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United States Commission on International Religious Freedom**

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Front Cover: URUMQI, China, July 7, 2009 – A Uighur Muslim woman stands courageously before Chinese riot police sent to quell demonstrations by thousands of Uighurs calling for the government to respect their human rights. The Uighurs are a minority Muslim group in the autonomous Xinjiang Uighur region. Chinese government efforts to put down the ethnic and religious protest resulted in more than 150 dead and hundreds of arrests. (Photo by Guang Niu/Getty Images)

Back Cover: JUBA, Southern Sudan, April 10, 2010 – School children participate in a prayer service on the eve of Sudan's first national elections in more than two decades. Those elections are called for under the Comprehensive Peace Agreement between North and South Sudan, the full implementation of which is widely believed to be essential to averting another bloody civil war marked by sectarian strife. Although the elections were deeply flawed, many Southern Sudanese saw them as a necessary milestone on the road to a January 2011 referendum on Southern Sudan's political future--the final major step in the peace agreement. (Photo by Jerome Delay/Associated Press)

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Iraq

FINDINGS: Systematic, ongoing, and egregious religious freedom violations continue in Iraq. Members of the country's smallest religious minorities still suffer from targeted violence, threats, and intimidation, against which they receive insufficient government protection. Perpetrators of such attacks are rarely identified, investigated, or punished, creating a climate of impunity. The small communities also experience a pattern of official discrimination, marginalization, and neglect. In addition, there continue to be sectarian attacks, often with impunity, and tense relations between Shi'a and Sunni Iraqis, and other egregious, religiously-motivated violence also continues.

Based on these concerns, USCIRF again recommends in 2010 that Iraq be designated as a "country of particular concern," or CPC.* The Commission recommended that Iraq be designated as a CPC in 2008 and 2009, and placed Iraq on its Watch List in 2007.

The religious freedom situation in Iraq remains grave, particularly for the country's smallest, most vulnerable religious minorities. The violence, forced displacement, discrimination, marginalization, and neglect suffered by members of these groups threaten these ancient communities' very existence in Iraq. These minorities, which include Chaldo-Assyrians and other Christians, Sabean Mandaeans, and Yazidis, continue to experience targeted violence, receive inadequate official protection or justice, and suffer discrimination. Since 2003, many have fled to neighboring countries, where they represent a disproportionately high percentage of registered Iraqi refugees. The diminished numbers remaining in the country are now concentrated in areas in the highly dangerous Nineveh governorate over which the Kurdish Regional Government (KRG) is seeking to extend its control, and they suffer abuses and discrimination as a result. Although the Iraqi government has publicly condemned violence against these groups, it continues to fall short in investigating the continuing attacks and bringing perpetrators to justice, and its efforts to increase security to minority areas are not adequate. In addition, though greatly reduced from 2006-07 levels, violence between Shi'a and Sunni Iraqis continues. Significant tensions between these groups remain, including tensions due to the ongoing government formation process. Finally, other religiously-motivated violence and abuse continues.

PRIORITY RECOMMENDATIONS: For Iraq to become a secure, diverse, and stable democracy, the United States must pay greater attention to helping ensure that the human rights of all Iraqis are guaranteed and enforced both in law and practice. With U.S. forces drawing down and a new Iraqi government being formed in the wake of the March 7 elections, the United States should emphasize, with both the new Iraqi government and the KRG, the urgent need to protect vulnerable religious minority communities and ensure them justice. USCIRF also recommends that the U.S. government appoint a special envoy for human rights in Iraq, create an inter-agency task force on Iraqi minority issues, and prioritize funding for projects that foster religious tolerance. Additional recommendations for U.S. policy towards Iraq can be found at the end of this chapter.

*Commissioners Cromartie, Eid, and Land dissent from the CPC recommendation, believing that Iraq should be on the Watch List.

Religious Freedom Conditions

The Smallest Religious Minorities

Recent years in Iraq have seen alarming numbers of religiously-motivated killings, abductions, beatings, rapes, threats, intimidation, forced displacements, forced conversions, and attacks on religious leaders and holy sites. Many Iraqis—Muslim and non-Muslim alike—have suffered in this violence, but those from the country’s smallest, non-Muslim religious minorities have been particularly vulnerable. Members of these small groups continue to experience targeted violence and intimidation, do not have militia or tribal structures to defend themselves, and do not receive adequate official protection or justice. Many have fled to neighboring countries, and are not returning to Iraq. Those who remain in the country are now concentrated in the violent Nineveh governorate, where Kurdish and Arab parties dispute control.

Today, only half of the pre-2003 Iraqi Christian community is believed to remain in the country, with Christian leaders warning that the result of this flight may be “the end of Christianity in Iraq.”⁶ In 2003, there were approximately 1.4 million Chaldean Catholics, Assyrian Orthodox, Assyrian Church of the East members, Syriac Orthodox, Armenians (Catholic and Orthodox), Protestants, and Evangelicals in Iraq. Today, that number is estimated to be only 500,000.

Sabeen Mandaean report that almost 90 percent of their small community either has fled Iraq or been killed, leaving some 3,500 to 5,000 Mandaeans in the country. This includes 150 families in Baghdad and only five Mandaean religious leaders. In 2003, the Mandaean community in Iraq reportedly numbered some 50,000 to 60,000. The Mandaean Associations Union and Mandaean leaders, refugees, and asylum seekers have told USCIRF that they do not see any future for Mandaeans in Iraq and have asked that the group be collectively resettled to a third country so that their religion, language, and culture can survive.

The Yazidi community reportedly now numbers approximately 500,000, down from some 700,000 in 2005. The Mandaean and Yazidi communities are particularly vulnerable because a person must be born into these religions, not convert or marry into them, and they do not proselytize or seek new adherents. Additionally, Mandaeans, followers of John the Baptist, are prohibited under their religion from using weapons and therefore cannot defend themselves.

Little is known about Iraq’s tiny Baha’i and Jewish communities. The Baha’i faith, estimated to have only 2,000 adherents in Iraq, remains banned under a 1970 law. Iraq’s ancient and once large Jewish community now numbers fewer than 10, who essentially live in hiding. Many Jews left Iraq in the years following the founding of the state of Israel, and a 2006 law precludes Jews who emigrated from regaining Iraqi citizenship.

Despite the overall drop in violence in the country, violence against religious minorities and their religious sites continued in 2009 and 2010, particularly in the northern disputed areas. As noted by the State Department in its 2009 *Annual Report on International Religious Freedom*, “the ‘surge’ by the Multinational Forces in Iraq, in coordination with Iraqi Security Force operations, reduced the overall level of violence in the country; however, significant effects were slow to trickle down to the country’s minority communities.” As discussed below, the few official attempts in the past year to improve security in minority areas and for minority religious sites were largely ineffective. Moreover, perpetrators of attacks on minorities were rarely identified, investigated, or punished. As the State Department reported,

⁶ Simon Caldwell, “Bishop Asks: Is it the ‘End of Christianity in Iraq?’”, *Catholic News Service*, December 1, 2007.

“very few of the perpetrators of violence committed against Christians and other religious minorities in the country have been punished; arrests following a murder or other crime are rare.”

The vast majority of the non-Muslim minorities displaced by violence within Iraq in recent years have gone to the north, mainly to Nineveh governorate and the three governorates controlled by the KRG. Northern Iraq, particularly the Nineveh Plains area of Nineveh governorate, is the historic homeland of Iraq’s Christian community, and the Yazidi community is indigenous to Nineveh and the KRG governorate of Dahuk. Although the three KRG governorates are relatively secure, Nineveh governorate, particularly in and around Mosul, remains one of Iraq’s most dangerous and unstable areas, as both insurgent and extremist groups continue to be active there. Moreover, control of this ethnically and religiously mixed area is disputed between the KRG and the central Iraqi government. The minorities are caught in the middle of this struggle for control and have been targeted for abuses and discrimination as a result, allegedly by both sides.

The dispute stems from Kurdish efforts to annex into the KRG additional territories—including parts of the governorates of Nineveh, Kirkuk (Tamim), Salah al-Din, Diyala, and Wasit—on the basis of their claim that these areas are historically Kurdish. Since 2003, Kurdish *peshmerga* (armed fighters) security forces and political parties have moved into these territories, effectively establishing *de facto* control over many of the contested areas. Religious and ethnic minorities in these areas, including non-Muslims and ethnic Shabak and Turkomen, have accused Kurdish *peshmerga* and officials of engaging in systemic abuses and discrimination against them to further Kurdish territorial claims. Their accusations include interfering with minorities’ voting rights; encroaching on, seizing, and refusing to return minority land; conditioning the provision of services and assistance to minority communities on support for Kurdish expansion; forcing minorities to identify themselves as either Arabs or Kurds; and impeding the formation of local minority police forces. The minorities also accuse both Arab and Kurdish officials of ignoring these vulnerable communities as they focus on their fight for territorial control. The Arab-Kurdish dispute also has paralyzed Nineveh’s provincial government, resulting in its failure to spend any of the 2009 provisional budget to provide services and benefits to Nineveh residents, including minorities.

In recent years, there has been a pattern of violence targeting minorities in Nineveh governorate prior to important political events. This pattern continued in this reporting period. However, the provincial and national governments continued to fail to provide preventive security measures to protect the smallest religious minorities in this dangerous area. This is notable, given the preventive security measures that are put in place (although not always successful) during Shi’a religious pilgrimages, which in recent years have also attracted attacks.

During a two-week period beginning on February 14, 2010, less than one month before the March 7 national elections, 10 Christians were targeted and killed in Mosul, prompting some 4,300 Christians to flee the city, most to Christian villages in the Nineveh Plains area and some to the KRG region and Syria. This exodus was reminiscent of October 2008 when, over a 10-day period in the lead-up to the January 2009 provincial elections, 14 Christians were targeted and killed in Mosul and more than 12,000 fled the city.

In the wake of the February 2010 violence, both Iraqi and Kurdish government officials condemned the attacks, the government of Iraq said it had established an investigative committee, and the governor of Nineveh ordered increased security and called for an international investigation. To date, however, no perpetrators are known to have been identified or arrested. Moreover, as noted above, given that similar violence had occurred before previous elections, it is notable, if not negligent, that the governing authorities in Nineveh only reacted after the fact and did not provide advance, proactive security precautions for Mosul’s Christian population. After the October 2008 attacks, the Iraqi government also

said that it had established an investigative commission, although the results of its investigation, if any, are not publicly known. No individuals are known to have been arrested for involvement in those attacks.

In August 2009, a series of bombings in Nineveh targeted religious and ethnic minorities. On August 7, a Shi'a Turkoman mosque in Mosul was bombed, destroying the mosque, killing at least 44, and wounding more than 200. On August 10, Khazna—a village outside Mosul inhabited by the Shabak ethnic, and predominantly Shi'a, minority—was leveled by two large truck bombs, killing at least 28 and injuring at least 150. Three days later, a café in the Yazidi town of Sinjar was attacked by two suicide bombers, killing at least 21 and injuring at least 30. On August 28, a market in Sinjar was bombed, killing four and injuring 28. In the wake of these attacks, the U.S. military proposed joint U.S.-Iraqi-Kurdish security patrols and other cooperative measures aimed at improving security in disputed areas in Nineveh. However, due to the difficult Arab-Kurdish relationship, it took almost six months, until January 2010, for these measures to become operational. Given that the security patrols were proposed by the United States, not the KRG or central Iraqi government, and the protracted delay in beginning them, serious questions remain as to both the Iraqi government's and the KRG's commitment to address violence against minorities.

A number of churches in Iraq were attacked during 2009. On July 12, seven churches in Baghdad were bombed, killing four and injuring 18. After these attacks, provincial security officials in Nineveh decided to dig trenches around several Christian towns, and the Iraqi interior ministry announced the creation of a committee to oversee security at churches nationwide. Nevertheless, in November-December 2009, there was another series of church attacks. On November 26, a church and a convent in Mosul were bombed, causing damage but no casualties. On December 15, two churches in Mosul were bombed, killing four and injuring 40, and on December 23, two more churches in Mosul were bombed, killing three. In the wake of these bombings and additional threats, the Iraqi government increased security at churches in both Baghdad and Mosul for Christmas 2009. The Chaldean Archdiocese of Kirkuk canceled Christmas Masses. In Basra, the Chaldean Bishop called on Christians in southern Iraq to refrain from public Christmas celebrations, out of respect for the Shi'a holiday of *Ashura* (the commemoration of the death of the Prophet Mohammed's grandson, Imam Hussein), which was taking place at the same time.

On Christmas Day 2009, Christians and Shi'a Shabak clashed outside a church in the northern town of Bartala, near Mosul. Iraqi and Kurdish security forces reportedly intervened to restore order. Reports on what caused the clash differed: some said the Christians had torn down a poster of Imam Hussein; others said the Shabak had torn down Christmas decorations in the Assyrian market and demanded to perform their self-flagellation ritual in the church.

To address their lack of security and political and economic marginalization, some Iraqi minority groups, both inside and outside Iraq, have been seeking what is variously described as a protected, semi-autonomous, or autonomous area for Christians, and some say for other minorities as well, in the Nineveh Plains area. These options are proposed to give effect to Article 125 of the Iraqi Constitution, which “guarantee[s] the administrative, political, cultural and educational rights of the various nationalities, such as Turkomen, Chaldeans, Assyrians, and all other constituents,” and provides that this “shall be regulated by” a future law. However, the specifics of what such a law would entail, including the territory that such an area would cover, its religious and ethnic make-up, how it would be secured, what governance and economic powers it would have, and how it would relate to the KRG and the central government remain disputed even among those who say that they favor autonomy. Many members of the smallest minorities also have urged reforms to provisions in Article 2 of the Iraqi constitution that give Islam a preferred status, which provides a potential justification for discrimination against non-Muslims. As far as is known, the Iraqi government has made no serious efforts to consider or address any of these proposals.

Additionally, some evangelical Christian groups urged less onerous requirements for government registration. To register, a church must have 500 members and must obtain approval from the Council of Iraqi Christian Church Leaders, which consists of representatives from the 14 officially-recognized churches.

Sunnis and Shi'a

In past years, many serious sectarian abuses were attributed to actors from the Shi'a-dominated Ministries of Interior and Defense and by armed Shi'a groups with ties to the Iraqi government or elements within it. Since 2007, such sectarian violence has markedly diminished. In its most recent *Annual Report on International Religious Freedom*, the State Department reported that during 2008-09, the Iraqi government "became increasingly successful in restoring security, in a generally non-sectarian manner, throughout the country." Nevertheless, the State Department still noted that the "sectarian misappropriation of official authority within the security apparatus" remained a concern.

Sunni-Shi'a mistrust and tensions continue. Among other issues, the Shi'a-led government's promised integration of Sunni Sons of Iraq members, which was supposed to occur by the end of 2009, is still far from complete.⁷ In addition, a controversial Shi'a-led government commission barred hundreds of candidates in early 2010, including prominent Sunni and secular politicians, from competing in the March 7 elections due to alleged Baathist ties. While this raised sectarian tensions in the run-up to the election, it did not result in a return to widespread sectarian violence or a Sunni boycott on participating in the election. However, it could lessen the chances of a political accommodation between these groups in the future.

Serious sectarian abuses continue to be committed by organized groups outside of the government, notably the Sunni-dominated insurgency and foreign and indigenous extremist groups. Shi'a pilgrims and worshipers have been frequent targets, particularly around important holidays. In early February 2010, despite heavy security, there was a series of bombing attacks against Shi'a pilgrims traveling to Karbala to celebrate *Arbaeen* (the religious observance occurring forty days after *Ashura*). These attacks included two major bombings that killed at least 59 and injured more than 100, as well as several smaller bombings. In late December 2009, during the 10-day *Ashura* holiday, multiple bombings targeted Shi'a pilgrims and worshippers in Karbala, Baghdad, Hilla, and near Kirkuk. At least 30 were killed in these attacks, and at least 160 injured. As in past years, the Iraqi government provided heavy security on pilgrimage routes and at holy sites for *Ashura*.

July and August 2009 also saw a wave of bombings, including against multiple Shi'a mosques in Baghdad during Friday prayers, Shi'a pilgrims returning from Karbala, and predominantly Shi'a areas in Baghdad, as well the attacks on the Shi'a Turkoman mosque and the Shi'a Shabak village in Nineveh mentioned above. Additionally, on June 20, a large suicide truck bomb exploded near a mosque in the Shi'a Turkoman town of Taza, near Kirkuk, killing 85 people, injuring 170, and destroying or damaging nearly 200 homes.

There also was a series of bombings against Shi'a areas, sites and pilgrims in late April 2009, for which the extremist group the Islamic State of Iraq claimed responsibility. On April 23, a suicide bomber targeted Iranian pilgrims passing through a town in Diyala governorate, killing more than 50; another targeted women and children waiting to receive food aid in a predominately Shi'a neighborhood of Baghdad, killing at least 28. On April 24, as worshippers were arriving for Friday mid-day prayers at an

⁷ The Sons of Iraq are local security groups that include former insurgents who switched sides in exchange for U.S.-paid salaries. The Iraqi government is now responsible for paying these groups, and agreed to give them jobs in the police, security forces, or public sector.

important Shi'a shrine in Baghdad, two suicide bombers killed at least 60 people and injured at least 125. According to press reports, Prime Minister al-Maliki promptly created a special committee to investigate this attack and ordered the detention of the police commanders responsible for security in the area around the shrine.

Some attacks also targeted Sunnis. During summer and early fall 2009, several Sunni clerics who had spoken out against al-Qaeda in Iraq were killed, including in Baghdad and Mosul. Additionally, a suicide bombing on October 16 at a Sunni Turkoman mosque in Tal Afar, Nineveh province killed at least 9, including the imam, and injured at least 30. On April 22, 2009, a suicide bombing inside a Sunni mosque in the central Iraqi town of Dhuluiya killed at least 5 people and wounded 15. According to the Iraqi police, 52 Sunni political, religious, and community leaders were killed in a series of attacks in Anbar province between mid-October 2009 and January 2010.

Women and Other Vulnerable Groups

In recent years in Iraq, women and girls have suffered religiously-motivated violence and abuses, including killings, abductions, forced conversions, restrictions on movement, forced marriages, and reportedly other violence including rape. Women considered to have violated Islamic teachings and politically active females have been targeted by Sunni and Shi'a extremists alike. So-called "honor crimes" against women by family members, particularly in the KRG region, also have been a problem.

The United Nations Assistance Mission for Iraq (UNAMI) continues to express concern about violence against women in Iraq, including honor killings in the KRG region. According to its most recent human rights report, in the first half of 2009 UNAMI "did not see any significant changes regarding the scale and patterns of violence and abuse targeting women" in the country. During the Commission's March 2008 visit to Erbil, the KRG Minister for Human Rights stated that the incidence of so-called honor crimes had increased in the KRG since 2005. In July 2007, the KRG created a commission to try to reduce such crimes and made changes to its laws to help ensure the prosecution and punishment of perpetrators. This commission subsequently established a board to monitor implementation of the new laws. However, according to UNAMI, prosecution is often hampered by insufficient evidence, witnesses' reluctance to testify, and courts granting leniency in the punishment of such crimes.

Governmental and societal actors continued to attempt to enforce strict interpretations of Islamic religious norms, and radical groups continued to exert "tremendous pressure on individuals and groups to conform to extremist interpretations of Islamic precepts," according to the State Department. The State Department's 2009 religious freedom report gives details on how the education department of Salah ah Din governorate banned female teachers from wearing trousers, instead mandating "long and conservative clothing." The State Department also reported that in some schools and other public places, non-Muslims and secular Muslims still felt pressured to comply with certain Islamic norms, such as veiling, though less so than in past years. In addition, the Iraqi parliament debated banning alcohol, but did not introduce legislation. In August 2009, the Basra provincial council banned alcohol in that governorate, but it lifted the ban four months later.

Targeted, religiously-motivated violence against homosexuals also continued to be reported. During the first half of 2009, at least 25 homosexuals or individuals perceived to be homosexual were killed, and many others threatened, according to UNAMI, Human Rights Watch, and Amnesty International. The Mahdi Army, the militia of the Shi'a cleric Moqtada al-Sadr, was suspected of perpetrating these attacks, most of which occurred in Baghdad's Sadr City neighborhood. There were reports that the violence was being called for by some imams in Sadrism mosques.

Iraqi Refugees and Internally Displaced Persons

There have been few developments related to the situation of Iraqi refugees and internally displaced persons (IDPs) since the Commission last reported on Iraq in May 2009. Significant new displacements have not been reported in 2009-10, although by most estimates, more than 4 million Iraqis, or approximately 20 percent of the population, remain displaced in neighboring countries or other areas of Iraq. Many of these individuals fled religious-based persecution. Members of Iraq's smallest religious minorities continue to make up a disproportionately high percentage of the refugees registered with the UN High Commissioner for Refugees (UNHCR) in neighboring countries—nearly 20 percent, though they comprise only approximately three percent of Iraq's pre-2003 population.⁸ For the most part, these minorities are not returning to Iraq.

Iraqi refugees and IDPs continue to need significant humanitarian assistance. Despite some efforts by the Iraqi government to promote returns, the UN reports that fewer than 15 percent of all displaced persons have returned to their areas of origin. The government's policies to promote return, which include three months' cash assistance and a procedure to evict squatters and return properties to returning displaced persons, have been haphazardly implemented. In addition, these policies fail to address other concerns, such as insecurity and lack of livelihood opportunities, which continue to make displaced individuals reluctant to return to their former homes.

Nevertheless, some voluntary returns continued in 2009, particularly IDPs returning to Baghdad. UNHCR reported that between January and November 2009, about 189,000 Iraqis who fled their homes returned (155,000 IDPs and 34,000 refugees). In 2008, UNHCR reported 220,000 returnees. However, there are few reports of members of the small religious minorities being among the returnees. UNHCR remains concerned about continuing threats to the smallest religious minorities in Iraq and continues to recommend they be given *prima facie* refugee status. It also continues to recommend that Iraqis should not be forcibly returned to certain governorates in Iraq, including Nineveh, Kirkuk, and Baghdad, due to continuing insecurity, or to regions that are not their areas of origin, such as the KRG.

U.S. Policy

The United States is in the process of withdrawing its military forces from Iraq, with all but 50,000 troops scheduled to be out of the country by August 31, 2010 and the remainder by the end of 2011. Bilateral relations between the United States and Iraq are now governed by a "Strategic Framework Agreement" which emphasizes friendship, mutual respect, and cooperation in specified areas (political and diplomatic, defense and security, cultural, economic and energy, health and environmental, information technology and communications, and law enforcement and judicial).

According to the State Department's 2009 *Advancing Freedom and Democracy Report*, the United States seeks to assist Iraq "to develop just, representative, and accountable government institutions that secure the country's inhabitants and their national infrastructure, deliver essential services, and govern in an equitable, nonsectarian manner." To these ends, U.S. diplomacy and programs support "political and economic reform; political party development; respect for the rule of law and human rights; increased government capacity at the national, provincial, and local levels; and an engaged civil society and citizenry...." A number of the programs that are described include efforts to protect and promote the rights of women and ethnic and religious minorities. In its 2009 *Annual Report on International Religious Freedom*, the State Department stated that in 2008-09, it and U.S. Embassy Baghdad had

⁸ Registration with UNHCR is voluntary and is often of interest mainly to those refugees who wish to be resettled to a third country.

“increased [their] attention to the country’s minority communities.” USCIRF welcomes this increase and hopes that it continues.

The United States’ foreign assistance to Iraq includes funding for democracy, development, and human rights programs. For fiscal year (FY) 2010, Congress appropriated \$382.5 million for Economic Support Fund (ESF) programs to support good governance, civic engagement, and economic growth in Iraq. In FY 2009, \$551.5 million was appropriated for such programs. In 2008, Congress earmarked \$10 million in unobligated ESF funds for projects benefiting minorities in the Nineveh Plains, which the Nineveh Provincial Reconstruction Team used during 2008-09 to fund education, microfinance, and infrastructure projects in that area. In December 2009, Congress again earmarked up to \$10 million of ESF funding to continue programs for minorities in the Nineveh Plains during FY 2010.

The United States also contributes to various UN and non-governmental organizations assisting Iraqi refugees and IDPs, including \$303.4 million for these purposes in FY 2009. In addition, beginning in FY 2007 the U.S. government increased its efforts to resettle Iraqi refugees to the United States. Since that time, more than 37,000 Iraqi refugees have been resettled to this country, including 18,838 in fiscal year 2009. The United States is now the largest recipient of both UNHCR referrals of Iraqis and of resettled Iraqi refugees.

In February 2008, the State Department increased direct access for certain Iraqis to the U.S. Refugee Admissions Program, as required by the Refugee Crisis in Iraq Act of 2007. That Act created a new Priority 2 (P2) category for Iraqis from “religious or minority” communities with close family members in the United States, and authorized the Secretary of State to create additional P2 categories for other vulnerable Iraqis.⁹ (A P2 category allows those covered to apply directly to the United States for resettlement, without first having to be referred by UNHCR.¹⁰) The new State Department policy covers Iraqis in Egypt or Jordan “who are the spouses, sons, daughters, parents, brothers or sisters of a citizen of the United States, or ... the spouses or unmarried sons or daughters of a Permanent Resident Alien of the United States....”

USCIRF Activities

Since 2003, USCIRF has advocated for universal human rights protections, including religious freedom, for all persons in Iraq, calling for constitutional and legal reforms to ensure that these rights are guaranteed and enforced. The Commission also has drawn attention to the serious religious freedom problems there, including alarming levels of religiously-motivated violence and human rights abuses and the extreme vulnerability of the smallest religious minorities. The Commission repeatedly has urged the U.S. and Iraqi governments to take action to reduce violence and protect all Iraqis. Over the years, USCIRF has recommended numerous specific security, legal, human rights, humanitarian, development, and reconciliation measures. The Commission also repeatedly has called attention to the plight of Iraqi refugees and IDPs and urged the U.S. government to increase humanitarian assistance and to expand and expedite its refugee and asylum programs for Iraqis fleeing religious persecution.

⁹ The Act was an amendment sponsored by Senator Edward Kennedy (D-MA) to the FY 2008 National Defense Authorization Act. The relevant language is found in the sections 1243(a)(4) and 1243(b).

¹⁰ A P2 designation does not guarantee resettlement of all individuals from that category who apply. Each applicant still must undergo the refugee status determination interviews and background security and medical screenings required for all asylum-seekers by U.S. law. The P2 designation does, however, speed up the process for those applicants by bypassing the UNHCR referral process, and it also allows UNHCR to focus on other vulnerable groups.

In May 2007, citing escalating unchecked sectarian violence, mounting evidence of collusion between Shi'a militias and Iraqi government ministries, and the grave conditions affecting the country's smallest religious minorities, USCIRF placed Iraq on its Watch List. Three Commissioners dissented, believing that Iraq should be designated as a "country of particular concern," or CPC. In December 2008, USCIRF issued an extensive report on religious freedom conditions in Iraq, based on travel to Syria, Jordan, and northern Iraq, as well as hearings, briefings, meetings, and other activities undertaken in 2007 and 2008. In that report, and again in May 2009, the Commission recommended Iraq for CPC designation, based on the government's toleration of ongoing, severe religious freedom abuses, particularly against the smallest religious minorities. Four Commissioners dissented, concluding that, although the Iraqi government had not done enough to address the alarming plight of these minorities, it had not committed recurrent, affirmative, intentional acts of abuse and therefore the country should remain on the Watch List.

Recommendations

I. Ensuring Security and Justice for All Iraqis

The U.S. government should urge the Iraqi government to:

- undertake prompt, transparent, and effective investigations of all human rights abuses, including those stemming from sectarian, religiously-motivated, or other violence by Iraqi security forces, political factions, militias, or any other para-state actors affiliated with or otherwise linked to the Iraqi government or regional or local governments, and bring the perpetrators to justice;
- ensure that Iraqi government revenues neither are directed to nor indirectly support any militia, para-state actor, or other organization credibly charged with involvement in severe human rights abuses;
- continue the process of ensuring a greater sectarian integration into the government and security forces so that they better reflect the diversity of the country;
- urgently establish, fund, train, and deploy police units for vulnerable minority communities that are as representative as possible of those communities, ensure that minority recruits are not excluded from nor discriminated against in the recruitment process, in promotion and command leadership opportunities, or in the terms and conditions of their employment, and ensure to the maximum extent possible that such police units remain in their locations of origin and are not transferred to other cities as has been done in the past;
- promptly develop and issue new national identification cards that do not list religious or ethnic identity;
- take steps to enhance security at places of worship, particularly in areas where religious minorities are known to be at risk;
- direct the Ministry of Human Rights to investigate and issue a public report on the abuses against and marginalization of Iraq's small minority communities and make recommendations to address these problems;
- create and fully fund the independent national Human Rights Commission provided for in the Constitution and ensure that this Commission is non-sectarian, that it has a mandate to investigate individual complaints, and that its functions and operations are based on the UN's Paris Principles; and

- replace the existing Prime Minister’s minorities committee with one that is independent and includes representatives of all of Iraq’s ethnic and religious minority communities selected by the communities themselves, and ensure that this committee has access to communicate minority concerns to senior officials of the Iraqi government and the international community.

II. Ensuring Legal Protections for All Iraqis

The U.S. government should urge the Iraqi government to:

- enact constitutional amendments to strengthen the Iraqi Constitution’s human rights guarantees, including by:
 - clarifying sub-clause (B) in Article 2 that no law may contradict “the rights and basic freedoms stipulated in this constitution” to make clear that these rights and freedoms include the principles of equality and nondiscrimination and the human rights guaranteed under international agreements to which Iraq is a State party;
 - deleting sub-clause (A) in Article 2 that no law may contradict “the established provisions of Islam” because it heightens sectarian tensions over which interpretation of Islam prevails and improperly turns theological interpretations into constitutional questions;
 - revising Article 2’s guarantee of “the Islamic identity of the majority” to make certain that this identity is not used to justify violations of the individual right to freedom of thought, conscience, religion, or belief under international law;
 - ensuring that minority identity is also guaranteed, including the rights of all individual members of ethnic, religious or linguistic minorities to enjoy and develop their culture and language and practice their religion;
 - making clear that the default system for personal status cases in Iraq is civil law, that the free and informed consent of both parties is required to move a personal status case to the religious law system, that religious court rulings are subject to final review under civil law, and that the appointment of judges to courts adjudicating personal status matters, including any religious courts, should meet international standards for judicial training;
 - removing the ability of making appointments to the Federal Supreme Court based on training in Islamic jurisprudence alone, and requiring that, at a minimum, all judges have training in civil law, including a law degree;
- work with minority communities and their representatives to develop measures to implement Article 125 of the Constitution, which guarantees “the administrative, political, cultural, and educational rights of the various nationalities, such as Turkomen, Chaldeans, Assyrians, and all the other constituents,” in Nineveh and other areas where these groups are concentrated; and
- reduce onerous registration requirements, so that smaller religious groups are not disadvantaged in registering.

III. Prioritizing Human Rights, including Freedom of Religion or Belief, in U.S. Bilateral and Multilateral Diplomacy

The U.S. government should:

- ensure that all U.S.-Iraqi cooperation under the Strategic Framework Agreement to “promote Iraq’s efforts in the field of ... human rights” places a high priority on the intertwined rights to freedom of thought, conscience, and religion or belief and freedom of opinion and expression;
- ensure that human rights issues, including freedom of religion or belief, are raised in the context of negotiations on Iraq’s accession to the World Trade Organization;
- ensure that human rights issues, including freedom of religion or belief and minority rights, are raised in the context of negotiations between the Iraqi central government and the Kurdistan Regional Government (KRG) concerning disputed internal boundaries;
- appoint and immediately dispatch a Special Envoy for Human Rights to Embassy Baghdad, reporting directly to the Secretary of State, to serve as the United States’ lead human rights official in Iraq, to lead an Embassy human rights working group, and to coordinate U.S. efforts to promote and protect human rights in Iraq; and
- revive the U.S. government’s internal Inter-Agency Task Force on Iraqi Minority Issues and direct it to consider and recommend policies for the U.S. government to address the needs of Iraq’s vulnerable minority communities.

IV. Prioritizing Human Rights, including Freedom of Religion or Belief, in the U.S. Relationship with the KRG

The U.S. government should:

- press the KRG and Kurdish officials in neighboring governorates to cease any interference with the creation, training, and deployment of representative police forces for minority communities, and link progress on representative policing to U.S. financial assistance and other forms of interaction with the KRG;
- demand immediate investigations into and accounting for allegations of human rights abuses by Kurdish regional and local officials against minority communities, including reports of attacks on minorities and expropriation of minority property, and make clear that decisions on U.S. financial and other assistance will take into account whether perpetrators are being investigated and held accountable; and
- work with Iraqi and KRG officials to establish a mechanism to examine and resolve outstanding real property claims involving religious and ethnic minorities in the KRG region and neighboring governorates.

V. Promoting Human Rights, including Freedom of Religion or Belief, through U.S. Programs

The U.S. government should:

- fund programs to: train Iraqi Ministry of Defense and Ministry of Interior personnel on international human rights standards; build capacity in the Ministry of Human Rights, the independent national

Human Rights Commission, and a minorities committee whose membership is selected by the communities themselves; and deploy human rights experts to assist the Council of Representatives' constitutional amendment committee in strengthening the Constitution's human rights provisions;

- fund workshops and training on religion/state issues for Iraqi officials, policymakers, legal professionals, representatives of non-governmental organizations (NGOs), religious leaders, and other members of key sectors of society, including expanding the State Department's International Visitors Program for Iraqis to focus on exchange and educational opportunities related to religious freedom and tolerance;
- give clear directives to U.S. officials and recipients of U.S. grants to assign greater priority to projects that promote multi-religious and multi-ethnic efforts to encourage religious tolerance and understanding, foster knowledge of and respect for universal human rights standards, build judicial capacity to foster the rule of law, and develop the political ability of ethnic and religious minorities to organize themselves and effectively convey their concerns to the government;
- declare and establish a fair allocation of U.S. financial assistance for Chaldo-Assyrian Christian, Sabeian Mandaean, Yazidi, and other small religious and ethnic minority communities, ensure that the use of these funds is determined by independent minority national and town representatives, and establish direct lines of communication between such independent structures and U.S. Provincial Reconstruction Team Nineveh, in order to ensure that U.S. assistance fairly benefits all religious and ethnic minority groups; and
- require that the U.S. Government Accountability Office, the Special Inspector General for Iraq Reconstruction, or another appropriate entity conduct an independent audit of past and current U.S. and Iraqi government reconstruction and development assistance to religious and ethnic minority areas, and provide recommendations for future assistance.

VI. Addressing the Situation of Internally Displaced Persons and Refugees

The U.S. government should:

- increase assistance, and encourage the Iraqi government and U.S. allies to do likewise, to the UN, humanitarian organizations, host nations, and host communities providing necessary aid to vulnerable Iraqi internally displaced persons (IDPs) and refugees, including funding programs to provide medical care, psychosocial care, educational opportunities, direct financial assistance, basic needs packages, and information campaigns;
- fund capacity-building programs for the Iraqi Ministry of Displacement and Migration to ensure that it can adequately provide assistance and protection to IDPs;
- clearly state that the U.S. government does not encourage the return of Iraqi refugees to Iraq until necessary conditions are met, including security, assistance, legal frameworks, and integration programs;
- encourage and fund information campaigns, including "go and see visits" by religious and/or community leaders selected by the refugees/IDPs themselves, to ensure that displaced Iraqis considering return have the information needed to make informed decisions;

- work with the government of Iraq and international organizations to help the Iraqi government develop a cohesive plan to assist voluntarily returning refugees and IDPs, including addressing property disputes, assistance upon return, livelihood opportunities, and lingering security problems;
- increase the capacity of assistance organizations to provide long-term assistance, including shelter, food, and other essential services, to returning Iraqis;
- continue to process a significant number of Iraqi refugees for resettlement to the United States, taking into account the continued targeted violence against members of Iraq's smallest, most vulnerable religious minorities and the P2 designation in the Refugee Crisis in Iraq Act of 2007; and
- ensure that members of Iraq's smallest, most vulnerable religious minorities scheduled to be resettled to the United States are not delayed unnecessarily by providing adequate personnel to conduct background screening procedures and by enforcing proper application of the existing waiver of the material support bar to those forced to provide support to terrorists under duress.