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Key Findings

In the past year the government failed to stem egregious and increasing violence by non-state actors against Iraqi civilians, including attacks targeting religious pilgrims and worshippers, religious sites, and leaders, as well as individuals for their actual or assumed religious identity. While the Syrian crisis contributed to sectarian tensions, the Iraqi government took actions that increased, rather than reduced, Sunni-Shi'a tensions, threatening the country's already fragile stability and further exacerbating the poor religious freedom environment. Especially concerning is the draft personal status law that would separately apply to Shi'a Iraqis, which risks further hardening the sectarian divide. Based on these concerns, USCIRF again recommends in 2014 that the U.S. government designate Iraq as a "country of particular concern," or CPC. USCIRF has recommended CPC status for Iraq since 2008.

Background

The Iraqi government has made some recent efforts to increase security for religious sites, pilgrims, and worshippers, provide a stronger voice for Iraq's smallest minorities in parliament, and revise secondary textbooks to portray minorities in a more positive light. These efforts, however, have not fundamentally altered the fear built up over the last decade, during which many Iraqis, Muslim and non-Muslim alike, have been victimized by religiously-motivated violence. The government has proven unable to stop religiously-motivated attacks and bring perpetrators to justice. This has created a climate of impunity, which in turn exacerbates a perpetual sense of insecurity for all religious communities, particularly the smallest ones.

Large percentages of the country's most vulnerable religious minorities – which include Chaldo-Assyrian and other Christians, Sabeen Mandaean, and Yezidis – have fled the country, threatening these communities' continued existence in Iraq. Those remaining face official discrimination, marginalization, and neglect, particularly in areas of northern Iraq over which the Iraqi government and the Kurdistan Regional Government (KRG) dispute control.

The Iraqi constitution guarantees equality and religious freedom to all Iraqis, but also makes Islam the religion of the state and a fundamental source of legislation and says no law may contradict "the established principles of Islam," which are not defined. The Baha'i faith remains banned under a 1970 law. A 2006 law prohibits Jews who emigrated from regaining Iraqi citizenship, despite a constitutional provision that prohibits the rescinding of citizenship obtained by birth. A 2001 resolution prohibits the practice of the Wahhabi branch of Islam.

Religious Freedom Conditions 2013-2014

Sectarian and Religiously-Motivated Violence

In 2013, the frequency of sectarian and religiously-motivated attacks escalated, negatively impacting all Iraqis' safety and perpetuating the general climate of fear. The primary victims of violence in the past year were members of the Shi'a majority, including pilgrims celebrating important holidays. For example, in 2013 during the major Shi'a holiday of Ashura, over 40 Shi'a pilgrims commemorating the holiday were killed in coordinated attacks. Moreover, space for religious minorities continues to shrink. Attacks are occurring with greater frequency in the northern areas of Iraq, which had been safe-havens for Iraq's smallest minority communities since 2003.

Sunni-Shi'a Tensions

Over the past year, al-Qaeda linked extremist groups, emboldened by the Syrian crisis, heightened Sunni-Shia' tensions through a series of attacks and bombings. However, the Shi'a-led Iraqi government exacerbated the situation by acting in an authoritarian manner, raiding and disbanding largely peaceful Sunni protests, targeting Sunni areas, citizens, and politicians for security sweeps and arrests, and mistreating Sunni prisoners, which has given rise to charges of sectarian behavior. Prime Minister al-Maliki also continues to defy the power-sharing agreement that allowed the current government to be formed in 2010. These actions strained already frayed Sunni-Shi'a relations, threatening the country's fragile stability.

As of the end of the reporting period, the Iraqi cabinet had approved the Justice Ministry's draft Jaafari (Shi'a) jurisprudence personal status law and referred it to the Council of Representatives. The proposed law would apply to all Shi'a Muslims for issues including marriage, divorce, inheritance, and adoption. Opponents fear the proposal would increase Sunni-Shi'a divisions by establishing sectarian religious law and lead to pressure on non-Shi'a communities to adhere to Shi'a jurisprudence and societal norms. Opponents also cite troubling articles that would violate other internationally-protected human rights, especially for women and children. For example, one provision would permit girls as young as nine, and boys as young as 15, to marry without parental consent, and even below those ages with the consent of a male guardian.

Abuses against the Most Vulnerable Minority Communities

Members of the smallest minority communities continued to experience violence, intimidation, and discrimination, particularly in areas disputed between the central government and the Kurdistan regional government. Although they reported fewer violent incidents than in past years, these groups continued to report a perpetual sense of fear. In January 2014, the Iraqi cabinet announced that it supported, in principle, the creation of three new provinces, including one in the largely

Christian Nineveh Plains. Some Christians have long advocated for such a province, viewing it as having the potential to stop the emigration of Christians. The details of the plan and its implementation have yet to be presented.

Recommendations for U.S. Policy

Since 2008, U.S.-Iraqi bilateral relations have been governed by a "Strategic Framework Agreement," which emphasizes cooperation in specified areas such as political and diplomatic, defense and security, cultural, and law enforcement and judicial. The Obama administration's stated goal for this bilateral relationship is to help Iraq become a secure, diverse, and stable democracy. Towards this end, the United States should do more to ensure that the human rights and religious freedoms of all Iraqis are guaranteed and enforced in law and practice. In addition to recommending that the U.S. government designate Iraq as a CPC, USCIRF recommends that the U.S. government should:

- Urge, and where appropriate assist, the Iraqi government in its efforts to provide security to protect likely targets of sectarian or religiously-motivated violence and to investigate and prosecute perpetrators;
- Include in all military or security assistance to the Iraqi government training for recipient units on universal human rights standards and how to treat civilians, particularly religious minorities, and insist that the Iraqi government ensure greater integration of the government and security forces so that they reflect the country's religious and ethnic diversity;
- Continue to task an embassy official with engaging religious minority communities, and work with Iraq's government and these communities and their political and civic representatives to help them reach agreement on what measures are needed to ensure their rights and security in the country;
- Urge the parties to include the protection of rights for all Iraqis and ending discrimination as part of negotiations between the KRG and the Iraqi government on disputed territories;
- Press the KRG to address alleged abuses against minorities by Kurdish officials in these areas;
- Focus U.S. programming in Iraq on promoting religious freedom and tolerance and fostering human rights compliance and the rule of law, and ensure that marginalized communities benefit from U.S. and international development assistance; and
- Continue to prioritize the resettlement to the United States of vulnerable Iraqi refugees, including those who fled to Syria but are now refugees in a third country; interview applicants by video-conference when in-person interviews cannot be conducted for security reasons; and allocate sufficient resources to the Department of Homeland Security and other agencies to expeditiously process applications and conduct security background checks to facilitate resettlements without compromising U.S. national security.