freedom. The government did not demonstrate a trend toward either improvement or deterioration in respect for and protection of the right to religious freedom. The constitution recognizes Islam as the official religion, mandates that Islam be considered a source of legislation, and states that no law may be enacted that contradicts the established provisions of Islam. However, it also states that no law may be enacted that contradicts principles of democracy or the rights and basic freedoms stipulated in the constitution. Moreover, the constitution guarantees freedom of thought, conscience, and religious belief and practice for Muslims and non-Muslims alike. Apparent contradictions between the constitution and other legal provisions have not been tested in court and leave unclear the full legal protection for religious freedom. Officials sometimes misused their authority to limit freedom for other sects. However, the government continued to call for tolerance and acceptance of all religious minorities. In the aftermath of attacks on Christian religious sites, the government provided funds for repairs and increased the level of protection for churches and places of worship for religious minorities.

There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice. Sectarian violence in some parts of the country had a negative impact on the ability of all religious believers to practice their religion, although to a lesser extent in the Iraqi Kurdistan Region. No reliable statistics on religiously motivated violence were available. The overwhelming majority of mass casualty terrorist attacks targeted Muslims. A combination of sectarian hiring practices, corruption, targeted attacks, and the uneven application of rule of law had a detrimental economic effect on minority non-Muslim communities and also contributed to the departure of significant numbers of non-Muslims from the country, including Christians and Sabeen-Mandaeans.

Senior U.S. officials called for unity in the face of sectarian violence, pressed government officials for greater inclusion of religious minorities in the political process, and advocated for nonsectarian hiring practices. The mission has a working group on minority issues, designed to bring a coordinated focus to U.S. government activities

related to minorities during the year. A special coordinator was appointed to oversee mission funding, program implementation, and advocacy to address minority concerns. The mission met regularly with the country's Shia, Sunni, and religious minority populations; issued statements urging better mutual understanding; and funded grants and projects that support religious freedom.

Section I. Religious Demography

Due to violence, internal migration, and lack of governmental capacity, religious demography statistics varied. Numbers were often estimates from nongovernmental organizations (NGOs) rather than census data or other official sources. The government passed a census law in 2008; however, no census has yet been conducted.

According to statistics provided in 2010 by the government, 97 percent of the population is Muslim. Shia Muslims – predominantly Arabs but also Turkmen, Faili (Shia) Kurds, and other groups – constitute a 60 to 65 percent majority. Arab and Kurdish Sunni Muslims make up 32 to 37 percent of the population – 18 to 20 percent are Sunni Kurds, 12 to 16 percent are Sunni Arabs, and the remaining 1 to 2 percent are Sunni Turkmen. Approximately 3 percent of the population is composed of Christians, Yezidis, Sabeans-Mandaeans, Baha'is, Shabaks, Kaka'is (sometimes referred to as Ahl-e Haqq), and a very small number of Jews. Shia, although predominantly located in the south and east, are also a majority in Baghdad and have communities in most parts of the country. Sunnis form the majority in the west, center, and the north of the country.

Current Christian population estimates by Christian leaders range from 400,000 to 600,000. Approximately two-thirds of Christians are Chaldeans (an eastern rite of the Catholic Church), nearly one-fifth are Assyrians (Church of the East), and the remainder are Syriacs (Eastern Orthodox), Armenians (Roman Catholic and Eastern Orthodox), Anglicans, and other Protestants. The archbishop of the Armenian Orthodox Diocese reported that approximately 15,000 Armenian Christians remained in the country, primarily in the cities of Baghdad, Basrah, Kirkuk, and Mosul. Evangelical Christians reportedly number approximately 5,000.

Yezidi leaders reported that most of the country's 500,000 to 600,000 Yezidis reside in the north, with 15 percent in Dohuk Province and the rest in Ninewa Province. Shabak leaders stated there are 400,000 to 500,000 Shabaks, who reside mainly in the north, near Mosul. Estimates of the size of the Sabeans-Mandaeans community vary widely; according to Sabeans-Mandaeans leaders, about 4,000 remained in the country. The Baha'i leadership reported their members number fewer than 2,000 and are spread throughout the country in small groups. The Kaka'i community around Kirkuk is estimated at 24,500 people. Eight Jews reside in Baghdad, and none are known to live in other parts of the country.

UNHCR reported that 67,080 Iraqi refugees and 193,610 internally displaced persons (IDPs) registered returns in 2011. A majority of these refugees originally fled Iraq and sought asylum in Syria and Iran due to sectarian violence. According to UNHCR's 2011 mid-year monitoring report, the majority of the Iraqi refugees who had sought asylum in Iran were Shia families who had fled Iraq prior to 2003; those who returned in 2011 mostly settled in Najaf and Kerbala.

In addition to Iraqi refugees, an estimated 1.3 million people of all religious backgrounds remained internally displaced due to the sectarian violence between 2006 and 2008. The number of religious minorities internally displaced by violence remains uncertain because many stay with relatives and friends. At year's end, the International Organization for Migration (IOM) reported that 489 Christian families remained internally displaced in Iraq, down from 1,354 families at the beginning of the year. IOM attributed the decrease to families choosing to leave Iraq or deciding to return to their home areas due to growing security fears, lack of work opportunities, and difficulty with education transfers for their children in the area of displacement. Christian IDP families frequently found temporary residence in rental houses or with relatives. Humanitarian organizations working with this vulnerable population noted that Christian families were

often unable to sell their homes at a reasonable price. They also faced increasing rental costs in their area of displacement. Approximately 150 of the families that did not integrate into their area of displacement returned to Baghdad.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution protects religious freedom. The constitution recognizes Islam as the official religion, mandates that Islam be considered a source of legislation, and states that no law may be enacted that contradicts the established provisions of Islam. However, it also states that no law may be enacted that contradicts principles of democracy or the rights and basic freedoms stipulated in the constitution. Moreover, the constitution guarantees freedom of thought, conscience, and religious belief and practice for Muslims and non-Muslims alike.

Apparent contradictions between the constitution and other legal provisions have not been tested in court and leave unclear the full legal protection for religious freedom. Government regulations preventing the conversion of Muslims to other religions, a law that requires conversion of minor children to Islam if either parent converts to Islam, laws and resolutions that outlaw the practice of some faiths, and a law that overrides religious tenets of individuals adhering to non-Muslim faiths remain, but have not been tested in court. In practice the constitution is the framework through which the government protected religious freedom during the year.

The country's civil and penal codes remain silent regarding legal remedies or penalties for conversion from Islam. In a change from her predecessor, the new minister of human rights is no longer advocating for the repeal of this law.

Law No. 105 of 1970 prohibits the practice of the Baha'i Faith, and a 2001 resolution prohibits the practice of the Wahhabi branch of Islam. Although provisions on freedom of religion in the constitution may supersede these laws, no court challenges have been brought to have them invalidated, and no legislation has been proposed to repeal them.

Article 41 of the constitution provides that citizens are free in their commitments to their personal status according to their religious groups, sects, beliefs, or choices. Required implementing legislation, however, has not yet been enacted, so the 1959 Personal Status Law (Law 188) remains in force, which calls for the adjudication of cases in accordance with Islamic law principles and applies to all citizens unless they are exempted by virtue of a special law. "Special law" might include foreigners, such as the British Proclamation No. 6 of 1917 and the Personal Status Law of Foreigners, No. 38, of 1931. Proclamation No. 6 provides that the civil courts consult the religious authority of the non-Muslim parties for their opinion under the applicable religious law and apply this opinion in court.

The constitution establishes the government's commitment to assuring and maintaining the sanctity of holy shrines and religious sites and guaranteeing the free practice of rituals. The penal code criminalizes disrupting or impeding religious ceremonies and desecrating religious buildings, and specifies that it applies to religious minorities. Followers of all religious groups and sects are free in the practice of religious rites and in the management of religious endowments, their affairs, and their religious institutions.

Article 18 of the constitution protects all citizens of birth from having their citizenship withdrawn, establishes their right to demand reinstatement of their citizenship, and allows them to hold multiple citizenships. However, in practice, the government considers Jewish citizens who emigrated from Iraq to Israel as having renounced their Iraqi citizenship and the possibility of reinstatement. The criminal code 201 stipulates that any person promoting "Zionist principles," or who associates himself with "Zionist organizations" or assists them by giving material or moral support, or works in any way towards the realization of "Zionist objectives," is subject to punishment by death.

Criminal code 201 was not implemented during the year.

In November 2011, the Iraqi Kurdistan Parliament (IKP) approved the first amendment of the Provincial Election Law No. 4 of 2009. The amendment did not include provisions sought by Christian representatives for the allocation of quota seats for Christians at both the District and Sub-District Council levels in geographical areas with Christian populations. In 2011, Christians held five quota seats of 111 total slots in the IKP.

Although individuals from minority groups hold senior positions in the national parliament and central government, as well as in the Kurdish Regional Government (KRG), minorities are proportionally underrepresented in the unelected government workforce, particularly at the provincial and local levels. The government and the KRG continued to provide political representation and support to minority communities during the year. The Iraqi Council of Ministers (COM) contains one Christian member (environment). The KRG's Council of Ministers includes one Christian minister (communication and transportation) and one Yezidi minister (agriculture and water resources).

The KRG provide some services, including payment of salaries for Yezidi religious instruction, at certain state-funded schools.

National identity cards denote the holder's religion; however, passports did not specify religion.

Religious groups are required to register with the government. To register, a group must have a minimum of 500 adherents in the country and, if Christian, receive approval from the Council of Iraqi Christian Church Leaders, a quasi-governmental group consisting of representatives from each of the 14 officially recognized churches.

In April 2007 the Ministry of Interior's Nationality and Passport Section canceled regulation 358 of 1975, which prohibited the issuance of national identity cards to those claiming the Baha'i faith. In May 2007 a small number of Baha'is were issued identity cards. The Nationality and Passport Section's legal advisor stopped issuance of the cards thereafter, claiming Baha'is had been registered as Muslims since 1975 and citing a government regulation preventing the conversion of "Muslims" to another religion. Without this official identity card, Baha'is cannot register their children for school or acquire passports. Despite the cancellation of the regulation, Baha'is whose identity records were changed to "Muslim" after regulation 358 was instituted in 1975 still could not change their identity cards to indicate their Baha'i religion, and their children were not recognized as Baha'is.

The government maintains three waqfs (religious endowments): the Sunni, the Shia, and the Christian and Other Religions Endowments. The endowments, which operate under the authority of the prime minister's office, disburse government funding to maintain and protect religious facilities.

The KRG, through the Kurdistan Region Ministry of the Endowment, pays the salaries of imams and funds the construction and maintenance of mosques. This funding is available for Christian religious establishments, but many churches prefer to be self-funded.

Article 92 of the constitution provides that the Federal Supreme Court shall be made up of a number of judges, experts in Islamic jurisprudence, and legal scholars. At the end of the year, no legislation had been enacted to regulate the number or method of selection of judges, or the work of the court, leaving unsettled the question of whether Islamic jurisprudence experts would serve as consultants and advisors to the judges or as members of the court.

The government provides support for Muslims desiring to perform the Hajj, organizing travel routes and assisting pilgrims with obtaining immunization documents for entry into Saudi Arabia. The government also provides funding to Sunni and Shia waqfs, which

accept Hajj applications from the public and submit them to the Supreme Council for the Hajj. The council, which is attached to the prime minister's office, organizes a lottery process that selects pilgrims for official Hajj visas.

The government requires Islamic religious instruction in public schools, but non-Muslim students are not required to participate. In most areas of the country, the curriculum of both primary and secondary public schools includes three class periods per week of Islamic education, including study of the Qur'an, as a requirement for graduation for Muslim students. Private religious schools operate in the country. To operate legally, private schools must obtain a license from the director general of private and public schools and pay annual fees. The Kurdistan Regional Ministry of Education funds Aramaic-language public schools (elementary and high school) in its territory, and the syllabus does not contain religion or Qur'an studies.

The government observes the following religious holidays as national holidays: Ashura, Arbai'n, Eid al-Fitr, Eid al-Adha, Maulid al-Nabi, and Christmas. The official work week is Sunday to Thursday, in deference to the Muslim Sabbath on Fridays.

Government Practices

There were no reports of government abuses of religious freedom, but there were reports of restrictions and discrimination based on religion. The government continued to respect the right of the vast majority of citizens to practice their religion. Sectarian misuse of official authority continued to be a concern.

Regional governments, particularly the KRG, also restricted religious freedom during the year.

There were allegations that the KRG engaged in discriminatory behavior against religious minorities. Many Christians have claimed that the KRG has unreasonably delayed the return of church land and land confiscated from members of their community. There were reports that Yezidis had to obtain KRG approval to find jobs in areas within the KRG-administered Ninewa Province, or under the security protection of the Peshmerga (Kurdish armed forces).

Shabak and some Yezidi political leaders alleged that Kurdish Peshmerga forces regularly harassed and committed abuses against their communities in Ninewa Province. For example, minority leaders reported that Kurdish forces pressured minority communities to identify themselves as Kurds and support their inclusion in the KRG.

Christian pastors reported pressure to desist from proselytizing and to provide information on their congregation to the KRG with the perceived threat of imprisonment and threats to their congregants and family. On July 6 a pastor was arrested by the KRG security forces and charged him with espionage; family and supporters claimed he was detained for proselytizing. The case was pending at the end of the year.

The KRG denied allegations it discriminated against Christians and other minorities. Moreover, despite such allegations, many non-Muslims choose to reside in the IKR because of the perception of greater security and tolerance there.

Although a few individuals from minority communities held senior positions in the government, there were reports of religion-based employment discrimination. The effects of sectarian hiring were especially severe in the security and police forces, where non-Muslim personnel were practically non-existent. On March 11 an investigative committee concluded that an Armenian Christian had been illegally dismissed from his government position in 2010 and that his religion may have played a role the decision. Instead of being rehired, he was forced to retire without the usual benefits. Fearing for his safety and discouraged about his economic prospects, he left the country during the year.

Several evangelical churches complained they had been unable to obtain official registration from the government and that registration conditions were too onerous, including the requirement of at least 500 members in the congregation.

During the year, national identity cards, which denote the holder's religion, were used as a basis for discrimination.

In practice government institutions do not acknowledge conversion from Islam for official purposes.

Although Easter is not a national holiday, government policy recognizes Christians' right to observe it, and Christian groups reported that they were able to observe the Easter holiday without interference.

According to press reports, the government launched a project in 2009 to renovate the interior of the Shrine of Ezekiel, a prominent Jewish heritage site that Christians and Muslims also revere. The government-funded Shia Endowment is managing the continuing renovation of the Shrine.

Abuses by Rebel or Foreign Forces or Terrorist Organizations

Terrorists and insurgents continued to victimize citizens of all ethnicities and religious groups. Terrorists committed acts of harassment, intimidation, robbery, kidnapping, and murder.

On August 28 a suicide bomber assessed to be associated with al Qaeda in Iraq (AQI) killed at least 28 persons, including Council of Representatives member Khalid al-Fahdawi, at the Umm al Qura mosque, one of the largest Sunni mosques in Baghdad.

On September 12 gunmen also believed to be associated with AQI stopped several vehicles carrying Shia pilgrims from Karbala and killed 22 of the men aboard.

On August 3 three people were sentenced to death and one to 20 years in prison for their role in the attack on October 31, 2010, on the Sayidat al-Najat (Our Lady of Salvation) Syriac Catholic Church in Baghdad's Karrada District, which killed 53 and injured more than 80.

Terrorist attacks on many mosques, churches, and other holy sites rendered some of them unusable. During the year, many worshippers reportedly did not attend religious services or participate in religious events because of the threat of violence. The government responded by providing additional security to holy sites and by funding repairs.

Improvements and Positive Developments in Respect for Religious Freedom

The Iraqi Security Forces deployed 28,000 police and army personnel in the Karbala area in late-November and early-December to protect an estimated three million visitors who came there to commemorate the Shia religious holiday of Ashura.

The government-funded Endowment for Christian and Other Religions began a three-year program to hire additional guards from minority religious groups to protect minority places of worship.

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice. Sectarian violence in many parts of the country had a negative impact on the ability of all religious believers to practice their faith, although to a lesser extent in the Kurdistan region. Some Islamic elements continued to exert pressure on

society to conform to their interpretations of Islam's precepts. Although these efforts affected all citizens, non-Muslims were especially vulnerable to this pressure and violence because of their minority status and lack of protection provided by a tribal structure. For example Sabean-Mandaeans, who are few in number and live in small groups spread across the country, continued to report that they were targeted by Islamic militias.

Many individuals from all ethnicities and religious groups were targeted because of their religious identity. Acts committed against them included harassment, intimidation, robbery, kidnapping, and murder. The overwhelming majority of the mass-casualty attacks targeted the majority Shia population. Persons who leave Islam often faced severe social persecution, including death, often by assailants known to the victims.

During the year, there were some reports that non-Muslim minorities and secular Arabs felt obliged to adhere to certain Islamic practices such as wearing the hijab or fasting during Ramadan.

Sunni Muslims continued to claim general discrimination, alleging an ongoing campaign of revenge by the Shia majority in retribution for the Sunnis' favored status and abuses of Shia under the former regime. Sunni Muslims also claim to suffer discrimination because of the public's perception that the majority of the Sunni population sympathized with Sunni extremists and former regime elements.

In general, minorities were underrepresented in elected positions, government appointments, and in public sector jobs. This situation was especially acute at the provincial level, where minorities lacked full representation in the provincial councils. This underrepresentation limited their access to government-provided security and economic development. Non-Muslims, particularly Christians and Yezidis, complained of being politically isolated by the Muslim majority because of their religious differences.

The combination of nepotistic hiring practices by members of the majority Muslim population, attacks against non-Muslim businesses, corruption, and uneven application of rule of law also had a detrimental economic effect on the non-Muslim communities and contributed to the departure of non-Muslims from the country.

Shia in Sunni-dominated neighborhoods, Sunnis in Shia-dominated neighborhoods, and religious minorities in both Sunni- and Shia-dominated neighborhoods reported receiving anonymous death threat letters demanding that they leave their homes. For example, there were reports that Christians living in the Mansour district of Baghdad were threatened with death if they did not leave their homes. Religious intolerance was a motivation for some letters, but some reports from Christian and Muslim sources also noted the possibility of economic reasons for the threats, specifically from persons trying to acquire Christian-owned property.

Some Muslims threatened women and girls, regardless of their religious affiliation, for refusing to wear the hijab, for dressing in Western-style clothing, or for failing to adhere to strict interpretations of Islamic norms governing public behavior. Numerous women, including Christians, reported opting to wear the hijab after being harassed. While non-Muslim students are not required to participate in religious instruction at public schools, some non-Muslim students reported that they felt pressure to do so from teachers and classmates.

During the year, Sabean-Mandaean leaders reported that their community continued to be the target of violent attacks, although fewer than in 2010. During the year two Mandaeans were killed, and two were kidnapped. There were also reports of threatening phone calls and bullets in envelopes left as a warning at Mandaean goldsmith shops.

During the year Yezidi and Shabak leaders reported their communities continued to be targets of harassment and violence. For example, some Muslims targeted shopkeepers for providing goods or services considered to be inconsistent with Islam and sometimes subjected them to violence for failing to comply with warnings to stop such activity.

These societal elements especially targeted liquor store owners, primarily Christian and Yezidi.

On December 2, between 300 and 1000 rioters attacked several Chaldean, Syriac, and Yezidi-owned businesses in Zakho, a major town in Dohuk province in the IKR. The attackers burned or destroyed 26 licensed liquor stores, a massage parlor, four hotels which serve alcohol, and a casino. The riot followed midday prayers at the Rasheed Mosque in Zakho where the imam allegedly denounced the businesses as "haram" and anti-Islamic and incited followers to attack. A counter riot subsequently destroyed the offices of an Islamic political party suspected of fomenting the original attacks.

Iraqi Kurdistan Region President Masoud Barzani condemned the violence. He also announced the formation of a committee to investigate and punish those behind the attacks. At the end of the year, the government had yet to compensate the victims or identify and punish the perpetrators.

Throughout the year, Muslim religious leaders (both Sunni and Shia), pilgrims, and religious congregants at shrines, places of worship, and private homes suffered fatal attacks and injuries.

On January 20 a pair of bombs targeting Shia pilgrims on their way to Karbala killed at least 52 people and wounded 150. An investigation remained open at the end of the year.

Between February 2 and July 9, eight Kaka'is were murdered in Kirkuk Province. Investigations remained open at the end of the year.

There were reports of three Christians killed by targeted violence in 2011. Investigations remained open at the end of the year.

Christian places of worship were attacked during the year. On August 2 the Syrian-Catholic Church of the Holy Family in Kirkuk was severely damaged by a bomb that wounded the parish's leader and 22 others in surrounding buildings. On August 15 the Syrian-Orthodox Church of St. Ephraim, also in Kirkuk, was bombed, but the attack did not result in any casualties. The police defused a car bomb outside a nearby Presbyterian church on the same day. An investigation remained open at the end of the year.

Although their actions often are unreported, Muslim neighbors sometimes try to assist Christians. For example during the riots targeting minority-owned businesses in Zakho and Dohuk, many Muslim business owners refused to identify Christian establishments. They also pulled Christian and Yezidi neighbors from burning buildings and they attempted to put out fires.

Section IV. U.S. Government Policy

The U.S. government was committed to promoting religious freedom and continued to work closely with the government as part of its overall policy to promote human rights. U.S. officials from the Department of State, the Department of Defense, the embassy, and the consulates met regularly with representatives of all of the country's religious and ethnic communities, including its minority communities, and maintained an active dialogue.

Through a U.S. government-funded program, Iraqi university students produced, and a prominent Iraqi television station broadcast, a series explaining and honoring holy sites of Iraq's various faiths. Another U.S. government-funded program sponsored successful interfaith dialogues in areas with religious tensions, such as Kirkuk.

The deputy assistant secretary of state for Iraq in the Bureau of Near Eastern Affairs served as the State Department's special coordinator for the country's religious and

ethnic minority communities. During the year, the special coordinator visited minority refugee populations in the United States to discuss the political, economic, and security challenges facing these communities. The assistant chief of mission for assistance transition led the embassy's efforts to reach out to the ethnic and religious minority communities. He traveled throughout the country and visited diasporas in the United States, meeting with religious and political leaders, and chaired the embassy's working group on minority issues, designed to bring a coordinated focus to U.S. activities related to minorities during the year.

The U.S. ambassador and the consul general in Erbil also engaged religious minority communities and the mission worked with department, international community, and government officials to address minority concerns.

As of December, the U.S. government funded more than \$70 million in projects to support minority communities. These projects focused on both the immediate and longer-term needs of these communities, including economic development, essential and humanitarian services, and capacity development.
