

# report

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## Iraq's Minorities: Participation in Public Life

By Preti Taneja





**Sabeen-Mandaean teenage girls during a baptism ceremony in Basra, southern Iraq.**  
Samer Muscati.

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## The Author

Preti Taneja is author of several MRG reports on Iraq's minority communities and was twice the editor of *State of the World's Minorities and Indigenous Peoples*, as well as numerous other MRG publications. She currently works as a journalist, editor and filmmaker specializing in human rights and development issues for ERA Films.

## Minority Rights Group International

Minority Rights Group International (MRG) is a nongovernmental organization (NGO) working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understanding between communities. Our activities are focused on international advocacy, training, publishing and outreach. We are guided by the needs expressed by our worldwide partner network of organizations, which represent minority and indigenous peoples.

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# Iraq's Minorities: Participation in Public Life

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# Abbreviations

<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>CRRPD</b>	Commission for Resolution of Real Property Disputes
<b>EU</b>	European Union
<b>HRW</b>	Human Rights Watch
<b>ICG</b>	International Crisis Group
<b>ICRC</b>	International Committee of the Red Cross
<b>IDMC</b>	Internal Displacement Monitoring Centre
<b>IDPs</b>	internally displaced persons
<b>IHEC</b>	Independent High Electoral Commission
<b>ILHR</b>	Institute for International Law and Human Rights

<b>IMC</b>	Iraqi Minorities Council
<b>IOM</b>	International Organization for Migration
<b>IPCC</b>	Iraq Property Claims Commission
<b>IRFA</b>	US International Religious Freedom Act
<b>IRIN</b>	Integrated Regional Information Networks
<b>IWPR</b>	Institute for War and Peace Reporting
<b>KRG</b>	Kurdistan Regional Government
<b>SRSR</b>	Special Representative of the UN Secretary-General for Iraq
<b>UNAMI</b>	UN Assistance Mission for Iraq
<b>UNHCR</b>	UN High Commissioner for Refugees

# Executive summary

This report focuses on the right of all members of minority communities to participate in public life in Iraq. Taking part in everyday life - practising religion, accessing jobs and public services, taking part in politics, and travelling freely - is a challenge for many people in Iraq, but members of ethnic and religious minorities face particular obstacles. While the overall security situation in Iraq has improved, minorities suffer targeted threats and violence, the destruction of their places of worship, the loss of homes and property and lack of government protection of their rights.<sup>1</sup>

To gain this insight into this area, MRG's partner organization the Iraqi Minorities Council (IMC) interviewed 331 members of 11 minority communities in 2010. The emphasis is on ordinary members of communities rather than their political leaders. The research focuses on the Kurdistan Region; Diyala, Kirkuk and Nineveh in the north; Baghdad, Babil and Basra, given the concentration of minorities in these areas. The report highlights that tensions between Kurds and Arabs over disputed territories in Kirkuk and Nineveh mean that they have become the most dangerous areas in the country in terms of security and freedom to access rights and services, particularly for minorities.

The report examines the right to access public services such as education and health; access to employment; the right to practise culture and religion; and the right to participate in politics (and how membership of political parties can impact on access to services and jobs). There is a specific focus on minority women, looking at barriers that they face in participating in public life: for example, whether they feel free to show their minority identity in public, violence and harassment they may suffer both within and outside the home, and their access to services, such as maternal health services.

The research highlighted a number of concerns. It emerged that members of minorities are unable to access public services or employment because of ethnic or religious prejudice, or because they do not belong to the right political party. Women members of minorities are particularly vulnerable to abuse and often hide their minority identity when leaving the house. Members of the Roma minority (known as *Kawliyah* in Iraq) emphasized the prejudice that they suffer from, stating that they were 'harassed by society' and were fearful of venturing to public offices to request services, 'for fear that they will know of our affiliation'. Many respondents stated that they avoid dressing in a way that identifies their minority belonging in public, or speaking their language, particularly when dealing with government officials.

In looking for solutions, this report highlights the need for a comprehensive anti-discrimination law and amendments to various laws and policies that discriminate against minorities, and minority women in particular. Other key recommendations include:

- The Iraqi government should include protections for women from minority communities in the draft Domestic Violence Bill; and involve the Iraq parliament's minority caucus in consultations on developing this law.
- The Iraqi government and Kurdistan Regional Government (KRG) should provide bilingual education for minorities in areas where they form a significant proportion of the population.
- The Iraqi government, KRG and donors should institute development programmes to address the disproportionate levels of poverty and poor levels of education in some minority communities.

# Iraq





# Minorities in Iraq in 2011 – an overview

While the overall security situation in Iraq has improved in comparison to previous years,<sup>2</sup> levels of attacks on and intimidation of minorities remain high. Most dramatically, in a devastating attack on 31 October 2010 on Our Lady of Salvation, a Syriac Catholic church in Baghdad, 56 Christians and 12 others were killed. Thus 2010 was marked as ‘the worst of years’ for Iraq’s Christians.<sup>3</sup>

The attack caused further waves of displacement and exodus among Iraq’s Christian minority. The United Nations High Commissioner for Refugees (UNHCR) reported that about 1,000 families from Baghdad and Mosul fled as a result of the October church attack.<sup>4</sup> Privately, international officials believe that as many as 4,000 Iraqi Christian households left Baghdad immediately following the attack, and Iraqi Christian leaders have put the number at more than 8,000 families.<sup>5</sup> Many of these families have sought refuge in the relative safety of the autonomous Kurdistan Region.<sup>6</sup> Others have relocated to the Nineveh Plains in the north.<sup>7</sup>

The areas bordering the officially recognized Kurdistan Region, which are claimed by both the Kurdistan and Federal governments, including Diyala, Kirkuk, Salahiddin and parts of Nineveh – are historically home to a number of Iraq’s minority communities.

In fact, the proportion of minorities in these areas is increasing, as members of minorities fleeing from other parts of Iraq choose to settle there. These areas have become the most dangerous governorates in the country in terms of security and freedom to access rights and services, and, as examined in this report, this is particularly the case for minorities.<sup>8</sup> Furthermore, some members of minorities consider the Kurdistan Region a less than ideal place to resettle due to differences in language and poor job prospects.

The UNHCR states that there are over 1.3 million internally displaced people (IDPs) within the country, with ongoing waves of displacement, particularly among minority communities. According to the Internal Displacement Monitoring Centre (IDMC), an international body monitoring displacement, in December 2010 ‘about 87 per cent of IDPs were Shi’a and Sunni Arab (roughly two-thirds and one-third respectively), and 13 per cent are from minorities’ – a disproportionate amount considering that they make up an estimated 5 per cent of the general Iraqi population.<sup>9</sup>

The UNHCR and other organizations have highlighted that many IDPs live in deplorable conditions, with extremely limited access to essential services and limited opportunities to participate in political and social life.<sup>10</sup> In terms of property restitution, or internal resettlement in new areas, the situation for minorities is even more precarious.<sup>11</sup> Meanwhile, Iraq’s minority diaspora community continues to grow as minority groups choose to flee the country outright.

Leading representatives of minority communities, including Christian, Sabeen Mandaean, Shabak and Yezidis, have reported that access to work, education and employment, freedom of movement and freedom to worship, and access to resources and recreational services are high on their list of concerns. Addressing discrimination, improving participation in and access to government, and achieving greater self-governance, which would allow minorities to advocate for and support their own access to rights, are also pressing concerns.<sup>12</sup> This report provides fresh insight into these issues.

While the position of minorities in Iraq is increasingly acknowledged by diplomats, UN officials and humanitarian organizations, the situation for minority women is still largely ignored in policy and media.

Minority women are subject to violence and discrimination both because of their sex and their minority affiliation. They experience this from mainstream society and from within their own communities. International NGOs reporting on Iraq to the United Nations Human Rights Council Universal Periodic Review (UPR) in 2010 said that minority women are ‘the most vulnerable section of Iraqi society’.<sup>13</sup>

The government of Iraq has made a commitment to addressing gender equality as part of its National Development Plan,<sup>14</sup> however it makes no mention of minorities or women from those communities. Constitutional amendments, legislation to implement the constitutional and the international obligations to which Iraq is a signatory, as well as education about women’s and minority rights (particularly for local and national government officials) will all help guarantee minority women’s access to their economic, social and cultural rights in the future.

Since 2003, Minority Rights Group International (MRG) has continually monitored and reported on the

targeted violence and trauma experienced by these communities across Iraq. This violence has caused significant numbers of minorities to flee Iraq, in some cases decimating communities to the point that they risk disappearing altogether from their ancient homeland.

But now that the country has emerged from the political vacuum of 2010, when the country was without a government for 10 months, it is time to take an in-depth look at the needs of Iraq's minority communities in

general, and for women from these communities in particular. Though foreign governments, the United Nations (UN) and national and international non-governmental organizations (NGOs), are beginning to give some attention to these areas, more remains to be done to establish and maintain a peaceful, prosperous and inclusive society in Iraq. This report is intended to galvanize and support any such efforts and is based primarily on research carried out through interviews with members of minorities.



# Research methodology

This report is based on a combination of primary and secondary sources. MRG's partner organization the IMC gathered primary evidence in 2010. A questionnaire in Arabic was distributed to minority groups in six key provinces in Iraq: Baghdad, Basra, Diyala, Kirkuk, Nineveh and Dohuk, which lies within the Kurdistan Region. The questions were designed specifically around: (1) access to participation in political and religious life, (2) economic, social and cultural rights and (3) specific obstacles faced by minority women, in order to give detailed insight into the living conditions of minorities from communities including Bahá'ís, Black Iraqis, Christians, Faili Kurds, Sabeian Mandaeans, Palestinians, Roma, Shabaks, Turkmen and Yezidis.

The breakdown of respondents by minority groups and broad location can be seen in the Table 1 (for a full

list of locations see Appendix 1). Respondents were drawn from different age groups and occupations. Out of 331 respondents, 194 were male and 137 female. Location makes a vital difference in access to services and as such to the responses from different minorities. The key aspects of difference between urban and rural locations for minorities will be discussed in more detail below.

The report also draws upon a wide range of secondary sources, including the United Nations Assistance Mission in Iraq (UNAMI), UNHCR, governmental and non-governmental reports, press articles and relevant academic and research publications, to supplement and contextualize the findings. In particular, information about resources such as water and electricity, and the general situation for Iraqi women is presented through these sources.

**Table 1:** Questionnaire respondents

Minority	Number of respondents	Location
Christians	92	Baghdad, Dohuk, Kirkuk, Nineveh
Turkmen <sup>15</sup>	40	Baghdad, Kirkuk, Nineveh
Faili Kurds	30	Baghdad
Sabeian Mandaeans	30	Baghdad
Shabak	30	Nineveh
Armenian	23	Baghdad, Nineveh
Yezidi	22	Dohuk, Nineveh
Bahá'í	20	Baghdad, Suleimaniyah
Palestinian	16	Baghdad
Black	14	Basra
Roma	14	Baghdad

## Minorities in Iraq

The Iraqi population is extremely diverse in terms of ethnicity and religion. The three largest groups are Shi'a Arabs, Sunni Arabs and Kurds. In addition, Iraq is home to communities of Armenians, Bahá'ís, Black Iraqis, Chaldeans, Syrians and Assyrians, Circassians, Faili Kurds, Jews, Kaka'i, Palestinians, Roma, Sabeian Mandaeans, Shabaks, Turkmen and Yezidis. The last eight years of conflict have seen the numbers of minorities

diminish as many have fled the country. Others have abandoned their traditional locations for new areas of the country. Statistics on the number of people who have fled, or current populations of minority groups remaining in Iraq, are disputed. Government treatment that set minorities apart under the old regime continues to have ramifications for these communities. Some restrictive legislation remains in force, such as limitations on Bahá'ís'

freedom to access basic rights. In other situations, such as in the case of Palestinian Iraqis, old resentments based on perceived favourable treatment by the Ba'ath regime continue to stoke current prejudice. The information below offers some key aspects of the general picture for minorities and minority women; more information can be found in MRG's *World Directory of Minorities and Indigenous Peoples*.<sup>16</sup>

### **Bahá'ís**

The situation for Bahá'ís in Iraq remains difficult. Many Muslims consider Bahá'ís to be apostate and, under Saddam Hussein's regime, the faith was prohibited by Law 105 of 1970; this law has yet to be repealed. Many Bahá'ís born in the last 30 years have no citizenship documents, including passports, and therefore cannot leave the country or access services or other rights which require such documents. According to the US Commission on International Religious Freedom (USCIRF) the approximately 1,000 Bahá'ís also experience difficulty registering their children in school.<sup>17</sup>

Regulation 305 of 1975 prohibited Bahá'ís from registering their faith, recording them as 'Muslim' on identity cards. Though the law was revoked in 2008, Bahá'ís registered under this law still cannot change their identity cards to indicate their faith.<sup>18</sup>

### **Black Iraqis**

Black Iraqis have been subject to prejudicial treatment and protest at being referred to as '*abd*' (meaning 'slaves'). They are subject to political, social and economic exclusion, which continues today, with around 80 per cent illiteracy, over 80 per cent unemployment, with around 600 families living in poverty.<sup>19</sup> It is believed that they migrated to Iraq from East Africa shortly after the birth of Islam. Black Iraqis are Muslims, with a majority of Shi'a. Community representatives estimate their population to be about 2 million.

### **Christians**

Iraqi Christians include Armenians, Chaldeans, Assyrians, Syriacs and Protestants. Christians are at particular risk for a number of reasons, including religious ties with the West, perceptions that Christians are better off than most Iraqis, and leadership positions in the pre-2003 government. The fact that Christians, along with Yezidis, continue to trade in alcohol in Iraq (both groups have traditionally sold alcohol in Iraq), has also made them a target in an increasingly strict Islamic environment. Waves of targeted violence, sometimes in response to the community's lobbying for more inclusive policies (for example, reserved seats in elections) have forced the Christian community to disperse and seek refuge in

neighbouring countries and across the world. In 2003, they numbered between 800,000 and 1.4 million; by July 2011, that number had fallen to 500,000, according to USCIRF.<sup>20</sup>

### **Armenians**

The ethnic and linguistic Armenian minority settled in Iraq before the birth of Christ. After the Armenian genocide committed by Ottoman authorities in 1915, more Armenians settled in Iraq, in areas such as Basra, Baghdad, Kirkuk, Mosul and Zakho. Since 2003, Armenians have been targeted like other Christian groups. Grassroots organizations have reported that at least 45 Armenians have been killed in the post-Saddam years, while another 32 people have been kidnapped for ransom. Armenian churches in Iraq have also been targeted and bombed.<sup>21</sup>

### **Chaldeans, Syriacs and Assyrians**

Chaldeans, Syriacs and Assyrians live mainly in major Iraqi cities, such as Baghdad and Basra, as well as in the rural areas of north-eastern Iraq and Nineveh, where they tend to be professionals and business people or independent farmers. They belong to one of four churches: Chaldean (Uniate), Jacobite or Syrian Orthodox, Nestorian and Syrian Catholic. They speak Arabic, and/or Syriac, which is derived from Aramaic, the language of the New Testament. Since 2003, their lives, homes and business have been heavily targeted.

### **Faili Kurds**

The Faili Kurds are Shi'a Muslims by religion (Kurds are predominantly Sunni) and have lived in Iraq since the days of the Ottoman Empire. They inhabit the land along the Iran/Iraq border in the areas including Badra, Jalawala and Khaniqeen as well as parts of Baghdad. Faili Kurds were previously merchants and businesspeople active in politics and civil society, and founded the Baghdad Chamber of Commerce in the 1960s. Under the Ba'ath regime, they were specifically targeted and killed, or stripped of their Iraqi citizenship, under suspicion of having links with Iran, traditionally considered an enemy by Iraq. Many were expelled to Iran. In 2006, the Iraqi Nationality Act repealed past discriminatory Nationality Laws and Decrees, but the Ministry of Migration and Displacement has reported that since 2003, only about 20,000 Faili Kurd families have had their citizenship reinstated, and it is estimated that at the least 100,000 Faili Kurds are still non-citizens.<sup>22</sup>

The research for this report shows that, like other groups such as Turkmen and Shabak, Faili Kurds can be persecuted on the grounds of their religion or ethnicity, or both, depending on where they are living.

## **Jews**

From a thriving community of around 150,000 whose roots in Iraq go back almost 2,600 years, the community now numbers fewer than 10, and essentially they live in hiding.<sup>23</sup> Since 1948 they have suffered persecution, religious discrimination, and political and social repression. Under a 2006 law, Jews who emigrate from Iraq cannot reclaim Iraqi citizenship.

## **Kaka'i**

Kaka'i, also known as Ahl-e Haqq, are generally considered a Kurdish subgroup, and speak a language known as Macho. It is estimated that around 200,000 Kaka'i live in Iraq, the most important Kaka'i area being a group of villages in the south-east of Kirkuk. Kaka historically maintained secrecy about their faith, which contained elements of Zoroastrianism and Shi'ism. Increasingly, religious leaders and community representatives maintain that it is a form of Shi'ism.<sup>24</sup> Kaka'i have been subjected to threats, kidnapping and assassinations, mainly in the Kirkuk area. In 2010, MRG reported that Muslim religious leaders in Kirkuk have asked people not to purchase anything from 'infidel' Kaka'i shop owners.<sup>25</sup>

There is evidence that, because of persecution based on their religion and appearance (they have specific customs regarding hair), they hide their identity when with non-Kaka'i.<sup>26</sup>

## **Palestinians**

Since 2003, Iraqi officials from the Ministry of Interior have arbitrarily arrested, beaten, tortured and, in a few cases, forcibly 'disappeared' Palestinian refugees. The Ministry of the Interior has also imposed onerous registration requirements on Palestinian refugees, forcing them to constantly renew short-term residency requirements and subjecting them to harassment rather than affording them the treatment to which they are entitled as refugees formally recognized by the Iraqi government. This has been ascribed to the resentment felt because of the preferential treatment the community received under Saddam Hussein, which included subsidized or rent-free housing, free utilities and exemption from military service.<sup>27</sup> According to the UNHCR, 'most of the estimated 10,000 Palestinians in Iraq reside in Baghdad, while several hundred more live in the Al Waleed camp close to the border with the Syrian Arab Republic.'<sup>28</sup> Conditions in the camp are harsh – it is located in an extremely arid area. The camp is expected to close this year, according to the UNHCR.<sup>29</sup>

## **Roma (Kawliyah)**

The Roma community (known as Kawliyah in Iraq) numbers 50,000–200,000. They live in isolated villages

around major cities such as Baghdad, Basrah, Mosul and in southern Iraq. They are a mix of Sunni and Shi'a Muslim. Some speak their own language known as Ruttin. Under the previous regime, Roma were not allowed to own property and did not have access to senior positions in the military or government. They were forced to work as entertainers and in prostitution and, because of this, they have come under targeted attack by Islamic militia since 2003.

## **Sabean Mandaean**

Sabean Mandaean, whose religion is one of the oldest surviving Gnostic religions in the world, have existed in Iraq for more than two millennia. Many of the 60,000–70,000 present in the Middle East once lived in Iraq, but today, their numbers there have dwindled to around 5,000 people, mainly through displacement, but also through killings. Traditionally, many Sabean Mandaean have worked as goldsmiths; the resulting perception that they are wealthy has contributed to their being targeted for kidnapping. They are forbidden by their faith to marry outside the religion, which has contributed to their reduced numbers since 2003.

## **Shabak**

The Shabak community numbers between 200,000 and 500,000, with about 70 per cent Shi'a and the remainder Sunni. Their cultural traditions are different from those of Kurds and Arabs, and their language is a mix of Arabic, Persian and Turkish. Some of the community consider themselves to be Kurdish, and this is the position of the Kurdish authorities. This issue divides Shabaks themselves, and has led to them suffering targeted persecution from both Kurds and Arabs because they are caught in the political struggle for ownership of territory in Nineveh. Since 2004, Shabak groups have reported to the UN that more than 750 of their community members have perished in armed attacks.<sup>30</sup>

## **Turkmen**

The Iraqi Turkmen claim to be the third largest ethnic group in Iraq, residing almost exclusively in the north in an arc of towns and villages stretching from Tel Afar, through Mosul, Erbil, Altun Kopru, Kirkuk, Taza Khurmatu, Kifri and Khaniqin. Before 2003, their numbers in Iraq were estimated at 600,000 to 2 million, the former figure being the conservative estimate of outside observers and the latter a Turkmen estimate. Approximately 60 per cent are Sunni, with the remainder Ithna'ashari or Shi'a. Shi'as generally live at the southern end of the Turkmen settlements, and also tend to be more rural.

Tensions between Kurds and Turkmen mounted following the toppling of Saddam Hussein, with clashes

occurring in Kirkuk. Both Turkmen and Kurds view Kirkuk as historically theirs. UN and other reports since 2006 have documented that Kurdish forces have abducted Turkmen and Arabs, subjecting them to torture. Car bombings, believed to have been carried out by Arab extremist groups, have claimed the lives of many more Turkmen. A constitutionally mandated referendum to decide whether or not Kirkuk should be part of the Kurdistan Regional Government (KRG) was set to take place in 2007, following a 'normalization' process, including property restitution and a census. But none of this has yet taken place. Beyond competition for Kirkuk, both Sunni and Shi'a Turkmen have been targeted on sectarian grounds.<sup>31</sup>

### **Yezidis**

Yezidis are an ancient religious and ethnic group concentrated in Jabal Sinjar, 115 km west of Mosul, with a smaller community in Shaikhan, in Nineveh governorate east of Mosul, where their holiest shrine of Shaykh Adi is located. The 4,000-year-old Yezidi religion is a synthesis of pre-Islamic, Zoroastrian, Manichaeian, Jewish,

Nestorian Christian and Muslim elements. Under Saddam Hussein, Yezidis were sometimes forced to identify as Arabs rather than Kurds, and therefore were used to tilt the population balance in predominantly Kurdish areas toward Arab control.

Since 2003, Yezidis have faced increased persecution. Islamist groups have declared Yezidis 'impure' and leaflets have been distributed in Mosul by Islamic extremists calling for the death of all members of the Yezidi community. Radical and even some moderate Muslims consider the Yezidis as 'devil worshippers' due to a misinterpretation of their religion. The Yezidi community suffered the most devastating single attack on any group in Iraq in August 2007, when four coordinated suicide truck bombings destroyed two Yezidi towns, killing at least 400 civilians, wounding 1,562 and leaving more than 1,000 families homeless. Like the Shabak, they are divided, with a section of the community considering that they are Kurdish. Their numbers have reportedly fallen from 700,000 in 2005 to approximately 500,000, through migration and killings.<sup>32</sup>

# Freedom of religion and belief

Since 2003, Iraq's religious minority communities have been targeted for abduction, rape and murder and had their homes and businesses destroyed, specifically because of their faith. They have received threats and intimidations to pay a protection tax, convert to Islam, or leave their homes and country.<sup>33</sup> The violations against religious minorities documented by MRG in its 2010 report continue.<sup>34</sup> Major areas of ongoing concern are Baghdad, Nineveh Plains, Mosul and Kirkuk.

The IMC notes that the government has provided security and protection around some places of minority worship since 2003, but the situation remains fragile. According to other commentators, the security provided around places of worship has not increased the feeling of safety for minorities.

Of those surveyed, 60 per cent said they felt they could practise their religious rites with relative freedom; only 47 per cent said they felt safe visiting places of worship, however.<sup>35</sup> This feeling varies from group to group in different locations. The IMC reported that minorities enjoy more safety and freedom to worship in Kurdish cities than in the rest of the country, and the figure is also affected by the fact that some religious minorities, such as Bahá'ís, have no external place of worship – their religious practice takes place in the privacy of their homes.

The field research also revealed differences in experiences of religious freedom across minority groups and also according to location. All Roma and Yazidis feel free to practise their religion, although for the Yazidis the freedom to wear religious symbols in public falls to 45 per cent (this can be explained by the fact that many Yazidis practise their religion privately). On the other hand, only 7 per cent of Faily Kurds feel free to practise religion. With regard to location, 82 per cent of Chaldeans, Assyrians and Syriacs in Duhok, in the Kurdistan Region, enjoy freedom in practising their religion, whereas in Kirkuk, only 5 per cent do. This reflects the situation of increased security and religious freedoms for minorities in the Kurdistan Region.

Some respondents commented that their enjoyment of religious freedom changes if they leave their area of residence. One Yazidi woman from Bashiqa, in the Nineveh Plains, noted that women from her community have to wear a *hijab* if they travel to Mosul, the capital of the province. Christians across Iraq feel particularly vulnerable. According to Human Rights Watch (HRW),

in December 2009, Basra's Chaldean bishop called on Christians in southern Iraq to refrain from public Christmas celebrations because it coincided with Muharram (a Shi'a holy month).<sup>36</sup> Since the October 2010 attack, fear remains high across the country.

However in 2011, a new church opened in a poor area of Kirkuk, with a congregation of around 200 families. The Chaldean Archbishop of Suleimaniyah and Kirkuk, Louis Sako, said that many of these families had fled from other parts of Iraq. The Iraqi government donated land and funds for the church complex to be built. The opening service was attended by Sheikh Ahmed Muhammad Ameen, the Muslim Imam of Kirkuk, who, in a show of interfaith solidarity, recited a prayer, and by other Arab and Kurdish officials.<sup>37</sup>

As noted above, the wearing of religious symbols remains fraught, with many communities choosing not to wear such items at all. Less than half of those surveyed felt free and safe when doing so, and respondents said the situation was worse in cities. (See *Figure 1* overleaf).

## International and national obligations

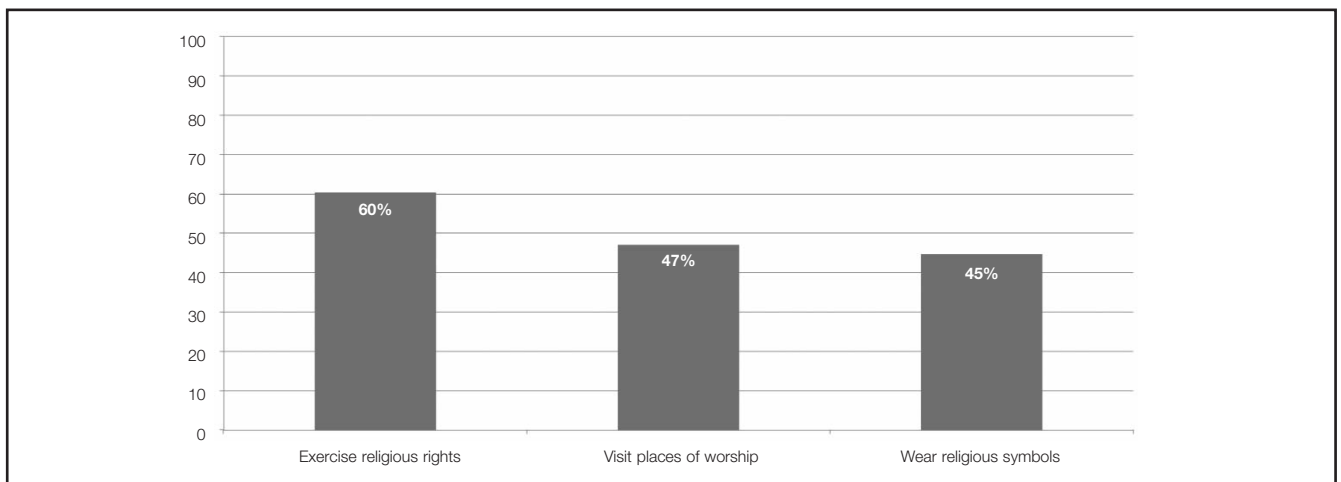
Iraq has ratified the International Covenant on Civil and Political Rights (ICCPR), Article 26 of which prohibits discrimination on grounds of race, religion and language. Article 27 states:

*'In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.'*

But HRW has noted:

*'Although the government publicly condemns violence against minority groups, it has not taken sufficient measures to bolster security in areas where minorities are particularly vulnerable to attacks, and community leaders say that attacks are almost never thoroughly investigated. Iraqi security forces rarely apprehend,*

**Figure 1:** Percentage of minorities reporting that they felt safe practising their religion



*prosecute, and punish perpetrators of such attacks, which has created a climate of impunity.*<sup>38</sup>

It is difficult to imagine how, in such a climate, Iraq's minorities might feel safe to worship and express their faith. But for Iraq's minority communities to survive in any meaningful way, and for the religious diversity Iraq once boasted to remain, more actual protection and pursuing of perpetrators must be achieved.

According to the Institute for International Law and Human Rights (IILHR), the Penal Code does not guarantee that all crimes will be prosecuted or victims' rights protected. But it notes that Article 372 prescribes a prison sentence of up to three years, or a fine of up to 300 dinars (£15 approx) for crimes including:

1. Any person who attacks the creed of a religious minority or pours scorn on its religious practices.
2. Any person who wilfully disrupts a religious ceremony, festival or meeting of a religious minority or who wilfully prevents or obstructs the performance of such ritual.
3. Any person who wrecks, destroys, defaces or desecrates a building set aside for the ceremonies of a religious minority or symbol or anything that is sacred to it.
4. Any person who publicly insults a symbol or a person who constitutes an object of sanctification, worship or reverence to a religious minority.<sup>39</sup>

Clearly this provision provides broad protection for minorities and scope for attacks against them to be

prosecuted and punished. But the fine for such crimes is very low, and it is unlikely such a penalty would deter violence against minorities. MRG supports the IILHR recommendation on raising this fine considerably, as this would more firmly condemn and such violations, and emphasize how serious they are in a multi-ethnic society.

In terms of constitutional protections, Article 2 'guarantees full religious rights to freedom of religious belief and practice of all individuals such as Christians, Yezidis, and Sabeen Mandaeans'. However, MRG and others have pointed out the inherent contradiction written into Article 2, which begins by stating, 'Islam is the official religion of the State and is a foundation source of legislation.'<sup>40</sup> While this allows for the practices of other religions to be adhered to, when read in conjunction with Article 2(1) (a), which states, 'No law may be enacted that contradicts the established provisions of Islam', this leaves minorities, and women from minorities in particular, vulnerable to discrimination.

Representatives of minority communities in Iraq point out that 'all religions forbid all actions against humanity including crimes, such as theft, murder, adultery, etc.'<sup>41</sup> This common ground, however, is not reflected in Article 2.<sup>42</sup> Some have argued that now is the time to begin to address this, and amend the article to 'include the commonly held practices of all heavenly religions, not just Islam'.<sup>43</sup> Such an amendment would bring the article in line with Article 14, which states: 'Iraqis are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, colour, religion, sect, belief or opinion, or economic or social status.'<sup>44</sup>



# Political participation

Although there was some improvement in representation for minorities in the 2010 electoral law and in parliament, some groups, including Black Iraqis, Sabeen Mandaeans and Yezidis, have called for a fairer allocation of seats.<sup>45</sup> In June 2010, the Federal Supreme Court ruled in favour of a Yezidi political party that claimed that the allocation of only one reserved seat to this community was not proportional to its population.<sup>46</sup>

A case brought before the Iraqi Federal Court in February 2010 by the Mandaean High Council asked that the Mandaean community be considered as a national constituency in the same way as Iraqi Christians are. This would ensure they could vote for their chosen candidate regardless of their 'home' governorate. Under the 2010 electoral law, the Mandaean seat is restricted to Baghdad, meaning only those who live in the city or, if they are out of the country, can prove they have lived in Baghdad, can vote for the Mandaean candidate.<sup>47</sup> A judgement in this case is still pending. Since 2003, the Mandaean community has become scattered all over Iraq, with many seeking safety in neighbouring countries or being resettled abroad.<sup>48</sup>

Minority groups also suffer from discrimination because of their political affiliation. Particularly in the disputed territories, smaller communities including Christians, Shabak, Turkmen and Yezidis are pressured by Arab and Kurdish political groupings seeking to gain their votes and secure control of the areas where they live. If they resist this pressure, they often risk losing access to jobs or services. Political leaders from the Shabak community have survived attempts on their lives, which appear to be linked to their political activities.<sup>49</sup>

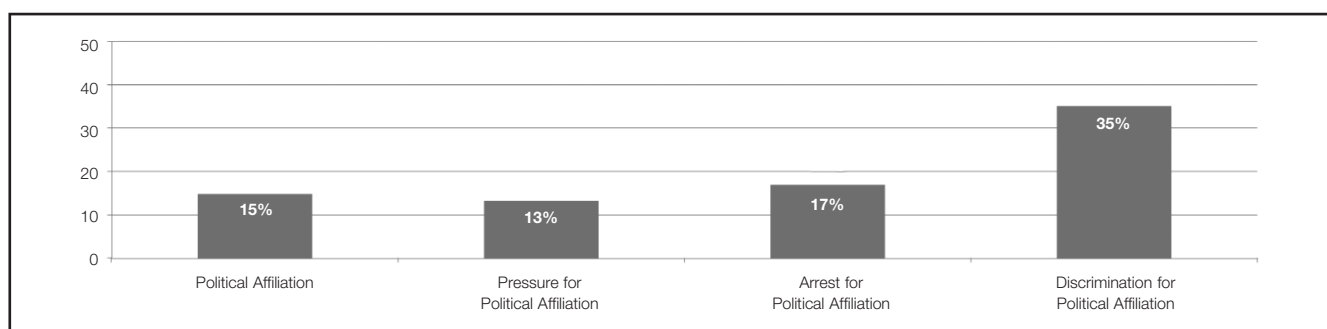
The research for this report revealed that 35 per cent of respondents experienced discrimination because of their

political affiliation. Turkmen and Yezidis surveyed for this report experienced a high proportion of discrimination on this basis. Out of 22 Yezidis surveyed in Nineveh, 41 per cent said they have faced pressure over their political affiliation (or lack of it). All Faili Kurds (mainly in Baghdad) surveyed said that they had experienced discrimination for their political affiliation. Eighty-three per cent of respondents said that they had been stopped in the street or at a checkpoint and asked which political party they belonged to. According to the IMC researchers, the people surveyed indicated that this was done in order to intimidate individuals, or to persuade them to join particular parties. In many of these incidents, respondents reported being verbally abused and harassed when interrogators recognized their minority ethnicity.

A number of Turkmen respondents in Kirkuk complained that they do not have access to distribution of assistance because of the domination of Kurdish parties in their area. A Christian in Dohuk (Kurdistan Region) stated that 'processing ownership of land is always delayed because I do not belong to the government party'. Across the minority groups, 15 per cent said they were affiliated to a party (of which 75 per cent were parties representing their community).<sup>50</sup> The minorities most likely to be members of a party were Shabak (40 per cent), Yezidis (27 per cent) and Chaldean-Syriac-Assyrians (21 per cent). No Armenians, Bahá'í, Roma, Sabeen Mandaeans or Palestinians belonged to parties (the Bahá'í, as noted, have a religious interdiction regarding involvement in politics).

It should be noted that pressure to join political parties, upon which allocation of favours such as jobs and access to public services depends, is not limited to minorities in Iraq. It is a repeated complaint of Iraqi citizens of all origins that

**Figure 2:** Percentage of minorities reporting discrimination for their political affiliation





jobs in government offices cannot be obtained without being a member of one party or another. With regard to minorities, however, unique issues arise. Some more marginalized minority groups do not have political parties – for example Black Iraqis, Roma, Kaka'i and Bahá'í. And even when minority parties do exist, they find themselves on the periphery of political power.

Forming political parties to represent their interests is one of the key ways in which minorities can have a voice in democratic politics. Iraqi minorities are therefore often forced to choose between exercising their right to engage in politics on their own terms, or increasing their chances of getting access to jobs and services.

# Discrimination and difficulty in accessing public services

Minorities suffer serious direct and indirect discrimination in Iraq. MRG research has revealed key areas of concern include: access to employment, health (including basics such as water), education and security. The provision of youth services is also key to engaging Iraq's young population, and providing them with opportunities for the future. Minorities have reported difficulty and discrimination in accessing youth services, and unless this is addressed alongside other factors, it will only have a negative impact in the future.

Members of minorities living in Nineveh complained of a specific problem. Much of Nineveh is claimed by both the KRG and the Federal government, and some areas are controlled by Kurdistan Region security forces; the provincial government is led by a coalition of Arab parties. Community leaders interviewed stated that this has led to a situation where neither Kurdistan nor Nineveh council see it as in their interests to spend money on services in the disputed areas.

Nissan Karromy Rzooki, the Mayor of Qaraqosh in the Nineveh Plains, stated that 80 per cent of the budget should go outside Mosul but in fact only 40 per cent does. As a result, infrastructure projects, such as a sewerage project in Qaraqosh are stalled.<sup>51</sup> Jhonson Swayesh of the Chaldo-Assyrian-Syriac Popular Council, a political party, stated that 60 per cent of the Nineveh budget is allocated to projects that do not exist.<sup>52</sup>

A Yezidi political leader noted that:

*'services in Sinjar [a Yezidi region in the disputed areas] are not good ... Mosul doesn't give a budget to outlying areas. In Sinjar the KRG takes care of security, but it is administered by Mosul, for this reason there are no services. Some villages have no electricity. You have to go to the city to get health treatment.'*<sup>53</sup>

Tensions between minority communities in this region can also create obstacles to accessing services. In the Hamdaniyah area of the Nineveh Plains, there are tensions between Shabak and Christians over land which date back to Saddam-era moves to manipulate population numbers in favour of Muslims. One Shabak respondent stated that: 'When trying to enter into the car park of the Hamdaniyah hospital, I was prevented from entering by the Christian guards and they allowed other Christians to enter.'

There are numerous constitutional provisions that protect minorities against discrimination, enshrine equality, and guarantee the right to access health, housing, employment and education, and education in mother tongue. The minority caucus recently established in the Iraqi Council of Representatives aims to reform the education curriculum to reflect Iraq's minority communities more positively, eliminating discrimination in education and employment, and improving the delivery of basic services in minority communities.<sup>54</sup>

An anti-discrimination law would go far toward implementing these provisions and goals. Any discussion or drafting of such a law should be done in consultation with representatives of all minority groups.<sup>55</sup>

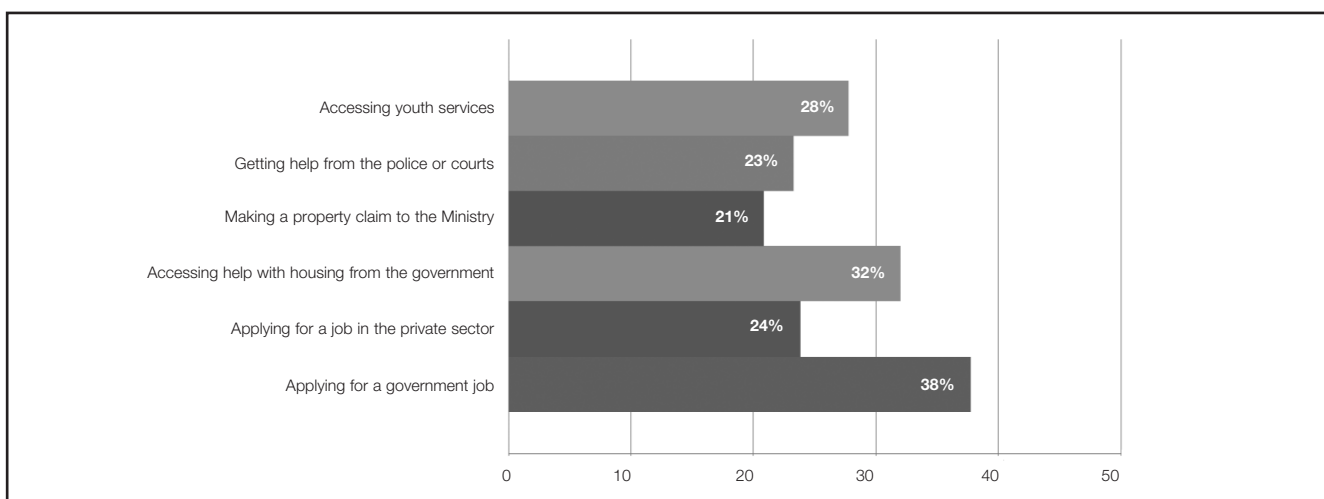
## Employment

Minorities have reported discrimination in accessing employment in the police force, intelligence, security and the civil service. The IMC survey showed 38 per cent of respondents had experienced discrimination in accessing government jobs. The worst affected minorities were Faili Kurds, who are hampered by their lack of identity cards and official documents; Palestinians, for reasons outlined previously; and Turkmen (see Figure 3). Many cited high levels of corruption and bribery as fuelling the bias against them.

In the private sector, Faili Kurds once again reported the highest rate of discrimination. But 24 per cent of all respondents also reported discrimination in getting jobs in the private sector. One Sabeen-Mandaean man from Baghdad said: 'I was dismissed from my job for being non-Muslim and I was denied a reference.'

According to the International Organization for Migration (IOM), access to work is cited as a priority need by 80 per cent of IDP families in Erbil, many of whom are Christians fleeing persecution in other areas in Iraq.<sup>56</sup> Families whose members previously had jobs or who ran their own business have been left with nothing. USCIRF reported that in the year 2010–11, extremists carried on targeting shops and services provided by religious minorities which they consider un-Islamic, with the Kurdistan Region, Baghdad and in the south. In particular this includes liquor shops run by Christian and Yezidi minorities who, under Saddam Hussein's regime, were allowed to trade such items.

**Figure 3:** Percentage of minorities reporting the existence of discrimination per activity



In January 2011, at least three liquor shops and a Christian social club serving alcohol in Baghdad were:

*'raided, vandalized, and had property stolen and their occupants threatened by groups of men wearing civilian clothes and wielding pipes and handguns. In all three cases, witnesses reported that police officers or individuals posing as police officers accompanied the attackers. Press reports indicated that in late 2010, the Baghdad provincial council had issued a resolution banning all alcohol sales.'*<sup>57</sup>

Where minorities can access employment, some discrimination exists in law. The Unified Labour Code mandates that Arabic is the language to be used in employment documents in Iraq, and in the Kurdistan Region, Kurdish is to be used. This disadvantages some members of communities including Chaldeans, Syriacs and Assyrians, Kaka'i, and Shabaks, Turkmen and a small number of Sabeen Mandaeans, who speak languages other than Arabic and Kurdish languages.

This is particularly the case for IDPs who move to Kurdistan, who are unlikely to speak Kurdish. The Ministry of Labour of the KRG provides training to help unemployed people find jobs, but a spokesperson for the Ministry did not feel that this should include Kurdish language education. She pointed out that there were many NGOs that provided Kurdish language lessons for IDPs.<sup>58</sup>

Although there is no legal obligation for governments to use all minority languages in official documents, the failure to use languages that are used by sizeable proportions of the population is likely to constitute discrimination, as it constitutes an obstacle to accessing jobs and participating in the education system. Groups such as Roma and Black Iraqis, among whom the rate of

illiteracy is disproportionately high because of historical prejudice, are particularly disadvantaged.

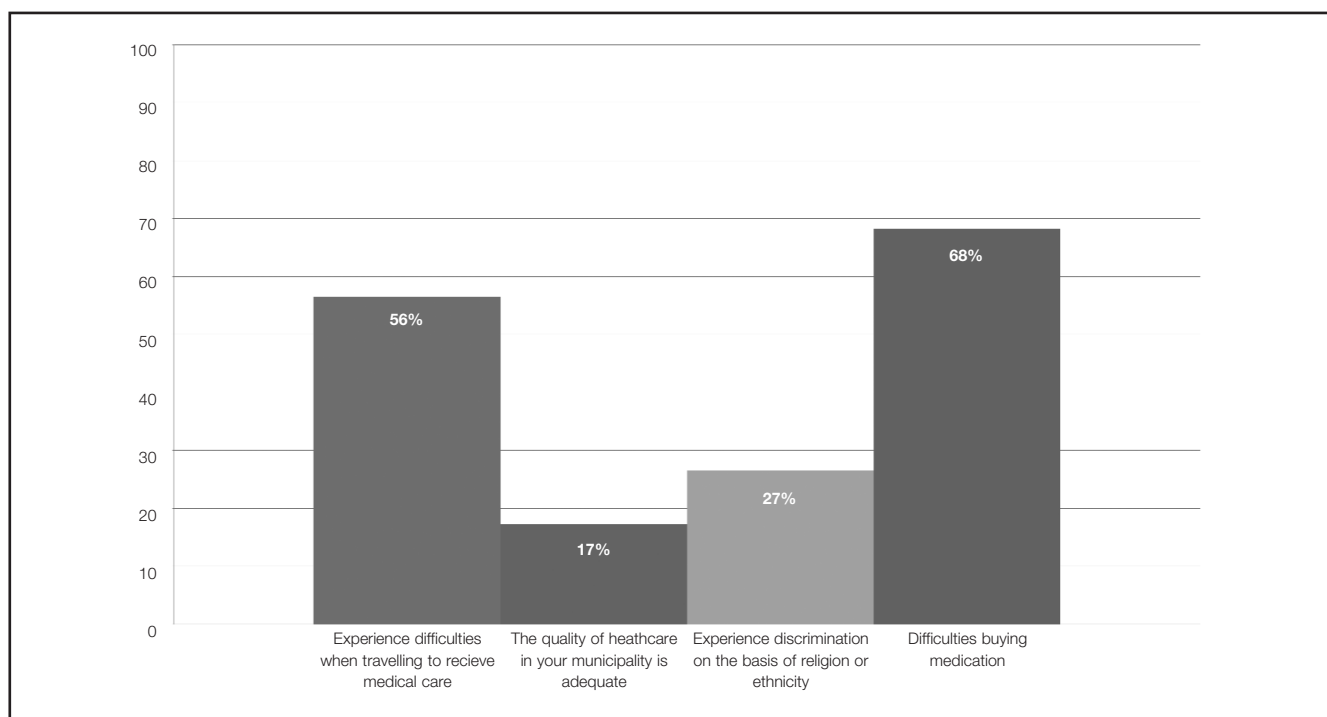
The UN International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), to which Iraq is a party, mandates that governments take action against employers that discriminate against potential employees on racial grounds, through legislation and effective enforcement of the legislation.

## Health

Access to health services depends partly on the areas where minorities live. In Dohuk, Mosul and Baghdad, there is usually a hospital or medical centres within 1–3 km. In rural areas, these distances can be up to 100 km. Travel time is increased by the existence of numerous checkpoints that must be negotiated en route. Safety threats along some routes are also a concern. Thirty-five per cent of those surveyed said that distance was a major barrier to accessing health care, and only 17 per cent said they felt the services were adequate in their municipality.

Since the US-led invasion of 2003, a professional brain drain has seen doctors leaving Iraq; meanwhile hygiene conditions have deteriorated in hospitals, respondents said. While these conditions are the same for all Iraqis, minorities also reported that they were faced with active prejudice on the basis of sex, religion and ethnicity when trying to access health care. Among Faili Kurds and Palestinians the rate of complaint was particularly high. Thirty-eight per cent of Shabaks surveyed also felt such discrimination had occurred.<sup>59</sup> Yezidis in Sinjar have claimed that there are no women's health services to be found in their area; they must travel to Dohuk in the Kurdistan Region. One Turkmen woman, talking of her experience of childbirth, stated that 'during my labour and

**Figure 4:** Percentage of minorities reporting difficulties accessing medical services



on the way to hospital, we were stopped at one of the checkpoints for over an hour'. A number of Roma respondents cited lack of money as the reason they were unable to access health services.

## Water

Access to clean and potable water is a pressing concern across Iraq. Drought has gripped the northern areas, particularly Kirkuk and Nineveh, where a large number of minorities live. The International Committee of the Red Cross (ICRC) has stated that one in four Iraqis do not have access to safe drinking water as of 2010. According to the NGO Coordination Committee for Iraq (NCCI):

*'Since 2003, the Tigris and Euphrates water levels have steadily receded to a record low. Furthermore, the 'qanat/karez,' a system of ancient aqueducts which has provided water for many eastern and northern governorates for hundreds of years, has recently collapsed.'*<sup>60</sup>

Bottled water is available in markets, but those who cannot afford it must rely on water tankers that travel to their areas. Minority respondents to the survey noted that this service is plagued by corruption, and often there is no way of knowing how clean this water is. Among the survey respondents, 71 per cent said they suffer from the absence of sufficient water in their area.

Minorities also suffer when access to water and electricity supplies are targeted as part of the conflicts they are caught up in. In August 2011, MRG was informed of an attack on the water service of Bazwaya village, a Shabak village, which took place on 10 July. The plant was attacked by members of the Harkia tribe from the Kurdistan region, to gain control of the water and electricity resources, the reporter said. Armed with machine guns, they stopped electricity from getting to the plant and removed essential equipment. Around 12,000 Shabak people have been left without water and, at the time of writing, the authorities still have not addressed the issue.<sup>61</sup>

In light of such attacks it is extremely important that any proposed measures to extend provision and protect the water supply take into account the special vulnerability of minorities, particularly in remote and rural areas. Policing of such plants is key to ensure fair delivery of services to vulnerable populations.

## Education

Conflict and displacement has had a severe impact on the Iraqi education system. According to the NCCI:

*'One in five Iraqis between the ages of 10 and 49 cannot read or write a simple statement related to daily life. While Iraq boasted a record-low illiteracy rate for the Middle East in the 1980s, illiteracy jumped to at least 20% by 2010. Moreover, illiteracy*

among women in Iraq, at 24%, is more than double that of men (at 11%). Attendance and enrolment in public schools have also declined considerably. In 2003, UNESCO estimated that 5,000 new schools were needed and between 6,000 and 7,000 schools needed rehabilitation. After seven years of intense combat and natural population increase, these figures are likely much higher.<sup>62</sup>

Levels of education vary among the minority communities. Roma, who continue to suffer historical discrimination, reported the highest rates of illiteracy (29 per cent) and only 7 per cent held a university degree. Roma respondents said there is currently no provision for either primary or secondary schooling in their areas, and none of their family members were attending university. Faili Kurds also reported current middling to low levels of access to university (37 per cent) for family members. But literacy among Faili Kurd respondents was high, and 57 per cent said they had attended secondary school.

When minorities do access education, they experience some discrimination. The curriculum is biased towards ‘a sect, nation or bloc, or a reference in favour of certain parties, or against them’, according to 90 per cent of survey respondents. The groups that felt this most keenly were Faili Kurds (97 per cent) Sabean Mandaean (83 per cent), Christians (70 per cent) and Bahá’ís (65 per cent). Furthermore, commentators have noted the need to revise the curriculum to include information on all religions and cultures of Iraq, a measure intended to promote greater tolerance and understanding between groups.

HRW reported in late 2010 that a Sabean-Mandaean elder said that Sabean-Mandaean children must undertake

Qur’anic studies at public schools. ‘In history classes there are no references to Sabean-Mandaean, despite their being among the oldest communities in the country,’ the report said.<sup>63</sup> The elder added that members of his community face discrimination and hostility because of Muslim misconceptions about their religion. ‘Teachers don’t let Sabean-Mandaean students drink from or share the same cup of water with other students, they need to bring their own cups in order to drink.’<sup>64</sup>

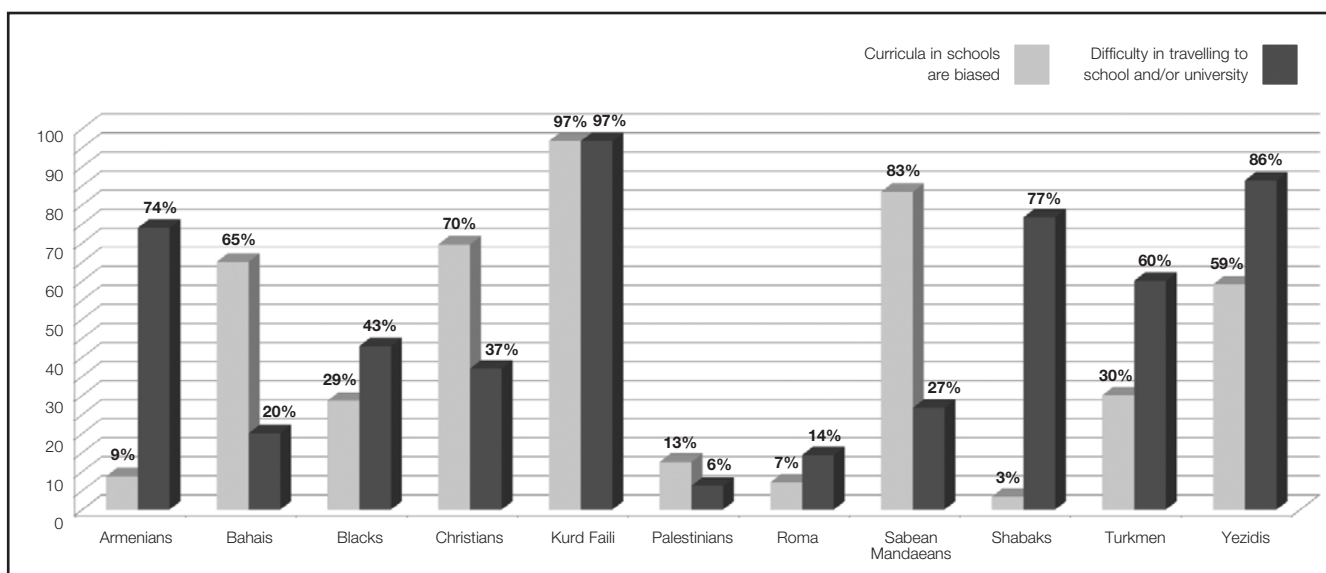
The need for minorities to access education in their mother tongue, particularly in conflict and post-conflict situations, has been consistently highlighted by MRG.<sup>65</sup> By 2011 the situation has not changed significantly since MRG’s last report in 2010. Most minority citizens said they use their own mother tongue at home and in their communities. Most also speak Arabic or Kurdish.

HRW reported that, according to a Sabean-Mandaean elder in Basra, there are no schools that teach their children in their language, Mandaic.<sup>66</sup> According to the IMC research, Faili Kurds living outside of the Kurdistan Region, who spoke Kurdish as their mother tongue, all stated that there was no access to Kurdish language education.

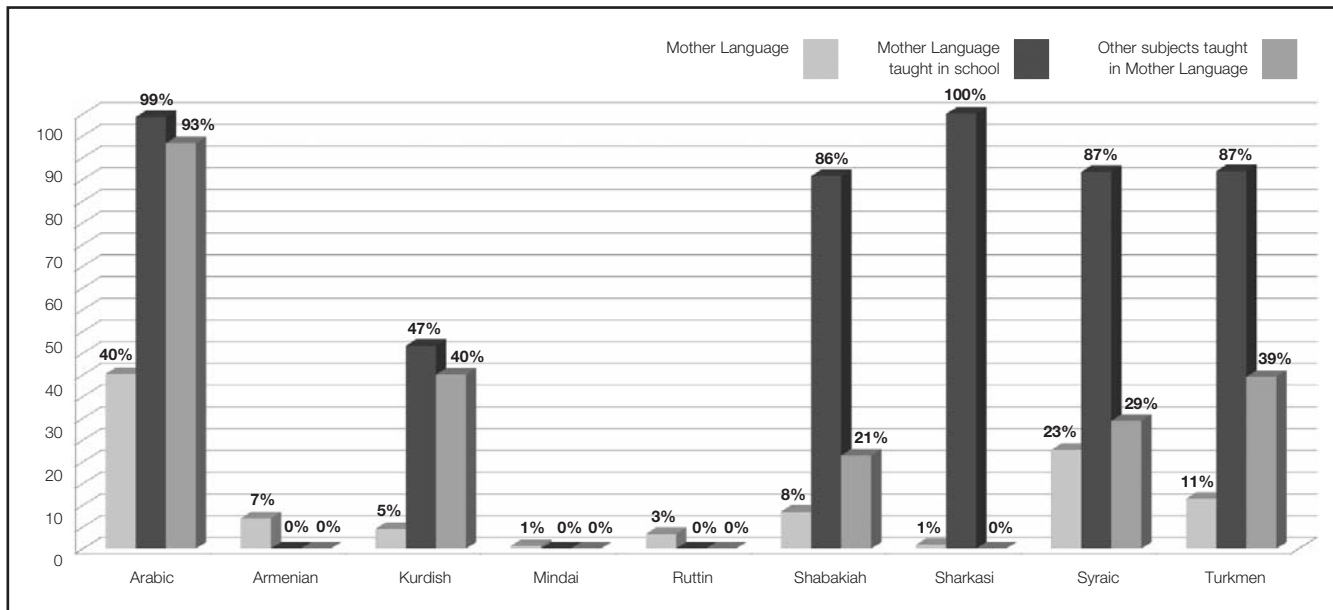
Minority language education was reported on positively by Shabaks, Christians and Turkmen. All Turkmen in Tell Afer and most of those in Kirkuk reported that their language was taught in schools. Christian Syriac speakers reported that their language was taught, except for a small number of respondents in Baghdad, Kirkuk and Karamles in the Nineveh Plains. Generally, minority language teaching was mostly to be found in the Kurdistan Region and disputed areas in the north.

Furthermore, the national education law states that all teachers must spend three to four years working outside

**Figure 5:** Percentage of minorities who found school curricula biased and reported difficulty travelling to school and university



**Figure 6:** Percentage of minorities who reported the existence of language classes in schools in their mother tongue



their communities. Minorities are particularly affected by this law since it contributes to a shortage of minority teachers in minority areas; also, it may mean that they are sent to areas where they will be threatened or killed. A Shabak community representative explained in a meeting of minorities organized by MRG and IMC in Erbil in June 2011, that those who go may be killed due to religious or ethnic prejudice, and the only way to avoid this would be to change one's name to an Arab one. He also stated that where there is no Shi'a mosque, the person might have to attend a Sunni mosque in order to worship.<sup>67</sup>

A Turkmen representative at the same meeting said that, while Turkmen have the right to education in their language in Kurdistan, in reality there is a shortage of teachers. Community members themselves pay for teachers to come from outside the area. The law requiring teachers to teach in other areas exacerbates this problem.<sup>68</sup>

It was also noted that, due to the education law, some teachers leave the profession rather than face the risk of transfer to another area. The law may therefore be having an adverse affect on employment opportunities for minorities.

Salim Kako, a Christian member of parliament in the parliament of the Kurdistan Region, noted that the Syriac language curriculum there has to be written in Kurdish, then translated to Arabic and then to Syriac. This leads to delays, and he explained that his daughter took exams in 2011 without the necessary books.<sup>69</sup>

One of the key barriers to accessing education is the distance many must travel to get to schools and universities. Half of IMC respondents said such

difficulties, including checkpoints, traffic jams and poor roads, prevented them from attending schools. Public transport infrastructure is poor, while the cost of private transportation is high. As noted above, minorities, particularly those who have been displaced, cannot afford to pay these costs. Those who live in cities can perhaps access university within 10–20 km, while in rural areas distances could be as much as 40–50 km.

Some also noted that fear of terrorism was a key factor in dissuading them from attending tertiary education, such as universities, particularly in cities where minorities have been specifically targeted. In May 2010, buses carrying Christian students to Mosul University from Karakosh in the Hamdaniya district of Nineveh, were bombed at a checkpoint. Two citizens were killed, and more than 240 sustained injuries.<sup>70</sup> Since that time, many students have decided to stay at home, or to travel much longer distances to study, for example to Erbil.<sup>71</sup>

Minorities would like to see new university departments and schools that cater to communities that have been violently targeted on the basis of religion or ethnicity. A number of minority groups submitted petitions outlining this idea to the Iraqi Minister for Education in August 2010. While this solution might increase minorities' visibility and their isolation from mainstream communities, in the short term it may be a viable way to address some of the gaps in access to education experienced by minorities. Special measures also need to be considered for minorities such as Faili Kurds and Roma, including removing legislative barriers, issuing identity papers and introducing positive



discrimination to enable young people from these backgrounds to access all levels of education. The IOM has reported that Christians are enrolled in universities in Baghdad and Mosul, but those who have been internally displaced have found it very difficult to continue their university-level education in their places of resettlement. Many have ventured back to Mosul to complete exams, the IOM said.<sup>72</sup>

A decision to establish a new university in Hamdaniyah in Nineveh Governorate has been approved by the Ministry for Higher Education. A ground-breaking ceremony for the university occurred in spring 2011. However, funds to build the university have still not been made available.<sup>73</sup>

## Youth services

All of the issues noted above, from security to discrimination, have negative impacts on young people. Survey respondents emphasized that there are no extra-curricular activities, such as sport and other recreation, available to minority youth. Where services do exist, respondents said they were highly politicized. For example, 83 per cent of Faili Kurds, and 44 per cent of Palestinian respondents said they had experienced discrimination when accessing youth services. Some noted that, in Kurdish-dominated areas, minority children have been prohibited from registering in local and community football teams. They said such discrimination was preventing them from achieving their potential and making a contribution to society.

## Access to housing

General levels of internal displacement in Iraq had stabilized in early 2010, MRG reported. But following the October 2010 attack on the Our Lady of Salvation Church in Baghdad, waves of further displacement of minorities have occurred. The UN news agency IRIN

reported that, following the attack, hundreds of Iraqi Christians from Baghdad and Mosul fled to the Kurdistan Region and the Nineveh plains. IOM said that there are about 6,879 IDP families (41,274 people) in Erbil, of whom around a quarter are estimated to be Christian.<sup>74</sup> In February 2011, IOM reported an influx of 200 Christian families from Nineveh to Erbil. Numbers in Nineveh have fallen as a result of this and the return of a number of IDP families returning to Mosul.

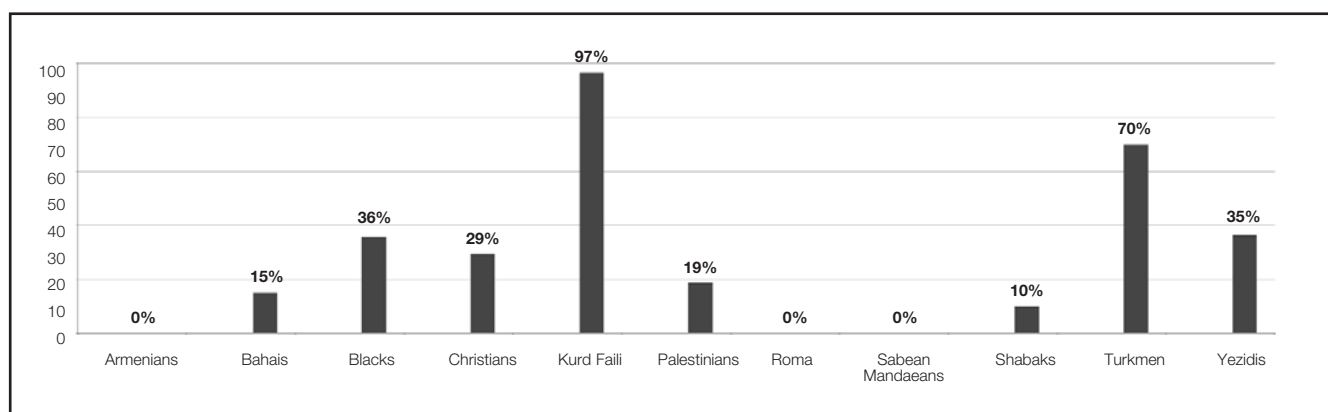
In its 2010 report, MRG outlined the key concerns raised by continuing displacement, and noted that for many, particularly minorities, return is not an option because of the level of fear, threats and violence they have experienced. Many leave their homes quickly, and arrive in their new locations in urgent need of humanitarian aid. For those who choose to resettle in new areas, access to residential aid is a high priority. Many displaced people live in rented apartments and houses. IOM has reported that rents are high and rising. A survey of the four governorates of Nineveh, Dahuk, Erbil and Suleimaniyah published in January 2011, revealed that in areas such as Ainkawa, where Christians have sought refuge, rental prices for 'very modest accommodation have risen 200–300 per cent' since November 2010.<sup>75</sup>

According to the IOM:

*'Christians in Baghdad are largely unable to sell their homes for a fair price to support themselves while displaced. Monitors report that some in Baghdad have exploited the situation by publishing rumors of impending violence against Christians in order to drive down prices of Christian homes and to force Christians to flee.'*<sup>76</sup>

In terms of accessing residential aid, 97 per cent of Faili Kurd respondents said they had experienced discrimination from government officials when trying to access such help. This is in line with the severe levels of discrimination respondents said they suffered in other

**Figure 7:** Percentage of minorities reporting discrimination when accessing help with housing from the government





areas of the survey. Turkmen also recorded high levels of difficulty with this issue (see *Figure 7*).

Minorities also continue to be affected by property disputes stretching back to the previous regime. Waves of displacement have left many such claims unaddressed. Those who wish to reclaim or retain property lost during the Saddam Hussein era must refer claims to the Commission for Resolution of Real Property Disputes (CRRPD). This deals with the resolution of claims regarding property that was lost between July 1968 and April 2003, although it does not deal with property that was destroyed. Both of these issues particularly affect minorities.<sup>77</sup>

Under the current rate of resolution, it will take the CRRPD at least another 20 years to resolve the caseload it held at the end of 2009.<sup>78</sup> Many of these claims come from Kirkuk and other parts of northern Iraq due to the policies of Saddam Hussein's Anfal campaign. Experts have noted that in order to speed up the processing of claims, relevant ministries could adopt a more direct process of returning homes to previous owners by prioritizing claims where land and property was 'confiscated or seized by the former regime for political, ethnic or religious reasons'.<sup>79</sup>

For those displaced since 2003, the situation is more complex, and this is outlined in depth in MRG's 2010 report. The IOM has noted that 'almost one third of internally displaced Iraqis report that their houses or land are currently occupied or used by someone else without their permission, while 40 per cent report they are unaware of the status of their property'.<sup>80</sup> In a December 2010 survey of 894 Christian families internally displaced in the four governorates noted above, 46 per cent wished to return to their place of origin (Anbar, Baghdad, Nineveh and Tameem).<sup>81</sup> This is made more difficult if their homes have been appropriated and occupied by others and they have little recourse to reclaim them.

The current framework for property restitution includes Decree 262 and Order 101, which offers limited

financial incentives and administrative support for returnees wishing to recover property. These measures are accompanied by governorate-level initiatives to assist returnees with repairs where property has been damaged or destroyed.<sup>82</sup> But this does not apply to those whose businesses were destroyed, those who were forced to forfeit their businesses under threats, nor to those who wish to resettle in other parts of Iraq; all three of which apply to minority groups.

Furthermore, minorities reported experiencing difficulty and discrimination when attempting to make such claims (see *Figure 8*). Once again, Fails Kurds and Turkmen in particular reported high levels of discrimination when having their claims processed by either the Ministry of Displacement and Migration (which has dealt with claims since 2003) or the CRRPD.

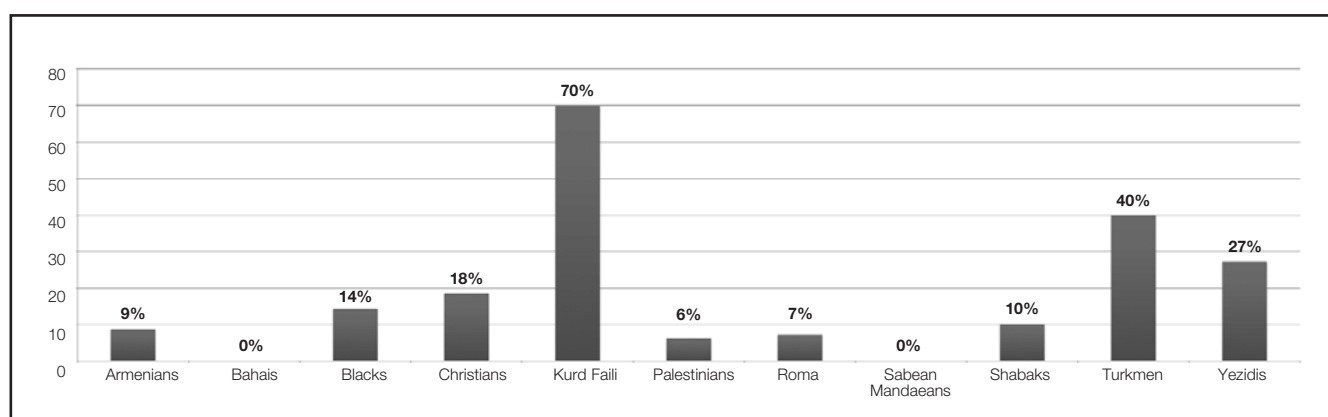
It is clear that minorities face particular barriers to accessing existing procedures and any improvements to the current system must take these into account.

Though there might be a desire to address the religious and ethnic segregation that has taken place since 2003 and recreate a more ethnically and regionally diverse Iraq, for minorities in the current climate, it is important that the system does not require physical return before restitution can be made. As the IOM notes, minorities may be contemplating return to an area from which their community has been entirely eradicated:

*'Today, the governorates and neighbourhoods which were most affected by displacement are now more ethnically or religiously homogenous than at any time in Iraq's history. Tensions have remained high yet increasingly confined to the disputed areas of the ethnically diverse northern governorates of Kirkuk and Ninawa [Nineveh].'*<sup>83</sup>

Minorities also require protection to get a fair price for their properties if they decide to sell as a means of funding relocation.

**Figure 8:** Percentage of minorities facing discrimination when making a property claim



## Protection

A need for increased security around religious buildings, during religious festivals and in minority areas has been expressed. Sabean-Mandaean experts have noted the particular need for protection around their key religious ceremonies, which require access to open, natural sources of running water (such as rivers) to perform baptism rituals, as during such times they are particularly exposed.

Some minorities have no access to traditional tribal protection or systems of justice, leaving them open to discrimination on a wider scale. Some have reported that these systems protect perpetrators, particularly in rural areas. Meanwhile, fear of discrimination prevents some groups from reporting crimes and concerns to police. Faili Kurd respondents said 77 per cent felt this to be the case. Half the Yezidi respondents felt they had experienced discrimination when taking claims to local police services, while Bahá'í, Palestinian and Mandaean respondents to the survey said they were afraid to seek help from local police, for fear they might be discriminated against and therefore lose their claims.

Minority representatives state that not a single person responsible for the high-profile attacks on minority communities in recent years, such as the truck bombings of Yezidi and Shabak villages in 2007 and 2009, and the

attack on the Syriac Catholic Our Lady of Salvation church in October 2010, have been brought to justice. The reason for this, they claim, is bargaining between political blocs, some of whom are protecting the perpetrators. They also state that their community members have too little faith in the police to report crimes, because they believe the police to be infiltrated by terrorist groups, thus exposing the person reporting the incident to reprisals.<sup>74</sup>

Order No. 7 of the Coalition Provisional Authority (CPA) incorporated into the Iraqi Penal Code states:

*'In exercising their official functions, all persons undertaking public duties or holding public office, including all police, prosecutors and judges, must apply the law impartially. No person will be discriminated against on the basis of sex, race, colour, language, religion, political opinion, national, ethnic or social origin or birth.'*<sup>85</sup>

Article 14 of the ICCPR recognizes the right to equality before courts and tribunals. With such national and international protections in place, it is vital that any discrimination in police and judiciary services is monitored and addressed, so that minorities feel they can access equal protection and justice, and so that their safe existence in Iraq is ensured.

# Minority women

In its 2010 report on Iraq, MRG continued to document how women from minority groups experience high levels of gender-based violence, including sexual violence and intimidation.<sup>86</sup> It was noted that disaggregated data on this subject was particularly difficult to find. As such, the survey conducted for this report offers some initial data disaggregated by sex and minority (see Figure 10) that follows the general trend for women in Iraq as reported by UNAMI and others.<sup>87</sup>

The data demonstrates the trend noted in a statement made in *The Iraq Briefing Book*, presented by the Iraq Partners Forum to the government of Iraq in December 2010, that ‘wars and violence have all but destroyed opportunities for a safe, stimulating and positive social life for women in Iraq, and this includes female children and youth.... Women from minority groups are particularly vulnerable.’<sup>88</sup>

In late 2010, UNAMI ran its first ‘16 Days Campaign’ in Iraq to highlight the issue of violence against women. The campaign highlighted the physical, sexual and psychological abuse that women suffer. It was said that domestic violence is a major problem in the country with one in five women reporting that they have suffered physical violence at the hands of their husbands. Fourteen per cent of these were pregnant at the time. Thirty-three per cent said they have suffered emotional violence and 83 per cent have been subject to emotional abuse by their husbands. The report also highlighted the other specific problems women face – including early marriage, trafficking, female genital mutilation, a lack of access to care and justice, and a lack of awareness about their rights.<sup>89</sup>

The seriousness of the general situation for women in Iraq is beginning to be recognized from the highest levels of government to within local communities, but further

effort is needed to look specific issues that concern them. The findings sit within the general picture for women in Iraq, while also clearly demonstrating the need for targeted action on the deeper discrimination that women from minorities face.

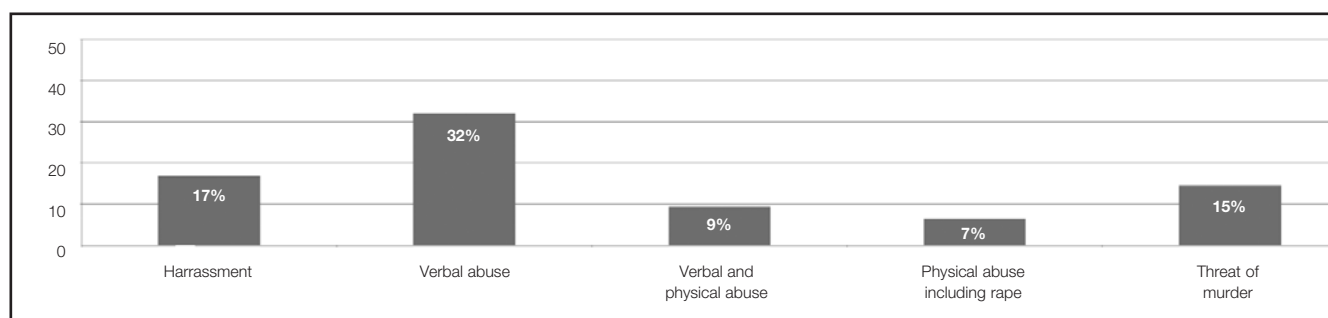
The abuse reported by minority women surveyed falls into five categories: harassment, verbal abuse, verbal and physical abuse, physical abuse including rape, and threat of murder. The sources of abuse include family members, community members, armed gangs and, in 9 per cent of cases, government officials.

It is important to note that most of the perpetrators of abuse against women were local, with 26 per cent coming from the community and 5 per cent within the family. Roma suffered the most from verbal abuse (83 per cent) and Black Iraqis suffered the most from the threat of murder (75 per cent). Also, both Faili Kurds and Turkmen experienced all types of abuses covered by this questionnaire.

Testimony gathered alongside the surveys for this report highlighted how difficult the general environment for women often is. IMC monitors noted that it is not unusual to see women abused by officials at all levels, from police and security men, to those who work for politicians or state officials, or who have close ties with religious parties or who have personal bodyguards. Such people operate in a climate of impunity, protected by their status and material wealth.

Reporting sexual violence and gender-based crimes is particularly difficult for women from minority communities. In individual meetings with women, IMC researchers noted that many had experienced domestic violence but felt afraid to report it because of family, community and religious pressure. They noted that it is

**Figure 9:** Types of abuse suffered by minority women



often rooted in traditional cultural practices and patriarchal norms. MRG has also reported that women, including those from minorities, who survive their ordeals and attempt to report them, can find themselves ostracized from their families and communities. Some are punished or killed by their own relatives, others are pressured to commit suicide, sometimes by self-immolation.<sup>90</sup> Mandaean commentators told MRG that a total of 11 women from their community have reported being raped since 2003 but ‘others have kept it within the family for fear of being stigmatized’. They said that 33 women and girls have been forced to convert to Islam.

The lack of reporting is also ascribed to a lack of education and awareness of women’s and minority rights in Iraq, and addressing this might provide a basic starting point to aid minority women. From 2009 to 2010, the US embassy, through its Mosul Provincial Reconstruction Team (PRT) conducted a series of six seminars on minority women’s legal rights across Nineveh, attended by 150 participants from communities including Christians, Shabak, Turkmen and Yezidis.<sup>91</sup> In the current climate, such measures are invaluable and should continue.

Alongside this, access to justice for minority women remains a concern. Iraq has ratified the UN Convention on the Elimination of all Forms of Discrimination and Violence Against Women (CEDAW) and the Iraqi Constitution mandates that women are equal to men. Article 29 prohibits violence in the family, at schools and in society. A CPA Order was incorporated into the Iraqi Penal Code in 2003 containing anti-discrimination clauses of great significance for minorities and women, stating: ‘No persons will be discriminated against on the basis of sex, race, colour, language, religion, political opinion, national, ethnic or social origin, or birth.’<sup>92</sup>

But other provisions in the Iraqi Penal Code allow a husband to legally punish his wife ‘within certain limits prescribed by law or custom’.<sup>93</sup> The Penal Code also holds that rape is a private offence; therefore the state cannot take any action without the consent of the complainant or a legal guardian. Article 398 holds that the perpetrator can

be excused of rape and sexual assault if he marries the victim. In the absence of any provision to the contrary, this applies even in cases where the victim is a minor. Sentences for kidnapping and abduction can also be avoided through marriage.

For minorities in the disputed territory in northern Iraq, abduction and forced marriage are particular risks. Yezidi activists have reported that, since 2003, there have been around 30 known cases of Yezidi women being abducted and forced to marry members of the Kurdish security force Asayish. Yezidi families are threatened with reprisals if women and girls refuse marriage with militia members.<sup>94</sup> Such marriages not only condemn women to a life with a man who has proven himself to be capable of violence and abuse, they also effectively seal off these women from their families and communities. Both the Yezidi and Mandaean faiths prohibit marriage outside the religion, and those who undertake such vows thereby renounce their faith.

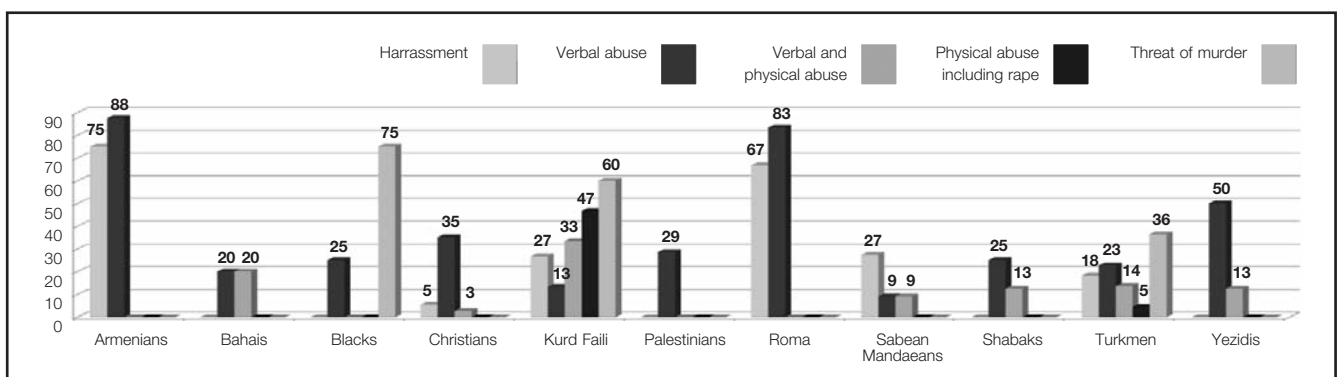
Although forced marriage is illegal in Iraq, a 2009 national youth survey by the Ministry for Sport and Youth noted that one-third of young girls believe that a girl must marry if it is her relative’s or guardian’s wish.<sup>95</sup>

In such a climate, it is not surprising that minority women feel reluctant to travel outside their homes, and that their freedom of movement is highly circumscribed. MRG has noted that the specific conditions for minorities, coupled with the lack of safety for women in general, has curtailed the freedom of movement women from minority communities might have previously enjoyed.

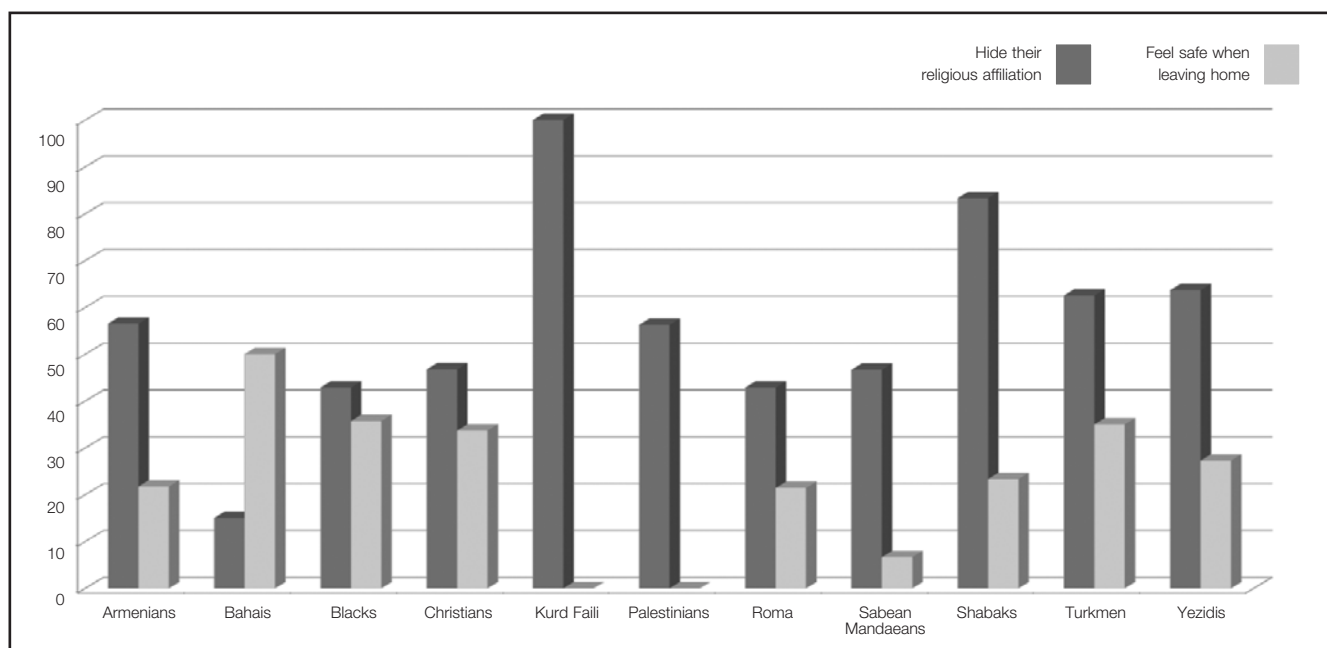
The UK-based umbrella organization, Women Solidarity for an Independent and Unified Iraq, has noted that women face verbal and sexual harassment at checkpoints, which are numerous across cities; for example, in Baghdad there are approximately 870 checkpoints,<sup>96</sup> and fear of such harassment, as well as the desire to avoid it, contributes to discouraging women from feeling a sense of freedom of movement.

This in turn limits women’s access to work. The financial effects of this have an impact on both women

**Figure 10:** Types of abuse against women per minority group



**Figure 11:** Percentage of minority women reporting that they feel safe when leaving home and those who feel a need to hide their religious affiliation



themselves and their families. Given that the IOM has reported that 1 in 10 households in Iraq are headed by women, with this number rising to 1 in 8 where the families are displaced,<sup>97</sup> this situation is of pressing concern.

A 2010 analysis of around 8,130 women in charge of households through Iraq found that 71 per cent could not find work due to societal discrimination against women in the workforce, or because of poor health.<sup>98</sup>

Buying food is problematic for 74 per cent of returnee (previously displaced) female-headed households (FHH); in a survey of 8,130 individuals (1,355 FHH) 71 per cent of those interviewed who are able to work said they could not find work, while 38 per cent were unable to work. According to the IOM, 'reasons given are often poor health or societal norms regarding female participation in the workforce'.<sup>99</sup> The difficulties they face are compounded by the fact that in many cases they do not know what has happened to their husbands. According to the ICRC in Iraq, in the absence of proof of death, women cannot obtain a pension, or remarry until a certain amount of time has passed.<sup>100</sup>

For minority women, the situation again follows the general trend, with the added security risk that comes from being from a minority. Fifty-seven per cent of respondents to the IMC survey said that they believed that women needed to hide their religious affiliation, either by not wearing their religious symbols or traditional make-up, by covering their heads even if they are secular or non-Muslims, or by not speaking in their traditional languages (men were also asked this question). A number

of Faili Kurd, Sabean-Mandaean and Christian women stated that they avoid speaking their language (e.g. Assyrian, Armenian) or wearing clothes that indicate their community belonging when in public. Non-Muslim minority women in particular complain of pressure to modify their dress. Two Christian women students stated that they received threats at Mosul University, pressuring them to wear the *hijab*.

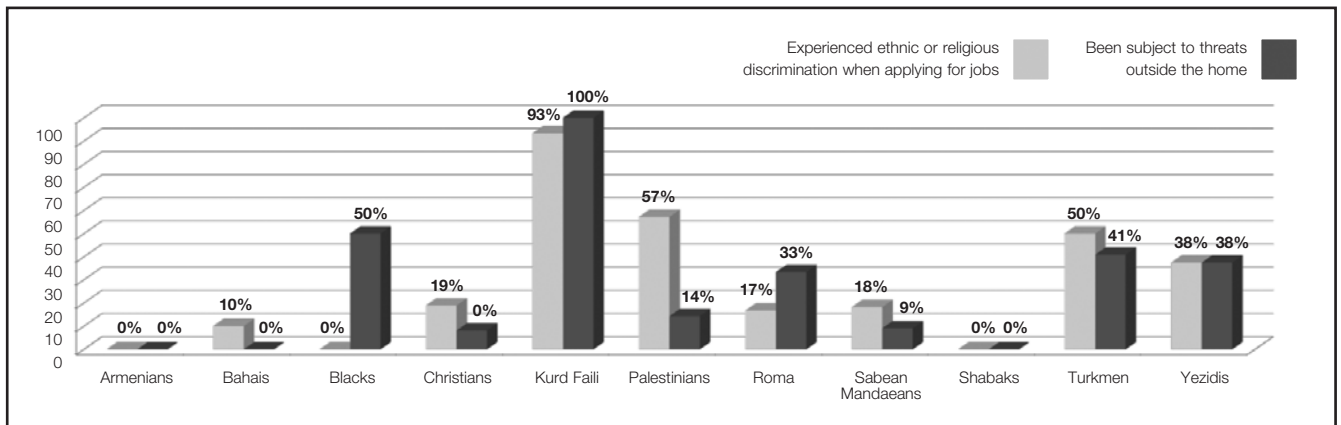
Overall, only 25 per cent of respondents surveyed said that they thought that women felt safe when leaving the home. Sabean-Mandaean women have reported being pressured to convert to Islam; they also report physical and verbal abuse on the street from university staff, or, if in employment, for not covering their heads and not adhering to an Islamic dress code.

Access to employment is also complicated by discrimination on the basis of religion or ethnicity. Thirty-one per cent of women said they had experienced this when applying for jobs. Within this, the largest proportions were from Faili Kurd and Turkmen communities. (See *Figure 12* overleaf).

Access to health services is also made more complicated by limitations on freedom of movement. One in four said they were without access to health care. Minorities have reported that there is no health care for women in Nineveh, forcing women to go to Dohuk for natal obstetric care or to give birth, while new babies born in Dohuk are given Kurdish passports.

MRG/IMC's 2010 report described how minorities suffer discrimination from healthcare providers, and stated

**Figure 12:** Percentage of minority women reporting that they experienced discrimination on the basis of religion and ethnicity when applying for jobs



that minority women’s access to health services is proscribed by the fear of the targeted violence their communities have experienced.<sup>101</sup> The current survey of minority women showed that 39 per cent have had children since 2008. Only around a quarter of these said they had received adequate health care during maternity.

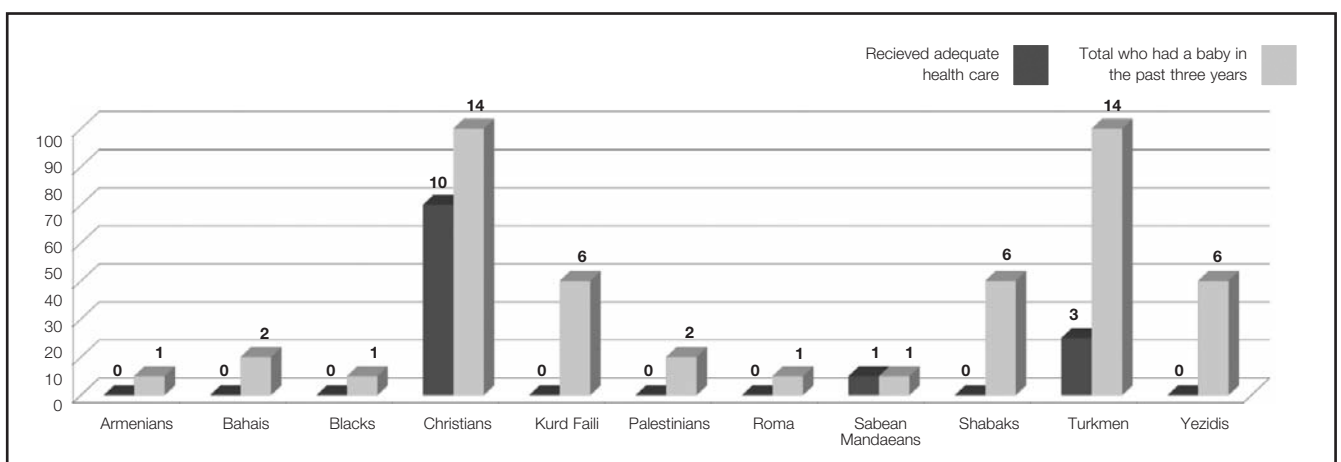
Accessing services and recreational facilities outside the home is also difficult for minority women. Around 96 per cent of respondents said they did not have sufficient social services that provide education on their rights and how to access them, and also offer a safe environment in which to address some of the deep psychological harms unleashed by the US-led invasion and continuing over the last eight years. Survey respondents said they have little opportunity to discuss their problems, such as domestic or other violence, divorce, forced marriage or marriage of minors, in any social centre or safe environment. There was no significant difference of opinion across the minority groups on this issue, with respondents agreeing that shelters for vulnerable women, or specialized centres where they can develop handicrafts and skills, are needed, particularly in rural areas. In this way minority women see

themselves as able to earn an income for their families while getting away from the confines of home, and working in a safe environment among others with whom they can share their experiences if they wish.

## The legal and policy framework

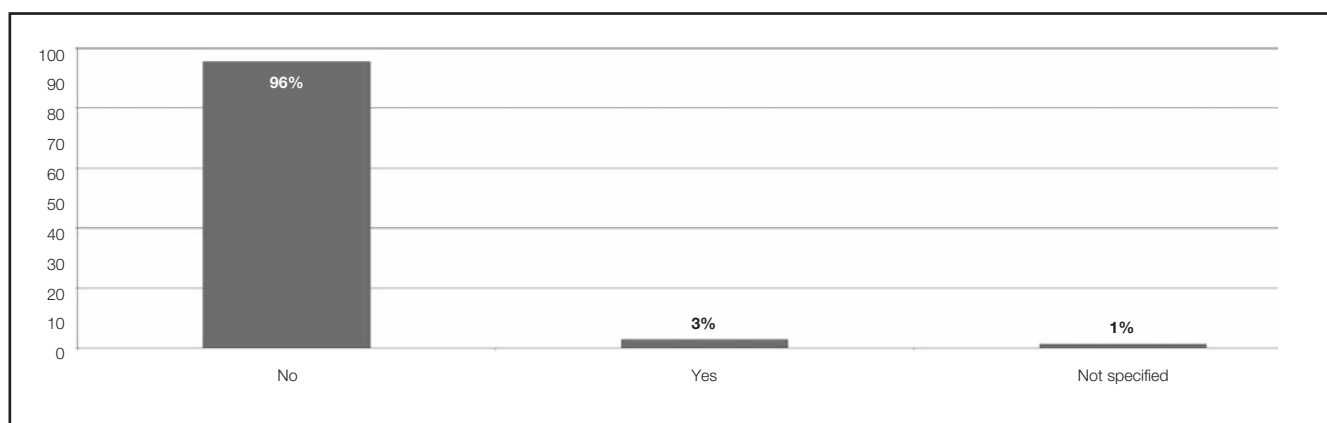
Compounding the difficulties minority women face in the current situation in Iraq are several problematic legal and constitutional provisions which should be addressed. In terms of personal status, which includes marriage, divorce, maintenance, child custody and inheritance, Article 41 of the Iraqi Constitution states that ‘Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs or choices. This shall be regulated by law.’ In a 2010 report, US-based think tank Freedom House noted that Article 41 is currently suspended after women’s advocates, NGOs, members of parliament, legal professionals, and the judiciary protested against the provision, which will

**Figure 13:** Percentage of minority women reporting that they received adequate health care during maternity





**Figure 14:** Percentage of minority women reporting that they have access to sufficient social services



potentially strengthen sectarian strife and give male religious authorities an opportunity to infringe on women's rights.

Furthermore, the Personal Status Code of 1959 governs non-Muslim minorities using Sharia law in relation to marriage and inheritance. The code contains provisions which allow communities not subject to Sharia law to enact their own separate laws, but no such laws have yet been enacted. The IILHR has pointed out that, in the view of some Iraqi experts, having specific laws for different communities 'will create a complicated legal system at the expense of expedient judicial processes and the equal treatment of all'. However, the IILHR also notes that some minority communities 'have advocated for and already drafted separate laws'.<sup>102</sup>

Currently, certain articles in the code discriminate against minorities from so-called 'non-divine' faiths (the Bahá'í, Kaka'i and Yezidi faiths are considered 'non-divine' in Sharia law) and against women from both Muslim and non-Muslim minorities. Article 13 places restrictions on marriage between members of 'non-divine' faiths, and Article 12 states: 'In order for the marriage to be sound, the woman must not lawfully be forbidden to the man who wants to marry her' – hence if a Muslim woman marries a man of a 'non-divine' faith the marriage is not considered binding and therefore their children will be regarded as illegitimate. Article 17 does not allow marriages between Muslim women and non-Muslim men. Article 34 states that divorce must be conducted according to Sharia law, and Article 37 grants the husband the right to *talaq*, that is, to end the marriage simply by repudiation. This contradicts the Mandaean belief that no divorce is valid.<sup>103</sup> Sabean-Mandaean experts have reported that Sharia law in family courts has been accessed by Sabean-Mandaean men to the disadvantage of women, particularly in matters concerning children and inheritance. This is made possible by the lack of

alternative specific family laws legally applicable to the Mandaean community.

## Conclusion

The issue of violence against women has begun to gather momentum at the highest levels of governance in Iraq and the Kurdistan Region. The United Nations Development Programme is working with the Ministry of the Interior and Ministry of Labour and Social Affairs to establish a database to track violence against women.<sup>104</sup> The government of Iraq is drafting a Domestic Violence Bill and in June 2011 the Kurdistan parliament gave its Draft Law on Combating Domestic Violence its first reading. The legislation was approved by parliament and at the time of writing has yet to be ratified by the President. The law bans, 'domestic violence and female circumcision, forced marriage, preventing female education, hitting a child, non-consensual divorce, offering of women to settle family feuds and female suicide, if the family is the cause'. The legislation also states that a special court should be established for domestic violence cases. Those found guilty of domestic violence will face a fine of between 1 million and 5 million Iraqi dinars (£520–£2615) or between six months and three years in jail, the KRG said.<sup>105</sup>

Across Iraq, Family Support Units are also being developed, as well as improvements to shelters for women. The UN, IILHR and other organizations are working with the government of Iraq to develop a stronger legal framework for prosecuting perpetrators, and better policy and training on how support workers can deal with domestic violence and gender crimes. In terms of international action and protection, it is vital that all states and courts take seriously the risks of gender-based violence faced by minority women, particularly when they have fled conflict and are seeking refuge and asylum abroad. In March 2011, the



Strasbourg Consortium – an association of academic institutions that monitors cases of freedom of religion or belief coming before the European Court of Human Rights (ECtHR) – highlighted the case of Wejdan Haris

Dihrab Al Kamisi, an Iraqi Mandaean, who has been denied asylum in Sweden, despite her fear that she will be subject to gender-based violence should she return to Iraq (see box).<sup>106</sup>

## Al Kamisi vs Sweden

Ms Al Kamisi, aged 33, has one son born in 1998. When he was one year old, she divorced and remained in Iraq while her husband relocated to the USA. She fled to Jordan after her family received threatening phone calls and letters. The Strasbourg Consortium reported that the letters from unknown persons said she would have to get married or her family would have to leave the neighbourhood. While her son stayed with relatives in Jordan, she went to Sweden, where there is a large Iraqi Sabean-Mandaean community, to appeal for asylum. In the meantime, her son was taken to the USA by his father. Ms Al Kamisi appealed for asylum in 2008 on the grounds that she would suffer 'ill-treatment through persecution, assault, rape, forced conversion and forced marriage' if she returned to Iraq. The appeal was rejected on the grounds that being of Mandaean origin did not constitute grounds for asylum. She appealed, adding that she was under a 'clear and imminent threat of forced conversion or forced marriage' if she returned to Iraq. But in 2009 the Swedish Migration Court ruled that:

*'[although] it had taken into account the difficult situation for Mandaeans in Iraq ... the situation with numerous cases of forced marriage conversion or forced marriage had been connected to the general security situation in Iraq. During the two years that had passed since the applicant left, the situation had improved. What the applicant had submitted about being disclaimed by her family did not constitute grounds for asylum.'*

In early 2010, she was refused leave to appeal, and in August 2010, Ms Al Kamisi was in police custody, waiting for her expulsion order to be enforced.<sup>107</sup> According to the USCIRF 2011 report:

*'the UNHCR continues to recommend that Iraqis 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 Kurdistan Region.'*<sup>108</sup>

# Ways forward

Many wide-reaching protections exist in the Iraqi Constitution and in the legal system to safeguard and implement minority rights. Article 125 of the Iraqi Constitution states:

*'This Constitution shall guarantee the administrative, political, cultural, and educational rights of the various nationalities, such as Turkomen, Chaldeans, Assyrians, and all other constituents, and this shall be regulated by law.'*

Some have called for the Article to be amended to include the names of all minorities, and have argued that serious attempts to implement all aspects of this Article must go hand in hand with amendments to Article 2 of the Constitution, and to the legal system where discrimination exists.

Minorities themselves agree that amendments to both the Constitution and the various codes of law must be made to secure their continued presence in the country. An anti-discrimination law might begin to address the issues and place under one umbrella legal protections from all kinds of discrimination. Amendments should also include the promotion and protection of greater access to employment in the security services, in government departments and in politics at every level, and the freedom to worship and observe faith. An Ombudsman to hear cases of discrimination in access to public services and government jobs could be established.

Any revisions to the curriculum should occur through a genuinely consultative process, for example by setting up a steering committee of representatives of minority communities, including women. Additionally, strengthening the role of the developing Human Rights Commission in the legislative review process, in the court-room, and in monitoring and reporting on discrimination and violence, in particular by ensuring that its members are truly independent, could help improve the situation of minorities within Iraq.

Some new measures have taken root and these are positive developments, which should hopefully continue. USCIRF 2011 reported that a minority caucus has been established for the first time in the Council of Representatives. The report said: 'it includes

representatives of all the ethnic and religious minorities' political parties and is supported by a civil society alliance'.

The United States Institute of Peace and IILHR have been working with the caucus on goals including 'increasing minorities' participation at all levels of government',<sup>109</sup> and other targets concerning minorities' economic social and cultural rights, which will be discussed in more detail below. However, the caucus mirrors in its composition the political divisions within minority communities already discussed, and struggles to reach agreement on goals and strategies. It is vital that the caucus members recognize the need to put aside their differences and focus on achieving benefits for minority communities, many of which should not be a cause for political controversy.

Despite the efforts of numerous international and national bodies, politically motivated attacks and discrimination against minorities continue in the disputed territory in northern Iraq. Minorities are included in dialogue and decisions on policing, resources and security, but minorities have reported that when bigger political decisions are made, their views are often ignored.

The US Department of State has pledged that when planned US embassy branch offices open in Nineveh and Kirkuk in October 2011, they are to provide continued support and outreach for minority communities as a primary concern.<sup>110</sup> It is to be hoped this support will reach the most vulnerable minorities, and take into account the specific needs of the most vulnerable within minority groups including women and young people.

Measures that protect and promote minority rights while also educating the majority, such as revising the curriculum to be more inclusive of minorities, should be undertaken. Public awareness campaigns and sessions for interfaith dialogue might also go some way towards addressing any perceptions of special treatment for minorities. Such sessions could take place in schools and in local faith centres, among men and women of different ages and from different communities, to promote a sense of inclusion, particularly in areas where a large influx of internally displaced minorities has occurred. Some such sessions have taken place between Sunni, Shi'a and Christian leaders in Kirkuk, and these – alongside other measures for greater dialogue, reconciliation and public awareness – must be ongoing to have real impact.<sup>111</sup>

Funding for programmes and initiatives supporting religious and ethnic minorities in Iraq should be dramatically increased. The international support already delivered has had questionable impact on the ground and in local minority communities. In its 2011 report, USCIRF noted:

*'As of mid-2010, the State Department and USAID reported that they had spent more than \$24 million on projects for these [religious and ethnic minority] communities and were in the process of distributing the third \$10 million. However, some Iraqi minority communities have complained of not seeing any benefits, and in 2010 several members of Congress requested a Government Accountability Office audit of State and US Aids administration of these funds.'*

In order to address such issues, minority representatives should be included in a reform of the aid delivery structure. Minority communities lack the capacity to administer and provide financial oversight of such matters. Training should be provided so that members of minorities can fully participate in the auditing and distribution of monies concerning their communities.

This report indicates that the smallest minorities are subject to what USCIRF has also identified as 'a pattern of

official discrimination, marginalization, and neglect, particularly in areas of northern Iraq over which the Iraqi government and the KRG dispute control'.<sup>112</sup> If Iraq's minority communities are to thrive once again in the country where some have been present for more than two millennia, this pattern must be broken. This can only happen if minorities are free to worship and to practise their cultures; and live without fear of coercion, harassment or discrimination in their daily lives.

Some have argued that the Iraqi government should speed up development and issue of national identity cards that do not state religious or ethnic identity;<sup>113</sup> ID cards that include this data can easily be used to discriminate in access to rights, and even to target people for violence. Including towns and villages of residence or birth on such cards can also be an indicator of religion or ethnicity.

The benefit of disaggregating data by minority in any research and evaluation of their situation cannot be underestimated. Only then can a clear picture of the situation for each group, and for women from those communities, emerge, and improvements pertinent to their particular history and present conditions begin to be found. Collecting disaggregated data does not require the existence of national ID cards stating religion or ethnicity and, as the survey conducted for this report shows, such material can be gathered anonymously.

# Recommendations

## To the Iraqi government and parliament

1. Develop a comprehensive anti-discrimination law, through a process of consultation with representatives of all minority groups. Such a law or laws should include strong, effective and accessible enforcement mechanisms, and cover the full range of possible grounds of discrimination.
2. Amend Article 10 of the Unified Labour Code to eliminate the requirement that Arabic be the only language used in all employment relationships and to ensure that the language used in employment relationships is determined with consideration of the linguistic needs of the employee and the demographic realities of where the post is located.
3. Significantly increase the maximum fine penalty for violations of Article 372 of the Penal Code, regarding destructive or insulting acts against the beliefs, rites, texts, personages or buildings of religious minorities, from the current 300 Iraqi dinars.
4. Introduce a new national identity card that does not indicate ethnic or religious belonging.
5. Review the work of the Ministry of Displacement and Migration and Commission for Resolution of Real Property Disputes in processing property claims of displaced people, in order to identify the reasons for delays and institute measures to speed up the process; and if necessary, increase the allocation resources. The relevant legislation should be amended to allow restitution to cover the appropriation or destruction of businesses.
6. Expedite citizenship papers for members of minorities who do not have them, such as Faili Kurds.
7. Enact separate special personal status laws for non-Muslim minorities, or amend the current Personal Status Code to ensure that non-Muslim minorities are not subject to Sharia law. Any amendments or new laws should contain provisions to ensure that women members of minorities do not suffer discrimination in the application of such laws.
8. Include protections for women from minority communities in the draft Domestic Violence Bill. Involve the Iraq parliament's minority caucus in consultations on developing this law.
9. Amend the Penal Code to allow the police to take action without the need for consent in cases of rape.

Article 398 should be amended or deleted, to prohibit the practice of a rapist marrying the victim and thus being exempt from punishment.

## To the Iraqi government and KRG

1. Conduct a comprehensive review of school curricula, in consultation with representatives of minorities, to ensure the removal of any sectarian bias and the inclusion of teaching on the history, culture and contributions to society of minorities to enhance tolerance and understanding.
2. Implement specific programmes, in consultation with the communities concerned, to promote cross-cultural understanding in areas where displaced populations have sought refuge, and to support activities bringing together host and displaced communities.
3. Exempt teachers of minority languages from the practice of transferring teachers temporarily away from their area of origin.
4. Do not transfer public employees, including teachers and police, to an area where she or he may be at risk because of his/her ethnic or religious identity.
5. Provide bilingual education for minorities in areas where they form a significant proportion of the population. Where there is a lack of qualified teachers of minority languages, allocate necessary resources through the establishment of specialized teacher training colleges or departments.
6. Provide police, judiciary and social workers with training on domestic violence, women's rights, minority rights and procedures for handling of victims of abuse.
7. Include modules on addressing the stigma attached to gender-based violence and changing attitudes that allow such violence to continue, particularly in the home, into school curricula; and provide training to teachers on leading such modules.
8. Collect disaggregated data according to ethnic/religious belonging, on an anonymous basis, to ensure that recruitment of minorities to public services is equitable. Representatives of minorities should be involved in the design and implementation of such monitoring mechanisms. Recruitment processes should be monitored and staff found guilty of discriminating in recruitment should be disciplined appropriately.

9. Institute affirmative action programmes for minorities registering poor levels of education, for example Roma, Black Iraqis and Kaka'i. Such programmes should be designed in consultation with community representatives, and may include enhanced resources for bilingual education, and additional after-school classes.

### **To UNAMI, donor governments and international NGOs**

1. Involve minority representatives in consultations on all decisions made on development assistance to Iraq, particularly programmes directly affecting minorities. To ensure the best use of targeted aid, any governmental or NGO programme working with minorities should collect data disaggregated by minority and gender.
2. Identify gaps in public services provided to minority communities and in areas of disproportionate poverty and low educational achievement, and develop programmes to remedy them.
3. Work with the government of Iraq to develop training for government officials, civil servants and other front-line service providers on minority rights.
4. Share information on best practice from other countries on affirmative action programmes, disaggregated data collection, monitoring of equal opportunities and handling of domestic violence cases with relevant agencies in Iraq.
5. Offer small grants programmes to minority communities' civil society organizations to support activities including promoting awareness of minority rights, monitoring and reporting on the human rights situation of minorities, and monitoring the allocation of public spending at the local level.
6. Work with the Iraqi government to provide better shelters and counselling for female victims of domestic and all forms of violence, where employees and counsellors are aware of anti-discrimination legislation and of the issues of multiple discrimination minority women face.

# Appendix 1: Locations of interviews

## **Armenians:**

Baghdad (Quarters: Ghadir, Saadoun, Baladiyat, Armenian Camp, Zayouna, Maydan, Sinaa 52 and Sinaa 62) Nineveh: Mosul, Karakosh, Karamless

## **Turkmens:**

Baghdad: Karkh River Quarters: (Sayediya, Salihya), Rasafa River Quarters: (A'adhmiya, Waziriya, Bab Al Muadham, Hay Al Qahira)  
Kirkuk: City Centre, Altoun Kopri, Ninety, Taza, Jardaghli, Turkilan, Touzkhormato (Salahiddin)  
Nineveh: Tallafar

## **Christians (Chaldeans, Syriacs and Assyrians):**

Baghdad: Sayediya, Al Wahda, Al Ghadeer, Zayouna, Hay Al Nil, Garage Al Amana, Al Gailani, Al Dora  
Nineveh: Mosul, Hamdaniya – Karakosh, Bartilla, Karamless, Baashiqqa, Bahzani, Tallesquf, Alqosh, Telkef.  
Kirkuk: City Centre  
Duhok: City Centre, Aqra, Nahla, Amadiya, Sarsink, Komani, Deralook, Zakho, Barwali Bala

## **Faili Kurds:**

Baghdad: Al Kifah, Jamila, Al Fadhl, Al Shaab, Al Mikanik, Bab Al Sheikh, Al Aqari, Daura, Jamila, Zaafaraniya,  
Babylon: Mahmoudiya, Al Musayab  
Diyala: Baqouba

## **Yezidis:**

Nineveh: Telkef, Hattara, Baashiqqa, Al Shekhan, Yashik, Bahzani, Mahd, Donatha, Sinjar, Al Shimal

## **Sabean Mandaean:**

Baghdad: Sadr City, Habibiya, Al Maymouna, Al Amin, Jamila, Al Jihad, Al Risala, Al Shurta, Ur, Al Bayaa, Al Shaab, Daura, Jaderiya, Al Qahira, Al Maakal (Basra), Al Muqdadiya (Diala)

## **Shabaks:**

Nineveh: Mosul, Hamdaniya, Bartilla, Bashiqqa, Al Namroud

## **Bahá'ís:**

Baghdad:

## **Black Iraqis:**

Basra: Hay Al Hussein, Kout Al Hajaj, Ancient Basora, Um Qasr, Safwan, Al Zubair, Al Fao

## **Roma (Gypsies):**

Baghdad: Zaafaraniya

## **Palestinians:**

Baghdad: Hay Al Baladiyat



# Notes

- 1 United States Commission on International Religious Freedom (USCIRF) *Annual Report 2010 – Countries of Particular Concern: Iraq*. <http://www.uscirf2010.gov/iraq.html> (accessed 19 July 2011).
- 2 Kane, S., 'Update from Baghdad', 14 July 2011, United States Institute of Peace, <http://www.usip.org/publications/usip-update-baghdad#top> (accessed 19 July 2011).
- 3 Chulov, M., 'Christian exodus from Iraq gathers pace', *The Guardian*, 23 December 2010, <http://www.guardian.co.uk/world/2010/dec/23/iraq-christian-exodus-christmas> (accessed 19 July 2011).
- 4 BBC News Online, 'Christians flee central Iraq in thousands, UN reports', <http://www.bbc.co.uk/news/world-middle-east-12022146> (accessed 20 July 2011).
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# working to secure the rights of minorities and indigenous peoples

minority  
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international

## Iraq's Minorities: Participation in Public Life

Taking part in everyday public life – practising religion, accessing jobs and public services, taking part in politics, travelling freely – is a challenge for many people in Iraq, but members of ethnic and religious minorities face particular obstacles. They may feel that they have to hide their identity when they leave the house. When they go to public bodies to access services, they fear that their identity will be revealed, and services will be denied to them. Minority women are particularly vulnerable to abuse and are subject to violence and discrimination both because of their sex and their minority affiliation. In a country where getting a job or public services often depends on which political party you belong to, minorities often feel that if they join their community's own party, they will lose out.

This report is based on the findings of original field research, for which over 330 members from 11 minority communities were interviewed. It focuses on the Kurdistan Region; Diyala, Kirkuk and Nineveh in the north; Baghdad, Babil and Basra, given the concentration of minorities in these areas. The report highlights that tensions between

Kurds and Arabs over disputed territories in Kirkuk and Nineveh mean that they have become the most dangerous areas in the country in terms of security and freedom to access rights and services, particularly for minorities.

This report is intended to galvanize efforts to establish and maintain a peaceful, prosperous and inclusive society in Iraq. This can only happen if minorities are free to worship and practice their culture, live without fear of coercion, harassment or discrimination in their daily lives. Currently, they face targeted threats and violence, the destruction of their places of worship, the loss of homes and property and lack of government protection of their rights. This violence has caused significant numbers of minorities to flee Iraq, in some cases decimating communities to the point that they risk disappearing altogether from their ancient homeland. In looking for solutions, this report highlights the need to change laws and policies which discriminate against minorities; increase the availability of bilingual education; and design targeted programmes to address poverty and education gaps among minority communities.