

IRAQ

U.S. Commission on International Religious Freedom: 2013 Annual Report

Bottom Line: Despite the government's efforts to improve security, religiously-motivated violence by extremist groups continues with impunity, with Shi'i Muslims experiencing the worst attacks in the past year. In recent years, such violence has forced large percentages of the country's smallest religious minority communities, including Christians, Mandaeans, and Yezidis, to flee the country, and those who remain live in fear of further violence and face discrimination, marginalization, and neglect.

Over the last several years the Iraqi government has made efforts to increase security for religious sites and worshippers, provide a stronger voice in parliament for Iraq's smallest minorities, and revise secondary school textbooks to portray minorities more positively. Nevertheless, the government of Iraq continues to tolerate systematic, ongoing, and egregious religious freedom violations, including violent religiously-motivated attacks. Violence against Iraqi civilians continued in 2012 at about the same level as in 2011. In addition, the government took actions that increased, rather than reduced, Sunni-Shi'i and Arab-Kurdish tensions, threatening the country's already fragile stability and further exacerbating the poor religious freedom environment. Based on these concerns, USCIRF again recommends in 2013 that Iraq be designated as a "country of particular concern," or CPC. USCIRF has recommended CPC status for Iraq since 2008.

Background

Shi'i Muslims experienced the worst attacks of any religious community during the reporting period (January 2012- January 2013), including against pilgrims participating in celebrations on or around important religious holidays. The government has proven unable to stop religiously-motivated attacks from occurring. It also lacks the will or capacity to investigate these attacks and bring perpetrators to justice, thereby creating a climate of impunity, which in turn exacerbates a perpetual sense of fear for all religious communities, particularly the smallest ones. Large percentages of the country's smallest religious minorities—which include Chaldo-Assyrian and other Christians, Sabean Mandaeans, and Yezidis—have fled the country in recent years, threatening these communities' continued existence in Iraq. The diminished numbers that remain 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. Religious freedom abuses continue directed against women and individuals who do not conform to strict interpretations of religious norms or businesses viewed as "un-Islamic." However, in a positive development, the Iraqi parliament shelved a problematic draft Information Crimes law that would have restricted the freedoms of religion and expression. Additionally, the KRG parliament rejected a draft law to "protect sanctities," which, if adopted, would violate these same freedoms. However, there are reports that KRG officials still may pursue legal action against the media for offending religion, Kurdish history, or national symbols.

Religious Freedom Conditions

In the past year, religious sites and worshippers were targeted in violent attacks, often with impunity, and businesses viewed as "un-Islamic" were vandalized. While the Iraqi government has made welcome efforts to increase security, it continues to fall short investigating attacks and bringing perpetrators to justice. The government took actions against political rivals in late 2011 that have escalated Sunni-Shi'a sectarian tensions. Religious freedom abuses of women and individuals who do not conform to strict interpretations of religious norms also remain a concern.

Heightened Sectarian and Ethnic Tensions: Longstanding, unresolved Sunni-Shi'i and Arab-Kurdish tensions have escalated over the past several years, threatening Iraq's already fragile stability. Tensions have increased further, due to the Shi'i-led government's slow pace of integrating Sunni Sons of Iraq members into the security forces or government jobs, its attempts to bar Sunnis from participating in the political process for alleged

Baathist ties, and its actions against leading Sunni officials. In December 2011, the Prime Minister announced an arrest warrant for the Sunni Vice President, Tariq al-Hashimi (of the Iraqiya bloc) for alleged terrorism, and members of al-Hashimi's staff and bodyguards were arrested. By late 2012, he had been convicted in absentia and sentenced to several death sentences, sparking Sunni-led protests, mostly in Sunni governorates. The protests continued through the end of the reporting period.

Violent Attacks against Shi'i Muslims: Shi'i Muslims and Shi'i pilgrims on or around religious holidays have been especially vulnerable to violent attacks during the 2012-2013 reporting period. Although the Iraqi government has increased security and reportedly prevented several bombings, in the vast majority of attacks, perpetrators, generally suicide bombers, continue to strike processions and their co-conspirators are rarely identified, prosecuted, or punished. In addition to the attacks on Shi'i Muslims on or around religious holidays, other attacks targeting Shi'a, including suicide bombings, have been reported.

Violent Attacks against the Smallest Religious Minorities: There were no large-scale violent attacks causing death or injuries against the smallest religious minority communities in the 2012-2013 reporting period. Nevertheless, a September 2012 explosion near the Chaldean Catholic Sacred Heart Cathedral of Kirkuk and previous attacks on churches, including three in 2011, have created an ongoing generalized sense of fear. In the past, non-Muslim religious minorities have been particularly vulnerable to religiously-motivated attacks. They lack militia or tribal structures to defend themselves against attacks, and they have received inadequate official protection or justice. For these reasons, half or more of the pre-2003 Iraqi Christian community is believed to have left the country. In a positive development for the smallest minorities, a minorities caucus was established for the first time in the Iraqi parliament (Council of Representatives or COR); it includes the representatives of all the ethnic and religious minorities' political parties and is supported by a civil society alliance. In 2012, the efforts of the minorities' caucus and alliance, with support from the U.S. Institute of Peace, saw progress on a more positive portrayal of minorities in the educational system and the improved delivery of basic services to neglected minority areas.

Other Issues: As in past years, there were attacks on allegedly "un-Islamic" minority businesses in 2012 and reports of the Iraqi government seeking to impose, or tolerating the private imposition of, conservative Islamic religious norms on non-consenting individuals. In the past year, human rights groups continued to express concern about attacks against women and girls—including domestic violence and honor killings throughout Iraq, including in the KRG region—and pressure on women and secular Iraqis to comply with conservative Islamic norms, particularly relating to dress and public behavior.

Proposed Laws: In 2012, the central government and the KRG considered draft laws that, due to their broad and vague language, could be applied in ways that violate both freedom of religion or belief and freedom of expression. The proposed federal Information Crimes Law was shelved in January 2013 after Iraqi civil society groups raised serious concerns. The Kurdish regional Committee for Religious Endowments' proposed draft "Law to Protect Sanctities," was rejected in September by the Kurdish Parliament's Legal, Human Rights and Civil Affairs Committees, noting that it would contravene the human rights principles, the Iraqi constitution, and the 2007 Press Law.

Recommendations for U.S. Policy

The reporting period covered most of Iraq's first year since 2003 without a U.S. military presence. Since 2008, U.S.-Iraqi bilateral relations have been governed by a "Strategic Framework Agreement," which emphasizes cooperation in specific areas including politics and diplomacy, defense and security, society and culture, and law enforcement and the judiciary. Over the past several years, the U.S. government also has increased its efforts to help address the problems facing Iraq's ethnic and religious minorities. In addition to designating Iraq as a CPC, the U.S. government should:

- Urge, and where appropriate assist, the Iraqi government, in consultation with the affected communities, to continue its efforts to provide increased security to protect likely targets of sectarian or religiously-

motivated violence, including areas where religious or minority communities live or congregate such as religious sites;

- Urge, and where appropriate assist, the Iraqi government to undertake prompt, transparent, and effective investigations of all incidents of sectarian or religiously-motivated violence and bring the perpetrators to justice consistent with due process of law;
- Work with Iraq's government and its smallest minority 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;
- Fund exchange and educational opportunities focusing on religious freedom and tolerance, including through the State Department's International Visitors Program and the Fulbright Foreign Student and Visiting Scholars Programs, for Iraqi officials, legal professionals, representatives of non-governmental organizations, religious leaders, students, and other members of key sectors of society;
- Ensure that U.S. development assistance prioritizes areas where Iraq's smallest minority communities are concentrated, and that the use of such funding is determined in consultation with these communities' political and civic leaders; and
- Continue its efforts to process a significant number of Iraqi refugees for resettlement to the United States, including by interviewing applicants by videoconference in locations where in-person interviews cannot be conducted for security reasons.

Please see USCIRF's 2013 Annual Report for a more extensive review and recommendations on Iraq.