

IRAQ



USCIRF STATUS:

Tier 1 Country of Particular Concern

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.

EXECUTIVE SUMMARY

FINDINGS: Over the last several years the Iraqi government has made efforts to increase security for religious sites and worshippers, provide a stronger voice for Iraq's smallest minorities in parliament, and revise secondary school textbooks to portray minorities in a more positive light. 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 approximately 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, and placed Iraq on its Watch List in 2007.

Shi'i Muslims experienced the worst attacks of any religious community during the reporting period, including against pilgrims participating in celebrations on or around important religious holidays. The government has proven unable to stop religiously-motivated attacks from occurring and lacks the will or capacity to investigate attacks and bring perpetrators to justice. This has created 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 towards women and individuals who do not conform to strict interpretations of religious norms or attacks on 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 may still pursue legal action against the media for offending religion, Kurdish history, or national symbols.

PRIORITY RECOMMENDATIONS: For Iraq to become a secure, diverse, and stable democracy, the United States must do more to help ensure that the human rights of all Iraqis are guaranteed and enforced in law and practice. The United States 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. The United States also should prioritize human rights issues in its relationship with both the Iraqi central government and the KRG. In addition, the U.S. police development program should emphasize outreach to minority communities. Other U.S. programs in Iraq should focus on promoting religious freedom and tolerance, fostering human rights compliance and the rule of law, improving ethnic and religious minorities' ability to organize themselves and convey their concerns to their government effectively, and prioritizing development assistance for areas where marginalized communities are concentrated. Additional recommendations for U.S. policy toward Iraq can be found at the end of this chapter.

RELIGIOUS FREEDOM CONDITIONS

CONSTITUTIONAL AND LEGAL FRAMEWORK

The 2005 Iraqi constitution makes Islam the official religion of the state and guarantees “the Islamic identity of the majority of the Iraqi people.” The constitution also guarantees “the full religious rights of all individuals to freedom of religious belief and practice, such as Christians, Yezidis, and Sabean Mandaeans.” It further provides that all Iraqis are equal before the law without discrimination based on religion, creed, belief, or opinion, among other grounds, and guarantees to every individual the freedom of thought, conscience, and belief.

The constitution provides that Islam is “a fundamental source of legislation” and that no law can contradict “the established principles of Islam,” the principles of democracy, or the rights and freedoms protected in the constitution. The Federal Supreme Court has jurisdiction to interpret the constitution and assess the constitutionality of laws and regulations. However, the principles of Islam referred to in the constitution are not defined, creating ambiguity and tension between international human rights standards and the religious views of Iraqi officials, judges and legislators.

While the Iraqi Penal Code does not prohibit or penalize apostasy, other laws and policies restrict the freedom to change religion. Iraqi officials, citing regulations preventing Muslims from converting to another religion, have refused to allow Baha’is to change their religious affiliation on their identity documents from “Muslim.” The 1972 Law of Civil Affairs explicitly allows non-Muslims to convert to Islam, but makes conversion of minor children automatic if one parent converts to Islam, even if the other parent objects. In 2008 the Iraqi Court of Cassation refused to allow a child in this situation to reflect his religion of birth on his identity card after reaching adulthood.

Other laws and policies contradict the constitutional provisions guaranteeing equality and religious freedom, but have not been invalidated or repealed. For example, the constitution grants Iraqis freedom “in their commitment to their personal status according to their religions, sects, beliefs, or choices,” but implementing legislation has not yet been passed. As a result, courts continue to apply the 1959 Personal Status Law to all Iraqis, except specified non-Muslims.

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 and guarantees persons whose citizenship has been rescinded the right to demand reinstatement. A 2001 resolution prohibits the practice of the Wahhabi branch of Islam. While no court challenges have been brought to have the laws invalidated, the Iraqi parliament has also not proposed legislation to repeal them.

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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. According to nationwide polling conducted in Iraq in October 2011, 75% of Sunnis feel that their sect is treated unfairly by the government and 60% feel their sect is treated unfairly by society. There continue to be reports of torture and other abuses, some allegedly along sectarian lines, in detention facilities, including secret prisons run by the Prime Minister’s special counterterrorism forces. Tensions have increased further, due to the Shi’i-led government’s slow

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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.

Prime Minister al-Maliki continues to defy the November 2010 power-sharing agreement that finally allowed a government to be formed after the March 2010 elections, and he has taken no steps to create the national strategic policies council that was supposed to be led by his main rival, former Prime Minister Ayad Allawi of the Iraqiya bloc. (Iraqiya is a cross-sectarian bloc supported by many Sunnis, which won two more parliamentary seats than al-Maliki's bloc in the 2010 election.) Efforts by his political opponents to unseat him have been unsuccessful, and the Prime Minister still controls the Defense and Interior Ministries.

In the fall of 2011, the government arrested hundreds of individuals, including many prominent Sunnis, for alleged Baathism. In December 2011, just after the last U.S. troops left the country, 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 also arrested. Al-Hashimi, who denied the charges and called them politically motivated, left Baghdad for the KRG region and then Turkey, where he remains. By late 2012, he had been convicted in absentia and sentenced to several death sentences, sparking Sunni-led protests. In December 2012, the government arrested 10 bodyguards assigned to Iraq's finance minister, Rafia al-Issawi, one of the most senior Sunni officials, sparking further protests. The timing of these arrests, just after Iraqi President Jalal Talabani suffered a stroke and went abroad for medical treatment, concerned many observers, as Talabani, a Kurd, had played a mediating role in past political crises.

Major protests against the al-Maliki government began in late 2012, mostly in Sunni governorates, and continued through the end of the reporting period. For example, in December in the northern city of Mosul, around 3,000 demonstrators took to the streets to denounce what they called the sidelining of Sunnis in Iraq and to demand the release of Sunni prisoners, with demonstrators chanting the Arab Spring

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boycotted a cabinet meeting to demand that al-Maliki stop arresting political rivals and marginalizing Sunni and Kurdish representatives. During a protest in Mosul on January 20, a man set himself on fire. On January 25 in Fallujah, four protesters and two Iraqi soldiers were killed when violence broke out after central government troops arrested three protesters. The Iraqi government freed several hundred prisoners in January in an attempt to satisfy the protesters, but demonstrations continued.

In addition, the al-Maliki government and Kurdish authorities remain at an impasse over the control of northern areas, including Kirkuk, and other issues of power and revenue-sharing. In mid-2012, Prime Minister al-Maliki created a new Iraqi military command for disputed areas, which Kurdish authorities saw as a provocation. Both sides sent troops to the disputed areas, and in mid-November the resulting standoff flared up into an armed clash between Iraqi and Kurdish security forces in the disputed town of Tuz Khurmatu.

slogan: "The people want the downfall of the regime." In January 2013, approximately 7,000 Sunnis and Kurds blocked major highways leading to Baghdad and in a coordinated effort, Sunni and Kurdish governmental ministers

VIOLENT ATTACKS AGAINST SHI'I MUSLIMS

Sectarian discontent and tensions continue to fuel violence by militants and extremist groups. 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 processionals and their co-conspirators are rarely identified, prosecuted, or punished.

As in past years, the Iraqi government provided heavy security on pilgrimage routes and at Shi'i holy sites, particularly for important holidays. In November 2012, the day of Ashura, a major Shi'i holiday, occurred without any significant attacks, unlike in previous years. However, later the same week major attacks targeted Shi'i mosques in Baghdad and Shi'i pilgrims and shrines in southern Iraq, killing more than 40 and injuring many others. In addition, Shi'i worshippers were targeted on other holidays, often in multiple attacks. For example, on June 13, 2012, a series of bombings targeting security forces and pilgrims marking the death of Imam Musa al-Kadhum, occurred in Baghdad, Mosul, Kirkuk, and Ramadi, killing at least 78 and injuring some 300 people. And as in previous years, attacks occurred in October 2012 against Shi'a populations on Eid al-Adha, including several bombings in Shi'i dominated neighborhoods in Baghdad that killed 14 and wounded 52; an attack on a bus carrying Shi'i pilgrims near Taji that killed 5; and bombings of shops in Mosul belonging to the Shabak sect that killed 5 and wounded 7. In January 2013, there were also a number of attacks against Shi'i Muslims. A bomb was detonated inside a Shi'i mosque in Tuz Khurmatu, with a reported 22 killed and upwards of 90 injured. A suicide bomber killed at least 27 Shi'i Muslims and injured at least 60 others in the town of Mussayab, where the bomber drove into a bus station where Shi'i pilgrims were returning from Karbala after making an annual pilgrimage. Also, in separate incidents, four Shi'i Muslim pilgrims were reportedly killed after a bomb placed on their car detonated, and at least 8 other Shi'i Muslims were killed in Salahudin Province by two bombs.

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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. For example, in early February 2013 two car bombs exploded in Kadhimiyah, Baghdad killing 16 and injuring an additional 44, a second car bomb killed 15 in Hillah, and a third car bomb exploded in Kabala, killing 3. The organizers of such attacks are rarely identified, prosecuted or punished.

VIOLENT ATTACKS AGAINST THE SMALLEST RELIGIOUS MINORITIES

In recent years many Iraqis, Muslim and non-Muslim alike, have been victimized by religiously-motivated violence, but those from the country's smallest, non-Muslim religious minorities have been particularly vulnerable. They lack militia or tribal structures to defend themselves against attacks, and they have not received adequate 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 2003, there were thought to be 800,000 to 1.4 million Chaldean Catholics, Assyrian Orthodox, Assyrian Church of the East members, Syriac Catholics and Orthodox, Armenian Catholics and Orthodox, Protestants, and Evangelicals in Iraq. Today, community leaders estimate the number of Christians to be around 500,000. Other communities also have experienced declines. The Sabean Mandaeans report that almost 90 percent of their small community either has fled Iraq or been killed, leaving some 3,500 to 5,000 Mandaeans in the country, as compared to 50,000 to 60,000 in 2003. The

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Yezidi community reportedly now numbers approximately 500,000, down from about 700,000 in 2005. The Baha'i faith, which is estimated to have only 2,000 adherents in Iraq, remains banned under a 1970 law, and the country's ancient and once large Jewish community is largely extinct in Iraq. These diminished communities face a pattern of official discrimination, marginalization, and neglect, particularly in areas in northern Iraq over which the Iraqi government and the KRG dispute control.

There were no large-scale violent attacks causing death or injuries against the smallest religious minority communities in the 2012-2013 reporting period. The Chaldean Catholic Sacred Heart Cathedral of Kirkuk was struck by a bomb set outside its walls on September 16, 2012,

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which caused only property damage. It is unclear whether the bombing was aimed at the Cathedral or an Iraqi security forces checkpoint nearby. Nevertheless, the September 2012 explosion near the Cathedral and previous attacks on churches, including three in 2011, have created an ongoing generalized sense of fear.

The Iraqi government made little progress in investigating and prosecuting perpetrators of religiously-motivated attacks aimed at Muslims or small minority communities. One exception is the high-profile case of the October 2010 hostage siege at Our Lady of Perpetual Help Syriac Catholic church in Baghdad, in which more than 50 people were killed and more than 60 injured. In August 2011, a Baghdad court convicted and sentenced three individuals to death, and one to 20 years' imprisonment, for masterminding and preparing the attack. The three were executed in February 2012, according to press reports.

In the wake of that attack, which was the worst on Christians in Iraq since 2003, senior Iraqi government officials, including Prime Minister al-Maliki, President Talabani, and KRG President Massoud Barzani, issued public condemnations, as did two important Shi'i leaders. The government also increased security at churches and in Christian neighborhoods and said that it would provide compensation to the families of those killed and injured and financial assistance to repair the church.

Christian, Mandaean, and Yezidi organizations also continued to report individual cases of violence against community members during the reporting period. In August 2012, nine Yezidis were killed in separate gun and bomb attacks in Nineveh governorate. In September, five Yezidis were stopped by unidentified men, and two were killed, while driving from Sheberqasim Temple in Karsi village to Sinjar city. In October 2012, Kurdish security forces arrested a Yezidi leader, Khoudeida Ibrahim Fendi, and detained him for about a week; community members say he was arrested because of his advocacy for Yezidi rights. USCIRF also received reports during the course of 2012 of two Yezidis, four Mandaeans, and two Christians being kidnapped; two Christians and one Mandaean being killed; and three Mandaean families being threatened and injured. In May 2012, the NGO Open Doors reported that 20 Christian families in Mosul received anonymous threatening letters urging them to leave Iraq immediately. In January 2013, Shdha Elias, a Chaldean school teacher, was found with her throat slit by Mosul police.

ISSUES FOR MINORITIES IN DISPUTED AREAS

Many of the non-Muslim minorities internally displaced by violence have gone to the north of the country, mainly to Nineveh governorate and the territory of the KRG, which is comprised of three other governorates. Northern Iraq, particularly the Nineveh Plains area of Nineveh governorate, is the historic homeland of Iraq's Christian community, and the Yezidi community is indigenous to Nineveh and the KRG governorate of Dahuk. The three KRG governorates are relatively secure, but Nineveh governorate, particularly in and around its capital Mosul, remains extremely dangerous, and control over this ethnically and religiously mixed area is disputed between the KRG and the central Iraqi government.

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Religious and ethnic minorities in these areas, including non-Muslims and ethnic Shabak and Turkomen, have accused Kurdish forces and officials of engaging in systematic abuses and discrimination against them to further Kurdish territorial claims. These accusations include reports of Kurdish officials interfering with minorities' voting rights; encroaching on, seizing, and refusing to return minority land; conditioning the provision of services and assistance to minority communities on support for Kurdish

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expansion; forcing minorities to identify themselves as either Arabs or Kurds; and impeding the formation of local minority police forces. The minorities also accuse both Arab and Kurdish officials of ignoring these vulnerable communities as they focus on their fight for territorial control.

To address their lack of security and political and economic marginalization, some Iraqi minority groups, both inside and outside Iraq, have been seeking an autonomous area for Christians, and some say for other minorities as well, in the Nineveh Plains area. They argue that this would give effect to Article 125 of the Iraqi Constitution, which "guarantee[s] the administrative, political, cultural and educational rights of the various nationalities, such as Turkomen, Chaldeans, Assyrians, and all other constituents," and provides that this "shall be regulated by" a future law. However, the specifics of what such a law would entail, including the territory that such an area would cover, its religious and ethnic make-up, how it would be secured, what governance and economic powers it would have, and how it would relate to the KRG and the central government remain disputed, even among those who say they favor autonomy. Other leaders from minority religious communities disagree with this approach, concerned that it would make minorities a more concentrated target for violence. Members of the smallest minorities also have urged reforms to provisions in Article 2 of the Iraqi Constitution that gives Islam a preferred status, arguing that this favoritism provides a potential justification for discrimination against non-Muslims. The Iraqi government apparently has made no serious efforts to address these proposals.

POSITIVE DEVELOPMENTS FOR THE SMALLEST MINORITIES

In a positive development for the smallest minorities, the Iraqi parliament (Council of Representatives or COR) that was elected in 2010 has eight seats reserved for these groups: five for Christians and one each for Mandaeans, Yezidis, and Shabak. In addition, six Yezidi candidates were elected to the COR on the Kurdistan Alliance list, bringing the total current number of religious minority parliamentarians to 14 (out of 325). A minorities caucus was also established for the first time in the 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.

The minorities alliance reviewed intermediate (grades 5 to 9) material for four subjects (history, geography, civics, and Arabic language) to identify problems, recommended alternative language, and worked with the Ministry of Education to see those reforms implemented. Many of these recommendations were incorporated into new textbooks released in September 2012, and the ministry has said that more will be included in 2013 textbooks. As a result, instead of referring to Iraq's population as "Arabs, Kurds, and others," the educational materials now specifically discuss Iraqi Christians, Yezidis, Shabak, and Mandaeans as part of Iraqi history and society.

In addition, members of the minorities' alliance worked with other Iraqi parliamentarians first to change federal budget procedures to require that provincial governments distribute construction and development

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funds on the basis of population, rather than leaving the allocation entirely to the provincial government's discretion. This will help ensure minority communities receive annual development funds. The alliance next worked with provincial, local, and civil society leaders in Nineveh to successfully allocate money from the 2012 regional development budget towards projects their communities had identified as priorities—specifically, the construction of five health facilities and a water project—in under-served minority districts and sub-districts. Construction on one of the health facilities, in Bartilla, has already begun.

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. For example, in September 2012, Iraqi security forces raided a number of private businesses that served alcohol in Baghdad, beating customers and staff and damaging property.

In the past year, human rights groups continued to express concern about violence against women and girls, including domestic violence and honor killings, throughout Iraq, including in the KRG region, as well as about pressure on women and secular Iraqis to comply with conservative Islamic norms, particularly relating to dress and public behavior. For example, there were reports of increasing public pressure from religious leaders on women to cover their hair, particularly in neighborhoods near religious shrines. Although extra-legal, these dress norms reportedly were sometimes enforced by Iraqi security forces, as well as by private, self-appointed “morality police” that the Iraqi government did nothing to stop.

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. In a positive development, the proposed federal Information Crimes Law was shelved in January 2013 after Iraqi civil society groups raised serious concerns. It would have imposed life imprisonment or large fines on anyone found guilty of “inflaming sectarian violence or strife,” “encroach[ing] on any religious, moral, family, or social values or principles,” or “creat[ing], administer[ing], or help[ing] to create...any programs, information, photographs, or films that infringe on probity or public morals or advocate or propagate such things.”

In June 2012, the Kurdish regional Committee for Religious Endowments proposed a draft “Law to Protect Sanctities.” This proposal would make offending God or prophets, or deliberately damaging holy books or religious buildings, punishable by up to 10 years in prison. In addition, any media organization found guilty of publishing or broadcasting blasphemous content would be subject to being shut down for at least six months. However, in September, the Kurdish Parliament’s Legal, Human Rights and Civil Affairs Committees rejected the draft law, noting that it would contravene the human rights principles, the Iraqi constitution and the 2007 Press Law. Nevertheless, according to a report by the NGO Human Rights Watch, officials of the Justice Ministry and Ministry of Religious Endowments have instructed subordinate officials to monitor and report on any media publication that

IN JUNE 2012, THE KURDISH REGIONAL COMMITTEE FOR RELIGIOUS ENDOWMENTS PROPOSED A DRAFT “LAW TO PROTECT SANCTITIES.” THIS PROPOSAL WOULD MAKE OFFENDING GOD OR PROPHETS, OR DELIBERATELY DAMAGING HOLY BOOKS OR RELIGIOUS BUILDINGS, PUNISHABLE BY UP TO 10 YEARS IN PRISON.

“disrespects religion, Kurdish history, or national symbols,” so that “the public prosecution can take legal action against the source of the publication.” Human Rights Watch reported it was unable to ascertain if any arrests occurred because of this directive.

U.S. POLICY

The reporting period covered most of Iraq’s first year without a U.S. military presence since 2003. Pursuant to the 2008 Status of Forces Agreement between Iraq and the United States, the last remaining U.S. troops departed from Iraq in December 2011. 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 “secure, stable and self reliant; with a government that is just, representative, and accountable; that denies support and safe haven to terrorists; is able to assume its rightful place in the community of nations; and contributes to the peace and security of the region.” A major underlying concern for the United States is countering Iran’s influence in Iraq.

The United States’ diplomatic mission in Iraq is its largest and most costly in the world, employing around 16,000 civilians as of mid-2012, mostly contractors, in multiple locations including the embassy in Baghdad, consulates in Erbil, Kirkuk, and Basra, and several offices of security cooperation and police training sites. However, the State Department has concluded that this is larger than necessary and plans to downsize the staffing by 25 percent by the end of 2013. In addition to the Department of State and the U.S. Agency for International Development (USAID), the federal agencies involved in implementing the U.S.-Iraqi partnership under the Strategic Framework Agreement include the Departments of Justice, Homeland Security, Commerce, Treasury, Transportation, and Agriculture; the Department of Defense also continues to staff the office of security cooperation, which works with the Iraqi military.

A police development program was meant to be a major component of the continuing U.S. civilian efforts in Iraq. However, due to security concerns and the Iraqi government’s lack of interest in the program, in 2012 it was scaled back to only 36 advisors, from a planned 350. Other U.S.-funded programs in Iraq seek to promote Iraqi political reconciliation and peaceful dispute resolution, strengthen parliamentarians’ ability to represent their constituents, increase the effectiveness of electoral institutions, improve service delivery, improve the primary education system, assist local governing bodies, promote Iraqi economic growth and private-sector development, and fight corruption.

Over the past several years, the U.S. government has increased its efforts to help address the problems facing Iraq’s ethnic and religious minorities. In 2008, the State Department designated officials in both Washington and Baghdad to coordinate its efforts on minority issues. In addition, according to the State Department, the U.S. government has spent more than \$70 million to support these communities as of the end of 2011. Nevertheless, some Iraqi minority communities have complained of not seeing any benefits, and in 2010, based on a USCIRF recommendation, members of Congress requested a Government Accountability Office (GAO) audit into the State Department and USAID’s administration of these funds. In July 2012, the GAO issued its report, which looked at three Congressional directives from 2008 and 2010 that State and USAID said they had met by providing US \$40 million to minorities. GAO concluded that the agencies had met two of the directives with US \$26.9 million in aid for essential services and humanitarian assistance, but that USAID could not demonstrate that it had met the other directive, as it was only able to link 26 percent of the assistance it said responded to that directive to the Nineveh Plain region and could not substantiate that those projects benefitted minorities.

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The United States makes significant contributions to various international and non-governmental organizations assisting Iraqi refugees and IDPs, and is the largest recipient of both UNHCR referrals of Iraqis and resettled Iraqi refugees. In the past two years, however, resettlements of Iraqis dropped significantly after the U.S. government imposed new pre-travel security checks for refugees worldwide. In addition, in early 2012, the U.S. government stopped sending Department of Homeland Security officials to Syria to interview refugees for resettlement due to the deteriorating security situation in that country. According to news reports many Iraqis who fled to Syria at the height of the Iraqi conflict have either returned to Iraq or have joined Syrian refugees in neighboring countries, including Turkey, Jordan, and Lebanon.

RECOMMENDATIONS

In response to the particularly severe abuses of religious freedom in Iraq, the United States should advocate measures to ensure security, justice, and legal protections for all Iraqis; prioritize human rights, including freedom of religion or belief, in its relationship with the Iraqi central government and the Kurdistan Regional Government (KRG); promote these rights and freedoms through various U.S. programs; and continue to assist internally displaced persons and refugees.

I. ENSURING SECURITY, JUSTICE, HUMAN RIGHTS, AND LEGAL PROTECTION FOR ALL IRAQIS

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;
- press the Iraqi government to ensure that its revenues neither directly nor indirectly support any militia, para-state actor, or other organization credibly charged with involvement in sectarian or religiously-motivated violence;
- urge the Iraqi government to ensure that provisions in the Iraqi Constitution providing that no law may contradict “the established provisions of Islam” and guaranteeing “the Islamic identity of the majority” are not used to undermine the human rights of every Iraqi, including their rights to freedom of religion or belief and equality before the law; and
- 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.

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II. PRIORITIZING HUMAN RIGHTS, INCLUDING FREEDOM OF RELIGION OR BELIEF, IN THE U.S. RELATIONSHIP WITH THE IRAQI GOVERNMENT AND THE KRG

The U.S. government should:

- ensure that all U.S.-Iraqi cooperation under the Strategic Framework Agreement to “promote Iraq’s efforts in the field of ... human rights” places a high priority on ensuring the interdependent rights to freedom of religion or belief and freedom of opinion and expression;
- ensure that human rights issues, including freedom of religion or belief and minority rights, are raised in the context of negotiations between the Iraqi central government and the KRG concerning disputed internal boundaries; and
- demand immediate investigations of, and accounting for, alleged human rights abuses against minority communities by Kurdish regional and local officials, and make clear that decisions on U.S. financial assistance and other interaction with the KRG will take into account whether perpetrators are being investigated and held accountable.

III. PROMOTING HUMAN RIGHTS, INCLUDING FREEDOM OF RELIGION OR BELIEF, THROUGH U.S. PROGRAMS

The U.S. government should:

- ensure that all participants in the police development program are thoroughly vetted to confirm they have not been implicated in human rights abuses and include in the program an emphasis on training Iraqi police leadership on best practices for law enforcement outreach to vulnerable minority communities;
- direct U.S. officials and recipients of U.S. grants to prioritize projects that promote multi-religious and multi-ethnic efforts to encourage religious tolerance and understanding, foster knowledge of and respect for universal human rights standards, build judicial capacity to enforce the rule of law, and develop the political ability of ethnic and religious minorities to organize themselves and convey their concerns to the government effectively;
- 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;
- assist the Iraqi government to develop curricula and materials to teach Iraqi students about religious freedom, tolerance, and Iraq’s history as a multi-religious and multi-ethnic state; and
- 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.

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IV. ADDRESSING THE SITUATION OF INTERNALLY DISPLACED PERSONS AND REFUGEES

The U.S. government should:

- continue to provide significant funding to the UN, humanitarian organizations, host nations, and host communities to provide essential humanitarian aid to vulnerable Iraqi internally displaced persons and refugees, and encourage the Iraqi government and other countries to do likewise;
- 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; and
- ensure that Iraqi refugees scheduled to be resettled to the United States are not delayed unnecessarily by providing adequate personnel to conduct background screening and enforcing proper application of the existing waiver of the material support bar to individuals forced to provide support to terrorists under duress.