



# **Report on The Situation of Christians in Iraq**

**A multi-perspective approach**

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## They said

*“During the last years, Christians started to withdraw from the public space to private ones, and limit their relations with others because of the rise of fundamentalism. Hence the issue is not only about violence or State problems; it is also related to social discrimination and limitation of freedoms.”*

**William Warda**, founder of Hammurabi Human Rights Organization and spokesperson of the Iraqi government

*“There are those who want the desertification of Iraq by having only one nation, one religion, one color, and one denomination; but we will face this tendency with all our force... It’s also up to Christians to stay and resist. Rights are not given but taken; they have to defend their rights and presence here.”*

**Sayyid Jawad Al-Khoei**, Shiite Scholar from Najaf

*“The Christian component has national contributions in many fields, serving all people and working for the formation of a new open and organized generation. Moreover, the Church became a kind of national reference due to its patriotic influential positions on the ground. We in fact love our country, and even love our enemies.”*

**Cardinal Louis Raphael Sako**, Patriarch of the Chaldean Church

*“If the Christians emigrate, Sabeans will follow them and so on, because minorities’ fates are interrelated.”*

**Saeb Khidr**, Yazidi Member of Parliament

*“Christians are regaining hope with the current Protests, and we saw churches collecting donations and buying covers and food to help the young protesters... I even consider the visit of Cardinal Sako to the place of protests as the most important event in the current situation.”*

**Farooq Fouad**, Christian entrepreneur and Trainer on Citizenship

*“Christians are losing their role because of the increased sectarianism.”*

**Pascale Warda**, Former Iraqi Minister and Human Rights activist

*“The Government is working for the restitution of lands and properties, and there is a fatwa from the Scholars of Kurdistan in this regard, in addition to judicial decisions to free lands and give them back to their owners, but unfortunately these orders were not executed until now.”*

**Mariwan Naqshbandi**, Director of relations and interreligious coexistence in the Religious affairs Ministry in Kurdistan

*“Christians are being packed in Kurdistan by diminishing their security in other regions.”*

**Amer Sheimon Mose**, Commander of the Brigade of churches’ protection in Nineveh

# INTRODUCTION

## The context

In 2003, Iraq moved steadily from a one-party rule and one-man dictatorship, toward a country with a Constitution that clearly adopted democracy, pluralism and the rule of law. However, these principles that were positively reflected by the Constitution were not fully echoed in reality, with the prevailing instability, deteriorating economic situation and multiple military conflicts, including the one with ISIS. Iraq has also been witnessing for the past two months a unique popular movement to protest against politicians, parties, the way the country has been ruled since its transition to democracy, and foreign interference. This instability threw a heavy load on all Iraqis, affecting their standard of living, which led to the migration of many Iraqis while those who stayed in the country had to seek protection and safety from parastatal bodies and entities other than the legitimate security forces that failed to provide justice, equality, protection and the rule of law to Iraqi citizens.

All the above had a multiplied effect on Iraqi minorities in particular, including Christians, since they constitute the weakest link that did not manage to get their share of quotas and power-sharing among the stronger players, while the protection and preservation of these minorities have never been a priority for any government since 2003. Hence, minorities have suffered from: a massive migration that has become an existential danger; a lack of policies and laws protecting them and preserving their diversity; in addition to difficult economic conditions; the absence of a basic social safety net; and a persistent security risk directly or indirectly targeting them, all of which making these minorities pay a heavy price in terms of their living conditions, capabilities, livelihoods, and even lives.

## Research methodology

This study aims to depict a clear picture of the situation of Christians in Iraq today, their view of themselves and their situation, and their vision and future outlook. The study was based on a multi-faceted methodology with the aim of including precise conclusions and the most comprehensive picture of the reality, in order to extract the priorities and appropriate practical suggestions based on an accurate reading of this reality. The methodology included the following:

- 1- Literature review of the most prominent existing literature and studies dealing with the issue of Christians in Iraq in recent years.
- 2- Review of the Iraqi Constitution articles and most prominent laws dealing with the issue of minorities in general, and Christians in particular.
- 3- Twelve in-depth one-on-one interviews. The field research team in Iraq conducted a series of in-depth one-on-one interviews with twelve Iraqi leaders who are familiar with the situation of Christians. The interviewees, who were chosen in a way to reflect different opinions, groups, and regions, came from Basra, Najaf, Baghdad, Erbil, and Nineveh plain, and comprised Chaldean, Assyrian, Syriac, and Armenian Christians, as well as Yazidi, Shi'a, and Sunni. Regarding their field of competence, they included a deputy, a former minister, a government spokesperson, a district commissioner, a military official, a government employee, and religious and civil society leaders. The interviews were conducted face to face or over the phone (in the cases where meeting was not possible), and the participants gave their written consent to use their answers and their names in the report.
- 4- Two focus group discussions. The field research team in Iraq conducted two focus group discussions in Baghdad (for participants from central and southern Iraq) and Qaraqosh (for participants from Mosul, Nineveh, and the Kurdistan Region) with a group of activists working with minorities from different churches, civil society organizations, and former and current public sector employees. The team also made sure that the focus groups were relatively gender balanced.

After completing the information gathering from the aforementioned sources, the study presents the most important ideas that can be drawn from the situation of Christian minorities and their current reality, and analyzes the various aspects of this situation, before seeking to define priorities based on what is necessary and what would be useful. Finally, and based on the study of the current situation and on the defined priorities, the study provides policy recommendations to different stakeholders aimed at improving the reality of minorities in general and Christians in particular in Iraq for the coming years.

## The impediments

**Time constraint:** The time period for carrying out the research was very limited, which led to a limitation in the options available for the methodology. This time constraint, in addition to the budget limitation, prevented the use of large-scale opinion polls which would have given a good idea of the general opinion of people who could not be reached by other research

tools. Because of the lack of time, the field research had to be conducted in Iraq by more than one researcher who had to divide the tasks according to the availability of time, expertise and geographical location. The research was hence divided into two geographical regions (Center and South - and North). The desk research task was also shared among two researchers, one of whom reviewed the literature available in recent years on Iraqi Christians, while the other reviewed the constitutional and legal framework related to the situation of Christians.

**Finding the right researchers:** Due to the time constraints and the need for more than one researcher to handle different tasks and with the difficulty of travelling to Iraq and meeting with potential candidates, the selection, interview and assignment of tasks were all done remotely. What also complicated the task of choosing researchers was the need to find researchers who are available, have sufficient experience, have background information about the situation in Iraq and the reality of minorities, and who have the ability to communicate positively with participants during the one-on-one interviews and the focus group discussions. The researchers also had to have analytical skills and the ability to draw accurate conclusions and guide the discussion usefully. The desk researchers also had to be aware of the situation in Iraq and the reality of its minorities without being biased in their scientific research. The wide and diverse network of Adyan Foundation in Iraq constituted a strong resource to quickly identify and appoint the qualified needed researchers. An additional work was done in Lebanon (coordination, literature and report review).

**Unstable situation:** Iraq has been witnessing since October and throughout the research period a broad popular movement and a major political conflict that has led to instability which was a major impediment to completing the research. Priority had to be given as well to the safety of researchers and participants taking into account their limited mobility, which led to multiple adjustments in the timing and method of completing the field research. The situation also prevented the research team from meeting periodically which was replaced by continuous online communication and coordination.

# PART I

## LITERATURE REVIEW

The issue of minorities in the Middle East has always been a source of concern, but the rise of ISIS and the crimes that accompanied it put the issue under scrutiny. Christians are one of the groups that are being monitored, especially by the Western media. This literature review will shed light on the role of Christians in Iraq, through the composition of the political system and the discrimination that preceded the rise of ISIS and the implications of this rise on the Christian presence. It also takes into consideration the negative dimensions of the role played by the Popular Mobilization Forces (Al-Hashd Ash-Shaabi) and the Peshmerga, and the future prospects for return and some sort of autonomy.

Abdul Razek and Puttick approached the topic of the Christians of Iraq and other minorities by highlighting the absence of their role in the country's political life despite the fact that the post-2003 system adopted sectarian and ethnic quota in order to ensure, at least in theory, representation of all components of society.<sup>1</sup> Hughes indicates that the Iraqi Constitution adopted in 2005, recognized Assyrians and Chaldeans as minorities with administrative, linguistic and religious rights; but these articles are still not being fully implemented.<sup>2</sup> In addition, as the All-Party Parliamentary Group (APPG) indicated, the distribution of government positions between Sunnis, Shiites and Kurds has excluded the possibility of Christians' participation based on their merit.<sup>3</sup> This lack of participation is associated with the failure of the state to protect Christians from discrimination and violence, especially during battles with ISIS.<sup>4</sup> For Brown, Hughes, Davies and Francis, the number of Christians in Iraq has decreased from about a million and a half to about 300,000, of whom half are displaced. It should be noted that a large portion of Christians has been displaced even before the emergence of ISIS during the period of sectarian tension in Iraq after 2003. Baghdad, which used to embrace most of Iraq's Christians, is a striking example of this.<sup>5</sup> This tense situation

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<sup>1</sup> Abdul Razek, O., & Puttick, M. (2016). Majorities and Minorities in Post-ISIS Iraq. *Contemporary Arab Affairs*, 9(4), pp. 565-566.

<sup>2</sup> Hughes, E. (2017). Nationalism by Another Name: Examining Religious Radicalism from the Perspective of Iraq's Christians. *The Review of Faith and International Affairs*, 15(2), p. 38.

<sup>3</sup> APPG. (2019). *Commentary on the Current State of Freedom of Religion or Belief*. London: All Party Parliamentary Group for International Freedom of Religion or Belief, p. 39.

<sup>4</sup> Abdul Razek, O., & Puttick, M. (2016). Majorities and Minorities in Post-ISIS Iraq. *Contemporary Arab Affairs*, 9(4), pp. 565-566.

<sup>5</sup> Brown, E. (2016). Persecution of Christians in Muslim Majority Countries. *Journal of Ecumenical Studies*, 51(2), p. 201; Hughes, E. (2017). Nationalism by Another Name: Examining Religious Radicalism from the Perspective of Iraq's Christians. *The Review of Faith and International Affairs*, 15(2), p. 38; Davies, P. (2015). The Plight of Iraq's Ancient Christian Communities. *Washington Report on Middle East Affairs*, p. 45.

between Sunnis and Shiites prevented moderate Muslim leaders from protecting Christians.<sup>6</sup> Davies highlighted the plight of Iraq's Christians who are among the oldest Christian communities in the world, knowing that their culture dates back to the ancient Assyrian and Chaldean empires.<sup>7</sup> On a more positive note, Pontifex and Newton indicate that about 46% of those who were displaced by ISIS from the Nineveh Plains in 2014 returned, but the risks remain.<sup>8</sup> On the other hand, Francis holds the government responsible for the failure to deliver on its promises to rebuild the region, create jobs and secure services, which negatively affects the rate of return.<sup>9</sup>

Sarah Raben highlights ISIS targeting Christian women and children namely through selling them as sex slaves, raping them to subjugate them, and instilling a feeling of fear. These acts were classified as a systematic elimination of the disobedient "infidels" who did not abide by the group's religious beliefs.<sup>10</sup> Abdul Razek and Puttick stated that ISIS provided Christians with the option of paying the Jiziah or leaving where most of them chose to leave.<sup>11</sup> However, according to Hughes, Raben, and Osborne, in most places, ISIS did not offer this option to Christians but rather gave them an ultimatum to leave or get killed; and even if they were supposedly given this option, the Jiziah was deliberately high.<sup>12</sup> Whatever the reality, towns and villages have completely been vacated from minorities, such as Christians in Mosul and Qaraqosh.<sup>13</sup> Brown and Haider detailed these events, as tens of thousands of Christian families were displaced from the Nineveh Plain after the invasion of ISIS which has defiled and destroyed historical, religious and cultural sites. According to Brown, ISIS actions amount to genocide and crimes against humanity.<sup>14</sup>

Raben and Osborne have even gone beyond that by identifying the elements of genocide that apply to this situation: the "intention to destroy Christianity" affirmed in Al-Baghdadi's speeches, and paragraphs from Dabiq magazine, and through the systematic destruction of Christian religious and cultural sites; the "physical threats and violent actions" proven by the systematic killing, threats, and expulsion of the Christian population, as was the case of at least 100,000 people in Mosul; the "intentional harm to the living conditions of the group"

<sup>6</sup> Ellis, K. (2018). *Secular Nationalism and Citizenship in Muslim Countries*. Pennsylvania: Palgrave Macmillan, p. 141.

<sup>7</sup> Davies, P. (2015). The Plight of Iraq's Ancient Christian Communities. *Washington Report on Middle East Affairs*, p. 45

<sup>8</sup> Pontifex, J., & Newton, J. (2019). *Persecuted and Forgotten? A Report on Christians Oppressed for their Faith*. Brooklyn: Aid to the Church in Need, p. 11.

<sup>9</sup> Francis, B. (2019, September) *End of Christians in Iraq (Nihayat Masi7iyyi al Iraq)* Retrieved from Daraj Media: <https://daraj.com/نهاية-مسيحيي-العراق/>

<sup>10</sup> Raben, S. (2018). The ISIS Eradication of Christians and Yazidis: Human Trafficking, Genocide, and the Missing International Efforts to Stop It. *Brazilian Journal of International Law*, 15(1), p. 240.

<sup>11</sup> Abdul Razek, O., & Puttick, M. (2016). Majorities and Minorities in Post-ISIS Iraq. *Contemporary Arab Affairs*, 9(4), p. 570.

<sup>12</sup> Raben, S. (2018). The ISIS Eradication of Christians and Yazidis: Human Trafficking, Genocide, and the Missing International Efforts to Stop It. *Brazilian Journal of International Law*, 15(1), pp. 242-243; Hughes, E. (2017). Nationalism by Another Name: Examining Religious Radicalism from the Perspective of Iraq's Christians. *The Review of Faith and International Affairs*, 15(2), p. 39; Osborne, E. (2019). Intending the Worst: The Case of ISIS's Specific Intent to Destroy the Christians of Iraq. *Pepperdine Law Review*, 46, p. 571.

<sup>13</sup> Abdul Razek, O., & Puttick, M. (2016). Majorities and Minorities in Post-ISIS Iraq. *Contemporary Arab Affairs*, 9(4), p. 570.

<sup>14</sup> Brown, E. (2016). Persecution of Christians in Muslim Majority Countries. *Journal of Ecumenical Studies*, 51(2), p. 201; Haider, H. (2017). *The Persecution of Christians in the Middle East*. University of Birmingham. Birmingham: Knowledge for Learning and Development, p. 7.

which is proven by the stealing of food, property confiscation, refusal to deliver food and water, and the gathering of Christians to transport them and leave them in the desert; "preventing pregnancies" established through the large scale separation of men from women in addition to slavery, rape and selling women as sex slaves; the "forced transfer of children" proven by the kidnapping of children to use girls as sex slaves and boys as combatants.<sup>15</sup> Amid all this blatant evidence, Raben criticized the absence of any UN intervention to stop ISIS violence against Christians. She criticized as well Western media and world leaders who have not given Christians the same level of attention given to Yazidis even though they have been subjected to the same brutality and practices.<sup>16</sup>

Another approach to ISIS crimes against minorities was presented by Hughes, who considered that the reasons behind those crimes were not only religious but also nationalist, namely the desire to establish a homogenous religious state based on strict sectarian criteria. Religion is hence used as a test of national belonging. Consequently, the purification did not exclusively target Christians, but rather every group that did not fit the Sunni vision of the state. The same logic also applies to the Shiite vision represented by some groups of the Popular Mobilization Forces (PMF), as will be explained later.<sup>17</sup> Ellis builds on this reading and links sectarian identity to the deterioration of socio-economic conditions, which are the roots of the problem. In the absence of a strong state that provides services to citizens, people will still have to seek assistance from the tribal, ethnic and sectarian groups they belong to.<sup>18</sup>

While most of the attacks were carried out by ISIS, Haider, Pontifex and Newton refer to the role that some PMF groups have played in harassing and threatening Christians, especially during religious occasions.<sup>19</sup> Pontifex and Newton add that some Shiite militias continue to harass the Christians that have returned in 2019, which is accompanied by an undeclared boycott of Christian-owned stores, holdup of Christian lands, and the construction of Shiite shrines in strategic locations in Christian areas. This coincides with a fear of ISIS underground cells. Together, these factors constitute constant pressure against Christian presence in Iraq, with fears that a new round of violence may deal a devastating blow to the Church's existence.<sup>20</sup>

The same harassment and practices against Christians in the Iraqi Kurdistan Region were addressed by the APPG which highlighted the absence of any role for Christians in decision-

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<sup>15</sup> Raben, S. (2018). The ISIS Eradication of Christians and Yazidis: Human Trafficking, Genocide, and the Missing International Efforts to Stop It. *Brazilian Journal of International Law*, 15(1), pp. 245-247; Osborne, E. (2019). Intending the Worst: The Case of ISIS's Specific Intent to Destroy the Christians of Iraq. *Pepperdine Law Review*, 46, pp. 562-569.

<sup>16</sup> Raben, S. (2018). The ISIS Eradication of Christians and Yazidis: Human Trafficking, Genocide, and the Missing International Efforts to Stop It. *Brazilian Journal of International Law*, 15(1), pp. 244-245.

<sup>17</sup> Hughes, E. (2017). Nationalism by Another Name: Examining Religious Radicalism from the Perspective of Iraq's Christians. *The Review of Faith and International Affairs*, 15(2), pp. 36-39.

<sup>18</sup> Ellis, K. (2018). *Secular Nationalism and Citizenship in Muslim Countries*. Pennsylvania: Palgrave Macmillan, p. 192.

<sup>19</sup> Haider, H. (2017). *The Persecution of Christians in the Middle East*. University of Birmingham. Birmingham: Knowledge for Learning and Development, p. 6; Pontifex, J., & Newton, J. (2019). *Persecuted and Forgotten? A Report on Christians Oppressed for their Faith*. Brooklyn: Aid to the Church in Need, p. 29.

<sup>20</sup> Pontifex, J., & Newton, J. (2019). *Persecuted and Forgotten? A Report on Christians Oppressed for their Faith*. Brooklyn: Aid to the Church in Need, p. 11.

making in Kurdistan.<sup>21</sup> In the same vein, Oehring pointed out to the withdrawal of the Peshmerga forces prior to ISIS attack on the Nineveh Plain, which damaged the relationship between Christians on the one hand and the Peshmerga and the Kurds on the other.<sup>22</sup> In an attempt to counter these attempts to eliminate Christian presence in Iraq, Hughes indicated the growing reliance of the Chaldean Church on the idea of testimony. The use of religious beliefs to resist this tragedy aims to encourage Christians to stay in Iraq and to maintain the presence of the Church.<sup>23</sup>

After more than a decade of discrimination and the absence of the state, Abdul Razek and Puttick believe that the 2014 events pushed Christians to the brink. Many are regularly leaving Iraq with the aim of seeking asylum in European countries or the United States, noting that only a few of them are returning.<sup>24</sup> Iraqi Christian lobby groups in the diaspora outlined their view of the post-ISIS political system, which included a demand for an autonomous region for minorities in the Nineveh Plain. Some local Christian parties in the Nineveh Plain declared on the one hand their support for the establishment of a Christian region, as defined by the Constitution in Article (121). On the other hand, other Christians announced their opposition to such a suggestion because of its ambiguity, lack of clarity as to which international party will ensure security, failure to address the root causes of discrimination, the ensuing increasing division and rift between the various groups in the Nineveh Plain and the fact that Christians would appear to the rest of the Iraqis as a privileged component by the international community.<sup>25</sup> Ellis goes beyond the last point by saying that, historically, discrimination against Christians was justified by linking Christian presence to Western interests and their favoring over others in terms of migration opportunities and better socio-economic situation.<sup>26</sup> Another version of the proposal suggests abandoning international protection in exchange for wide ranging powers of self-government.<sup>27</sup>

Christian churches were united in their rejection of such a proposal and demanded the guarantee of religious freedom and equal rights for all citizens of different religions.<sup>28</sup> This approach did not discourage representatives of the Catholic, Chaldean, and Syriac Catholic

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<sup>21</sup> APPG. (2019). *Commentary on the Current State of Freedom of Religion or Belief*. London: All Party Parliamentary Group for International Freedom of Religion or Belief, p. 39.

<sup>22</sup> Oehring, O. (٢٠١٧) *Christians and Yazidis in Iraq: Current Situation and Prospects*. Germany: Konrad Adenauer Stiftung, p. 30.

<sup>23</sup> Hughes, E. (2017). Nationalism by Another Name: Examining Religious Radicalism from the Perspective of Iraq's Christians. *The Review of Faith and International Affairs*, 15(2), p. 41.

<sup>24</sup> Abdul Razek, O., & Puttick, M. (2016). Majorities and Minorities in Post-ISIS Iraq. *Contemporary Arab Affairs*, 9(4), p. 572.

<sup>25</sup> Abdul Razek, O., & Puttick, M. (2016). Majorities and Minorities in Post-ISIS Iraq. *Contemporary Arab Affairs*, 9(4), pp. 574-575; Oehring, O. (٢٠١٧) *Christians and Yazidis in Iraq: Current Situation and Prospects*. Germany: Konrad Adenauer Stiftung, p. 31; Wirya, K., & Fawaz, L. (2017). *The Christians: Perceptions of Reconciliation and Conflict*. Erbil: Middle East Research Institute, p. 6.

<sup>26</sup> Ellis, K. (2018). *Secular Nationalism and Citizenship in Muslim Countries*. Pennsylvania: Palgrave Macmillan, p. 182

<sup>27</sup> Abdul Razek, O., & Puttick, M. (2016). Majorities and Minorities in Post-ISIS Iraq. *Contemporary Arab Affairs*, 9(4), pp. 574-575; Oehring, O. (٢٠١٧) *Christians and Yazidis in Iraq: Current Situation and Prospects*. Germany: Konrad Adenauer Stiftung, p. 31.

<sup>28</sup> Abdul Razek, O., & Puttick, M. (2016). Majorities and Minorities in Post-ISIS Iraq. *Contemporary Arab Affairs*, 9(4), pp. 574-575; Oehring, O. (٢٠١٧) *Christians and Yazidis in Iraq: Current Situation and Prospects*. Germany: Konrad Adenauer Stiftung, p. 31.

and Syriac Orthodox Churches from sounding the alarm and addressing a call for help to national governments and international agencies.<sup>29</sup>

The security issue remains a concern, especially since the reliance on Christian militias to maintain security is being called into question due to the lack of resources and manpower for defense. As Oehring points out, such a proposition can only be applied if the militias are responsible for specific and limited tasks, such as regulating entry to the Christian towns and churches. This is associated with the alliance of these militias, either with the central Iraqi state or the Kurdistan region and relying on it. Competition for influence between the federal State and the Kurdistan region also worries Christians because of its negative impact on life's demands, not to mention the possibility of the eruption of a military conflict between the two parties. Consequently, the permanent return of Christians is linked to security concerns in parallel with reconstruction and securing survival and sustainability essentials.<sup>30</sup>

In summary, the literature shows that the Christians in Iraq have been subjected to discrimination for many years, even before the rise of ISIS. Although the political system guarantees the participation of the various components of society, Christians do not have real power to influence decision-making. This is accompanied by the failure of the state to provide basic services and ensure security. While the numbers of Christians have been dramatically dwindling before the rise of ISIS, the crimes committed that amounted to genocide have dealt a severe blow to the Christian presence in Iraq. The seriousness of these crimes, which were partially linked to religious extremism but also to socio-economic conditions and the sectarian vision of the shape of the state, led to widespread criticism of the international community's lack of action to protect minorities. Furthermore, the practices of some of the PMF and Peshmerga militias have had a negative impact on Christians. In an attempt to cope with these difficult circumstances, churches relied on testimonial speech to encourage the Christians' will to survive; but the impact will remain limited as long as the issues of reconstruction and the possibility and conditions for self-government are not addressed.

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<sup>29</sup> Francis, B. (2019, September) *End of Christians in Iraq (Nihayat Masi7iyyi al Iraq)* Retrieved from Daraj Media: <https://daraj.com/نهاية-مسيحيي-العراق/>

<sup>30</sup> Oehring, O. (٢٠١٢) *Christians and Yazidis in Iraq: Current Situation and Prospects* .Germany: Konrad Adenauer Stiftung, p. 37; Francis, B. (2019, September) *End of Christians in Iraq (Nihayat Masi7iyyi al Iraq)* Retrieved from Daraj Media: <https://daraj.com/نهاية-مسيحيي-العراق/>

# PART II

## CONSTITUTIONAL AND LEGAL FRAMEWORK

### 1) The Iraqi Constitution

The current Constitution in Iraq, in its articles dealing with minorities, adheres to the international classification of minorities codified in international covenants, by dividing them into religious, linguistic, and national minorities, which is commendable from an academic standpoint. However, the Constitution did not deal fairly with minorities which led to many problems, as it will be noticed in the following points.

#### 1.1. Replacing the term “minorities” with “components”

The Constitution omitted to use the term “minorities,” despite being a commonly used international term, and replaced it with the term “components”, referred to in seven different places, starting with the preamble, in which the term is mentioned twice, in addition to articles related to the presence of components in councils and institutions (such as the Council of Representatives, the armed forces, and the Constitutional Review Committee), in addition to the need to preserve their rights, and the necessity of representing them in the Iraqi flag.<sup>31</sup>

Some, especially politicians, considered this an achievement in the drafting of the Constitution. Yet preferring to reject the term minority, as it is a justification for treating minorities with inferiority, marginalizing and excluding them, as is the case in some countries, reflected a more emotional approach of the issue. However, it is not permissible to disregard another much more important aspect in protecting minorities’ rights, which is the legal aspect. The legal approach adopted, after extensive legal studies and research, the use of the term “minorities”, aiming in the first place to describe and define them, in addition to granting

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<sup>31</sup> The Iraqi flag contain the expression “Allah Akbar” (God is Greater) in kufi Arabic transcript; although it would be accepted by most religious groups, this expression indicates the clear Islamic orientation of the State and fails to represent the cultural and religious diversity in Iraq.

them additional rights or even positive discrimination, with enable them to achieve equality with the largest groups, or the most dominant groups on the political level.

Refraining from using this term to qualify Iraqi minorities, which was unfortunately done with their free will and blessing, will result in the long-term in depriving them of the positive features established for minorities by international conventions, to which Iraq has adhered by ratifying them formally, which means that it is obligated to promote them on the constitutional, legal and practical levels.

On the other hand, the term "components" is vague and ambiguous and often needs clarification when used, given that Iraqi "components" do not only include minorities, but majorities as well. This necessitates the use of certain unfamiliar descriptions, such as "large components and small components". Moreover, the term "components" does not entail any additional rights under the International Human Rights Law.

The absence of any text that considers Christians to be indigenous peoples is also worth noting, as it appears that no attempt was made by Christians' representatives at that time, to confirm this in the Constitution, which is considered a major deficiency.

## **1.2. Recognizing and explicitly mentioning religious, linguistic and national minorities**

The second paragraph of Article (2) of the Iraqi Constitution mentioned only three religious minorities. According to this article, the Constitution: "guarantees the full religious rights of all individuals to freedom of belief and religious practice of all individuals, such as Christians, Yazidis, and Mandaean Sabeans." Although considered self-evident, but stating this was a good thing, especially for some minorities that were mentioned for the first time, such as the Yazidis and the Mandaean Sabeans. Despite the fact that this enumeration in the article was mentioned on an indicative basis, but any component, or rather any minority, is entitled to have its name figure in the country's Constitution, clearly and unambiguously. Accordingly, omitting to mention "Judaism, Kakai, Zoroastrianism and Baha'i" is an indication of discrimination, regardless of any justifications.

In terms of recognizing linguistic minorities, the fourth paragraph of Article (4) of the Constitution asserts that "the Turkomen language and the Syriac language are two other official languages in the administrative units in which they constitute a dense population." Acknowledging these linguistic minorities is positive, but the requirement of "a dense population" render the text meaningless. In reality, minorities (especially Chaldeans, Syriacs and Assyrians) do not constitute a dense population in any of the regions, due to the demographic changes and the successive migrations that affected them. It is worth noting that other linguistic minorities have been omitted in this article, including, for example, Armenians and Mandaean Sabeans.

The fifth Paragraph of the same article went further by recognizing that "each region or governorate may adopt any other local language as an additional official language if the majority of its population so decides in a general referendum." The existence of this text is praiseworthy, but its practical application seems almost impossible. However, the draft of the Constitution of the Kurdistan Region, as well as the Official Languages Law (No. 6 of 2014) in the fifth paragraph of Article (2) did justice to the Armenians and the Mandaean Sabians, as it mentioned: "support and development of the Arabic and Kurdish languages and other Iraqi languages such as Turkomen, Syriac, Armenian and Mandaean Sabians".

Article (125) of the Iraqi Constitution is also one of the most prominent articles that recognized administrative, political, cultural and educational rights for national minorities. The problem, however, is that it mentioned the minorities once again, on an indicative basis, as follows: "of the various nationalities such as Turkomen, Chaldeans, Assyrians, and all other constituents." It is worth mentioning that dividing Christians into "Chaldeans" and "Assyrians" as if they were two separate national groups, was one of the worst parts in the Constitution, because it led to fragmentation and was a prelude to scattering and weakening political positions. In addition, the Constitution neglected mentioning "Syriacs", which consequently led to trampling their rights in the laws issued according to the Constitution in force. The article also omitted other national minorities, such as the Armenians while it considered Yazidis as a religious minority only, with their nationality appearing to be considered Kurdish, knowing that many Yazidis claim that they are a religious and a national component, and that they cannot be merged with the Kurds. This merger, according to some, was built on the political interests and bargaining of both parties. It is worth noting here, that this article remains inactive, in the absence of a special law clarifying the details of the rights contained in the framework of this constitutional text, which at the end required that "this be regulated by a law."

### **1.3. The most prominent privileges of minorities**

Some expressions in the Constitution came to affirm the rights of minorities, but the problem is that their wording is weak and that they are not legally binding, such as using the term "Youraa" (to be taken into consideration). Also, some of them mentioned involving all components in certain authorities, without further specification or clarification. The most prominent example of this is Article 49 that tackles the composition of the Iraqi Council of Representatives, according to which "The representation of all components of the people shall be considered", without coming up with a specific mechanism to ensure this is achieved practically on the ground. This article did not specify either, any fixed percentages for each minority, in order to ensure the sustainable implementation of the minority representation system, knowing that this matter should not be referred to the electoral law, which can be easily amended, hence making minorities lose this very important guarantee. Ironically, the fourth paragraph of the same article ensured "women's representation", by stressing on "the

representation of women of no less than one-quarter of the members of the Council of Representatives."

Other privileges that were approved for minorities figure in Article (41) according to which "Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs, or choices, and this shall be regulated by law." It appears that the above article gave a margin of freedom to the Iraqi sects and minorities, and even to non-religious or atheists, by mentioning the term "or choices". However, in reality, granting freedom to minorities is only theoretical, because that freedom is bound by the provisions of the first paragraph of Article (2), being part of the basic principles of the Constitution, which states, "No law may be enacted that contradicts the established provisions of Islam." It should be noted that Article (41) has not been regulated by law so far, because it has remained a contentious issue. The article has been criticized a lot because it was considered to have consecrated the division of the Iraqi people into sects and religions, which will reflect negatively on the social fabric.

On the level of individual rights, there is no text in the Constitution that is specific to Christians, because individual rights are granted for the individual as a citizen, regardless of national, religious, or linguistic identity. The second section of the Iraqi Constitution, which is dedicated to rights and freedoms, is divided into two chapters, the first devoted to rights, and the second to freedoms. The most prominent rights and freedoms included in this part of the Constitution and that concern minorities are:

- the right to equality and non-discrimination among citizens;
- the right to life, security and freedom;
- the right to equal opportunities;
- the right to political participation;
- the right to property and the impermissibility of its expropriation except for public benefit purposes in exchange for just compensation, with the prohibition of ownership for purposes of demographic change;
- the prohibition of levying, amending, collecting, or exempting from taxes or fees, except by law;
- obligating the State to preserve the family and its religious, moral, and national values;
- preserving human freedom and dignity;
- protecting the individual from intellectual, political, and religious coercion;
- the freedom of expression, assembly, and peaceful demonstration, in a way that does not violate public order and morality;
- the freedom to form and join associations and political parties.

As for the constitutional articles directly concerned with religious freedom, they include the following:

- Guaranteeing freedom, for all Iraqis, to abide by their personal status, according to their religion, sects, beliefs, or choices.
- The freedom of thought, conscience and belief.

- The freedom to practice religious rites for the followers of all religions.

It is worth noting that the Constitution has approved the general principles of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. This is something that has been taken into account by the writers of the Constitution, and bridges a gap in it, because the Constitution did not clearly define the status of international covenants and the sequence of their importance in relation with the Constitution itself, and the applicable legal legislations that contradict sometimes with the aforementioned rights.

#### **1.4. Most important Constitutional gaps**

The Iraqi Constitution omitted referring to the right to exist (which corresponds to the right to life, within the framework of individual rights) and which is one of the collective rights that ensures the rights of minorities to maintain their privacy as a distinct group in the society, with a different identity from the rest of the population. Mentioning this right also grants minorities protection from acts that aim to exterminate and eliminate them, and this includes, in addition to crimes of genocide, cultural genocide, which is an important threat to the existence of any minority.

Another collective right that should have been protected under the Constitution is the right of minorities not to be the object of discrimination. What is meant by discrimination here is discrimination in its broad sense, which was mentioned in the framework of Article (1) of the International Convention on the Elimination of All Forms of Racial Discrimination, and which defined discrimination as "any distinction, exclusion, restriction or preference" on any basis which has the effect of "nullifying or impairing the recognition, enjoyment or exercise, on an equal footing of human rights and fundamental freedoms" in any other field of public life.

Another right that is claimed by minorities, albeit not established in international law, is self-government and self-determination. This right is manifested by autonomy over internal affairs, including the issuance of laws, the judiciary and executive functions, while leaving matters relating to foreign policy and defense to the central government. Some consider this one of the best options, especially in a country like Iraq, where national, religious or linguistic diversity abounds, because it is the best solution to preserve the unity of the country and its territorial integrity, and to put an end to rebellions that may be led by some minorities, and to the ambitions that may arise from the complete independence from the state and the exercise of the right to external self-determination. Others consider that such a step would consecrate and increase the division between people of the same country, sorting them on sectarian or ethnic bases in a way that contradicts citizenship, and strengthens sectarian identities at the expense of the national identity.

## 2) Iraqi Laws

### 2.1. Law N.3 of 2016 concerning the National Identity Card

This law, which is one of the most important laws pertaining to minorities, has caused a great media uproar upon its issuance recently, because of its clear discrimination against Christians and other religious minorities in Iraq in two ways:

- a- According to Article 26-First, "It is permissible for a non-Muslim to convert to another religion according to the law" which indirectly means that a Muslim is not allowed to change his religion, and if he/she does so, he/she shall be punished. Since the Iraqi Penal Code N.111 of 1969 in force, and the other relevant laws, do not include an explicit provision regarding this issue, it is therefore obvious why some resort to the ruling of "apostasy" contained in the provisions of Islamic Sharia. We notice as well that this text is contradictory to the provisions of Article (14) of the Constitution, which emphasized equality between Iraqi citizens, in all aspects. It also represents a clear violation of many international covenants to which Iraq has adhered and which guarantee the right of any person to change his religion, namely Article (18) of the International Covenant on Civil and Political Rights.
- b- According to the second paragraph of the same article, "children who are still minors follow the religion of the parent who embraces the Islamic religion." This means that the decision of one of the parents to change his religion to Islam, whatever the reason and motive, will automatically make minor children Muslims. It should be noted here that a basic pillar in the lives of these children will change, despite their absence or lack of legal capacity; and if they ever choose to return to their faith when they reach adulthood, they might be punished for "apostasy." Senior Muslim scholars have recognized the need to differentiate between apostasy and retreat from subordinate Islam. They added that there is a difference between Islam and faith in it, and that a minor did not become a believer yet to be considered an apostate, since he/she only became a Muslim on his identification papers unwillingly; and thus, when reaching the age of majority, he/she has the right to ask to return to his/her religion, and that this would not be considered apostasy.<sup>32</sup>

An amendment was proposed to Article 26 - Second of the Law on National Identity Card to avoid the inclusion of any matter that may be provocative, such as referring to a particular religion. The proposed expedited amendment reads as follows: "A parent that changes his

<sup>32</sup> Dr. Mustapha Ibrahim al-Zalmi, القرآن وقاعدة الولد يتبع خير الابوين دينا, 2<sup>nd</sup> edition, no publisher, Erbil, 2011, p.48.

religion does not automatically cause his minor children to change their religion." As for the reasons for this amendment, they came as follows:

"Taking into account the rule preventing compulsion in religion, in application of the principles of freedom of thought, conscience and belief stipulated in Article (42) of the current Iraqi Constitution of 2005, in consolidation of the values of tolerance and peaceful coexistence between the components of Iraq, and given the multiplicity of coexistent religious components in Iraq that share this issue, this law has been promulgated."<sup>33</sup>

However, this proposal hasn't seen the light since 2015 despite its adoption by Christian deputies from the Kurdistan Region Parliament, and even though the religiously oriented blocs did not object to it. This may be due to the poor performance of the Christian deputies, who prefer to stay away from topics that might raise any sensitivity towards them.

## **2.2. The Iraqi Personal Status Law N.188 of 1959**

Article 17 of the aforementioned law states that "a Muslim man can marry a non-Muslim woman, but a Muslim woman cannot marry a non-Muslim man". This text appears to have been based on the provisions of the Islamic law, completely neglecting other religions' principles and international conventions, which affirm the equality of human beings regardless of their religious affiliation.

It appears through this text that citizens are divided into groups according to their beliefs and are granted rights based on the category to which they belong. Although members of the minority and the majority are equal in principle, but once the interests and values of the majority and those of the minority are put in a scale, the former would naturally outweigh the latter. These discriminatory laws draw their constitutional legitimacy from Article 1 / First – (A) according to which "No law may be enacted that contradicts the established provisions of Islam". Even though this law is based on the strong fact that more than 90% of the Iraqi people are Muslims, it shouldn't contradict the rights and freedoms of individuals, especially those who do not belong to the majority.

Christians hold five seats in the Iraqi Council of Representatives, which means that they have the highest percentage of seats in the quota, since the other components (Yazidis, Mandaean Sabians, Shabaks and Feyli Kurds) hold each only one seat out of 329 seats. As for the Kurdistan Parliament, Christians hold six seats (five of which are for the Chaldean Syriac Assyrian and one for the Armenians) out of 111 seats. This allows them to submit bills and try to garner support from other parliamentary blocs. However, the problem lies in the weak

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<sup>33</sup> Dr. Mona Yako, Draft bill to amend article 26/Second of the National identity Card law.

performance of the Christian representatives, which appears to be the natural result of the way they were nominated and elected, a topic that will be tackled later.

### 3) Politics and Regions

There are many problems in the policies pursued, which we consider to constitute a circumvention of the law, knowing that certain texts have been included in the laws in force with the aim of supposedly protecting the rights of minorities, but in reality they were only aimed at satisfying the majority at the expense of minorities. For example, many laws require that a certain institution be formed from the various components of the Iraqi people, which may apparently seem good. The problem, however, is that the mechanism for choosing the minority's representatives has not been defined within any of these laws. Thus, we find that the major parties are the ones who nominate or appoint to those positions those who are politically affiliated to those parties or support them among those belonging to a religious or national minority. Therefore, the minority wouldn't have gained anything, while it appears to the public that the legal text has preserved its rights.

For example, the Kurdistan Region Law (N.5 of 2015) on the Protection of the Rights of Components stipulates in Article 6 thereof, that "in order to guarantee the rights of the components:

First, they have the right to participate in the legislative and executive authority of the region in accordance with the laws in force.

Second, in the areas in which they constitute a dense population, they have the right to participate in the management of governmental and administrative institutions, according to the laws in force."

The text appears positive, but even in a Christian-majority town like Ankawa in the governorate of Erbil, the ruling Kurdistan Democratic Party (KDP) selects Christian representatives that are loyal to the party to occupy the aforementioned administrative positions. The demands to amend these practices have gone unheeded, or at best were met with empty promises, which led to a loss of confidence and credibility between the ruling majority and the governed minority.

Another example is the Electoral Law in the Kurdistan Region (National Assembly Elections Law N.1 of 1992), which has allocated a number of seats to Christians under Article 36, which states:

"First: Five seats will be allocated to Chaldean, Syrian, Assyrians to be contested by the candidates of that component.

Third: One seat is allocated for Armenians, contested by the candidates of that component."

This is commendable, but the problem lies in the fact that voting for these seats, and after it was only limited to Christians, has been expanded to include all components of the region; and all citizens from different national or religious identities are entitled to participate in the selection of representatives of the Christian quota. What is really happening is that the small number of Christian voters does not allow them to choose their representatives, seats are rather won by those supported by major parties, either Kurd, Sunni or Shiite, as it was the case in the last elections, both at the national and regional levels.

Claims have emerged to elect candidates for each component exclusively by voters who hold the religious, ethnic, or linguistic identity of that component. It was also suggested that the (quota) deputies be granted (veto) right, individually and collectively, to object to decisions affecting the interests of the component to which they belong, if there is a justification for that.<sup>34</sup> However, this proposal has not been well received because it segregates people and increases isolationism and extremism and reduces democratic interaction between the various components.

It should be noted here that the law (based on the text of Article 2 of Decision N.11 of 1992) gives the right to the Kurdistan Region not to implement the laws, decisions, regulations and instructions issued by the central government, "unless the legitimacy of its validity in the region has been recognized by the Iraq Kurdistan Region Parliament".

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<sup>34</sup> Dr. Mona Yako, Draft bill to amend Article 36 of the Kurdistan Region Parliament.

# PART III

## STAKEHOLDERS' OPINION

Christians have not emerged newly on the Iraqi scene, but are rather indigenous people rooted in the diverse geography of the country, although they are considered a numerical minority today. Addressing the challenges facing their existence today seems to be the compass that indicates the deficiencies and weaknesses of the modern Iraqi state's system and those of the post democratic-transformation era.

This part of the research was important to know the factors threatening the Christian community, based on individual interviews and focus groups, and the difference between these factors and the general threats faced by the entire population. It also helped to identify the sources of those threats and fears faced by Christian individuals or groups, and to measure the difference in the level of integration and societal acceptance of Christians from one region to another. It was also important to know more about the general policies promoting or threatening religious diversity and the steps that could preserve Christian presence in Iraq, in addition to the actors and the roles these can play to improve the fragile situation.

The participants were serious in giving their answers and enthusiastic about this type of study, for several reasons, such as the presence of a real fear for the continued existence of the Christian component in Iraq and the search for ways to deliver this message to various parties. All the participants, even from other religions, have shown a great level of awareness and maturity, whether during the interviews or the focus group discussion, of the type and size of challenges facing the Christian component and have expressed the desire to reduce the severity of these in a way that ensures continued diversity in Iraq. All the participants have expressed a kind of frustration from the lack of official and even community efforts commensurate with the level of the crisis, as issues faced by Christians are not among the priorities of the Iraqi government or even the public opinion. Even local and international organizations working at this level are limited and are not inducing the change that can contribute to giving hope for an improvement in the situation of the Christian component in Iraq.

It appears through the participants' interventions and responses that the challenges facing Christians in general in the various Iraqi governorates are similar, but the priorities vary according to the governorate. In Basra for example, the biggest challenge is the large decline in numbers in addition to the threats related to tribal traditions, customs and values. While in Baghdad, priorities are related to the weak job creation and nominations of representatives

for the Christian component, the low level of education and the value system related to customs and traditions that are different from others. As for the northern governorates, priorities pertain to demographic change, land, administrative units and the problem of cultural identity.

There was a general feeling of concern, marginalization and insecurity among all Iraqis, but these feelings are more exacerbated among minorities, namely Christians, because of the trust issue between them and other components on the one hand and between them and the government and influential parties on the other. Moreover, there is a feeling of disappointment towards the churches' leaders who have been unable to solve their problems since 2003. Christians, and all Iraqis, were disappointed and lost their faith in building a modern, democratic state in which law and equality prevail after the 2003 change. Christians find themselves vulnerable to polarization between Arabs and Kurds, Sunnis and Shiites, and even to problems with other minorities.

Many respondents, whether during the interviews or the focus group discussions, agreed to a large extent on their description of the situation, although there were some differences in the approach or perception stemming from each person's background and experience. The section below summarizes common ideas that have been echoed, while highlighting some differences, when visible or those of particular significance.

## **1) Problems that Christians share with other Iraqis**

### **1.1. Absence of the rule of law**

The obsolete laws and not applying them appropriately, in addition to the power-sharing quotas' system between powerful parties at the expense of other parties, represent a major challenge for Christian minorities. This led to a lack of true citizenship, and made citizens lose their relationship with the state, forcing them to turn to leaders, parties or sects in order to obtain their rights.

### **1.2. Conflict of identities and influence**

Political quota, territorial control and the threat of Iraq's disintegration are constituting sources for conflicts and identity crisis among Christians. When the powerful agree, people suffer, and when the powerful disagree, people are killed. In addition, problems of the disputed territories between the Kurds and the Arabs and between Sunnis and Shiites arise, and many Christian areas and properties are caught in the middle.

### **1.3. Corruption, plunder of wealth and foreign influence**

Corruption, plunder of national wealth and foreign influence are the main motive behind the current uprising in Iraq led by the youth, especially the Shiite youth. Poverty, unemployment and lack of development are prevailing in all provinces. On the other hand, influential parties have allotted the country's wealth, while covering up for security lapses and political dependence to foreign countries. Remarkably, the uprising, which largely reflects the ideas and concerns of most of the Iraqi people, has managed to unite the Iraqis at least around social and economic demands. The participants even said that it restored some hope for citizenship and true democracy in Iraq.

### **1.4. Security failure**

After they suffered from ISIS and were abandoned by their neighbors and the people of their regions who failed to protect them, Christians today, like all Iraqis, suffer from insecurity and the spread of militias affiliated with the parties in power and members of political blocs. They were forced to create their own military divisions, which in turn was subject to political polarization and rivalries and subordination to other influential parties (Peshmerga, PMF or others...) amid an almost complete absence and protection of state apparatus. Youssef Yaqoub stated that 2000 Christians died as martyrs, 67 Christian women were taken as sex slaves (*sabaya*) and 162 Christians are still missing. Strict religious interpretations against Christians are still present in more than one sect.

### **1.5. Tribal mentality**

Tribal mentality and traditions are not compatible with the values of tolerance and acceptance of the other. They also lack a culture of public freedoms and human rights. According to participants, tribes are taking the place of the state and even the law in certain cases, without being deterred and this poses a real danger to citizenship in general and minorities in particular.

### **1.6. Instability**

Despite the fact that Iraq is one of the richest countries in natural resources, cultural diversity and history, its population, and especially Christian minorities are not confident towards their future in the country, due to the weak economic conditions, and the absence of social justice.

## **2) Problems and Concerns of Christians**

### **2.1. Constant migration**

Migration of Christians from Iraq is not recent and has cultural and historical roots, but it has accelerated sharply in recent years. Two-thirds of those who were present in 2003 left the country so far. One of the participants, considered that "had it not been for the embassies' complicated procedures, all Christians would have left the country in no time." Migration strangely continued to increase even after the defeat of ISIS, due to the Christians losing their sense of belonging to the country. Those who migrated in the past are also encouraging their families who are still in the country to migrate. There is an ongoing internal struggle between migration and resilience.

### **2.2. Forced internal displacement, seizure of property and demographic change**

The lack of compensation, insecurity and economic instability led to a slow return of the IDPs, and to the creation of new de facto realities and "facts on the ground". This demographic change and seizure of properties have been taking place for a century now. Christians have been facing, after 2003 systematic persecution, bombings, threats, and intimidation, as the bombing of the Church of Our Lady of Salvation in Baghdad 2010, and ISIS occupation of Nineveh in 2014. Many Christians, including some of those who participated in the one-on-one interviews, claim that there is a systematic plan targeting Christians with the aim of controlling their land and properties and confining them to small isolated areas under the protection of others. Whether or not this is a conspiracy, that's what is actually happening. Much of the Christian lands in Dohuk, Nineveh, Mosul, and Baghdad are still illegally seized and Christians have been unable to get them back.

### **2.3. Discrimination in the Constitution and laws**

The lack of legal protection for minorities deprived Christians of their rights, knowing that they are indigenous people who have lived in this land for thousands of years and were the landowners before the arrival of Arabs, Muslims and Kurds. Moreover, there have been recently some legislations that contradict the minorities' identity, and increasing practices that tend towards Islamizing the society, as imposing the veil among other practices.

## **2.4. The absence of effective political participation**

The gap in effective political participation of Christians is a growing challenge. Those appointed in or elected for Christian positions do not necessarily represent Christians, but rather the forces and parties that nominated and appointed them to the position. Most of the participants considered in this regard that the existing quota for representing Christians and minorities in Parliament is insufficient, and is only fictional or symbolic when we realize how these candidates are chosen and how little they know about the situation of those they are supposed to represent.

## **2.5. Implicit accusations of treason and blasphemy**

Christians are sometimes implicitly considered as traitors and spies for the West, especially when they deal with international organizations or seek foreign protection. Here a clear difference in views emerged between those who wish to have direct international protection and United Nations forces, those who demand autonomy or declaring Nineveh a governorate, and those who reject these proposals and consider them harmful.

## **2.6. A gap between church administration and believers**

Many of the participants said that they felt there was a distance separating church leaders from the believers, and they considered that the church has different priorities from the people (such as building churches, while believers are hungry). There was also a disagreement among participants between those who demanded a greater role for the church in politics and in claiming the rights of Christians and those who wanted the church to stop interfering in politics and exclusively focus on religious and humanitarian affairs. Many participants also mentioned the need for churches and spiritual leaders to unify their discourse and efforts.

## **2.7. The difference between the official discourse and practices**

The Iraqi Constitution generally prescribes the principle of pluralism and religious freedom. However, practice, policies, and laws differ greatly from the text. This constitutes a major threat to Christians exercising their rights, religious freedom and way of life. The table below shows that Christians, according to the participants in the one-on-one interviews, enjoy to a large extent the freedom to practice their religion and express it publicly; this conviction somewhat diminished when asked about raising children and transferring values, became more moderate when asked about building places of worship and religious institutions, and completely negative when asked about the freedom to choose or change religion.

To what extent do you agree with the following statement?	Strongly agree	Agree	Neutral/ Moderate	Disagree	Strongly disagree
Christians enjoy freedom of religion and belief in Iraq	0	5	3	4	0
Christians practice their faith freely	2	6	4	0	0
Christians freely display their religious symbols in public	1	9	1	1	0
Christians have the right to religiously educate their children as they wish	1	6	5	0	0
Christians have the right to freely build places of worship and religious institutions	2	3	4	2	1
Anyone can freely convert to or leave Christianity	1	3	1	2	5

### 3) Christians self-perceptions

"This is our land and we are the people of the country," answered Cardinal Sako. Most of the participants considered that Christians are deeply rooted in this land as indigenous group. Were it not for the killing, persecution, marginalization and discrimination they have faced over the years, no one would ever think about migrating to other countries; and despite all these challenges, some are still attached to their land. If any community had been exposed to what Christians have gone through, no one would have stayed in the country. Christians feel unrecognized, although they proudly consider Iraq as their conscience and their identity. They wish to return and build their country which has a long history of human civilization. Christians yearn for the past, and are less confident about the future.

In the past, Christians were an integral part of their society, and "they were never isolated from the Iraqi political or societal movement," as confirmed by William Wardeh. Christians are known to be self-made, peaceful, efficient, and active in society and an example of honesty and loyalty. Christians also had significant contributions at the cultural, health and educational levels (schools, hospitals, humanitarian assistance, and social services), influential national positions, many martyrs who died facing terrorism, and a tangible participation in national issues. They have also shared and are still sharing the joys, sorrows,

events, and even the revival of rituals with Iraqis from other religions. They are Iraqis in their affiliation, customs and traditions.

Among the Christians that had an important impact on the history of Iraq, the participants mentioned: Minister Karim Alkah, Vice President Tariq Aziz, Youssef Fahd the founder of the Iraqi Communist Party, Major General Khaled Sara the founder of the Iraqi Air Force, Francois Hariri the Governor of Erbil, and international writer Haitham Bahnam Barada among others. Some of the participants also mentioned Cardinal Sako and Minister Pascale Wardeh as recent examples of Christians who had a positive participation on the national level.

Yet, nowadays, Christians see themselves as a marginal, uninfluential and unrecognized minority. With no proper political representation, they have to exist under the umbrella of other parties, because they are constantly thinking about how to protect themselves and their families. They gather in safe havens. In fact, their "quota" in the parliament is hijacked by others, and is being counterproductive for them. They do not feel that they are first-class citizens, especially young Christians, and are unable to contribute to the public life and serve their country as they wish. They have a weak hope of seeing an inclusive state emerging. Christians are largely inclined to the state, law and order. Some Christians from the elite are clinging to their country, while others who only want a decent life and to earn a living, prefer to migrate when feeling marginalized.

However, non-Christian participants asked Christians to stay attached to their country and to fight for their rights. They realize that if Christians migrate, Sabians and other minorities would follow them and so on, because minorities are attached to each other. Sayyid Jawad Al-Khoei from Najaf said: "There are those who want a desertified Iraq with only one nationality, one religion, one sect, one color ... We will stand against this trend with all our might".

The recent protests gave some hope to Christians in the creation of a state of law under which all citizens are equal. These demonstrations voiced the opinion of the youth who were able to get rid of their parents' and grandparents' complexes and from the corruption of politicians. This generation of young people has raised a very simple slogan "I want a homeland" and "I want to take my rights." These slogans reflect the aspirations of Christians. Churches hence supported these protests, collecting donations and assistance to the demonstrators. Many prominent Christian figures actively participated in the protest movement, such as Hana Adour, Zekra Sarsam, Hanaa Edward, and Shamirun Marukul; and Cardinal Sako even visited the Tahrir Square, which Farouk Fouad considered as the "most important initiative at this stage". This transformed the Church into a kind of national reference that seeks reconciliation and harmony, testifies to truth and faces injustice.

#### 4) Christian national and regional demographics

In the last official census of 1997, the Christians constituted around 1.5 million according to William Wardeh (3.5%) and used to live in 15 governorates, while the church estimated their number at about 1.876,000, according to Cardinal Sako.

With the absence of any official census, Christians are now estimated to constitute between 250 000 and 500 000, more than half of them live in Kurdistan, 20% in Nineveh, 20% in Baghdad, and the rest distributed between Kirkuk, Basra and other regions.

Christians are now concentrated in the Kurdistan Region due to several factors, the most prominent of which were mentioned by the participants as follows. First, there is a group of Christians who has historically been living in the northern governorates of Erbil and Sulaymaniyah, in addition to a small portion of Christian Kurds. Second, the Kurdistan Region has annexed during its creation large Christian areas from Nineveh and Dohuk Governorates; but many lands in these regions are disputed, and some Christians claim that the Kurdish authorities are directly contributing to the seizure of Christian lands and changing the region's demography to serve the Kurdish national project. Third, the Kurdish authority and Peshmerga forces have expanded to large areas of Nineveh Governorate under the pretext of protecting minorities, which is the official discourse that the Kurdistan Region authorities have endorsed and reiterated on every occasion. Fourth, with ISIS invasion, large numbers of Christians fled to Kurdistan Region in general and Erbil in particular, where they found refuge and shelter.

Mariwan Naqshbandi says that the Kurdistan Region authority is being criticized by Islamic forces for practicing positive discrimination towards Christians, giving a preference to Ain Kawa over other municipalities, and helping to build churches in Dohuk. However, many Christians claim that the "minority protection policy" is just a cover-up to justify the expansion of Kurdish control, especially in the disputed areas (mentioned in Article 140 of the Constitution) and on the fertile lands of the Nineveh Plain. On the other hand, everyone acknowledges that the situation of Christians in the Region is the best, although not perfect, among all other regions. "Christians have special regions where they practice their rituals and celebrate their holidays under the protection of the Kurdistan Region Government, and they feel that they have an influential role," says Farouk Fouad. According to Bassem Balu, although Kurdistan Region is safer than others, "there is still an existential danger due to the behavior of influential people". Yusef Matte adds that Christian concern and discrimination in the region exist, because Christians "do not have the right to own an offshore company without having a Kurdish partner, or own weapons to protect themselves. They may not either assume any responsibility in the Kurdistan Government unless they are affiliated to the party in power, and are not entitled to choose the residential neighborhood they want to live in without the party's permission." Many also mentioned the influence of Kurdish parties on

the selection of Christian representatives in the Kurdistan Regional Parliament and the Iraqi Parliament, which does not allow to reflect the reality of Christians and their choices.

Christians have a very ancient presence in Baghdad, and they have deeply influenced many of the neighborhoods and streets they have historically lived in (such as Dora district). However, they have been subjected to a systematic forced displacement since 2006 in addition to the bombings that targeted them (as the 2010 bombing of Our Lady of Salvation Church), and then the Sunni-Shiite struggle for control of the city. Only about 100,000 Christians remain in Baghdad today, and there are thousands of abandoned apartments and homes now, inhabited by people who came from outside Baghdad. William Wardeh says, "Al-Dora district differed greatly in terms of its nature and civilization when the Christians left it."

As for the Nineveh Plain, the historical land of Iraq's Christians that has witnessed their largest presence over the years, they became now a minority in it. In addition to the continued migration and forced displacement like the rest of the regions, Nineveh suffered from ISIS invasion and from the mass exodus of most Christians from their villages and from Mosul, the largest city in the north. Because of the previously mentioned circumstances, the displaced have not yet returned effectively. In addition to the Arab-Kurdish conflict over the Nineveh region, there is also the Sunni-Shiite conflict and the conflict among minorities. These conflicts manifest through clans, parties, and militias associated with different forces. Many participants spoke about the struggle between Christians and Shiite Shabaks, which is greatly affecting the return of Christians and contributing to demographic change.

In Basra and the South, the number of Christians is so small that they are unable to restore the churches that are almost collapsing. In spite of that, those who remained in these regions are active in society and contribute to public life. However, the greatest difficulty they are facing in the south is the control of clans, which are, in most cases stronger than the State and the law.

In general, besides their historical regions in the Nineveh Plain, Christians have lived according to Cardinal Sako, in the largest Iraqi cities (Basra, Baghdad, and Kirkuk) known for their multiple sects and religions, and for the marked foreign presence due to the major companies and economic facilities. This experience of coexistence led to a moderate and open social culture, promoting acceptance of the other. Christians were living with other Iraqis as brothers and neighbors, sharing everything together. Many of the participants mentioned that Christians in Baghdad and the South observe Ashura with the Shiites, and Imam Al-Khoei stressed how Christians would even cancel New Year's celebrations if they coincided with Ashura out of respect for the feelings of their neighbors. However, the situation changed with the escalation of the Sunni-Shiite conflict and with the rise of religious intolerance, sectarian conflicts and political differences. "In recent years, Christians have begun to withdraw from public places and spaces to private places, so that they can live "normally", because of intolerance, discrimination and restriction of freedoms by society and not only by the State," says William Wardeh. Cardinal Sako added that "education has become different", and Yusef

Matte said that "living together was replaced by the imposition of the will of others and lack of respect for religious and cultural particularities."

We can conclude by saying that the situation of Christians and the freedom to practice their beliefs today are improving in different regions whenever the level of national and sectarian intolerance decreases and vice versa. There is also a difference between villages and neighborhoods with Christian majority (such as Ain Kawa), and cities where Christians live as a minority. Another difference to take into account is between Christians who have been originally living in certain regions and those who have been displaced. The situation also varies between high-end areas and popular areas, while the level of acceptance differs sometimes between the city and the surrounding villages (such as the difference between Nineveh villages and Mosul), and even within the same city (such as the difference between New Baghdad and Al-Mansour).

# PART IV

## RECOMMENDATIONS

### 1) On the constitutional and legal levels

1) Review the Constitution with the following objectives:

- The Constitution should include the "right to exist" for all the components in Iraq, which corresponds to the individual's right to life from which all other rights emanate.
- Amend all articles that discriminate between Iraqis or give preference to a specific religion (for example canceling the official religion of the State; or refraining from having a specific religious reference for legislation as the "Islamic Shari'a").
- Amend Article 140 that defines the "disputed areas", and clarify the issue of creating new governorates and federal states.
- Guarantee the veto right for sect leaders or their representatives in the Council of Representatives on laws and decisions that may pose a direct threat to them or are exclusively related to their affairs.

2) Review Iraqi laws that include discrimination between citizens or the preference of one religion over another as follows:

- The National Identity Card Law in terms of the right for the individual to change his/her religion; and not considering the minor children automatically following the religion of the one of their parents who converts to Islam.
- The Personal Status Law in terms of ensuring the principle of equality and non-discrimination between the followers of all religions; and allowing the minorities to follow their proper laws in their specific affairs as inheritance and adoption.
- The electoral law in a way that takes into account the opinion of minorities and gives them the power of choosing their representatives.
- The Law on the Protection of the Rights of Components to affirm their rights and protect their private characteristics.

- 3) Adhere to international treaties on human rights in general, and the rights of individuals belonging to minorities and indigenous peoples in particular; and strive to amend laws appropriately and create operational frameworks to ensure their implementation (republic mediator, positive discrimination, veto right, autonomy, etc.)
- 4) Separate religious authority from political authority and push for a civil state that fully respects freedom of religion, thought and belief.
- 5) Reconsider educational curricula, especially the subjects of religion and civic education, in order to promote respect for and valuing of pluralism.
- 6) Emphasize the necessity of properly implementing the laws ensuring equality between citizens, and avoid their amendments under pressure.
- 7) Stress on the responsibility of the State to protect all of its citizens and safeguard their properties (returning seized properties).

## **2) On the regions' /governorates' level**

- 8) Activate the laws of decentralization and expand the powers of local authorities in a way that leads to the participation of the people of each region in the decision-making, including the draft participatory budget.
- 9) Reinforce active citizenship to participate in managing public affairs and overseeing and holding officials and elected officials accountable.
- 10) Implement the principles and steps of transitional justice in areas that witnessed armed conflicts.
- 11) Conduct reconciliations and mediations to solve the problems of ownership and disputed lands between the various components (especially in the Nineveh Plain) to facilitate the return of IDPs.
- 12) Establish administrative and organizational frameworks that limit the seizure of property and demographic change in villages, and implement decisions and laws that return the seized properties to their owners and hold those responsible for it accountable.

- 13) Implement inter-confessional projects for youths, women, professional and entrepreneurs, or clerics, with the aim of promoting acceptance of the other, collaboration, and peaceful coexistence.
- 14) End the presence of armed factions and PMF, and open the door exclusively for the people of the regions to join the official security forces (the local police and the Iraqi army).
- 15) Give the people of each region priority in employment in its public institutions.
- 16) Pay compensation, with the support of international donors, to those whose properties were destroyed or those who lost family members.
- 17) Create, with the support of international donors, some economic incentives for families who want to return to their areas of origin.
- 18) Rebuild, with the support of international donors, demolished and stricken places of worship and religious and social institutions.

### **3) On the Christians' level**

- 19) Adopt the principle of "a democratic, pluralistic Iraq for its entire people", as a general framework for the Christians' cause, and reject all projects of hegemony, authoritarianism, unilateralism and totalitarianism.
- 20) Abandon proposals that increase the isolation and separation of Christians from their surroundings, and adopt the role and mission that make Christians a need for their community, keep them closely attached to it and carry its common concerns.
- 21) Stop partisanship and subordination to political, security, or sectarian/ethnic entities, and cling to the idea of building a state of law, human rights and freedoms, which are values that a Christian cannot live without and can even lead the struggle to achieve.
- 22) Create coordination frameworks among Christians – not limited to clergy or politicians – with the aim of unifying the discourse in terms of values and principles while allowing for the diversity in politics, alliances and visions.
- 23) Carry out a careful research in cooperation with international experts on the numerical, economic and social reality of Christians and their distribution in

regions, official administrations and political parties with the aim of accurately diagnosing the reality in order to create a comprehensive development plan.

- 24) Bridge the gap between church institutions and leaders on the one hand and believers on the other hand to ensure that the leadership reflects the opinion and concerns of the parish, that the funds are spent and managed in a transparent manner, and that priorities are set in a participatory manner. The Iraqi Church should be the church of the people and the conscience of the nation.
- 25) Build social inter-confessional solidarity and advocacy networks to defend common issues such as fighting corruption, preserving the environment, Human rights, development projects, etc.

#### **4) On the level of other religious groups**

- 26) Adopt the principle of a democratic, pluralistic Iraq for all its people as a general framework for their struggle, and reject all projects of hegemony, authoritarianism, unilateralism and totalitarianism.
- 27) Promote moderate religious discourse and religious interpretations that encourage acceptance of the other and respect of universal human dignity and rights, and promote inclusive citizenship and national diversity within unity.
- 28) Promote societal, economic and human relations between members of the different communities.
- 29) Emphasize the importance of pluralism, as a distinctive wealth of Iraq that benefits the country and all of its people; thus considering the survival of Christians and other minorities as a useful objective that must be achieved.
- 30) Build social inter-confessional solidarity and advocacy networks to defend common issues such as fighting corruption, preserving the environment, human rights, development projects, etc.

# ANNEXES

## Annex 1

### Survey (one-on-one interview)

This survey aims to seek the opinion of community or religious leaders on the situation of Christians in Iraq.

The survey is supposed to be conducted through a direct one-on-one interview, during which the researcher will record the opinion of the respondent, after his/her consent and signing the consent form for using the information. The research then captures the registered data and fills the information below as accurately as possible.

The respondents are given the option to allow Adyan Foundation to freely use their answers and cite their names or to use their answers while remaining anonymous.

The interview takes 45 minutes.

#### **General information:**

Interviewee's Full name:

Job or position:

Age:

Gender:

Religion / Sect:

Place of Origin / Birth:

Place of Residence:

- 1- How would you assess the current situation of Christians in Iraq in general?
- 2- What are the Christians' greatest concerns and dangers threatening them in Iraq today?
- 3- Do Christians share these concerns with other Iraqis? What are the concerns that are only specific to Christians? What are the common concerns?
- 4- How do Iraqi Christians view themselves and their connection to Iraq today?
- 5- Are there specific laws that must be amended or repealed to improve the situation of Christians?
- 6- Does the situation of Christians differ from one region to another?
- 7- Is the situation of Christians in a particular region different from the rest of the inhabitants of this region?
- 8- How do you evaluate the participation of Christians with the rest of the Iraqis in national action? What are the main obstacles hindering this participation?

- 9- Can you give examples of positive and effective Christian participation in national action?
- 10- How many Christians are there in Iraq today compared to before 2003? Are there any official numbers?
- 11- To what extent do you agree with the following statement?

	Strongly agree	Agree	Neutral/ Moderate	Disagree	Strongly disagree
Christians enjoy freedom of religion and belief in Iraq					
Christians practice their faith freely					
Christians freely display their religious symbols in public					
Christians have the right to religiously educate their children as they wish					
Christians have the right to freely build places of worship and religious institutions					
Anyone can freely convert to or leave Christianity					

- 12- What are the practical steps to improve the situation of Christians and reduce their concerns that can be taken by:

The Iraqi State

The international community

Local authorities/governorate

Christian churches

Other religions

Christians themselves

\* \* \* \* \*

## Annex 2

### Focus Group Questions

First axis: What is the situation of Christians in Iraq in general? (10 minutes)

Second axis: What are the most prominent dangers / difficulties faced by Christians in Iraq? (15 minutes)

Third axis: What are the priorities that must / can be addressed? (15 minutes)

Fourth axis: What are the solutions / recommendations that you suggest to the various stakeholders? (20 minutes)

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