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IRAQ

TIER 2

KEY FINDINGS

In 2018, there continued to be significant challenges to religious freedom conditions in Iraq, trending toward modest but fragile improvement. The Iraqi government continued to show a lack of willingness or ability to provide proper security for vulnerable religious and ethnic minorities. It also eschewed due process for Sunni Muslims and family members accused of supporting the Islamic State of Iraq and Syria (ISIS), while it maintained and enforced restrictions on religious freedom, such as anti-blasphemy laws and official intolerance of some religious communities. Meanwhile, although domestic and international leaders have touted the defeat of ISIS since late 2017, the group continues to operate throughout the country as a diffuse, cell-based insurgency, rather than as a territory-controlling state with a centrally organized military. Its transformation has allowed it to increase its rate of small-scale operations and to maintain an estimated membership of up to 15,000 fighters in Iraq alone. In addition, religious and ethnic minorities whom ISIS had particularly singled out for genocide, such as Yazidis and Christians, continued to face dire uncertainty as to whether conditions would allow them to return to their communities of origin. This uncertainty was especially pronounced in areas that had been liberated from ISIS control and/or that fall within certain sections of northern Iraq whose control has long remained in dispute between the Kurdish Regional Government (KRG) and the Iraqi Federal Government (IFG), such as Sinjar, the Nineveh Plains, and

Kirkuk. As a result, displaced religious minorities' rate of return was far less than that of Sunni and Shi'a Muslim communities who had fled their homes following the rise of ISIS in 2014. For some communities, such as the more than 200,000 Yazidis who were displaced from the vicinity of Sinjar, few of their internally displaced persons (IDPs) returned in 2018 as most remained in camps awaiting reconstruction and the restoration of security in their places of origin. In March 2018, a USCIRF delegation visited both IFG- and KRG-administered territories to assess religious freedom conditions.

Based on these concerns, in 2019 USCIRF again places the government of Iraq on its Tier 2 for engaging in or tolerating religious freedom violations that meet at least one of the elements of the "systematic, ongoing, egregious" standard for designation as a "country of political concern," or CPC, under the International Religious Freedom Act (IRFA). Also, USCIRF finds that because ISIS no longer "exercise[d] significant political power and territorial control" within Iraq during the reporting period, it does not meet the statutory requirement that would merit its designation as an "entity of particular concern," or EPC, for particularly severe religious freedom violations as defined by December 2016 amendments to IRFA. However, USCIRF still finds that ISIS meets the statutory definition with respect to its territorial control and activities in Syria and therefore recommends its designation as an EPC.

RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Expedite the dispersal of U.S. assistance for the rehabilitation and stabilization of areas liberated from ISIS control, in order to facilitate the return of displaced and vulnerable communities and others whose religious and ethnic divisions ISIS exploited, in part pursuant to the Iraq and Syria Genocide Relief and Accountability Act of 2018 (P.L. 115-300);
- Encourage both the IFG and the KRG to peacefully resolve outstanding budget, oil, and territorial disputes, such as longstanding delays over implementation of article 140 of the Iraqi constitution, which have impeded their ability to fully address

the ISIS threat and allow displaced communities—including religious and ethnic minorities—to return to their places of origin;

- Encourage both the IFG and the KRG to prevent the expropriation of homes and properties of religious and ethnic minorities by dominant communities, while supporting legal and other forms of assistance to both governments to establish a viable framework for resolving longstanding, intercommunal property disputes; and
- Stipulate in all military or security assistance to the IFG and the KRG the full integration of security forces to better reflect the country's

religious and ethnic diversity, and provide training for recipient units on international human rights standards and how to treat civilians, particularly religious minorities.

The U.S. Congress should:

- Support legislation that would specifically target for sanctions Iranian-controlled factions of the Popular Mobilization Forces (PMF), particularly Asa'ib Ahl al-Haq and Harakat Hizbollah al-Nujaba, which have carried out sectarian violence in both Iraq and Syria and have complicated efforts to restore government-led security and stability throughout Iraq.

COUNTRY FACTS

FULL NAME

Republic of Iraq

GOVERNMENT

Federal Parliamentary Republic

POPULATION

40,194,216

GOVERNMENT-RECOGNIZED RELIGIONS/FAITHS

Islam, Christianity, Sabean-Mandaeanism, the Baha'i faith, Zoroastrianism, Buddhism, Hinduism, Judaism, and folk religion

RELIGIOUS DEMOGRAPHY*

95–98% Muslim

(64–69% Shi'a, 29–34% Sunni)

1% Christian

<1% Other (includes Yazidis, Sabean-Mandaeans, Baha'is, Zoroastrians, Buddhists, Hindus, Jews, and adherents of folk religions)

*Estimates compiled from the CIA World Factbook and the U.S. Department of State

BACKGROUND

Iraq continued to face serious challenges throughout the 2018 reporting period. ISIS remained on the defensive and ostensibly abandoned efforts to recapture direct control over Iraqi territory in the short term. However, its operatives—likely still numbering 20,000–30,000, distributed across Iraq and Syria—returned to pre-2014 tactics of employing small-scale attacks as part of an apparent long-term strategy to preserve the group's operational capabilities by avoiding large-scale military confrontations with Iraqi, Kurdish, or international forces. According to groups that closely track and document conflict data, this strategy allowed ISIS to carry out an average of at least 75 attacks in Iraq each month throughout 2018 while maintaining a visible if diminished presence, particularly in disputed or ungoverned areas where security presence is minimal. In short, ISIS has temporarily retreated to the shadows but remains a grave and imminent threat, particularly to vulnerable minority communities in northern Iraq that have already been a primary target of the group's particular brand of violent intolerance since its emergence in 2014.

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Events elsewhere in the country also complicated efforts to fully eradicate the ISIS threat. Several overlapping factions continued to vie for dominance in disputed areas of northern Iraq: Kurdish Peshmerga forces; Iran-backed PMF; Kurdish People's Protection Units (YPG) from neighboring Syria; and Iraqi Security Forces (ISF). In the southern district of Basra, widespread protests in July and September 2018 against corruption, poor government services, and Iranian influence led the government to deploy a significant contingent of the ISF there and attempt to assert authority over local PMF factions. This civil unrest threatened to devolve into a wider intra-Shi'a conflict and served to distract the military from focusing its efforts to both fully dismantle ISIS and restore security in the north. However, the worst of that unrest had largely subsided by the end of the reporting period.

Meanwhile, although overt tensions temporarily subsided over the IFG seizure of Kirkuk and other areas following the KRG's referendum on independence in 2017, the Iraqi government held elections in May 2018, and the KRG held its own in October, leading to new

leadership and parliamentary representation for both authorities. At the end of 2018, many positions in both governments remained unfilled as internal power-sharing negotiations proceeded slowly, further complicating the restoration of security, the process of post-ISIS reconstruction, and the ability of leadership to pursue long-term solutions to Iraq's most intractable problems in regard to religious freedom conditions and other critical areas.

Despite these challenges, there was incremental progress in efforts to address the critical humanitarian needs of Iraq's threatened and most vulnerable communities. In May, United Nations (UN) Secretary General António Guterres appointed Karim Asad Ahmad Khanas Special Adviser and Head of the Investigative Team tasked with implementing [UN Security Council Resolution 2379](#). That 2017 resolution authorized an investigative team to hold ISIS accountable by collecting, preserving, and storing in Iraq evidence of acts by the group that may be war crimes, crimes against humanity, or genocide. The team later announced that it planned to begin its work on the ground in Iraq in early 2019.

All of the above, however, is best understood in the wider context of Iraq's more than 15 years of sectarian tensions and violence, which have adversely affected human rights and religious freedom conditions. This longstanding sectarian climate facilitated the rise of ISIS in northern and central Iraq in 2014, and the same conditions still persisted in 2018 despite that group's defeat as an occupying force in the prior year. Former president Saddam Hussein's favoritism of the Sunni population and former prime minister Nouri al-Maliki's favoritism of the Shi'a Muslim population created divisions and significant distrust between the country's two largest religious communities. These tensions have only worsened over time: although former prime minister Haider al-Abadi demonstrated some willingness to reverse his predecessor's overtly sectarian policies, during his four years in office he had little success in addressing these

complex tensions that continue to pervade Iraqi society, government institutions, and security forces. The Sunni Muslim population still does not trust the Shi'a Muslim majority government to protect its community or incorporate its voice effectively in government; the reverse also holds true for the Shi'a Muslim population and its approach to Sunni Muslims, whom many Shi'a Muslims suspect or accuse of having offered direct or tacit support for ISIS during its brief time in power.

In addition, religious minorities, including the Yazidi and Christian communities, are skeptical of the Iraqi government's willingness and capability to protect them from both Shi'a and Sunni violent armed groups, including ISIS and sectarian elements of the PMF—the latter of which the Iraqi government remains unable or unwilling to place under the command structure of the ISF. Although the government of Iraq has made an increasing show of support for minority rights since 2017—especially within Nineveh Province—and the KRG has continued to offer a relatively secure refuge for displaced minority communities, many of them remain wary of the notion that religious freedom and human rights are priorities for Iraqi leadership.

RELIGIOUS FREEDOM CONDITIONS 2018

Long-Term Displacement of Religious Minorities

Even before the rise of ISIS in 2014, Iraq's smallest religious communities—including Catholics, Orthodox Christians, Protestants, Yazidis, and Sabeen-Mandaeans—were already significantly diminished, and their numbers have

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continued to decline in the subsequent four years. Iraq is in particular danger of losing its ancient Christian community, whose numbers have dramatically diminished during the last 15 years. According to Christian leaders, there are now fewer than 250,000 Christians in Iraq, down from a pre-2003 estimate

of 1.4 million. Although international Christian religious leaders and institutions have encouraged Iraqi Christians to remain in the country, many have continued to flee

their heartland in Iraq's war-ravaged northwest. Meanwhile, Yazidi leaders claim their community numbers around 400,000-500,000, including more than 3,000 whom ISIS abducted in 2014 and whose whereabouts remain unknown, while the Kaka'i community numbers no more than 300,000. The Sabeen-Mandaeen community likely numbers between 1,000 and 2,000, and there are fewer than 2,000 Baha'is.

Yazidis, whose adherents in the Sinjar region of Nineveh Province bore the brunt of ISIS' genocidal actions beginning in mid-2014, remain almost entirely displaced from their ancestral homes, with most lingering in IDP camps in the Duhok region and others still finding refuge in ramshackle tents atop Mount Sinjar. By the end of the reporting period, their towns and villages in the Sinjar region remained essentially untouched by restoration or rebuilding, as the contest for military control between rival forces of the PMF, Syrian YPG, Peshmerga, and ISF prevented most efforts at restabilization, such as the reconstruction of homes, infrastructure, businesses, and places of worship.

A limited number of Assyrian and Chaldean Christians returned to their homes in the Nineveh Plains, such as in Qaraqosh where Assyrians celebrated Easter for the first time since 2014. Most did not yet return, however, as a lack of restored infrastructure, danger from ISIS booby traps and unexploded ordnance, and persistent fears of an ISIS resurgence prevented many Christian IDPs from returning to Mosul or villages in its social and economic orbit. Government and community representatives repeatedly echoed these security concerns during USCIRF's March 2018 visit.

While the above issues are the most dramatic of the challenges facing Iraq's myriad religious and ethnic minorities, a series of other, secondary obstacles have contributed to the degradation of this once-vibrant societal landscape. Some of these challenges directly represent the lingering shadow of ISIS' campaign of violence: for example, ISIS fighters obliterated the agricultural resources of many rural communities in

the northwestern region as they retreated in 2016 and 2017, destroying wells, orchards, and infrastructure. There is thus precious little livelihood left to facilitate the return of many farming communities such as Yazidi-majority villages in that area. Meanwhile, hundreds of freed Yazidi women now face impossible choices because they bore children as a result of sexual assault by ISIS personnel while in captivity. They face ostracism from home communities whose traditional leadership insist they could return home, but their children—born to genocidal, non-Yazidi fathers and

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potentially numbering in the hundreds—would have no place among them. Furthermore, years of government corruption and neglect of Iraq's water resources have displaced many Sabeen-Mandaeans—whose rites depend on access to clean, flowing

water—from their traditional heartland in southern Iraq to other, less polluted parts of the country, or out of Iraq entirely.

Violations by ISIS

Despite former prime minister al-Abadi's declaration in December 2017 that Iraq had completely liberated all of its territory from ISIS, in conjunction with the U.S.-led Global Coalition to Defeat ISIS, in 2018 ISIS remnants who fled into hiding continued to carry out small-scale armed operations, assassinations, and improvised explosive device (IED) attacks throughout many parts of the country. Their targets have included Iraqi military and police forces, both on the battlefield and in their homes; prominent members of tribes and villages who defied ISIS during its occupation; PMF checkpoints and patrols; civilian bystanders in urban districts of northern Iraq, such as marketplaces and restaurants; and others. While these attacks have focused on striking military targets and carrying out vendettas against prominent Sunni and Shi'a Muslim community members, they signify the present and ongoing threat that ISIS has the resources, capability, and motivation to regroup and again carry out its campaigns of genocide

and violent intolerance toward its perceived enemies among the nation's Shi'a Muslims, Yazidis, Christians, and others.

The country continues to grapple with the violent legacy of ISIS in a variety of other ways. More than 3,100 of the approximately 6,400 Yazidis whom ISIS captured in 2014 remained in captivity, likely within the group's few remaining pockets of territorial control in Syria. At the same time, government and humanitarian efforts continued to uncover the mass graves of ISIS victims, including Yazidis, Shi'a Muslim civilians, and IMF soldiers. As of November 2018, the [United Nations had identified 202 such burial sites](#), including at least 95 in Nineveh Province and the remainder spread across the regions of Kirkuk, Salah al-Din, and Anbar that ISIS once controlled. Those mass graves reportedly contain the remains of up to 12,000 victims, some of them in graves holding as few as eight and others in large pits that are estimated to hold thousands.

Violations by the Iraqi Government

As in the prior year, following the recapture of Mosul from ISIS, suspicion of Sunni Muslims on the part of the Iraqi government and ISF remained deeply entrenched.

The Iraqi government has denied families suspected of any possible ties to ISIS the right to return home and has placed some of them in "ISIS family camps." International observers continued to find evidence of extrajudicial executions of Sunni Muslims in and around Mosul well into 2018,

months after the fall of the city to Iraqi and international forces in late 2017. Meanwhile, reports emerged from various sources throughout 2018 on the rapid pace and disdain for due process and evidence that Iraqi criminal courts have demonstrated while convicting thousands of Sunni Muslims on charges of directly joining or supporting ISIS, at an estimated 98 percent rate of conviction. The social, religious, and ideological dynamics that led to the rise of ISIS were complex and varied, and likely beyond the capacity of Iraqi courts to equitably

disentangle for each individual defendant. Even so, the Iraqi government made little apparent effort in 2018 to demonstrate a commitment to transitional justice that would bolster the rule of law while creating a framework of reconciliation capable of breaking the cycle of sectarian violence. Local leaders, activists, and international analysts alike have repeatedly expressed that the Iraqi government must address Sunni grievances in order to prevent either an ISIS resurgence or the reemergence of other forms of sectarian violence.

Other Iraqi Government Issues

The Iraqi government held nationwide elections in May 2018, resulting in a largely peaceful if protracted transition of power to a new administration in early October, headed by Prime Minister Adel Abdul Mahdi and President Barham Salih. Both leaders were widely seen as relatively conciliatory choices, further inching the country away from the overly sectarian policies of Nouri al-Maliki, who held the premiership from 2006 and 2014, and the centrist government of Haider al-Abadi, whose time in office was largely consumed by the threat of ISIS. In a potential sign that the government had taken note of increased international scrutiny on

the status of its religious and ethnic minorities, the Cabinet approved in December 2018 a new law that declared December 25 a national holiday in honor of Iraqi Christians' celebration of Christmas Day. Also, the Federal Supreme Court ruled in January 2018 that Yazidi representation in parliament

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should be increased from one seat to five, in order to proportionally reflect that community's population. However, parliament failed to implement this ruling ahead of the 2018 elections. Such representation was among the most persistent concerns that religious and ethnic minority leaders expressed to USCIRF during its March 2018 visit.

Despite these tentative areas of progress regarding the country's transition of power, systemic challenges to Iraq's religious freedom conditions remain. The

government has largely ignored claims by Assyrian and Chaldean Christians of the illegal expropriation of their lands in the wake of their temporary displacement by ISIS, even as reports emerged of the illegal seizure and attempted re-registration of more than 300 Christian properties in Nineveh Province. Property is a complicated issue in the Iraqi context, with many disputes stretching back decades to efforts by the Ba'athist government of former president Saddam Hussein to forcibly transform demographics in the traditionally Kurdish-majority north into an ethnic Arab majority. However, the IDP crisis that erupted surrounding ISIS-controlled territories from 2014 to 2017 led to an additional layer of contestation, as Christian families sought to return home but found that some of their properties had been claimed by Sunni Arabs or Kurds.

Furthermore, the Iraqi government continued to prevent other communities or individuals from freely expressing or practicing their beliefs. The 2015 National Identity Card Law remains problematic for Iraq's minorities: Article 26 forces children with one Muslim parent to identify as Muslim. It reinforces existing restrictions that Muslims cannot change their religious identification on their identity cards after conversion to any other religion. Christian leaders have said that in some cases, families that are formally registered as Muslim but practice Christianity have fled to avoid registering their children as Muslims or to have their children remain undocumented. The law remains in place, despite periodic promises by successive Iraqi administrations since 2015 to revisit it. Meanwhile, the government has pursued legal action against reported atheists, including its issuance in April 2018 of a court order for the arrest of four such individuals on charges of "promoting the idea of the non-existence of God." In December, Deputy Justice Minister Hussein al-Zuhairi reiterated during a dialogue with the UN Committee on the Elimination of Racial Discrimination the government's longstanding insistence that the Baha'i faith is not a legitimate religion. In doing so, he drew renewed

attention to Law No. 105, which has banned Baha'is from operating in the country since its passage by the early Ba'athist government in 1970.

Issues in the KRG

KRG-controlled areas have been a crucial refuge for many of northern Iraq's religious and ethnic minorities, most recently during the ISIS crisis but extending back into the era of post-2003 sectarian violence as

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well, and KRG officials have exerted substantial effort to promote their territories as havens of religious and ethnic tolerance. Many members of minority communities fled to and settled in those areas following ISIS' rise, where their voices—which had not

been given the attention they deserved by Iraq's central government—had more weight, particularly in local governance and KRG decision making. There was increasing space for religious freedom in the KRG prior to 2017 clashes between Baghdad and the KRG following the ill-fated referendum on Kurdish independence, and that space does not appear to have shown signs of contraction in the intervening months.

Nevertheless, there are legitimate and ongoing challenges for religious minority communities living in KRG territory. One of the most serious challenges, echoing similar issues that have emerged in areas under IFG control, is that of land disputes. In the Iraqi context, religious and ethnic identity is often closely tied to communal or sacred space, such as a village that has been home to a cluster of Chaldean Christian or Shi'a Muslim Shabak families for countless generations, or a shrine at which Yazidi worshippers might gather for holy days. In these circumstances, especially prevalent in northern Iraq, control over such land and the ways in which governing authorities address disagreements over its ownership can directly impact a community's sense of social and religious inclusion or marginalization. Christian communities in particular have reported seizures of Christian land and homes in Dohuk Province, often but not always involving properties that they had

temporarily fled during the height of the ISIS crisis. As in IFG-controlled territory, it is highly likely that these issues also reflect decades of corruption, nationwide disputes over ethnic identity and land registration, and other complications that predate the KRG's present autonomy in northern Iraq.

U.S. POLICY

The United States enacted several key measures regarding the crisis facing Iraq's religious and ethnic minorities. First, in January 2018 the [U.S. Agency for International Development \(USAID\)](#) announced that \$55 million of the \$75 million it had already pledged to help restabilize Iraq through the UN Development Program (UNDP) would specifically go toward supporting those communities. In October, the [U.S. Department of State](#) announced an additional \$178 million for the same purposes. Finally, Congress passed [H.R. 390](#) in November, also known as the Iraq and Syria Genocide Relief and Accountability Act of 2018, which President Donald J. Trump signed into law the following month. This act declared that ISIS "is responsible for genocide, crimes against humanity, and other atrocity crimes against religious and ethnic minority groups in Iraq and Syria, including Christians, Yazidis, and Shi'a Muslims, among other religious and ethnic groups." It further directed U.S. policy to assist in meeting the "humanitarian,

stabilization, and recovery needs" of those communities as well as to support the efforts of governments and nongovernmental organizations to hold ISIS members accountable for the above. These measures represented serious U.S. policy and financial commitments to addressing Iraq's dire religious and ethnic catastrophes of the prior several years.

Aid groups and religious leaders in Iraq had earlier expressed growing concerns that relatively few of the promised funds and initiatives had actually reached Iraqi communities in need. However, Vice President Michael R. Pence in particular took an increasing interest in pushing forward initiatives aimed at supporting persecuted ethnic and religious minorities in Iraq directly by increasing U.S. foreign assistance, including in coordination with local and faith-based organizations. In July 2018, Vice President Pence [announced](#) at the [Ministerial to Advance Religious Freedom](#) a new U.S. initiative to help the victims of the atrocities committed by ISIS, leading to the [launch](#) of USAID's Genocide Recovery and Persecution Response (GRPR) program in July and doubling its total assistance to more than \$239 million to support persecuted ethnic and religious minorities in Iraq. In addition, Secretary of State Michael R. Pompeo deployed Max Primorac to the U.S. Consulate General in Erbil in October to oversee these programs as Special Representative for Minority Assistance.