

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	1122
Land:	Irak
Kilde:	UNHCR
Titel:	Situation of Christians in Baghdad
Udgivet:	15. januar 2018
Optaget på baggrundsmaterialet:	29. januar 2018



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

Situation of Christians in Baghdad

This document provides an overview of factual elements on the situation of Christians in Baghdad, Iraq, based on publicly available sources. The information is valid as at 15 January 2018.

The Iraqi Constitution provides for freedom of thought, conscience, and religious belief and practice for all citizens,¹ and stipulates that all Iraqis are equal before the law without discrimination based on, *inter alia*, ethnicity, religion, sect, or belief.² The Iraqi Constitution also states that no law may be enacted that contradicts principles of democracy or the rights and basic freedoms stipulated in the Constitution.³ The Constitution further stipulates that the state shall guarantee the protection of places of worship.⁴ However, several constitutional and legal provisions compete with these guarantees.⁵ Furthermore, some legal provisions appear to restrict the freedom of religion, including by preventing the conversion of Muslims to other faiths and the automatic conversion of minor children to Islam if either parent converts to Islam,⁶ as well as prohibiting the practice of the Baha'i and Wahhabi faiths.⁷ Most of these contradictions have to date not been tested in court and, accordingly, the full scope of the protection of the freedom of religion remains unclear.⁸

Minority groups, including Christians, reportedly only enjoy limited political representation, including at the central, regional and governorate/local level.⁹ As a result of political marginalization and religion-

¹ Constitution of the Republic of Iraq, 15 October 2005, <http://www.refworld.org/docid/454f50804.html>, Articles 42, 43 (1A).

² *Ibid.*, Article 14.

³ *Ibid.*, Article 2 (1B and C).

⁴ *Ibid.*, Article 43 (2).

⁵ For example, the Iraqi Constitution guarantees the “Islamic identity” of the majority of the Iraqi people, declares Islam to be the official state religion, mandates that Islam be considered a “foundation source of legislation”, and states that no law may be enacted that contravenes the “established provisions of Islam”; see Articles 2(1), 2(1A) and 2(2). “Article 2 of the Constitution prohibits the enactment of legislation that contradicts the laws of Islam. This has concerned religious minorities – who would favour a more secular constitution – as a potential restriction to their religious rights and freedoms”; Minority Rights Group International (MRGI), *Crossroads: The Future of Iraq's Minorities after ISIS*, June 2017, <http://www.refworld.org/docid/5a0d6ddd4.html>, p. 33. Also, Article 1(2) of the Personal Status Law of 1959 stipulates: “If there is no applicable legislative text, the judgment shall be adjudicated in accordance with the Islamic Shari’a principles that are most relevant to this law”; Iraq: Law No. 188 of 1959, *Personal Status Law and Amendments [Iraq]*, 30 December 1959, <http://www.refworld.org/docid/469cdf3011.html>.

⁶ “While Article 26 of the law affirms the right of non-Muslims to convert to Islam, it does not afford the same conversion rights to Muslims. It further states that minors will be legally deemed Muslim, after either parent converts to Islam. Yet perhaps most concerning, particularly for instances of rape, the law asserts that a child born to both Muslim and non-Muslim parents shall assume the Muslim religion. Although the law was not reportedly intended to target minorities, but rather to facilitate administrative formalities, it contradicts the principles of the Iraqi Constitution and effectively legalizes discrimination against minorities”; MRGI, *Crossroads: The Future of Iraq's Minorities after ISIS*, June 2017, <http://www.refworld.org/docid/5a0d6ddd4.html>, p. 33. See also, US Commission on International Religious Freedom, *USCIRF Annual Report 2017 – Tier 2 Countries – Iraq*, 26 April 2017, <http://www.refworld.org/docid/59072f3d130.html>; United States Department of State, *2016 Country Reports on Human Rights Practices – Iraq*, 3 March 2017, <http://www.refworld.org/docid/58ec8a234.html>.

⁷ 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. See also, US Department of State, *2016 Report on International Religious Freedom – Iraq*, 15 August 2017, <http://www.refworld.org/docid/59b7d898c.html>, p. 5.

⁸ US Department of State, *2016 Report on International Religious Freedom – Iraq*, 15 August 2017, <http://www.refworld.org/docid/59b7d898c.html>, p. 11.

⁹ Of the 328 seats in the Council of Representatives, eight seats are reserved for members of minority groups, including five for Christian candidates from Baghdad, Ninewa, Kirkuk, Erbil, and Dohuk; one for a Yezidi (although a June 2010 Iraqi Federal Court ruling required that the number of seats reserved for the Yezidis be increased in proportion to their population); one for a Sabaeen-Mandaean; and one for a Shabak. Other minority groups are excluded from the reservation; US Department of State, *2016 Report on International Religious Freedom – Iraq*, 15 August 2017, <http://www.refworld.org/docid/59b7d898c.html>, pp. 7, 8; MRGI, *Crossroads: The Future of Iraq's Minorities after ISIS*, June 2017, <http://www.refworld.org/docid/5a0d6ddd4.html>, p. 34; Freedom House, *Freedom in the World 2017 – Iraq*, 2 June 2017, <http://www.refworld.org/docid/5936a4678.html>. See also, Voice of America, *Minorities in Iraq's Kurdistan Push for Greater Political Voice*, 10 August 2015, <http://bit.ly/2ASbxZS>.



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

based favouritism, minorities complain about limited access to government appointments and public sector jobs, as well as low representation in security organs.¹⁰

In October 2016, the Iraqi Parliament reportedly banned the production, consumption and sale of alcoholic beverages in the country, which has been criticized by minority communities as further limiting their religious freedom.¹¹

While the Iraqi authorities are reported to generally respect freedom of religion, minorities – including Christians – are reported to have faced waves of displacement due to conflict and political and religious persecution.¹² The number of Christians in Baghdad has reportedly dropped substantively over the last years.¹³ As numbers continue to dwindle, many churches have reportedly closed down.¹⁴ In the past years, religious holidays, including Christmas and Easter, have reportedly been celebrated in Baghdad, although under heightened security.¹⁵ Christians in Baghdad and other areas under government control are reported to be under societal pressure to adhere to strict interpretations of Islamic norms governing public behaviour and activities, for example by giving up the running of nightclubs and (now illegal) liquor shops and restaurants serving alcohol,¹⁶ and, in the case of women, to comply with conservative

¹⁰ US Department of State, 2016 Report on International Religious Freedom – Iraq, 15 August 2017, <http://www.refworld.org/docid/59b7d898c.html>, p. 14; Al-Monitor, Who Are Iraq's Kakai?, 10 February 2016, <http://almon.co/2lgs>; The Arab Weekly, Iraq's Turkmen on Their Own, 2 October 2015, <http://bit.ly/2aN6jX5>; Middle East Eye, The Turkmen of Iraq: Between a Rock and a Hard Place, 20 August 2015, <http://bit.ly/299pGTW>.

¹¹ “(...) On October 23 [2016], the Iraqi parliament adopted a law to ban the production, consumption, and sale of alcohol, proposed by the State of Law coalition (the Shi'a Islamic party); Prime Minister al-Abadi signed it into law in December. The law alarmed non-Muslim communities who, unlike devout Muslims, have no religious restrictions on drinking and selling alcohol. The government has justified this measure by claiming that it is against Shari'ah law for the government to collect and use funds derived from the sale of products prohibited in Islam, such as alcohol; although the Iraqi constitution recognizes the rights of non-Muslim minorities, article 2 prohibits any legislation that goes against Islam. Minority communities see the prohibition of alcohol as an affront on religious freedom or belief. One Christian member of parliament stated, 'The ban on alcohol is part of a war against religious minorities that aims to force them out of the country through exclusion, marginalization, and harassment policies'”; US Commission on International Religious Freedom, USCIRF Annual Report 2017 – Tier 2 Countries – Iraq, 26 April 2017, <http://www.refworld.org/docid/59072f3d130.html>. See also, US Department of State, 2016 Report on International Religious Freedom – Iraq, 15 August 2017, <http://www.refworld.org/docid/59b7d898c.html>, pp. 20-21; The New Arab, Battle of the Bottle: Iraq's Love-Hate Relationship with Booze, 13 June 2017, <http://bit.ly/2ioYjMv>; Vice News, Iraq's Booze Ban, 13 February 2017, <http://bit.ly/2kFiRiQ>.

¹² US Department of State, 2016 Report on International Religious Freedom – Iraq, 15 August 2017, <http://www.refworld.org/docid/59b7d898c.html>, pp. 3,4; MRGI, Crossroads: The Future of Iraq's Minorities after ISIS, 6 June 2017, <http://bit.ly/2zEnNx5>, pp. 7, 9, 10; Brookings, The Past and Future of Iraq's Minorities, 8 September 2014, <http://brook.gs/2zC9uc5>.

¹³ MRGI, Iraq – Chaldeans, updated November 2017, <http://bit.ly/2D5Osrq>; US Department of State, 2016 Report on International Religious Freedom – Iraq, 15 August 2017, <http://www.refworld.org/docid/59b7d898c.html>, p. 3; MRGI, Crossroads: The Future of Iraq's Minorities after ISIS, June 2017, <http://www.refworld.org/docid/5a0d6ddd4.html>, pp. 8, 32. See also, National Iraqi News Agency (NINA), Sacco: A Million Christians Have Migrated from the Country since 2003, 25 December 2017, <http://bit.ly/2EA0K7E>; Fox News, Iraqi Christians in Baghdad Nearly Gone, but some Shelter at Camp Virgin Mary, 25 December 2017, <http://fxn.ws/2AyPt61>; Al Arabiya, The Disappearing Christians of Iraq, 6 September 2017, <http://bit.ly/2zJEM0I>; Rudaw, Christians in Iraqi Capital Call for UN-Backed Independent State, 3 September 2017, <http://bit.ly/2hs9umX>.

¹⁴ Rudaw, Christians in Iraqi Capital Call for UN-Backed Independent State, 14 September 2017, <http://bit.ly/2hs9umX>; Al Arabiya, The Disappearing Christians of Iraq, 6 September 2017, <http://bit.ly/2zJEM0I>; Kurdistan 24, 8 Churches in Baghdad Close in 2017 as Threatened Christian Population in Iraq Shrinks, 2 August 2017, <http://bit.ly/2iXA1Jb>.

¹⁵ US Department of State, 2016 Report on International Religious Freedom – Iraq, 15 August 2017, <http://www.refworld.org/docid/59b7d898c.html>, p. 12. See also, Reuters, Fearful Christmas in Baghdad after Attacks on Christians, 25 December 2016, <http://reut.rs/2hA6CYO>; Al-Monitor, Iraq's Muslims Celebrate Christmas in Solidarity with Christians, 23 December 2016, <http://bit.ly/2zKQVT4>; The National, Iraqi Businessman Erects Tallest Christmas Tree in Baghdad for 'Christian Brothers', 16 December 2016, <http://bit.ly/2zYRWdv>.

¹⁶ Activities perceived to be contrary to Islam have reportedly come under attack by armed groups, with nightclubs, brothels and liquor shops repeatedly targeted in Baghdad and other cities, often resulting in casualties. “This rise in influence has given the formerly secular Iraqi society a further religious and sectarian tinge, as the militias target elements in the city they find un-Islamic, such as liquor stores and brothels”; Business Insider, Shiite Militias Flush with 'Iranian Cash' now Control Portions of Baghdad, 23 January 2017, <http://read.bi/2mpx60A>. “The Shiite militias that Iraq mobilized to fight the Islamic State (...) have long used their weapons and power to crack down on activities they deem un-Islamic. For years, the gunmen have attacked brothels, nightclubs and liquor stores, Iraqis say”; Washington Post, Feared Shiite Militias back in Spotlight after Three Americans Vanish in Iraq, 21 January 2016, <http://wpo.st/A1ZQ1>. See also, Fox News, Iraqi Christians in Baghdad Nearly Gone, but some Shelter at Camp Virgin Mary, 25 December 2017, <http://fxn.ws/2AyPt61>; Anadolu Agency, 4 Iraqis Killed for Selling Alcohol in Mosul, 29 November 2017, <http://v.aa.com.tr/985060>; AFP, Car Bomb Kills Three in Iraq's Kirkuk, 16 September 2017, <http://ara.tv/2vmek>; Vice News, Iraq's



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

Islamic dress codes.¹⁷ At times, armed groups have reportedly subjected those they consider to be violating such rules to threats, harassment and physical abuse.¹⁸ Over the years there have been reports of killings and kidnapping for ransom targeted at members of religious minorities, including Christians, by armed groups for sectarian or criminal motives, or a combination of both. Though the risks against religious minorities persist, the reported number of such incidents has recently reduced.¹⁹

Homes of Christians displaced from Baghdad since 2003 as well as churches and monasteries have reportedly been seized illegally by powerful individuals, militias and criminal networks.²⁰ In some instances, it was alleged that the Christian owners or tenants were directly threatened, resulting in them evacuating their homes.²¹

Booze Ban, 13 February 2017, <http://bit.ly/2kFiRiQ>; AINA, *Fearful Christmas in Baghdad after Attacks on Christians*, 25 December 2016, <http://bit.ly/2AHUetO>; Iraqi News, *Hand Grenade Attack on Liquor Store in Central Baghdad Leaves 5 Casualties*, 27 October 2016, <http://bit.ly/2A20obC>; NINA, *Four People Were Injured in a Bomb Explosion near a Liquor Store in Central Baghdad*, 18 December 2015, <http://bit.ly/1PTZ3CJ>; AFP, *Bomb Blast Near Baghdad Liquor Store Kills Two*, 28 September 2015, <http://yhoo.it/1kWqVuZ>; Al-Monitor, *As Terror Attacks Continue, Iraqi Government Prioritizes Nightclub Raids*, 31 July 2015, <http://almon.co/2hf3>; Middle East Eye, *The Death of Fun in Baghdad?*, 29 July 2015, <https://shar.es/15F5Xy>; NINA, *A Person Injured in an Attack on a Liquor Store in Central Baghdad*, 8 May 2015, <http://bit.ly/1WOopbz>.

¹⁷ “According to representatives of Christian NGOs, some Muslims continued to threaten women and girls, regardless of their religious affiliation, for refusing to wear the hijab, for dressing in Western-style clothing, or for not adhering to strict interpretations of Islamic norms governing public behavior. Numerous women, including Christians and Sabaeen-Mandaeans, reported opting to wear the hijab after being harassed”; US Department of State, *2016 Report on International Religious Freedom – Iraq*, 15 August 2017, <http://www.refworld.org/docid/59b7d898c.html>, p. 20. See also, Open Doors, *Overview of Iraq*, accessed 15 November 2017, <http://bit.ly/2jt00fm>; The Long War Journal, *Popular Mobilization Force Threatened to Persecute Christians Celebrating Christmas in Baghdad*, 30 December 2015, <http://bit.ly/1mRNuUm>; World Watch Monitor, *Christian Women in Baghdad Face Intimidation to Veil*, 18 December 2015, <https://shar.es/1MnxgV>.

¹⁸ “Those [Assyrians] who remain fear for their safety, especially in Baghdad, where bombings and abductions are frequent and the climate of sectarianism has led to harassment of Christians by Shi’a militias”; MRGI, *Iraq – Assyrians*, updated November 2017, <http://bit.ly/2bUthRE>. “In Baghdad, Chaldean Christians face ongoing discrimination, harassment by militia members, kidnappings and attacks”; MRGI, *Iraq – Chaldeans*, updated November 2017, <http://bit.ly/2D5Osrq>. “There were continued reports of societal violence, mainly by sectarian armed groups in many parts of the country. Non-Muslim minorities reported abductions, threats, pressure, and harassment to force them to observe Islamic customs. In many regions, minority groups, whatever their religious adherence, said they experienced violence and harassment from the majority group in the region”; US Department of State, *2016 Report on International Religious Freedom - Iraq*, 15 August 2017, <http://www.refworld.org/docid/59b7d898c.html>, p. 20. See also, Business Insider, *Shiite Militias Flush with ‘Iranian Cash’ now Control Portions of Baghdad*, 23 January 2017, <http://read.bi/2mpx60A>.

¹⁹ “On July 21 [2016], an unknown group kidnapped the head of the Seventh-day Adventist Church in the country, and released him on July 27. The leader believed he was targeted for both religious and economic motives”; US Department of State, *2016 Report on International Religious Freedom – Iraq*, 15 August 2017, <http://www.refworld.org/docid/59b7d898c.html>, p. 19. See also, Fox News, *Iraqi Christians in Baghdad Nearly Gone, but some Shelter at Camp Virgin Mary*, 25 December 2017, <http://fxn.ws/2AyPt61>; World Watch Monitor, *In Violence-Racked Baghdad, the few Christians still there Struggle to Cope*, 16 September 2016, <https://shar.es/1Mnxn2>; UNAMI, *Report on the Protection of Civilians in the Armed Conflict in Iraq*, 11 January 2016, <http://www.refworld.org/docid/56a09a304.html>, p. 27; National Catholic Reporter, *Christians Grow Weary over Rising Threat of Kidnapping in Syria, Iraq*, 17 July 2015, <http://bit.ly/1TDZSk0>; NINA, *Chaldean Patriarchate: Unidentified Gunmen Kidnap Four Christians and Kill Two of Them*, 13 July 2015, <http://bit.ly/1Xp8WWhy>; AINA, *Assyrian Girl, 16, Abducted in Baghdad*, 12 May 2015, AINA, *Assyrian Mother and Three Sons Murdered in Baghdad*, 4 October 2014, <http://bit.ly/2C5zKN1>.

²⁰ “In July [2016] religious leaders, members of parliament, and Baghdad-based judges said some political parties sanctioned criminal networks seizing Christian property. Christian groups also reported they had submitted dozens of complaints to the parliamentary integrity committee, and in August had sent a letter, signed by Assyrian Member of Parliament Yunadim Kanna, to the prime minister outlining cases of illegal seizure of Christians’ real estate in Baghdad. According to Masarat, a domestic minority rights NGO, most Christians refused to file complaints due to fear that armed groups might abduct their families. Those who filed complaints reported police did not conduct thorough investigations”; US Department of State, *2016 Country Reports on Human Rights Practices – Iraq*, 3 March 2017, <http://www.refworld.org/docid/58ec8a234.html>. See also, NINA, *Sacco: A Million Christians Have Migrated from the Country since 2003*, 25 December 2017, <http://bit.ly/2EA0K7E>; MRGI, *Iraq – Chaldeans*, updated November 2017, <http://bit.ly/2D5Osrq>; God Reports, *Iraq: Christians’ Homes Being Seized by Muslim Militia Aligned with Iran*, 17 February 2017, <http://bit.ly/2yhzLEM>; Rudaw, *The Death Knell of Iraq’s Christian Community*, 6 January 2016, <http://bit.ly/1ONvVJX>; International Business Times, *In Baghdad, 70 Percent of Christian Homes Were Seized during Iraq War, City Official Claims*, 6 October 2015, <http://bit.ly/1n3Ojbs>; The New Arab, *Iraq Investigates Post-Invasion Seizure of Christian Property*, 11 February 2015, <http://bit.ly/1JtzpFo>.

²¹ Al-Monitor, *What Is Abadi Doing to Protect Iraq’s Christians?*, 24 February 2016, <http://bit.ly/1TRi2Ra>.