

UPR of IRAQ – 34th session – November 2019

Fact sheet on the situation of minorities in Iraq

KEY DEVELOPMENTS SINCE LAST REVIEW

Despite accepting 22 recommendations related to the rights of minorities during the last UPR, the Government of Iraq (GoI) has been unable to protect minorities from patterns of violent attacks or take significant measures to end discrimination, political exclusion, and socioeconomic marginalization. Instead, these violations escalated dramatically following the rise of ISIS in 2014 and ensuing conflict against the armed group.

The conflict has had a particularly negative effect on vulnerable groups, including minorities, women, and internally displaced persons (IDPs). Iraq has historically been home to diverse ethnic, linguistic and religious minorities, including Turkmen, Shabak, Yezidis, Sabaean-Mandaean, Baha'i, Chaldo-Assyrian and Armenian Christians, Kaka'i, Zoroastrians, Faili Kurds, Roma, and Black Iraqis.

However, since 2003, the escalation in violent attacks against minorities compelled many to leave the country, a process accelerated by the conflict with ISIS. The armed group actively targeted minority groups, committing a range of abuses including massacres, forced conversions, restrictions on religious freedom, kidnappings, sexual slavery and the destruction of cultural and religious heritage.

Minorities formed a disproportionate share of the nearly 6 million people displaced by the conflict, and many continue to face obstacles preventing their return to their areas of origin. Among the ongoing threats faced by minority communities, the proliferation of armed groups across Iraq is particularly acute, while a fragile state and weak rule of law have generated an atmosphere of impunity which has encouraged violence, harassment and discrimination.

1. SAFETY OF MINORITIES

The rise of ISIS and the military campaign to defeat the group has caused devastating harm to many of Iraq's minority communities, including Yezidis, Christians, Turkmen and Shabak. In August 2014, ISIS killed approximately **3,100 Yezidis** and kidnapped a further **6,800 to become sex slaves or fighters**. As of February 2019, over 3000 of those kidnapped remain unaccounted for. Christians and Shia Turkmen women were also particularly targeted with sexual violence.

Since the official formation of the Popular Mobilisation Forces (PMF) in 2014, largely Shi'a militia groups have proliferated across Iraq. PMF militias have been instrumental in the fight against ISIS. However, the Iraqi government has failed to maintain effective control over the PMF, who operate in a climate of impunity. PMF forces have been implicated in a range of abuses including extrajudicial killings, abductions, the destruction of local religious sites and the **intimidation and harassment of minorities**.

Take necessary and effective measures to improve the security of minority communities, in consultation with the communities

Members of the ISF have also participated in the looting and illegal demolition of property in retaken areas including Christian and Yezidi property.

Initiate prompt, impartial and independent investigations of attacks on minorities and prosecute those found to be responsible, respecting international standards of due legal process.

The **ongoing border disputes** between the Iraqi government and the KRG are a persistent security concern for local communities. The UN has verified that Peshmerga units have forcefully displaced substantial numbers of IDPs from certain areas under Kurdish control and prevented IDPs from returning home in others. Looting and restrictions on freedom of movement by Kurdish forces are indicative of a larger campaign of **demographic change**, and an operation to assume control of larger territories.

Similarly, the GoI has been accused of supporting and abetting the building and reallocation of infrastructure in retaken Christian areas to Shabak communities, fuelling territorial disputes between Shabak and Christians, and contributing to demographic change.

Immediately cease all practices which will prevent returns and ensure demographic change, including looting, destruction of property, allocation of property and resources to particular ethnic or religious groups, in favour over others.

The investigation of ISIS crimes and prosecution of perpetrators is a priority for all Iraqis, but progress thus far has been slow and marred by a lack of transparency. Furthermore, efforts to hold PMF and government forces to account for human rights violations have been mired in secrecy, with concerns raised about the independence of investigations.

Ensure that prosecutions of those accused of ISIS crimes reflect the gravity of the conduct for which they are allegedly responsible and that trials are conducted under international fair trial standards.

2. PARTICIPATION IN PUBLIC LIFE

There is practically no minority presence in high-level posts within public bodies, especially in the security and police forces. Minorities are also underrepresented in public employment at the governorate and municipality level.

There are insufficient parliamentary reserved seats to enable minorities to effectively represent their interests. Electoral law reserves **8 seats in the 328-member Council of Representatives (CoR)** for minorities: five for Christians and one each for the Sabaean-Mandaean, Yezidis and Shabak. Baha'i, Kaka'i, Turkmen and Black Iraqis do not have a reserved seat in the CoR.

The KRG similarly does not reserve seats for Shabak, Black Iraqis or any religious minorities other than Christians. Furthermore, Sabaean-Mandaean now residing in the Kurdistan Region of Iraq

(KRI) are unable to obtain official documentation from the KRG to prove they are living there yet are simultaneously unable to transfer residence from Baghdad. Without being able to establish their presence through documentation providing proof of residence, Sabaean-Mandeans cannot access rights stipulated in the 2015 Law, such as the right to run for parliament.

Amend the electoral laws to increase the number of reserved seats for minorities.

The system of seats for women in the Iraqi parliament has boosted women's representation in public life, but serious concerns remain at all levels about both formal and societal barriers to women's participation in public life, as women have often been exposed to threats and intimidation, and a number of killings have occurred.

Improve the gender balance in the distribution of civil service posts, ministerial portfolios and other high-ranking political positions and initiate awareness-building campaigns to underline the important roles played by women in politics and society to combat stereotypes.

3. PROTECTION FROM DISCRIMINATION

Black Iraqis are consistently referred to as '*abd'* (slave) and continue to face systematic discrimination and high unemployment. The Roma are also disproportionately unemployed. They are ostracized from society at large and some shopkeepers will not even sell goods to Roma customers. Many Roma are forced into begging or prostitution to make a living. Other groups such as Zoroastrians and Kaka'i face discrimination due to lack of knowledge of their faith and misconceptions about their religious practices, which leads to discrimination in employment and marginalisation in trade and social life. The government has so far failed to adopt an anti-discrimination law.

Pass a comprehensive anti-discrimination law, including strong, effective and accessible enforcement mechanisms, including implementation of equal opportunities policies for accessing services and employment.

4. ACCESS TO EDUCATION

The mass displacement caused by ISIS had severe effects on education in Iraq, with at least **3.5 million school-aged Iraqi children** missing out on education since the start of the crisis. At the end of 2018, OCHA indicated that **32%** of school-aged IDP children living in camps and **26%** of those living out-of-camps continued to have no access to formal education opportunities, with minority-dense Ninewa identified as particularly deprived.

Where adequate education provision does exist, IDPs face a number of impediments to accessing schools. Many children lack the requisite documentation to enrol in school and face barriers to obtaining them. Illiteracy also continues to be disproportionately high among black Iraqis and Roma children, despite the recent reopening of a school for Roma children.

In terms of educational content, the government is yet to incorporate religious education on minority faiths into its curricula to challenge this issue and has demonstrated reluctance to do so. In 2015, the Ministry of Education promulgated a new curriculum incorporating lessons on religious tolerance and purportedly established a "Human Rights Unit" to promote human rights and facilitate national reconciliation. However, to-date the curriculum remains largely unchanged.

Initiate special measures for minorities registering poor levels of education, such as Roma and Black Iraqis.

Amend educational curricula to diversify religious education and remove discriminatory or offensive references to minority religions.

Improve educational facilities in rural areas and design measures to address the social and economic barriers preventing girls from attending school

5. HATE SPEECH

Hate speech directed toward minorities is widespread in Iraqi public life, from statements by politicians and religious leaders to reports in the mass media and posts on social networking sites. There is currently no law in Iraq that criminalises hate speech, which means these incidents go largely unchecked, even when promulgated by political actors. The 2015 KRG Law on the Protection of the Rights of Components recognises various ethnic and religious minorities but fails to criminalise hate speech.

Take legislative and other measures to combat hate speech

6. HEALTHCARE

The government, supported by the international community, has begun rebuilding healthcare infrastructure damaged during the conflict. However, the International Organisation for Migration (IOM) indicates that healthcare remains a concern for IDPs and a major barrier to return.

Damage to housing and infrastructure also threaten public health in areas of return, with the presence of explosive remnants of war and damage to basic services, including electricity and clean water, particularly pressing concerns.

Allocate resources to building or restoring healthcare facilities and other essential infrastructure in marginalized and retaken areas

7. PERSONAL STATUS AND FREEDOM OF RELIGION

Despite the constitutional provision guaranteeing the right of minorities to their personal status, no separate personal codes have been recognised. The Personal Status Code of 1959 can therefore apply Islamic Sharia principles to non-Muslim minorities, in matters such as marriage, divorce and inheritance. Furthermore, the Civil Status Law of 1972 holds that the **religion of a child shall follow the religion of the Muslim parent** and applies not only to new-borns, but also to children born before a parent converts to Islam. In practice, these laws have significant ripple effects on family matters of custody and inheritance, which legally favour the Muslim individual.

Article 26 of the National Identity Card Law affirms the right of non-Muslims to convert to Islam but does not afford the same conversion rights to Muslims.

Reform Iraqi legislation to ensure equal rights of marriage, divorce and inheritance to individuals of all faiths, and abolish discriminatory provisions on freedom of religion in the National Identity Card Law.

Article 45 of the Juvenile Welfare Law of 1983 holds that 'the minor of an unknown affinity shall be considered as Iraqi Muslim unless it is proved to the contrary'. This is of particular concern where **children conceived through rape by ISIS militants, but born to a non-Muslim mother, must be registered as Muslim**.

Amend legislation to allow non-Muslim mothers to confer their religious identity to their children when the father is Muslim or of unknown affinity.