

United Nations Human Rights Council

Universal Periodic Review of Member-State Iraq

Freedom of Religion: Dangers for Minorities

1. Though the Constitution of the republic of Iraq provides for religious freedom (Article 43), minorities are at great risk in Iraq and continue to face life-threatening situations and flee from their homeland. Certain minorities are guaranteed full religious rights “such as Christians, Yazidis, and Mandaean Sabians,” (Article 2) 1, but the constitution also stipulates that no law may be enacted that contradicts the established provisions of Islam. When these are in conflict, the rights of the minority secede.
2. The refugee crisis and Internally Displaced Persons (IDPs) represents one of the country’s biggest current challenges. The Office of the UN High Commissioner for Refugees (UNHCR) estimates a total of 2.9 IDPs since 2006, of those 1.9 million are IDPs since January 2014.
3. Christian Assyrians, known also as Chaldeans and Syrians in Iraq, have been greatly displaced. The Chaldean Catholic Archbishop of Basra estimates that the number of Christians in Iraq has shrunk to 250 000 from 1.5 million in the last 15 years.
4. There are 638,874 IDPs in Ninewa as a result of the Mosul Military operation.
5. While Islamic State (IS) has been territorially defeated in Iraq. Minorities still face violence and fear returning to their homes also as many times it was their neighbours who condoned the attacks. In Iraq sectarian feelings have become deeply ingrained and have remained even after IS defeat.
6. In January 2017 a 19-year-old Yezidi man from Sinjar was found dead. Family said he had engaged in a dispute regarding religion with muslim co-workers.
7. In July 2017 gunmen fired and killed two Yezidis in their store that sold alcoholic beverages.
8. In March 8, 2018, a family of three Christians were stabbed to death in a robbery attack in their home in Baghdad.
9. In the same month, another Christian was shot dead in front of his house. The local Christian community and national political leaders called the murder “anti-Christian targeting.”
10. At least 350 homes belonging to Christians who fled IS have been illegally occupied by new residents, taking advantage of their absence and using false legal documents, which make their recovery very difficult. Christians in the Ninevah plains have had to engage in legal battles upon returning home.
11. Since the previous review there have been no updates on the remaining 48 Christians who are missing, many of whom were women from Qaraqosh. Islamic State militants kidnapped 60 of them in 2014 from the Ninevah Plains and Mosul of which 12 returned. Shia militias based in the area after the liberation of the town sexually harassed and assaulted the Christian women in Qaraqosh and physically harmed or threatened Christians and converts.

12. Even apart from the Islamist violence minorities continue to face discrimination in the country. The political representation of Christians and other minorities such as the Sabea-Mandaeans and the Yazidis is low. The national parliament only reserves 8 of its 328 seats to them, less than 3%. In the Iraqi Kurdistan Parliament 11 of its 111 seats are reserved for minorities, nearly 10%.
13. Muslims are another group that faces discrimination, a Muslim who converts to another belief or no belief is considered illegal according to Iraq's Personal Status laws.
14. The Iraqi identity card can only list the following religions: Christian, Sabaeen-Mandaean, Yezidi, and Muslim. Personal status laws and regulations prohibit the conversion of Muslims to other religions, and require administrative designation of minor children as Muslims if either parent converts to Islam. Individuals practicing other faiths only receive identity cards if they self-identify as Muslims. Without an official identity card, non-Muslims and those who convert to faiths other than Islam may not register their marriages, enrol their children in public school, acquire passports, or obtain some government services. In short they are rendered stateless.
15. Converts from Islam also face violence from their families and have to keep their belief secret. In September 2018 the Father-in-law of a Muslim convert to Christianity killed his own son-in-law due to the conversion.
16. Over a dozen Christians were arrested and detained while evangelizing.
17. We commend the Iraqi government on declaring Christmas a public holiday. However, we urge that they ensure their efforts are not overshadowed by statements from religious leaders. In December 2018 the Iraqi Grand Mufti divided the Iraqi community by declaring Muslims should not celebrate New Year.
18. Radical Islamic leaders, both Shia and Sunni use rhetoric against Christians calling them infidels and speech in mosques that incite violence such as, "It is necessary to fight the Christians until they surrender and convert to Islam or pay tribute." Certain government officials from the Government of Iraq are also known to have made similar statements; they were poster campaigns in 2017 asking Muslims to boycott Christmas festivals, not to wish Christians well at Christmas and not to use Christmas decorations; poster campaigns on church buildings requiring Christian women to wear the hijab covering, with the slogan: "The Virgin Mary wore hijab, why don't you?".

Freedom of Religion: Houses of Worship

19. In late November 2017 a Christian cemetery was vandalized and a Christian school looted in the village of Inshke, near Dohuk in the Iraqi Kurdish Region.
20. In July 2018, an intelligence force of the Iraqi army raided the Christian Center of St. Gorgis Church in the Christian town of Bartella under false pretences.

Women's Rights: Discrimination in Legislation and in Practice

21. Article 20 of the Iraqi Constitution provides women the right to participate in public affairs and the political system equally to men; however, in practice, women frequently face discrimination and are denied equal opportunity and equal protection of the law.

22. We commend Iraq for withdrawing the Jafaari Personal Status law which would have limited women's rights further.
23. Women's rights groups are often targeted by militant groups for attack and lack the proper security and protection to defend them. In September 2018, Islamists murdered Suad Al-Ali a human rights lawyer.
24. Under the Penal Code, a husband is legally entitled to punish his wife "within certain limits prescribed by law or custom." This often results in condoning domestic violence. Honor killings remain a huge problem. In September 2018, Islamists shot and killed Tara Fares, a model and blogger, in a car in Bagdad.
25. Women minority groups from the IDPs in Mosul felt obliged to conform to Islamic dress codes because of fear of being harassed or abducted and raped.
26. Women are pressured to exhibit conservative interpretations of Islam, such as wearing a head scarf and avoiding commonplace activities like driving, wearing trousers, or leaving the house alone.

Summary of Recommendations

27. Iraq must reform its Personal Status laws to recognise all citizens equally in accordance with international law, Baha'i and other non-Muslims as well as Muslims who choose to convert to another faith in accordance with Article 18 of the Universal Declaration of Human Rights.
28. Iraq should remove religion from the ID cards and ensure that religion is not used to discriminate who attends school and who can participate in civil functions, get married and other civil rights.
29. We encourage Iraq to extend the seats for minorities, as the percentage of the seats does not represent their population. Even better we encourage the State to abolish discriminatory laws.
30. We encourage the Iraqi government to continue to condemn statements made by religious leaders that result in discriminating minorities and viewing them as second-class citizens.
31. We urge Iraq to see-over their educational curriculum to ensure that it promotes equality and respect for all its citizens.
32. Iraq must reform its employment laws and property laws to demand more rights for women and individuals of minority groups.
33. Iraq should review and pass the draft Anti-Domestic violence law which has been pending since 2015.