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# report

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## Still Targeted: Continued Persecution of Iraq's Minorities

by Mumtaz Lalani





Children from a Yazidi school sing hymns and prayers in front of the Yazidis' holiest temple in Lalish, situated in a valley near Dohuk, Iraq. Safin Hamed/AFP/Getty Images.

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### 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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# Still Targeted: Continued Persecution of Iraq’s Minorities

by Mumtaz Lalani

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# Abbreviations

|              |                                                                            |               |                                                             |
|--------------|----------------------------------------------------------------------------|---------------|-------------------------------------------------------------|
| <b>AFP</b>   | Agence France Presse                                                       | <b>KDP</b>    | Kurdistan Democratic Party                                  |
| <b>CEDAW</b> | Convention on the Elimination of All Forms of Discrimination against Women | <b>KRG</b>    | Kurdistan Regional Government                               |
| <b>CPC</b>   | Country of Particular Concern                                              | <b>MHRG</b>   | Mandaeen Human Rights Group                                 |
| <b>CRRPD</b> | Commission for Resolution of Real Property Disputes                        | <b>MoDM</b>   | Ministry of Displacement and Migration                      |
| <b>EU</b>    | European Union                                                             | <b>MoI</b>    | Ministry of Interior                                        |
| <b>HRW</b>   | Human Rights Watch                                                         | <b>NGO</b>    | non-governmental organization                               |
| <b>ICG</b>   | International Crisis Group                                                 | <b>SOITM</b>  | Iraqi Turkmen Human Rights Research Foundation              |
| <b>IDMC</b>  | Internal Displacement Monitoring Centre                                    | <b>SRSg</b>   | Special Representative of the UN Secretary-General for Iraq |
| <b>IDPs</b>  | internally displaced persons                                               | <b>UN</b>     | United Nations                                              |
| <b>IHEC</b>  | Independent High Electoral Commission                                      | <b>UNAMI</b>  | UN Assistance Mission for Iraq                              |
| <b>ILHR</b>  | Institute for International Law and Human Rights                           | <b>UNHCR</b>  | UN High Commissioner for Refugees                           |
| <b>IMO</b>   | Iraqi Minorities Organization                                              | <b>UNOCHA</b> | UN Office for the Coordination of Humanitarian Affairs      |
| <b>IOM</b>   | International Organization for Migration                                   | <b>UPR</b>    | Universal Periodic Review                                   |
| <b>IPCC</b>  | Iraq Property Claims Commission                                            | <b>US</b>     | United States of America                                    |
| <b>IRFA</b>  | US International Religious Freedom Act                                     | <b>USCIRF</b> | US Commission on International Religious Freedom            |
| <b>IRIN</b>  | Integrated Regional Information Networks                                   | <b>USIP</b>   | United States Institute for Peace                           |
| <b>IWPR</b>  | Institute for War and Peace Reporting                                      |               |                                                             |

# Executive Summary

Although the overall security situation in Iraq has gradually improved, the conditions for minority communities of the country's diverse population remain extremely distressing. Investigations throughout 2009 by Minority Rights Group International's (MRG's) partner in Iraq, Iraqi Minorities Organization (IMO), coupled with secondary research sourced from 2009 and the first half of 2010, lay bare the frequent bombings, torture, arbitrary arrest, intimidation, displacement and marginalization facing Iraq's cultural and religious minorities.

The research focuses on the Kurdistan Region; Kirkuk and Nineveh provinces in the north; and Baghdad, given the concentration of minorities in these areas, collecting accounts primarily from Christians, Farsi Kurds, Shabaks, Turkmen and Yazidis. The report details evidence of violence against these communities, including targeted killings, gender-based violence and attacks on religious sites; arbitrary arrests and intimidation; political disenfranchisement; internal displacement and resulting loss of property; and discrimination in accessing public services. It finds that violence and marginalization has occurred for reasons ranging from territorial disputes between Arabs and Kurds, to religious bias, political representation and long-standing patterns of discrimination.

Although little disaggregated data is available for 2009 on minority women, research suggests that minority women and children represent the most vulnerable section of Iraqi society. The ongoing threat of violence has seriously restricted minority women's freedom of movement and can inhibit their right to express their religious and ethnic identity through the way they dress. These limitations in turn restrict their access to health services, education and employment.

While levels of displacement in Iraq have stabilized, the report identifies how an estimated 2.8 million people remain displaced. A significant number of those people displaced internally in Iraq since 2006 – almost 250,000 – represents minority populations. Figures for November 2009 show that, for example, of the several thousand Christian families originally from Baghdad, just 60 currently reside there, the remainder of them having fled mostly due to attacks and intimidation. Meanwhile, internal displacement following violence in the run-up to the March 2010 elections has left internally displaced persons (IDPs) in critical need of humanitarian support.

The report highlights how property restitution following displacement needs to be addressed urgently. Though certain procedures and bodies are in place to deal with the issue, they have so far largely failed to deal with land and property disputes, including complaints of property destruction. For minorities, the difficulties can be compounded. A majority of IDPs surveyed in 2009 reported not seeking assistance from relevant institutions, as they lacked required documents, mistrusted state institutions, could not afford the required fees, or feared retribution.

MRG remains extremely concerned about the ongoing climate of impunity that exists in relation to attacks on minorities. Indeed, despite the extent of the atrocities committed against minorities in recent years, the victims see little evidence of investigations to identify and prosecute the perpetrators of these attacks. Even in cases where investigations have been conducted, they have generally been limited to those related to Christians and the conclusions, if any, have not been made public.

In looking to solutions, the report highlights the urgent need for legislation implementing minority rights, particularly those enshrined in Article 125 of the Iraqi Constitution, after a process of consultation allowing for effective and meaningful consultation with minority communities.

Other key recommendations of the report include:

- The Iraqi government should draw up an implementation plan to accompany the current National Policy on Displacement which should comprise:
  1. greater resource allocation to female-headed IDP households;
  2. a focus beyond return which includes resettlement and reintegration policies.
- The Iraqi government and the Kurdistan Regional Government (KRG) should initiate independent investigations of all violence against minorities, including killings, random arrests and torture, and attacks on religious property, congregations and clergy. Results of the investigations should be made public, and those against whom credible evidence exists should be prosecuted in full compliance with fair trial standards.
- The Iraqi government and the KRG should consult with minority representatives and should put in place protective measures for minority communities,

particularly in Nineveh and Kirkuk. These measures should include the hiring of minority police officers.

- The Iraqi government and the KRG should allocate resources to protect minority women and other victims of gender-based violence through the establishment of more women's shelters, and through increased support to women's NGOs and services.
- The KRG should make revisions to Article 5 of the Kurdish Constitution to give legal recognition to Shabaks and Yazidis as distinct ethnic groups. Accordingly, Articles 35 and 36, which outline minority rights, should be extended to include Shabaks and Yazidis, and Article 14 should be extended to include the Shabak and Yazidi languages.
- The KRG should enact legislation implementing Articles 35 and 36 of the Kurdish Constitution to ensure minorities' cultural and administrative rights. The Kurdistan National Assembly should establish a committee on minority affairs that includes representatives of all minorities and that should be consulted during the drafting of such legislation.
- In accordance with Article 19 of the Kurdish Constitution, the KRG should take immediate action against state officials and others who persecute members of minorities for choosing not to identify themselves as Kurds or affiliate themselves with Kurdish political parties.

## Minorities in Iraq

The Iraqi population is extremely diverse in terms of ethnicity and religion. In addition to the three larger groups – Kurds, Shi'a Arabs and Sunni Arabs – communities of Armenians, Bahá'ís, Black Iraqis, Chaldo-Assyrians, Circassians, Faili Kurds, Jews, Kaka'i, Palestinians, Roma, Sabian Mandaean, Shabaks, Turkmen and Yazidis are to be found. This report addresses the political, social, economic and cultural status of Iraq's minorities in 2009 and early 2010, focusing on Christians, Faili Kurds, Shabaks, Turkmen and Yazidis, with some reporting of incidents related to Black Iraqis, Kaka'i, Palestinians, Roma and Sabian Mandaean.

### Bahá'ís

The Bahá'í faith is described by adherents as the youngest of the world's independent religions. Its founder, Bahá'u'lláh (1817–92), is regarded by Bahá'ís as the most recent in the line of Messengers of God.<sup>1</sup> Many Muslims consider Bahá'ís as apostates or heretics due to their belief in a post-Islamic religion. Their situation in Iraqi society has, therefore, always been difficult. For example, many Bahá'ís born in the last 30 years have no citizenship documents, including passports, and therefore cannot leave the country. According to the US Commission on International Religious Freedom (USCIRF), 'Without this official citizenship card, the approximately 1,000 Bahá'ís experience difficulty registering their children in school, receiving passports to travel out of the country, and proving their citizenship.'<sup>2</sup> In April 2008, the Iraqi Ministry of Interior (MoI) revoked its regulation prohibiting the provision of a national identity card to those claiming the Bahá'í faith. Four Bahá'ís were subsequently issued identity cards the following month, according to a report by USCIRF.<sup>3</sup> However, problems persist: the report noted that: 'Despite the cancellation, Bahá'ís whose identity records were changed to "Muslim" after Regulation 358 was instituted in 1975 still could not change their identity cards to indicate their faith.'<sup>4</sup>

### Black Iraqis

Black Iraqis are believed to have first migrated from East Africa to Iraq after the birth of Islam. Others have steadily come in the centuries since, some trafficked as slaves or lured by broken promises of riches. Another wave arrived in the 1980s, mainly recruited into the army.<sup>5</sup> They protest against prejudicial treatment, such as being referred to as 'abd', or slave. They suffer political and economic exclusion; many are labourers or work as domestic workers. According to recent estimates provided by the United Nations Assistance Mission for Iraq (UNAMI), about 600 families suffer poverty; the level of illiteracy is 80 per

cent; while the proportion of unemployment exceeds 80 per cent.<sup>6</sup> Community representatives estimate that the population may number up to 2 million, with the largest community located in Basra, although there are also significant numbers in 'Sadr City', Baghdad.

### Christians

Iraqi Christians include Armenians and Chaldo-Assyrians, who belong to one of four churches: Chaldean (Uniate), Jacobite or Syrian Orthodox, Nestorian and Syrian Catholic. Christians are at particular risk because of their religious ties with the West and thus, by association, with the multinational forces (MNF-I) in Iraq. The fact that Christians, along with Yazidis, were allowed to trade in alcohol in Iraq under Saddam Hussein has also made them a target in an increasingly strict Islamic environment. There was a resurgence of violence against Christians in early 2009, especially after the Christian community lobbied the Iraqi Council of Representatives to pass a law that would set aside a greater number of seats for minorities in the January 2009 provincial elections. The attacks that followed left 40 Christians dead and displaced more than 12,000 from their homes, while Christian dwellings in Mosul were bombed.<sup>7</sup> Christians were subject to another wave of violence in Mosul in the run-up to the March 2010 parliamentary elections, causing further displacement.<sup>8</sup> Even before the events in January 2009, Christians had been fleeing the country at much higher rates than other groups.<sup>9</sup> According to the US-based research facility the Brookings Institution, Christians in Iraq numbered between 1 million and 1.4 million in 2003.<sup>10</sup> Today, only an estimated 500,000 are reported to remain.<sup>11</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>12</sup>

### Chaldo-Assyrians

Descendants of ancient Mesopotamian peoples, Chaldo-Assyrians live mainly in major Iraqi cities, such as Baghdad and Basra, as well as in the rural areas of north-

eastern Iraq where they tend to be professionals and business people or independent farmers. They speak Syriac, which is derived from Aramaic, the language of the New Testament. Since 2003, Chaldo-Assyrian churches, businesses and homes have been targeted. In February 2008, the Chaldean Archbishop of Mosul, Paulus Faraj Rahho, was abducted and killed.<sup>13</sup> In April 2008, Assyrian Orthodox priest Father Adel Youssef was shot to death by unidentified militants in central Baghdad.<sup>14</sup>

### **Circassians**

The Circassian people have their origins in a land described as Circassia, in the north-western part of the Caucasus region. They moved to the Ottoman territories, which included Iraq, after the Russian conquest of Circassia in 1864.<sup>15</sup> The Circassians are Sunni Muslims, numbering no more than 2,000 in Iraq.<sup>16</sup>

### **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 Zagros Mountains, 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 stripped of their Iraqi citizenship, and many were expelled to Iran on the charge that their Shi'a faith made them 'Iranian'. According to the United Nations High Commissioner for Refugees (UNHCR), at the beginning of 2003, Iraqi refugees in Iran numbered more than 200,000; of 1,300 living in the city of Azna in western Iran, 65 per cent were Faili Kurds.<sup>17</sup> Many of those under 20 years of age were born in the camps and have known no other home. Now, their ethnicity and religion once again make their community the target of violent human rights violations in Iraq. Due to the ethnic cleansing and dispersal they have suffered, and to their lack of citizenship rights under the Ba'ath regime, it is very difficult to gather evidence regarding how many remain and the specific ongoing violations they face. For those who felt return might be an option after the fall of Saddam Hussein, current conditions make this choice highly dangerous and difficult.

### **Jews**

The history of the Jewish community in Iraq goes back 2,600 years. Once numbering more than 150,000, almost all have now left voluntarily or been forced out. Traditionally, they were farmers, tailors, goldsmiths, and traders in spices and jewellery. Since the outbreak of the Second World War, they have suffered persecution as a result of Arab

nationalist violence. In 1948, when the State of Israel was created, 'Zionism' was declared a criminal, and sometimes capital, offence in Iraq, with only two Muslims required to denounce one Jew, leading to a mass exodus. UNHCR reports that, since the fall of the regime in 2003, the situation for Jews in Iraq has worsened dramatically. It states, 'Given the ongoing climate of religious intolerance and extremism, these Jews in Iraq continue to be at risk of harassment, discrimination, and persecution for mainly religious reasons.'<sup>18</sup> Today, the community no longer has a rabbi in Iraq and lives in isolation, due to fear of targeted attacks. Since 2003, the population has been reduced considerably, now possibly numbering no more than 10 people in Baghdad<sup>19</sup> and some families in the Kurdistan Region.

### **Kaka'i**

Kaka'i, known also as Ahl-e Haqq, are generally considered a Kurdish subgroup,<sup>20</sup> speaking a different language called Macho.<sup>21</sup> It is estimated that around 200,000 Kaka'i live in Iraq,<sup>22</sup> the most important Kaka'i area being a group of villages in the south-east of Kirkuk. It is believed that most of them have been displaced since the fall of the former regime.<sup>23</sup> Their faith, 'Kakaism', stems from the word for 'brotherhood'. As a belief, it is a combination of Zoroastrianism and Shi'ism, similar to Yazidism, although their religious beliefs and practices do not seem to have been considered as heterodox as those of the Yazidis. Kakaism arose as the result of a conflict between the Umayyad rulers of Islam and the Zoroastrianism priesthood.<sup>24</sup> Since Kaka'i are forbidden from cursing Satan on religious grounds, many Muslims refer to them as devil-worshippers, hence the Muslim antagonism toward their beliefs resulting in their repression. In addition, they may be targeted on the basis of their Kurdish ethnicity.<sup>25</sup> They have been subjected to threats, kidnapping and assassinations, mainly in the Kirkuk area.<sup>26</sup> Muslim religious leaders in Kirkuk have asked people not to purchase anything from 'infidel' Kaka'i shop owners.<sup>27</sup>

### **Palestinians**

In 2003, Iraq's Palestinian community, who are mostly Sunni Muslims, numbered approximately 35,000; now, between 10,000 and 15,000 remain.<sup>28</sup> Most arrived in the country as refugees from Palestine in 1948, after the Arab-Israeli war of 1967, or from Kuwait and other Gulf states in 1991, settling in Baghdad and Mosul. Although not granted Iraqi citizenship during Saddam Hussein's rule, their Palestinian identity and Sunni Arab status made them useful to the Ba'ath Party. They were given subsidized or rent-free housing and free utilities, and were exempt from military service. They were encouraged to

take roles in Iraqi political life and allowed to travel more freely than most Iraqi citizens. According to some, resentment about their perceived special treatment during the regime is behind the violent attacks they now face on a daily basis. Since 2003, Iraqi Mol officials have arbitrarily arrested, beaten, tortured and, in a few cases, forcibly disappeared Palestinian refugees.<sup>29</sup> The Mol 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.<sup>30</sup>

### Roma

Known as *Kawliyah* in Iraq, they are either Sunni or Shi'a Muslims, and are found in the Baghdad region and in the South. The Ba'ath regime encouraged *Kawliyah* to pursue occupations such as playing music, dancing, prostitution and selling alcohol. Nevertheless, *Kawliyah* were not allowed to own property and did not have access to higher positions in the government or the military. Since the fall of Saddam Hussein, they have been attacked by Islamic militias who disapprove of their different customs. Community leaders estimate their population at around 60,000.<sup>31</sup>

### Sabian Mandaean

The Sabian Mandaean religion is one of the oldest surviving Gnostic religions in the world, dating back to the Mesopotamian civilization. John the Baptist became its central prophet, and access to naturally flowing water remains essential for the practice of the faith. It is thought that there are around 60,000–70,000 Sabian Mandaeans worldwide, many of whom lived in Iraq prior to 2003. Sectarian violence and political strife have placed Sabian Mandaeans in Iraq in jeopardy, forcing many of them to flee to Jordan, Syria and elsewhere. According to the Mandaean Human Rights Group (MHRG), it investigated 22 murders, 13 kidnappings and 29 attacks from March 2008 until September 2009.<sup>32</sup> It was also noted that some killings were not for money or ransom but to terrorize the families. A substantial number of the victims were women and children. In many cases, the families were forced to sell everything to pay off the ransom. Many received threats to leave the country or else be killed. Despite the ransom being paid, in some cases the killings were nevertheless carried out. Many became displaced when it was too dangerous for them to flee the country. Today it is believed that there are around 5,000 Sabian Mandaeans left in Iraq.<sup>33</sup> Since marriage outside the community is akin to renouncing their culture, the likelihood of Sabian Mandaean eradication from Iraq seems very real.

### Shabaks

The Shabak people of Iraq have lived mainly in the Nineveh plains, on a strip of land between the Tigris and Khazir, since 1502. A small population of Shabak people also lives in Mosul. They number between 200,000 and 500,000.<sup>34</sup> They are culturally distinct from Kurds and Arabs, have their own traditions, and speak a language that is a mix of Arabic, Farsi, Kurdish and Turkish. About 70 per cent are Shi'a Muslim; the rest are Sunni. They have been recognized as a distinct ethnic group in Iraq since 1952.<sup>35</sup> However, Kurdish authorities have refused to recognize them as an ethnic minority, and consider them as a community of Kurdish ethnicity, an issue over which Shabak themselves are divided.<sup>36</sup> Their status and lands are disputed by both Kurds and Arabs wishing to extend land claims into the Nineveh governorate. Like other minorities in this position, Shabaks are suffering targeted persecution and assimilation.<sup>37</sup> Since 2004, Shabak groups have reported to the UN that more than 750 of their community members have perished in armed attacks.<sup>38</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, west of Mosul, through Mosul, Erbil, Altun Kopru, Kirkuk, Taza Khurmatu, Kifri and Khaniqin. Before 2003, there were anything from 600,000 to 2 million Turkmen, the former figure being the conservative estimate of outside observers and the latter a Turkmen estimate.<sup>39</sup> Approximately 60 per cent are Sunni, with the remainder Ithna'ashari or other Shi'a. Shi'as generally live at the southern end of the Turkmen settlement, and also tend to be more rural. Small Shi'a communities (for example, Sarliyya and Ibrahimiya) exist in Tuz Khurmatu, Ta'uq, Qara Tapa, Taza Khurmatu, Bashir, Tisin and Tel Afar. Although some have been able to preserve their language, the Iraqi Turkmen today are being rapidly assimilated into the general population and are no longer tribally organized. Tensions between Kurds and Turkmen mounted following the toppling of Saddam Hussein, with clashes occurring in Kirkuk. Turkmen 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.<sup>40</sup> Car bombings, believed to have been carried out by Arab extremist groups, have claimed the lives of many more Turkmen. A referendum on Kirkuk was set to take place in 2007, but has not yet occurred. Beyond competition for Kirkuk, both Sunni and Shi'a Turkmen have been targeted on sectarian grounds. Turkmen women experience particular vulnerability.

## Yazidis

Yazidis 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 Yazidi religion is a synthesis of pre-Islamic, Zoroastrian, Manichaean, Jewish, Nestorian Christian and Muslim elements. Yazidis are dualists, believing in a Creator God, now passive, and Malak Ta'us (Peacock Angel), executive organ of divine will.<sup>41</sup> During the reign of Saddam Hussein, Yazidis 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.<sup>42</sup> This politicization of their ethnicity has been detrimental to Yazidi security. Since 2003, Yazidis have also faced

increased persecution. Islamist groups have declared Yazidis 'impure' and leaflets have been distributed in Mosul by Islamic extremists calling for the death of all members of the Yazidi community. Radical and even moderate Muslims consider the Yazidis as 'devil worshippers' due to a misinterpretation of their Peacock Angel figure.<sup>43</sup> The Yazidi community suffered the most devastating single attack on any group in Iraq in August 2007, when four coordinated suicide truck bombings destroyed two Yazidi towns, killing at least 400 civilians, wounding 1,562 and leaving more than 1,000 families homeless. Their numbers have reportedly fallen from 700,000 in 2005 to approximately 500,000.<sup>44</sup> According to USCIRF, the reduced numbers are the result of targeted attacks that have led many to flee to Syria and, to a lesser extent, to Jordan.<sup>45</sup>

# Iraq



# Introduction

The last year has thankfully seen a marked decline in Sunni–Shi’a violence in Iraq and the formation of more pluralist political groupings in the 2010 elections to the country’s parliament, the Council of Representatives. Yet despite these positive signs, Iraq’s diverse minorities continued to be targeted on the basis of religion and ethnicity during 2009 and early 2010. Violence has taken many forms, ranging from targeted assassinations of individual members of minorities, to car bombs aimed at achieving a large number of casualties. In northern Iraq, tensions between Kurds and Arabs over disputed territories in Kirkuk and Nineveh mean that they have become the most dangerous governorates in the country.<sup>46</sup> Minorities, such as Christians, Yazidis, Shabaks and Turkmen, who have historical roots in these areas, have been the target of much of the violence.

The ongoing failure of the authorities to seriously investigate attacks against minorities has created a sense of fear and disillusionment. The presence of multiple armed groups in Nineveh and Kirkuk, including the Iraqi National Army (with some Kurdish Peshmerga units), the Asayesh (Kurdish intelligence service), Iraqi police forces, the United States (US) Army and Arab extremist groups, as well as armed criminal gangs, creates confusion and compounds minorities’ sense of insecurity.

Given the current stalemate over the implementation of Article 140 of the Iraqi Constitution, which calls for a referendum to determine whether citizens in parts of Nineveh and Kirkuk governorates want formally to join the Kurdistan Region, minorities in these areas have increasingly come under pressure to express loyalty to one or other political grouping. The tactics used include the threat of blocking access to resources and jobs. Dissenters have been dealt with harshly through arbitrary arrests, detention and intimidation.

Violence against minorities is by no means confined to Nineveh and Kirkuk. The Mandaean Human Rights Group (MHRG) has continued to report threats, kidnappings, forced conversions and attacks on Sabian Mandeans in 2009, many of which took place in Baghdad.<sup>47</sup> Their community continues to be at risk of being eradicated from Iraq. Religious sites in Baghdad, particularly churches, have also been subject to a series of attacks in 2009. This violence, combined with the spate of attacks on Christians in the run-up to the March 2010 parliamentary elections, has led local and international

church leaders to express fears that there will be a mass exodus of the remaining Christians in Iraq.<sup>48</sup>

In 2007, MRG reported extensively on the violence experienced by minority women in Iraq.<sup>49</sup> Evidence in this report shows that the ongoing threat of violence restricts minority women’s freedom of movement and, in some cases, their right to express their religious and ethnic identity in how they dress. Iraqi women, some of whom are from minorities, continue to experience gender-based violence, particularly honour crimes. The Iraqi government should therefore urgently increase protection for victims of such violence through the implementation of women’s shelters and other services.

Members of minorities, such as the Shabak community, have reported difficulties in accessing their rights to political participation due to threats and intimidation. Similarly, community leaders have claimed that the aforementioned violence against Christians was intended to discourage minorities from voting in the March elections.<sup>50</sup> Nevertheless, and in spite of dissension within some communities over the number of reserved seats, minorities, like other Iraqis, came out in droves to vote for candidates to represent their interests in parliament.

Iraq has experienced a significant deterioration of public services due to a number of factors: Saddam Hussein’s rule, years of economic sanctions and the insecurity that followed the 2003 invasion.<sup>51</sup> For minorities, difficulties in accessing these services are compounded by ethnic and religious discrimination. The situation for IDPs, many of whom are minorities, is even worse. Recent findings by the International Organization for Migration (IOM) show that work, shelter and food remain the top needs of Iraq’s IDP population.<sup>52</sup> In addition to meeting these basic needs, the Iraqi government must, in the long term, place more emphasis on resettlement and reintegration of its IDP population.

To safeguard a future for Iraq’s minorities, the government must consult with minority representatives on the implementation of Article 125 of Iraq’s Constitution, which guarantees administrative, political, cultural and educational rights for minorities, and ensure increased provisions for their protection, particularly in Nineveh and Kirkuk. These actions would convey an important message about the rights and inclusion of minorities countrywide.

# Research methodology

This report is based on a combination of primary and secondary sources. MRG's partner organization IMO conducted primary research between January and December 2009 with the support of MRG. A group of human rights monitors, the majority of whom represented community-based organizations working on minority issues, were trained by IMO to assist with data collection.

A questionnaire in Arabic included questions on minorities' experiences *vis-à-vis* a variety of human rights issues, among them religious freedom and ethnic and religious-based violence. Human rights monitors distributed the questionnaires to minorities using a random sampling method. A total of 266 respondents completed the questionnaire before results were collated and analysed.

The monitors focused heavily on the Kurdistan Region; Kirkuk and Nineveh provinces in the north; and Baghdad,

given the concentration of minorities in these areas. The breakdown of respondents by minority group and broad location can be seen below (for a full list of locations see Appendix 1). Approximately 65 per cent of respondents were male; 35 per cent were female. Respondents were drawn from a variety of occupations and included students, teachers, religious officials, engineers, mechanics, doctors, journalists and local businessmen.

In addition to using this primary research, the report also draws upon a wide variety of secondary sources, particularly from 2009 and early 2010, including press articles, reports produced by governmental and non-governmental actors, and relevant academic publications. Secondary sources were particularly useful in gathering information about certain minorities – Palestinians, Black Iraqis and *Kawliyah* – where difficulties with access prevented human-rights monitors from collecting primary data.

**Table 1:** Questionnaire respondents

| Minority         | Number of respondents | Location                         |
|------------------|-----------------------|----------------------------------|
| Shabak           | 51                    | Mosul                            |
| Yazidi           | 45                    | Mosul and Dohuk                  |
| Chaldo-Assyrians | 76                    | Mosul, Dohuk, Kirkuk and Baghdad |
| Faili Kurds      | 10                    | Baghdad                          |
| Armenians        | 44                    | Baghdad                          |
| Turkmen          | 40                    | Mosul                            |
| <b>Total</b>     | <b>266</b>            | –                                |

# Violence and intimidation

## Targeted and random killings

Minorities continued to report attacks on their members in 2009, with the worst of the violence experienced in Kirkuk and Nineveh. Observers, such as the International Crisis Group (ICG) and Human Rights Watch (HRW),<sup>53</sup> have attributed the attacks on minorities in these territories during the latter half of 2009 to the ongoing dispute between al-Hadbaa (an Arab nationalist coalition predominantly made up of Sunni Arabs) and the Nineveh Brotherhood List (a Kurdish-led coalition). Indeed, it is in this political context that armed groups continue to operate unchecked.<sup>54</sup> An Iraqi soldier, speaking on condition of anonymity, summarized the situation saying, 'We have three governments up here: the central government, the Kurdish government and the Islamic State of Iraq government. We are lost in the middle.'<sup>55</sup>

A well-publicized withdrawal of US forces from cities to their bases was complete by 30 June 2009, although US forces continued to patrol in Kirkuk and Mosul. In the months that followed, attacks against minorities occurred in five locations across Nineveh governorate. Indeed, between July and September 2009, more than 155 people were killed and more than 500 wounded in these attacks.<sup>56</sup> In early August, a truck bomb in the village of Shirikhan, north of Mosul, left 37 Shi'a Turkmen dead. This attack was followed in quick succession by the bombing of al-Khazna, a Shabak-majority village, home to around 10,000 inhabitants. The bombings left 34 people dead and almost 200 wounded.<sup>57</sup> A double suicide bombing later that month killed 21 Yazidis in Sinjar, while a suicide attack in September 2009 on the village of Wardak left more than 20 Kaka'i dead.<sup>58</sup>

Responsibility for these bombings, as for the August bombings of two government ministries in Baghdad, was variously ascribed by Iraqi officials to former Ba'athists, to al-Qaeda in Iraq, or to the Islamic State of Iraq (an umbrella group of Sunni Arab insurgents). Both the suicide bombing technique employed and the targeting of religious minorities certainly fit the pattern of former Sunni Arab extremist attacks in northern Iraq, as well as decades of attempts – both during and after Saddam Hussein's rule – to forcibly displace minority communities in order to 'Arabize' the area.

As a result of the ongoing violence that minorities have experienced in Nineveh, IMO's human rights monitors have reported that many Yazidi villages in the

Sinjar region have built sand-barriers in an attempt to protect themselves from further attacks and car bombs.<sup>59</sup> Abdul-Raheem al-Shimari, head of the provincial Security and Defence Committee, has also reported similar, although less extensive measures, in the Christian towns of Tilkaif and Hamdaniyah. He has described how 50 cm wide trenches were being dug around the towns in order to prevent car bombs in these areas.<sup>60</sup>

The spate of killings in early 2010 has particularly targeted Christians,<sup>61</sup> although a bomb explosion in early January in the town of Bartellah in Nineveh injured both Shabaks and Christians, eight in total, according to IMO. Security sources in northern Iraq reported a car bomb explosion in Mosul on 10 January and the shooting of a Shabak civilian on the same day.<sup>62</sup> Since January, more than 13 Christians have been killed, with many citing the attacks as an attempt to drive them from the area in the run-up to the 7 March elections.<sup>63</sup> Among the victims was Wissam George, a 20-year-old Assyrian Christian who was studying to become a teacher. A police officer, speaking on condition of anonymity, told Agence France-Presse (AFP), 'George went missing this morning on his way to his institute.' His bullet-ridden body was later recovered in the residential area of Wadi-al-Ain.<sup>64</sup> The targeted nature of these attacks led Louis Sako, Archbishop of Kirkuk, to describe the recent events in Mosul as 'ugly and organized'.<sup>65</sup>

In the aftermath of these attacks, Christians have rallied together in Baghdad and Mosul protesting against the violence and calling for government protection. The second-most-senior Chaldean bishop, Shlemon Warduni, said, 'The government is looking at what is going on, it is speaking, but doing nothing.'<sup>66</sup> Warduni called on the US, United Nations (UN) and European Union (EU) to 'defend the rights of Christians in Mosul'.<sup>67</sup> Meanwhile, Baasil Abdul Noor, a priest at Mar Behnam church in Mosul, emphasized, 'We don't want elections, we don't want representatives, we don't want our rights, we just want to be alive.'<sup>68</sup> Ad Melkert, the UN Special Representative in Iraq, expressed concern about attacks on minority candidates prior to the March national elections, but there were no reports of any protective measures being taken.<sup>69</sup>

Comparisons have been drawn between these killings in early 2010 and those that occurred in the run-up to the 2009 provincial elections, which left 40 Chaldo-Assyrians dead<sup>70</sup> and prompted more than 12,000 Christian families

to flee their homes in Mosul.<sup>71</sup> Investigations by HRW into the latter found no evidence linking them to the Kurdish authorities; rather it is believed that they were conducted by Sunni Arab extremist groups.<sup>72</sup> These killings began shortly after the Christian community lobbied the Iraqi parliament to pass a law that would set aside a greater number of seats for minorities in the January provincial elections. The attacks later escalated after Christians demonstrated against parliament's decision (which was later overturned) to abolish the proposed reserved seats for minorities in the provincial elections.<sup>73</sup>

Christians in Mosul were subject to a further attack on 2 May 2010. A double bomb (comprising a car bomb and an improvised explosive device) exploded near buses transporting Christian university students and university workers from the villages of Qaraqosh, Karamless and Bartella (located around 32 km east of Mosul) to the University of Mosul. The attack left one dead and almost 160 wounded.<sup>74</sup> Christian students have stopped attending classes at the university out of fear for their safety and an estimated 1,000 students have reportedly dropped out of classes for the remainder of the semester. In a show of solidarity with their Christian counterparts, Muslim students have staged a sit-in at the university to protest these deadly attacks.<sup>75</sup> The Syrian Catholic Bishop of Mosul Georges Casmoussa has commented, 'The project of transportation of students will be stopped. We can't continue now.'<sup>76</sup>

Although Nineveh and Kirkuk have been the site of significant attacks against some minorities, other groups, such as the Sabian Mandeans, have continued to experience attacks elsewhere in Iraq. The situation for the remaining 3,500–5,000 Sabian Mandeans remains a serious concern for MRG. UNHCR reports that they:

*'continue to be singled out by Sunni and Shi'a extremists as well as criminals on the basis of their religion, profession and perceived wealth. In various religious edicts published on the Internet, they have been denounced as "non-believers" who should be exterminated.'*<sup>77</sup>

Between March 2008 and September 2009, the Mandaean Human Rights Group investigated 22 murders of Mandeans, 13 kidnappings with severe assaults, torture and humiliation, and 29 attacks ranging from mortar to arson attacks.<sup>78</sup> In September 2009, Abdelwahid Bander, the cousin of Sheikh Sattar Al Hilou (head of the Mandaean community), died and his wife was injured during an attack on his residence in Baghdad. The Mandeans' vulnerability is exacerbated by their scattered location in various different regions of Iraq (Baghdad, Umara, Basra, Nasiriya and Erbil).

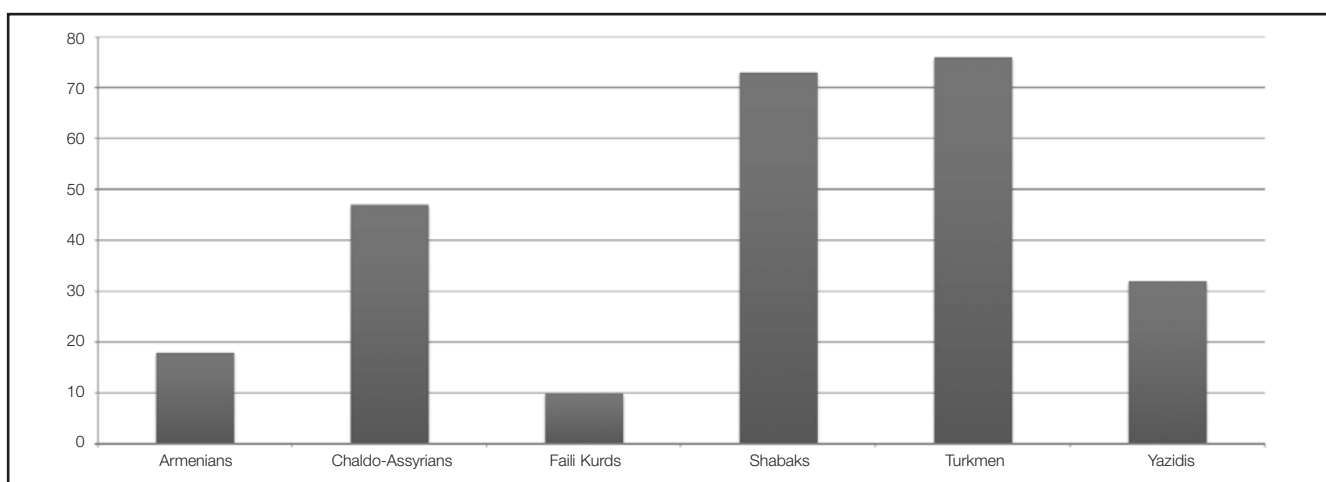
MRG remains extremely concerned about the ongoing climate of impunity that exists in relation to attacks on minorities. Indeed, despite the extent of the atrocities committed against minorities in recent years, there have been few investigations to identify the perpetrators of these attacks, a fact that the UN Iraq Assistance Strategy 2008–10 attributes largely to fear of reprisals, lack of capacity and corruption.<sup>79</sup> Even in cases where investigations have been conducted, they have generally been limited to those related to Christians and have yielded few conclusions. For example, in late 2008, following pressure from the international community, Iraq's Ministry of Human Rights established a committee to investigate the series of attacks against Christians in Mosul. However, as HRW indicates, the unpublished report drew no conclusions as to who was behind the attacks, or whether Iraqi security forces could have prevented them.<sup>80</sup>

## Arbitrary arrests and threats

IMO's human rights monitors have established that the majority of arbitrary threats and arrests of minorities took place in Nineveh and Kirkuk against Yazidis, Shabaks and Turkmen, with a much smaller number of incidents reported in Baghdad and the Kurdistan Region. They report continued arbitrary arrests by the Kurdish *peshmerga* forces as well as militia groups.

Although the exact number of arrests is unknown, 76 per cent of Turkmen respondents and 73 per cent of Shabak respondents indicated such arrests continued (see Figure 1 for a full breakdown of responses). These reports are unsurprising given the location of these respondents in Mosul and its surrounding areas. Armenians, on the other hand, overwhelmingly felt that their community did not suffer from such arrests, largely due to their success in integrating with local communities. Chaldo-Assyrians and Yazidis (who were located in the Kurdistan Region and in Nineveh and Kirkuk) were internally divided on the ongoing occurrence of arrests, in all likelihood reflecting the difference between the more stable Kurdistan Region and the more dangerous governorates of Nineveh and Kirkuk. The monitors have conveyed that some of these detainees were reportedly insulted, threatened and subjected to torture. For example, on 25 April 2009, a Shabak citizen transporting food between the town of Zakho, in Dohuk, and Basra was reportedly arrested by the Asayesh at Jisr Mandan (Mandan Bridge) checkpoint, tortured and only released more than two weeks later. The Iraqi Turkmen Human Rights Research Foundation (SOITM) has also reported some cases of torture, one of which occurred on 27 May 2009 when a Turkmen citizen was seized by the Asayesh in Kirkuk and severely tortured before being released.<sup>81</sup>

**Figure 1:** Percentage of minorities reporting random arrests



NOTE: ALL GRAPHS SHOW A BREAKDOWN OF RESPONSES BY ETHNIC OR RELIGIOUS MINORITY

Minorities have also continued to be overwhelmingly subjected to threats, with 90 per cent of Chaldo-Assyrians, 76 per cent of Yazidis, 75 per cent of Shabaks and 85 per cent of Turkmen respondents indicating continued threats motivated by ethnic or religious animosity (see Figure 2 for a full breakdown of responses). According to IMO, militias sometimes working under the protection of political parties, continued to threaten Sabian Mandaecans and Chaldo-Assyrians for sums of money. This is unsurprising given their reputation for wealth.

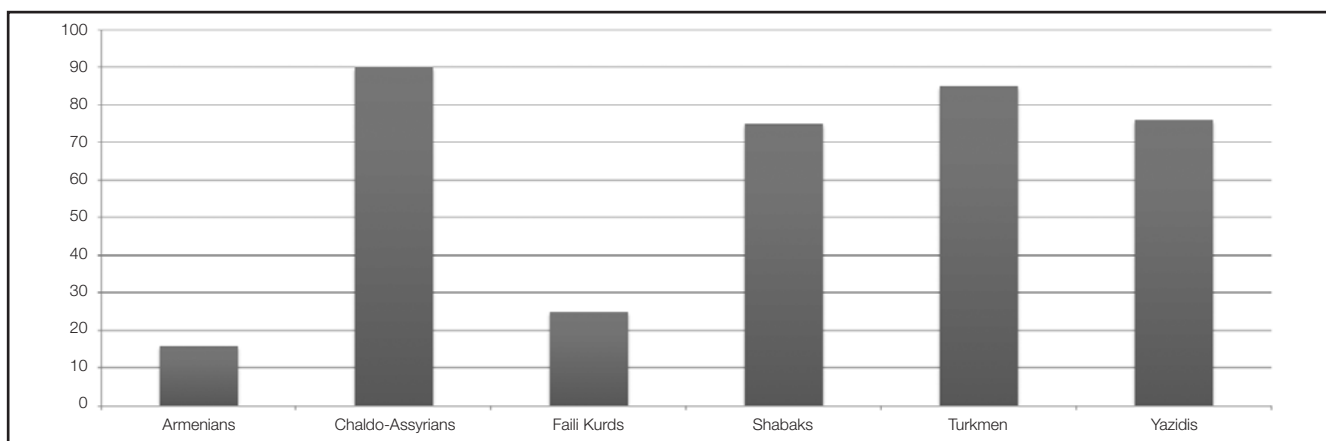
As a result of these arrests and threats, minorities experience an ongoing sense of insecurity. IMO's human rights monitors report that some fear that insurgent militias have infiltrated the security services in the disputed areas. Some minority communities in Nineveh and Kirkuk have their own armed guards, a number of whom are reportedly funded by the KRG for the purpose of protecting local inhabitants, but this measure has not been sufficient to allay fears. Indeed, HRW has reported that the Christian mayor of Tel Kaif, a mixed Sunni Arab-Christian town near Mosul, and other community leaders view the KRG-funded Christian militia, such as the

'Churches' Guardians' (who guard checkpoints outside Christian villages) as illegitimate.<sup>82</sup> They believe that, 'such a group is more likely to support certain political parties and their KRG paymaster rather than uphold the rule of law'.<sup>83</sup> This apprehension, combined with the presence of Sunni Arab insurgent groups, who are widely believed to have been behind the attacks in Nineveh in summer 2009, has reinforced minorities' sense of insecurity.

## Women at risk

In its 2007 report on Iraq, MRG highlighted that minority women experienced high levels of gender-based violence, including sexual violence, threats and intimidation. It was reported that minority women were particularly at risk of rape, with no recourse to justice, especially in cases where religious extremists have cited that rape of an 'unbeliever' constitutes an act of purification and is not unlawful.<sup>84</sup> Although little disaggregated data is available for 2009 on minority women, a joint submission by umbrella organization Women Solidarity for an Independent and Unified Iraq

**Figure 2:** Percentage of minorities reporting threats motivated by ethnic or religious animosity



and UK-based group Iraqi Occupation Focus, to the 2010 Universal Periodic Review (UPR) on Iraq conducted by the UN Human Rights Council indicates that the situation for minority women remains much the same. Indeed, the submission went so far as to state that minority women and children represent the most vulnerable section of Iraqi society, given the lack of protection that exists for minorities in the face of ongoing violence and crimes.<sup>85</sup>

This continued threat of violence has seriously restricted minority women's freedom of movement and, in some cases, their right to express their religious and ethnic identity through the way they dress. Indeed, 69 per cent of all IMO survey respondents indicated the existence of limitations on minority women's freedom of movement, although the results varied significantly between different minority groups (see Figure 3). These limitations in turn restrict minority women's access to health services, education and employment.

Of the minorities interviewed, Christians reported the highest incidence of restrictions, with 98 per cent of Armenians and 79 per cent of Chaldo-Assyrians indicating continued limitations on freedom of movement. Such figures are unsurprising given feedback from IMO's human rights monitors that women in conservative Muslim-majority districts continue to be afraid to leave the house, particularly if they are unveiled, due to fear of attack from Islamists. Seventy-three per cent of Yazidi respondents and 75 per cent of Shabak respondents also indicated ongoing personal freedom limitations. In contrast, only 30 per cent of Fali Kurds and 58 per cent of Turkmen respondents highlighted the continued existence of such restrictions. IMO human rights monitors report that this response is largely due to the fact that many women from these communities already wear the veil.

IDP women, some of whom are minorities, experience great vulnerability, particularly when they are also head of the household. According to IOM, one in 10 displaced

families in Iraq is headed by women. A quarter of these families live in squatter camps, public buildings or vacated homes.<sup>86</sup> IOM spokeswoman Jemini Pandya reports:

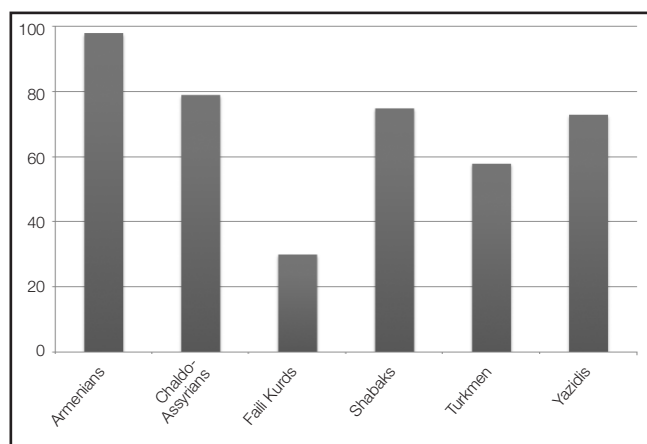
*'Almost all of the female-headed displaced families are without any form of employment. And they live in a constant threat of eviction from whatever roofs they had, even if it is a squatter camp. And, they have no alternatives before them. This makes them especially vulnerable to exploitation and violence as they search for food and shelter.'*<sup>87</sup>

Women in these situations have found it extremely difficult to find employment and provide for their families. Unless they can be supported by extended or overseas family members, they often become totally dependent on charity for their livelihoods. IOM has received anecdotal reports that such women are also particularly vulnerable to becoming involved in prostitution and trafficking.<sup>88</sup>

In the recent UPR conducted on Iraq, the issue of temporary and unregistered marriages was also raised. It was reported that women who acquiesce to these marriages do so out of material necessity. Such marriages offer no protection or material guarantees for women and their children, and often amount to little more than prostitution.<sup>89</sup> Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) provides protection for women experiencing discrimination in marriage and family relations.<sup>90</sup> However, by making a reservation to this article giving primacy to Sharia law, Iraq has effectively opted out of implementing these rights.<sup>91</sup>

Other issues, such as honour crimes, have been shown to affect all Iraqi women, including minorities.<sup>92</sup> Honour-related violence involves the punishment of women, usually by their male relatives, but sometimes by others in the community, because they are viewed as having tainted the family's honour.<sup>93</sup> Accurate figures on honour crimes are extremely difficult to obtain, both because such crimes are rarely reported, and because it is often difficult to establish where cases of female self-immolation and other forms of violence against women are actually honour-related. A report released by UNAMI in 2009 on violence against women in Sulaimaniya governorate in the Kurdistan Region suggests that honour-related violence is on the rise both in that region and in the whole of Iraq.<sup>94</sup> Of the various forms of punishment identified by respondents interviewed during the course of the report, murder was seen as a common and most preferred course of punishment to perceived violations of honour. The recommendations of the report focused both on changing attitudes to, and perceptions of, violence, as well as

**Figure 3:** Percentage of minorities that reported restrictions on women's freedom of movement



ensuring that victims of violence received adequate protection and support.<sup>95</sup>

## Attacks on religious buildings, congregation and clergy

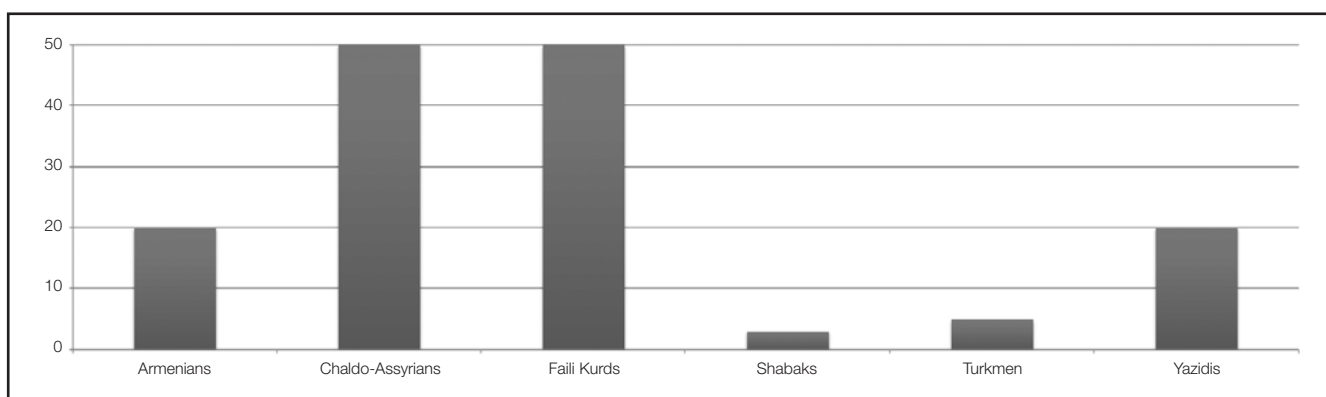
In December 2008, USCIRF called for Iraq to be designated ‘a country of particular concern’ (CPC) under the US International Religious Freedom Act (IRFA).<sup>96</sup> As indicated previously by MRG, this move was due to the situation for Iraq’s smallest religious minorities including Chaldo-Assyrians, other Christians, Sabian Mandeans, Shabaks and Yazidis. Iraq remains a CPC in light of the continued occurrence of religious-motivated violence and sporadic attacks on religious leaders and holy sites during 2009 and early 2010. Religious minorities in Nineveh are particularly vulnerable, since they are caught in the struggle for territorial control.

Survey respondents indicated that the security of religious sites and targeting of religious clergy posed the greatest threat in relation to their religious freedom. Indeed, only 29 per cent of minorities felt that religious sites were secure (see Figure 4) and 74.4 per cent of minorities felt that clergy continued to be targeted by Islamist insurgents (see Figure 5). In contrast, they were less concerned about the freedom to practise religious rites and celebrations, and

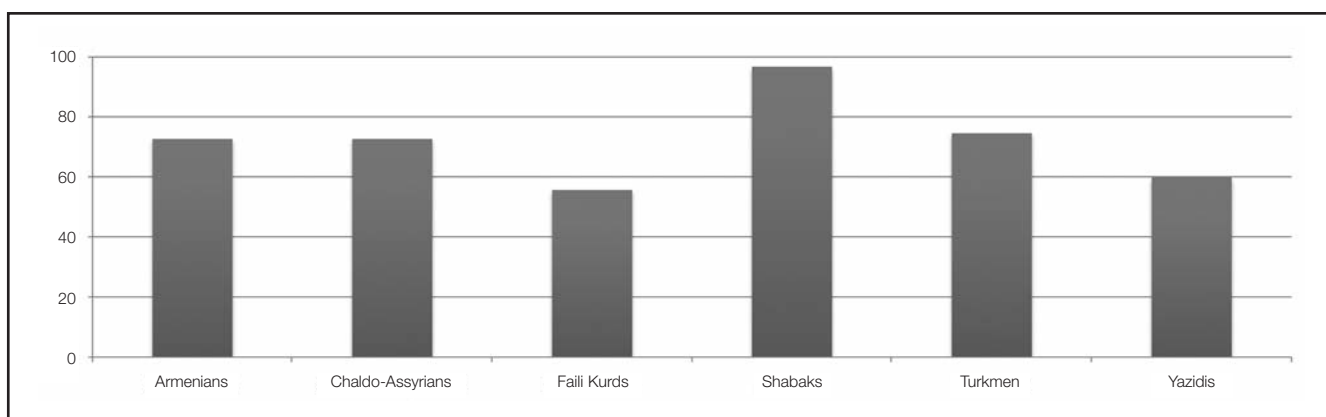
the ability to wear without fear religious garments or symbols. A majority of respondents indicated the existence of such freedoms, with 53 per cent reporting that they felt able to freely participate in religious activities (see Figure 6) and 64 per cent stating that they felt able to dress in religious attire (see Figure 7). The latter statistics may be the result of increased efforts by both the KRG and the Iraqi central government to protect religious minorities when they are performing religious rites. For example, IMO’s human rights monitors report that some measures have been taken to block the streets close to religious sites in an attempt to prevent car bombs. However, such moves are viewed as being insufficient by minorities, since attacks on their places of worship and clergymen continue unchecked. Thus, minorities are frustrated with the governments’ failure to conduct investigations and disclose the perpetrators, which in turn does little to prevent future attacks on these communities.<sup>97</sup>

Since 2003, Christians have experienced attacks on their sites of worship and clergymen alike, such as the coordinated bombing of churches in 2004, and the murder of the Chaldean Catholic Archbishop of Mosul, Paulos Rahho, in 2008. During 2009, sporadic but coordinated attacks occurred on Christian churches, the worst of which took place in July and December. On 12 July 2009, six bombs exploded outside Christian churches

**Figure 4:** Percentage of minorities that felt their religious sites were secure



**Figure 5:** Percentage of minorities that felt their religious clergy continued to be subject to attacks



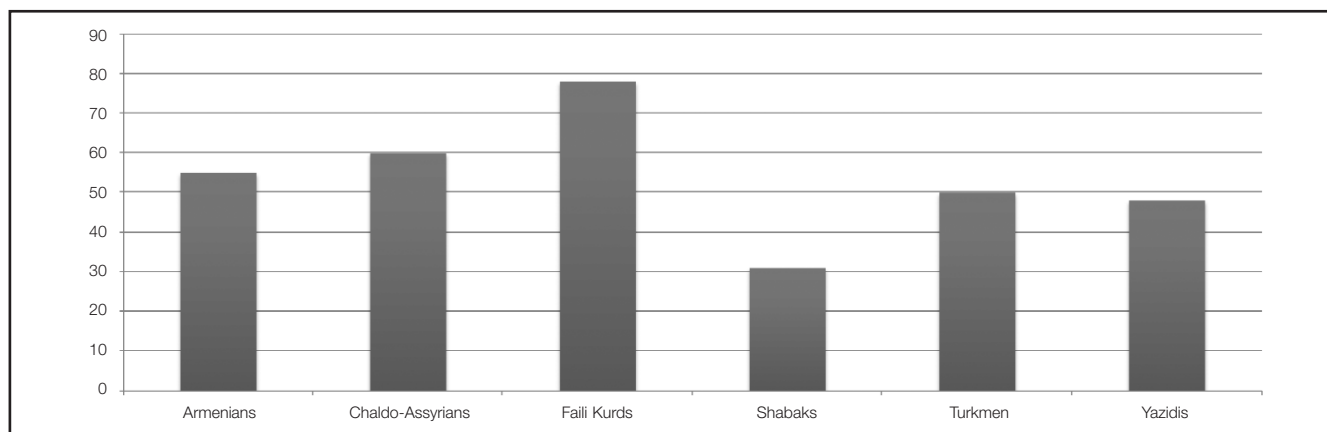
in Baghdad, leaving four dead and 16 wounded.<sup>98</sup> The first attack on St Joseph's Church took place in the al-Jamiaa neighbourhood of the city, a former stronghold of al-Qaeda in Iraq.<sup>99</sup> Five further bombs followed, which exploded outside four other churches, three Chaldean and one Syrian Orthodox.<sup>100</sup> In December 2009, a further spate of attacks took place. On 15 December, a bomb exploded on the outside wall of the Annunciation Syrian Catholic church in Mosul, with a much bigger bomb blast hours later in the city at Our Lady of Purity Syrian Orthodox Church.<sup>101</sup> A day before Christmas Eve services, two further bombs exploded outside the Syriac Orthodox Church of St Thomas and the Chaldean Church of St George in Mosul, killing three and injuring several.<sup>102</sup> Louis Sako, archbishop of Kirkuk, described the attacks as yet another 'disturbing message' two days before Christmas. These threats, Sako said, 'continue to influence the Christian community'.<sup>103</sup> General threats against Christian communities are frequently posted on Sunni extremist websites.

In response to these attacks on Christian places of worship, and particularly in light of the January 2010 attacks on Christians in Mosul, local and international church leaders have expressed fears that a mass exodus of the remaining Christians from Iraq will occur. Pope

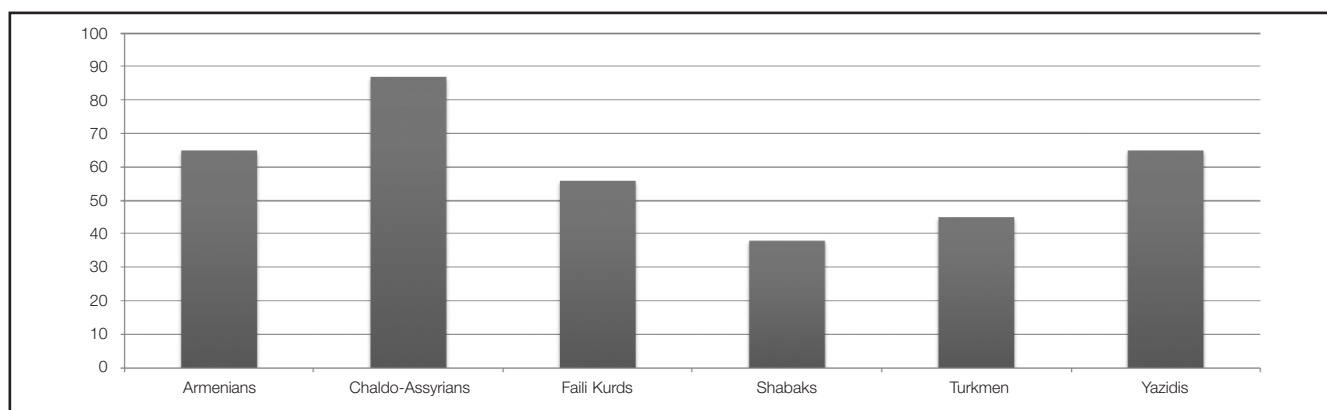
Benedict XVI reportedly made a recent appeal to the UK-based charity Aid to the Church in Need to support local Iraqi churches which are being 'threatened in their very existence'.<sup>104</sup> In February 2010, church leaders in Iraq took measures to strengthen their community through the establishment of the Council of Christian Church Leaders of Iraq. The council aims to 'unite the opinion, position and decision of the Churches in Iraq' on issues related to the church and state, with the hope of 'upholding and strengthening the Christian presence, promoting cooperation and joint action'.<sup>105</sup> It also hopes to form relations and engage in dialogue with Muslim leaders in an attempt to promote acceptance of each other's religion.

Although Iraq's Constitution does provide for religious freedom of minorities,<sup>106</sup> it also pronounces Islam as the state religion and a basic source of law. No law can be passed that contradicts 'the established provisions of Islam', the 'principles of democracy' or the rights and freedoms in the Constitution. The Becket Fund for Religious Liberty has commented that although the designation of Islam as the official religion is not problematic for religious freedom in theory, in practice the absence of an Iraqi tradition of interpreting Sharia law in a way that guarantees respect for human rights poses a potential threat to religious freedom, particularly to the

**Figure 6:** Percentage of minorities that felt free to participate in religious activities



**Figure 7:** Percentage of minorities that felt able to wear religious garments without fear of attack



rights of non-Muslims.<sup>107</sup> The government's ongoing failure to address religiously motivated violence, either through the courts or in terms of protecting endangered minorities, is a further cause for alarm.

## Assimilation tactics

In 2008, UNAMI reported that it was concerned about 'the attempts to dilute the identity of minorities by forcing them to be identified as Arab or Kurd' and about 'the impunity of those responsible for abuses against minorities'.<sup>108</sup> It pointed out that minorities were forced to identify themselves as either Arab or Kurd on a registration card if they wished to obtain access to education and health care services.<sup>109</sup> In the same report, UNAMI indicated that members of the Yazidi community in Nineveh had complained of being forced to collect their food aid in neighbouring Dohuk, 'therefore reducing the statistical presence of Yazidis in the area',<sup>110</sup> since local population statistics are based on the registration of food ration cards. In addition, it reported that Turkmen were also being denied the right to self-identification in Nineveh, for example by being refused the right to use their own language.<sup>111</sup>

The situation in 2009 and early 2010 has remained much the same, with minorities continuing to report the use of pressure, threats and intimidation in an attempt to force them to assimilate. These actions are particularly apparent in Nineveh, where some minorities have come under substantial pressure to identify either as Arabs or Kurds, or pledge their support to a particular political party, since the future status of the territory remains undetermined. While some members of a minority, for example some Yazidis and Chaldo-Assyrians, have agreed to support Kurdish control over parts of Nineveh (largely because they feel they will be better protected from attacks by Sunni Arab extremists), those who fail to submit to Kurdish demands are dealt with harshly.<sup>112</sup> The arrest of Wa'ad Hamad Matto, leader of the Yezidi Progress Movement, on 5 September 2009 is a case in point.<sup>113</sup> Matto was arrested after a comment he made on television stating that Kurdish forces were responsible for security in the Sinjar area, where two explosions had taken place. According to a colleague of Matto, the reason cited for his arrest was his position as head of the Yezidi Progress Movement and his conflict with the Kurdish authorities. MRG has written to the Iraqi government about this matter but to date has received no response. Sources close to Matto have confirmed that he remains in jail.

The Shabak community and its leadership have experienced similar pressure. Indeed, the leader of the Shabak Democratic Assembly and the Shabak representative in the Iraqi parliament, Dr Hunain Al-Qaddo, was subject to an assassination attempt in January

2009. Al-Qaddo, who claims that some of his attackers were wearing Kurdish security uniforms, has stated that, 'without his presence, the Kurds would be able to impose their will more easily on the Shabaks'.<sup>114</sup>

Meanwhile, in a submission to the Independent High Electoral Commission in Iraq on 23 February 2010, complaints were made against Kurdish officials who were reportedly obstructing a Shabak candidate's right to campaign in the recent parliamentary elections. Al-Qaddo (one of the candidates for the Shabak reserved seat in Nineveh), who has spoken out widely about Kurdish assimilation attempts, indicated that on several instances earlier in February, Kurdistan Democratic Party (KDP) officials either threatened local Shabaks to stop them putting up his election posters or defaced or removed those posters.<sup>115</sup> On 19 February, Shabaks living in Bazwaya village received threats from the village's KDP mayor, who warned them not to vote for Al-Qaddo. On the same day, three Shabak brothers were summoned to the KDP headquarters in Kokigli, where they were accused of opposing the presence of the regional flag of Kurdistan at one of the main entrances to Bazwaya. The next day, the family were reportedly notified that if Al-Qaddo were to win the seat reserved for Shabaks, they would immediately be killed.<sup>116</sup> On the day of the elections, Qusay Abbas, a Shabak member of the provincial council, was shot and seriously injured by armed men in Mosul, possibly in an attempt to scare Shabaks from going out and exercising their vote.<sup>117</sup> Abbas has been targeted by the Kurdish authorities before, particularly in the run-up to the 2009 provincial elections when he was threatened by the Asayesh.<sup>118</sup>

The assimilation policy reported by minority representatives in the disputed areas seems to stretch inside the Kurdistan Region as well. The representatives complain that the KRG Constitution, which was passed in June 2009, failed to list Yazidis and Shabaks as distinct ethnic groups.<sup>119</sup> Although some Yazidis and Shabaks have chosen to identify as Kurds, others do not and, as such, the KRG should allow for a separate Yazidi and Shabak identity, as they have for other groups such as the Chaldo-Assyrians and Turkmen. IMO's human rights monitors have stated that displaced minorities who seek safety in the Kurdistan Region face difficulty in accessing higher education, opening businesses, working and buying land unless they join one of the two Kurdish parties. They have also reported that males from Shabak and Yazidi families are being denied the right to live or work in areas of the Kurdistan Region unless they declare their political affiliation to the Kurds. The result of these attempts at assimilation, according to IMO, is that many Shabaks and Yazidis living in KRG-controlled areas have indicated their wish to leave Iraq altogether.

# Internal displacement

Levels of displacement in Iraq have stabilized, with only isolated incidents of new displacement occurring in 2009 and early 2010.<sup>120</sup> According to November 2009 figures from the Ministry of Displacement and Migration (MoDM) and the KRG (with data monitoring by the IOM and UNHCR), an estimated 2.8 million people remain displaced inside Iraq.<sup>121</sup> Of these, almost 1.6 million were displaced from 2006 to 2008. The majority of post-2006 IDPs are Arabs (both Sunni and Shi'a), but significant numbers, close to 250,000, are also from minority populations including Armenians, Assyrians, Chaldeans, Farsi Kurds, Sabian Mandaean, Shabaks and Yazidis.<sup>122</sup>

As indicated previously by MRG,<sup>123</sup> minority IDPs have tended to opt either for the KRG-controlled area in the north, or the highly diverse Nineveh Plains, already home to a large community of Christians, Shabaks and Yazidis. Nevertheless, the ongoing violence and insecurity that minorities have experienced over the past few years in Nineveh has led to some minorities fleeing the area. IOM figures for November 2009 show that, of the 6,787 Christian families originally living in Baghdad, just 60 currently reside there, with the remainder of the families fleeing to Dohuk and Erbil. Nineveh, on the other hand, had seen an overall decline in Christian families from 2,616 to 1,412.<sup>124</sup> Most of this displacement comprised Christians fleeing from Mosul to other areas in northern Iraq. Unsurprisingly, IOM indicates that the most common reasons for displacement were fear, direct threats to life and violence.<sup>125</sup>

The majority of the 42 Sabian Mandaean families from Baghdad have similarly fled to the Kurdistan Region, with 19 of these families citing direct threats to their life as their reason for displacement. Yazidis originate mostly from the Nineveh governorate (207 out of a total of 254 families), but the ongoing violence experienced by minorities has resulted in almost half of these families being displaced from Nineveh to the more secure Kurdistan Region. Almost 1,000 Turkmen families have also been displaced from Nineveh for similar reasons. Of the 615 Turkmen families that come from Baghdad, none remain. In the case of Yazidis and Turkmen, the two most common reasons for displacement are direct threats to life and generalized violence.<sup>126</sup>

As previously mentioned, in early 2010, Christians in Mosul experienced a wave of violence in the run-up to the March elections, which has caused further

displacement. Following the killing of at least 12 Christians by unidentified armed groups, some 683 Christian families (4,098 people) fled from Mosul between 20 and 27 February 2010,<sup>127</sup> with a further 37 families fleeing by 1 March.<sup>128</sup> The Internal Displacement Monitoring Centre (IDMC) reports that rapid needs assessments carried out by UNHCR, IOM and other international organizations have indicated that most of the IDPs left their homes quickly and are in urgent need of humanitarian support. IDPs are currently reliant on support from host communities for nutrition, education and health.<sup>129</sup>

As of November 2009, around 350,000 IDPs displaced since 2006 had returned, with 60 per cent of these going back to Baghdad. Most returnees are Shi'a and Sunni Arabs, but a few minority returns were noted.<sup>130</sup> However, return is the preferred option for only an estimated 56 per cent of minority IDPs.<sup>131</sup> A further 18 per cent indicated that they would prefer to settle elsewhere, while 24 per cent would prefer to integrate into their current location. Such figures are broadly in line with the wishes of the wider displaced Iraqi population; IOM estimates show that only 52 per cent of all post-2006 IDPs wish to return, with 20 per cent wishing to resettle elsewhere.<sup>132</sup>

These ongoing sectarian tensions have had the effect of turning mixed areas into mono-sectarian ones – usually Shi'a or Sunni. For example, the IDMC reports that Baghdad neighbourhoods are now more ethnically or religiously homogeneous than at any other time in Iraqi history.<sup>133</sup> Along with continuing insecurity, insufficient housing and services, the ethnic or religious make-up of these neighbourhoods has thus provided a further obstacle to return. IOM indicates that although there have been only a few cases of IDP returnees being specifically targeted, these incidents have acted as a profound deterrent for would-be returnees, but particularly for minorities who are more vulnerable to such attacks.<sup>134</sup> Consequently, the Iraqi government needs to focus its efforts beyond return to resettlement and reintegration of its IDP population.

## Property disputes

One of the key issues stemming from displacement that must be addressed is the right of all people to own and return to property once they have been displaced. MRG

has argued that it is a fundamental tenet of human rights in conflict and post-conflict situations, and must be observed if future conflict is to be avoided and peace-building to be rendered a success.<sup>135</sup>

The Commission for Resolution of Real Property Disputes (CRRPD), formerly the Iraq Property Claims Commission (IPCC), aims to settle land and property disputes arising from displacement caused by the former government's policies between July 1968 and April 2003.<sup>136</sup> However, as of April 2009, only 1,000 cases, or 2.27 per cent of decisions, had been enforced. It is not known how many minorities are among the number of enforced cases, but one Mandaean human-rights activist has commented, 'As far as we know, there has not been any Mandaean property that has been returned to its rightful owners.'<sup>137</sup>

The CRRPD has also failed to address property destruction,<sup>138</sup> an issue that particularly affects minorities. Around 4,500 villages, including some Armenian, Assyrian and Chaldean villages, were destroyed during the Anfal campaign in the 1980s,<sup>139</sup> for which no compensation has been paid to date.<sup>140</sup> The situation may change with the establishment in early 2010 of the Real Property Claims Commission, which will replace the CRRPD and will reportedly address the issue of compensation for property damaged or destroyed under Saddam Hussein's regime.<sup>141</sup>

For those displaced after 2003, the situation is extremely complex, and the measures taken to address this displacement and ensuing property disputes have certain limitations. In 2008, the Government of Iraq developed 'a two-pronged package that offered limited financial incentives for returning families and a mechanism for property restitution of returnees'.<sup>142</sup> Council of Ministers Decree 262 offers a grant of 1 million Iraqi dinars (approximately US \$800) to returnees, provided that they relinquish the right to receive any humanitarian assistance given to IDPs. This contribution is combined with a rental assistance grant of 300,000 Iraqi dinars per month for six months (approximately US \$1,500 in total) for displaced families that have been occupying the homes of other displaced families, provided that they vacate the home.<sup>143</sup>

The complexities surrounding the issue of property restitution for those displaced after 2003 are compounded by the secondary displacement of an unknown number of IDPs. Minorities, like others, may face double displacement when they find their homes have been occupied by settlers who have themselves been displaced. The rental assistance outlined in Decree 262, which attempts to tackle secondary displacement, has had mixed results. A government official from the MoDM stated in January 2010 that nearly two-thirds of homes belonging

to IDPs that were occupied by squatters have been evacuated since 2008.<sup>144</sup> However, Abdul-Khaliq Zangana, head of the Iraqi parliament's Committee on Displacement and Migration, has disputed this figure saying that 'only a limited number of people have returned to their houses so far and the majority is still waiting as their houses are still occupied by other families'.<sup>145</sup> He added, 'I have not heard until now that even one family has been paid the one-off payment.'<sup>146</sup> UN news service IRIN reports that the payment only applies to those squatters who are unable to return to their area of origin and who are reportedly few in number.<sup>147</sup>

Prime Minister's Order No. 101 states that, under Iraq's anti-terrorism law, anyone who occupies the home of a displaced person will be considered a participant in that person's forcible displacement. The order also calls for the MoDM to establish a property restitution service for returnees.<sup>148</sup> However, these measures only apply to those displaced between January 2006 and January 2008. So, from the outset, they exclude the 1.2 million Iraqis who fled between March 2003 and January 2006, and those minorities who have fled since 2008.<sup>149</sup>

In addition to these temporal limitations, the property restitution process itself also suffers from serious limitations. To date, the two MoDM centres in Baghdad have processed more than 3,000 property restitution cases; in almost 1,900, property has been reportedly restored.<sup>150</sup> However, IRIN reports that many of those whose property has been deemed to have been illegally expropriated have not actually been able to recover it.<sup>151</sup>

Property restitution does not apply to businesses or to those who were forced to sell their property or business under duress, such as Christians and Sabian Madaeans, some of whom are notable business-owners and were forced to sell or leave their businesses after threats by armed groups and Islamic insurgents. Nor does property restitution apply to those who wish to integrate into their place of displacement.<sup>152</sup> The 44 per cent of minorities who do not wish to return home after being displaced, preferring to integrate into the community in which they are currently displaced or be relocated elsewhere, will therefore receive no compensation.<sup>153</sup>

In some cases, minorities may simply be too afraid to make their claim or may face particular issues of access to existing procedures. Indeed, a report published by UNHCR in 2009 indicates that 60 per cent of IDPs surveyed that year reported not seeking assistance from relevant institutions, as they lacked required documents, mistrusted state institutions, could not afford the required fees or feared retribution.<sup>154</sup>

In the Kurdistan Region, despite a government declaration that it has not taken land from Christians,

and that any property disputes must be solved through courts of law,<sup>155</sup> Christians and Yazidis have previously claimed that court judgments on return of property have not been upheld.<sup>156</sup> In Nineveh, IMO reports an additional problem relating to the unconstitutional seizure of lands by municipal authorities. According to IMO's human rights monitors, 1,250 hectares (or 3,088 acres) of land used for residential purposes in Hamdaniyah (a predominantly Christian village) was expropriated in 2009 by the Office of Municipalities in Nineveh governorate. The monitors believe that the intended purpose is to alter the demographics of the area, and that

there is a systematic plan to take land from the original Christian inhabitants and redistribute it to non-inhabitants. Despite making a claim to the CRRPD, the matter remains unresolved.

In situations of property disputes, as the UNHCR has highlighted, minorities do not have access to the same sectarian/tribal conflict resolution mechanisms as majority communities,<sup>157</sup> and therefore have less access to recompense. The central government and the KRG must address these issues decisively and transparently if minority communities are to remain in Iraq and have any prospect of flourishing.

# Political turmoil

In September 2008, the Iraqi government passed the long-awaited Provincial Elections Law. The draft Article 50, which guaranteed a number of seats for minorities in provincial (governorate) councils, had been removed. In a letter to the parliament and electoral commission, Iraqi Prime Minister Nouri al-Maliki, said, 'The minorities should be fairly represented in the provincial councils and their rights should be guaranteed.'<sup>158</sup> The Special Representative of the UN Secretary-General for Iraq (SRSG), Staffan de Mistura, MRG and others, including representatives of minority groups, called for the Article to be reinstated.<sup>159</sup> The UN proposed that 12 seats for minorities be set aside in Baghdad, Basra and Nineveh provincial councils. The omission of the Article prompted protests by minority groups in Iraq. In Mosul, it was reported that 'hundreds of Christians staged street protests after Church services'.<sup>160</sup> On 3 November, an amendment was passed that guaranteed six seats out of 440 for religious and ethnic minorities. In Baghdad, Christians and Mandaean claimed one each. In Nineveh, three seats were reserved respectively for a Christian, a Shabak and a Yazidi representative. The final seat was guaranteed for Christians in Basra. The Christian representative in the Iraqi parliament and General Secretary of the Assyrian Democratic Movement, Younadam Kanna, said, 'It is a degrading decision for the unique minorities of this country. It does not serve public interest and we consider it a major insult for all minorities in Iraq.'<sup>161</sup> It is important to note that Turkmen do not see themselves as a minority and therefore do not want reserved seating.

Provincial elections took place in 14 out of 18 Iraqi governorates on 31 January 2009, amid fears of violence and unfair practices. However, following election day, UNAMI reported that in general, 'Iraqis from all communities were out exercising their right to vote for new governorate council representatives.' Similarly, de Mistura said, 'the voting was well-organized, polling staff were all following the same procedures and IHEC [the Independent High Electoral Commission] seems to have demonstrated its independence and professionalism on this day.'<sup>162</sup>

In Nineveh, the Sunni-dominated al-Hadbaa Party gained 19 of the provincial council's 37 seats. The winning Yazidi and Shabak parties (the Yazidi Movement for Reform and Progress and the Independent Shabak List) joined the governing al-Hadbaa coalition. However,

eight out of 12 seats of the Kurdish-led Nineveh Brotherhood List were won by Yazidis. The ICG in part attributes Yazidi affiliation to Kurdish parties to the fact that some see the KRG as a better protector of human rights, as well as to the pragmatism of some community members, who believe that the price of necessities, such as housing, may decrease if Nineveh is ceded to the KRG.<sup>163</sup>

Al-Hadbaa found it difficult to translate its electoral victory into political control and by April 2009, the Kurds withdrew from participating in the governorate council in protest against al-Hadbaa's refusal to grant them a share of government posts, to which they felt entitled.<sup>164</sup> The situation has remained paralysed since then, with 16 out of the 30 administrative sub-units of Nineveh disregarding local government orders and the emergence of separate *de facto* jurisdictions, one for Arabs, the other controlled by the Kurds.<sup>165</sup> The minorities living in Nineveh have thus found themselves in a precarious situation, caught in the middle of the political tensions that exist between the Iraqi central government and the KRG.

In the run-up to the national elections that took place on 7 March 2010, ethnic and religious minorities, particularly Christians, were targeted. Community leaders have claimed that these attacks were intended to discourage minorities from voting.<sup>166</sup> Out of the eight seats reserved for minorities, Christians received five – three were won by the Al Rafidain list (with party head, Younadam Kanna, retaining his seat) and two by the Chaldean Syriac Assyrian Popular Council list. The remaining reserved seats were divided between Sabian Mandaean, Shabaks and Yazidis. Amin Jijo, member of the Yazidi Movement for Reform and Progress, won the Yazidi reserved seat. However, the Yazidis, who number between 300,000 and 400,000, were unhappy that only one seat was reserved for them. Four candidates competed for the Shabak reserved seat. Amid claims of Kurdish repression towards would-be voters for Al-Qaddo highlighted earlier in the report, the former Shabak representative in the Iraqi parliament lost out to Mohammed Jamsheed Abdallah al-Shabaki, who has subsequently announced his intention to ally with the Kurdish Alliance list.<sup>167</sup> Despite these grievances, these elections are seen as being crucial for minorities, since they recognize the significance and importance of voting to bring to parliament capable and qualified candidates who will represent their interests.<sup>168</sup> It has been particularly important for Mandaeans, who have elected

their first parliamentary representative – Khalid Ameen Roumi.

However, not all minorities in Iraq were guaranteed seats in the national elections. Black Iraqis, who number between 1.5 and 2 million,<sup>169</sup> have sought political representation in an attempt to advocate more effectively for their rights. The Basra-based Movement of Free Iraqis put forward candidates in the January 2009 provincial elections but failed to win any seats. Some Black Iraqis are understandably unhappy that they are not treated in the same way as other minorities in the country. Activist Tahir Yahya told Al-Jazeera news in January 2010, ‘We want to be like the Christians and Mandaean and other white

minorities who have fixed representation in parliament – we the black people in Iraq have rights.’<sup>170</sup>

Guaranteeing small minorities a voice in political processes is not easy; reserved seats are one of the more effective ways of achieving their participation. However, it appears that whenever minority communities lobby for better representation, a violent backlash ensues. The communities themselves must decide what tactics they want to use; the government also has an obligation to work with these communities to find ways of ensuring that the right of minorities to participate in political processes, enshrined in Article 125, is upheld,<sup>171</sup> while at the same time ensuring their security.

# Discrimination and difficulty in accessing public services

## Education

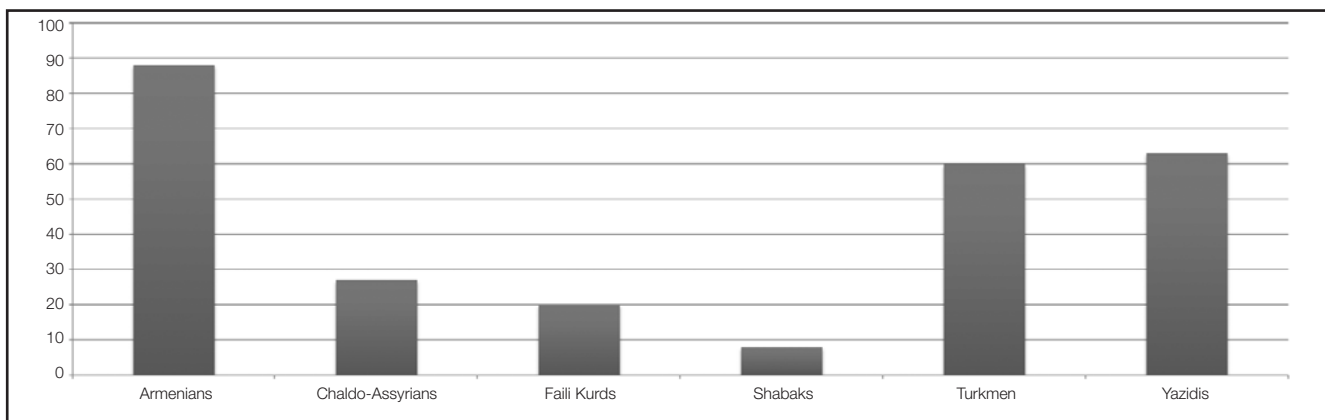
MRG has previously highlighted that mother-tongue education is an essential aspect of providing quality and appropriate education.<sup>172</sup> In conflict and post-conflict situations, this need becomes more crucial, since education systems that support minority languages and promote a positive curriculum in history and other subjects can have a direct impact on building understanding between minority and majority cultures and religions. This process in turn creates a more tolerant society.<sup>173</sup> Article 4 of the Iraqi Constitution recognizes the right to education in a mother tongue, such as ‘Turkmen, Syriac and Armenian’,<sup>174</sup> and encouragingly, some Iraqi minorities do appear to have access to language classes in their mother tongue – 60 per cent of Turkmen, 63 per cent of Yazidis, and 88 per cent of Armenians indicated that this was the case. However, only 8 per cent of Shabaks, 27 per cent of Chaldo-Assyrians,

and 20 per cent of Faily Kurds stated that their mother tongue was taught in schools (see Figure 8). The majority of all minorities agreed that the school curriculum was unavailable in their mother tongue (see Figure 9 for a full breakdown of responses by minority group).

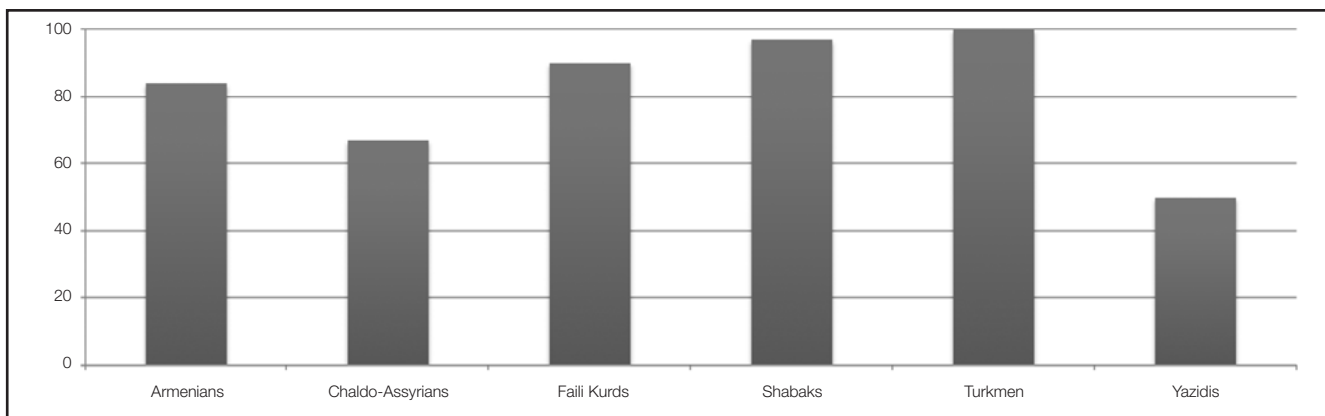
In the Kurdistan Region, steps have been taken to provide primary education for Christian minorities in their mother tongue, such as Armenian and Syriac. The first KRG-funded Syriac and Armenian primary schools were opened as early as 1993, a situation reflected in the aforementioned statistics. Today, the KRG reports that there are 62 primary and preparatory Armenian and Syriac schools in Erbil and Dohuk, with nearly 7,000 pupils. Attempts are also being made to open a Syriac language department in the University of Dohuk in the future.<sup>175</sup>

The availability of education in the mother tongue of other minorities in the Kurdistan Region is less clear. Indeed, SOITM disputes the extent to which the KRG

**Figure 8:** Percentage of minorities that reported the existence of language classes in schools in their mother tongue



**Figure 9:** Percentage of minorities that reported the curriculum was unavailable in their mother tongue



has respected the right of Turkmen to learn in their mother tongue. In their 2009 submission to the Human Rights Council's Expert Mechanism on the Rights of Indigenous Peoples, SOITM stated that 15 Turkmen schools in Erbil, and a further two in Kifri, established by the Iraqi Turkmen Front, were seized by the Kurdish authorities in 2005. The curriculum and administration of these schools is now handled by Kurdish staff, who set the syllabus and are unqualified in the Turkmen language or in Turkmen literature.<sup>176</sup> SOITM has also reported that some schools run by the Iraqi central government only offer one lesson in the Turkmen language.<sup>177</sup>

## Religious education

Under Saddam Hussein, religious education in Iraq had a distinct Sunni bias. Since 2003, efforts have been made to eliminate references to Saddam along with this bias.<sup>178</sup> Given the religious and sectarian battles that have raged within Iraq following the fall of Saddam, many had hoped that the new curriculum would be more inclusive of other religions. However, according to a report published by the Institute for War and Peace Reporting (IWPR), some think that the new religious curriculum that has been gradually introduced since 2003 now favours the Shi'a interpretation of Islam.<sup>179</sup> In addition, the curriculum fails to clarify Islamic concepts that might have violent connotations and, as a result, some teachers have taken advantage of this gap to put their own interpretation on issues such as the treatment of non-Muslims and *jihad*. According to Ahmed, a 10-year-old Muslim boy talking about his Christian friend Zuhair, 'When I study that we have to fight the unbelievers in the name of *jihad*, I think, "Will I kill Zuhair one day?" ... Our teacher tells us it is forbidden in Islam to make friends with unbelievers.'<sup>180</sup>

Children from minority religions in Iraq are not required to attend lessons on Islam, but are currently

unable to study their own religion at state-funded schools. In early 2010, senior Education Ministry officials stated that 'they planned to drop anything from the new religious education that will hurt a specific sect or religion' as well as to create a separate curriculum for Christian students.<sup>181</sup> Alaa Makki, chairman of the parliamentary committee that oversees the Education Ministry's performance, commented that following the publication of the IWPR report, they were 'working hard now to improve curricula for all Iraqis, not only for Islamic books but for the other books'.<sup>182</sup>

## IDPs' access to education

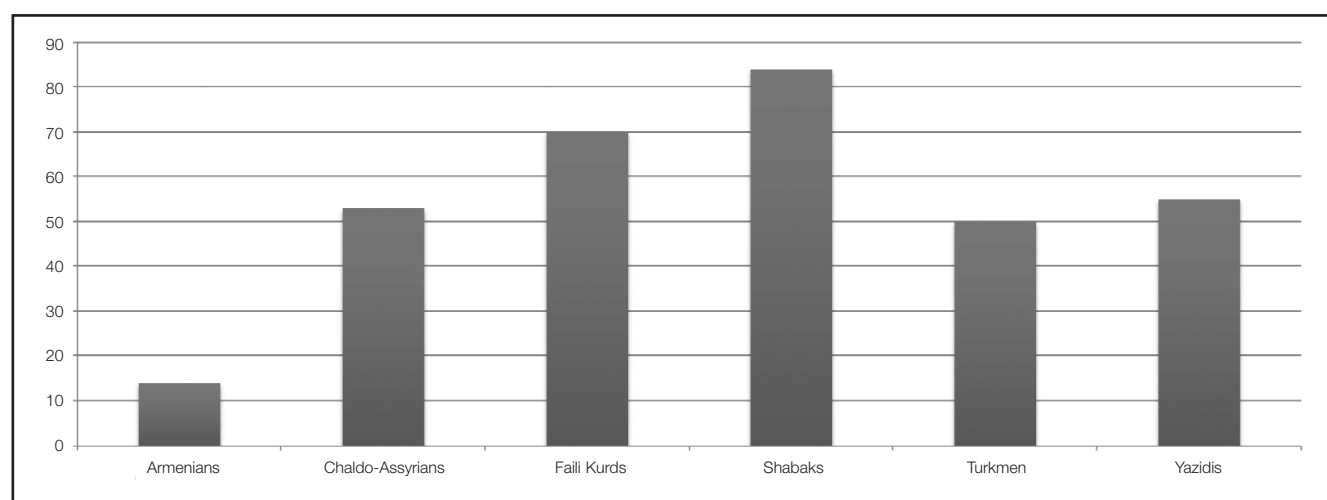
UNHCR surveys conducted in 2009 indicated high rates of absenteeism amongst internally displaced children, many of whom are minorities. Forty-two per cent of boys and 47 per cent of girls under 14 did not attend schools. Reasons for absenteeism ranged from needing to work, costly school supplies, expensive transportation, overcrowded schools, and missing documents for school registration.<sup>183</sup>

In the Kurdistan Region, IDP children are admitted into local schools, but all education is in Kurdish. However, some Christian IDPs are able to attend local Christian schools that use the Syriac language.<sup>184</sup> The displacement of Christian children (and families) from Mosul in early 2010 has placed further strain on existing services. The UN Office for the Coordination of Humanitarian Affairs (UNOCHA) reports that local schools may not be able to accommodate them immediately due to limited capacity.<sup>185</sup>

## Health

In a submission to the recent UPR on Iraq, the NGO Organization for Justice and Democracy in Iraq, in collaboration with the Union of Arab Jurists and the

**Figure 10:** Percentage of minorities reporting ethnic- and religious-based discrimination when accessing health services



International Organization for the Elimination of All Forms of Racial Discrimination, stressed that health care has deteriorated drastically since 2003.<sup>186</sup> Key areas of concern highlighted during the UPR included access to clean water and sanitation, with diarrhoea and water-borne diseases the main killers of infants in Iraq.<sup>187</sup> With this in mind, it is unsurprising that water scarcity and quality were also a major concern for minorities, with 61 per cent of respondents stating that existing water supplies were not potable, 70 per cent indicating that there was insufficient water for weekly needs and 73 per cent reporting the existence of water-related illnesses.

In northern Iraq, IDPs, including minorities, face chronic difficulties when accessing health care. Heartland Alliance, an organization working with the Ministry of Health and other NGOs to improve IDPs' access to health care, states that:

*'although most IDPs live within one hour of a hospital or clinic, structural problems within the Ministry of Health effectively block health care delivery ... with overburdened physicians who routinely see 150 to 200 patients per day without triage or screening. As a result, diagnosis, examination, patient follow-up and referral are all highly compromised.'*<sup>188</sup>

In addition to these structural problems, Heartland Alliance reports that Arab IDPs face linguistic barriers that prevent them from seeking medical care until their health conditions become critical and often untreatable. They also cite discrimination, or in some cases outright hostility, experienced by Arab IDPs in accessing health care in Erbil, Sulaimaniya and Dohuk.<sup>189</sup>

Similarly, IMO's human rights monitors report that some minorities have experienced discrimination and hostility from health practitioners. Their research

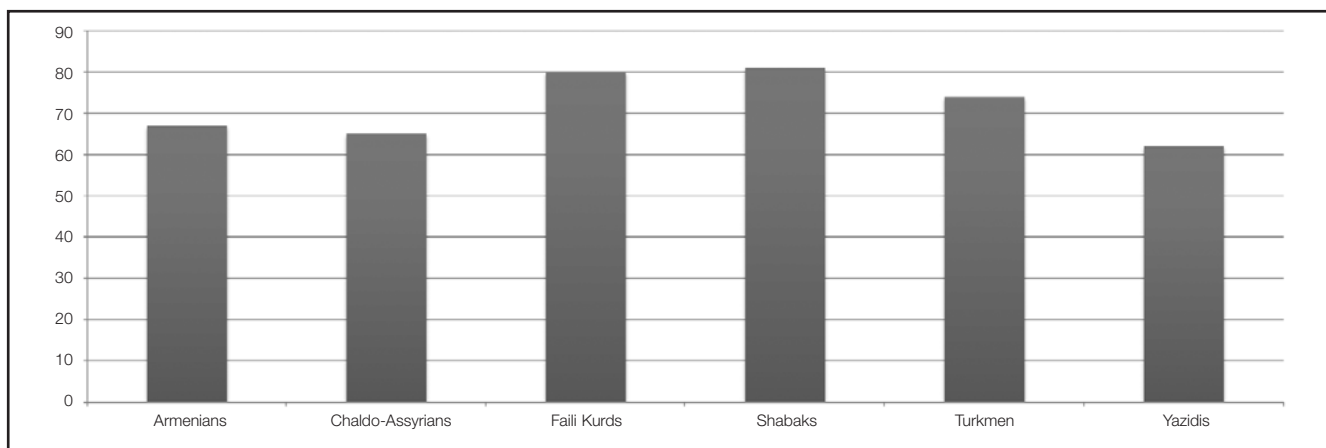
indicated that minorities experience ethnic- or religious-based discrimination when accessing health services, although this treatment was not limited to the Kurdistan Region but extended into Nineveh, Kirkuk and Baghdad. Responses varied significantly among minorities, ranging from 14 per cent of Armenians to 84 per cent of Shabaks (see Figure 10 for a breakdown of responses).

Iraqi Palestinians in Baghdad, in the Baladiyaat, Saydiya, Salihya and Haifa Street neighbourhoods, point to state neglect for their poor health care access. One 40-year-old mother of four has said, 'Look how we ended up with no electricity, no water, rubbish everywhere and streets flooded with sewage.'<sup>190</sup> Iraqi immigration minister, Abdul Samad Sultan, maintains that services in Palestinian neighbourhoods of Baghdad are no worse than in other districts, saying, 'The government cares about Palestinians as much as it cares about all other Iraqis.'<sup>191</sup>

## Employment

In 2009, USCIRF reported allegations of religion-based employment discrimination by the government, in which '[s]everal ministries reportedly hired and favored employees who conformed to the religious preference of the respective minister'.<sup>192</sup> Although the extent of this problem is unknown, a majority from each minority group in the IMO survey indicated the existence of discrimination on the basis of religion or ethnicity with regard to appointments in Iraqi state institutions, with responses ranging from 61.8 per cent (reported by Yazidis) to 81.2 per cent (reported by Shabaks). For a full breakdown of figures, see Figure 11. Discrimination on the basis of religion or ethnicity *vis-à-vis* appointment to high administrative positions within state institutions was also reported by minorities. See Figure 12 for a breakdown of figures by minority group. Such indications

**Figure 11:** Percentage of minorities reporting the existence of employment discrimination on the basis of religion or ethnicity in state institutions



of employment discrimination clearly violate Article 16 of the Iraqi Constitution, which guarantees equal opportunities to all Iraqis,<sup>193</sup> as well as Article 14, which guarantees the principle of non-discrimination. However, as MRG has argued previously, the latter is not comprehensive, since it does not include discrimination on the basis of language nor does it provide protection for non-Iraqis, and should therefore be revised.<sup>194</sup>

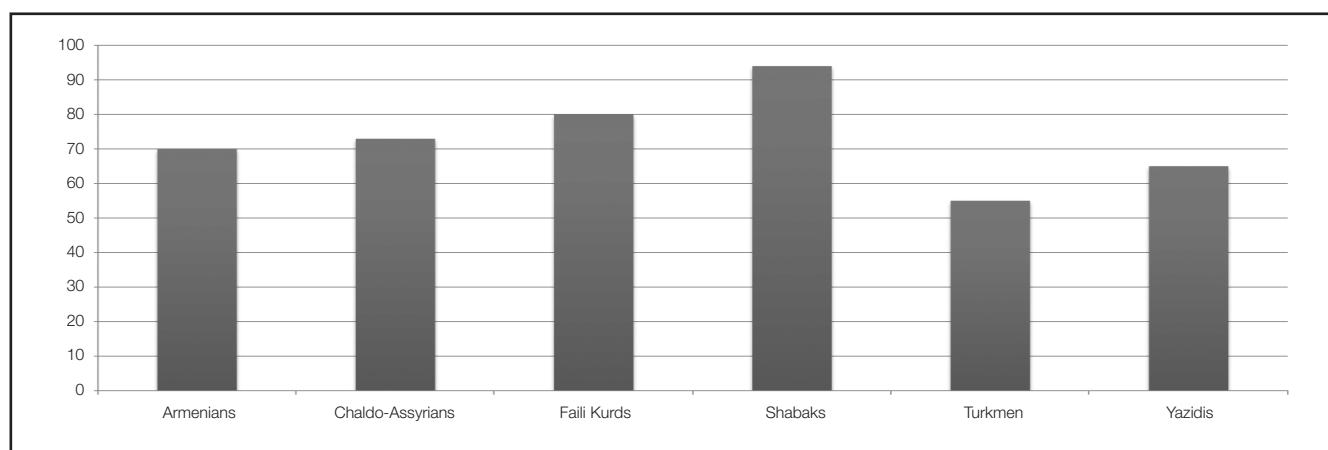
In the Kurdistan Region, IMO's human rights monitors have reported that party affiliation plays a role in determining who is employed in state institutions and ministries. Minorities who are not affiliated to one of the Kurdish political parties are reportedly discriminated against when applying for such jobs.

Black Iraqis have also complained bitterly of employment discrimination, particularly when it comes to jobs in state institutions. Salem Shaaban, a member of the Free Movement of Iraqis, highlights this problem, saying

in a news report, 'Why is there no black merchant or a senior black official in the state? We conclude that there's no place for the blacks in the Iraqi society or in the state.'<sup>195</sup> Local officials from Basra maintain that no such discrimination exists. Nevertheless, unemployment is rampant among Black Iraqis, with recent UNAMI estimates putting the figure at more than 80 per cent of the Black Iraqi population.<sup>196</sup>

Minorities, like other IDPs, have experienced serious difficulties in finding employment. Although there is no disaggregated data for minorities, IOM has reported general unemployment rates as high as 99 per cent in areas such as Kirkuk.<sup>197</sup> In the Kurdistan Region, Christian organization Open Doors International reports that the lack of job opportunities is compounded by the fact that pre-existing educational certificates and diplomas obtained by IDPs are not accepted. This immediately disqualifies many highly educated Christians from obtaining employment.<sup>198</sup>

**Figure 12:** Percentage of minorities reporting the existence of employment discrimination on the basis of religion or ethnicity in high administrative positions



### Spotlight on Roma population

The estimated 60,000 Roma (*Kawliyah*) living in Iraq today are among the most marginalized in the country.<sup>199</sup> Under Saddam Hussein, *Kawliyah* were afforded some protection from persecution, usually in exchange for supplying dancers, alcohol and prostitutes.<sup>200</sup> After 2004, *Kawliyah* were targeted by the Mahdi Army, a Shi'a militia loyal to the radical cleric Moqtada al-Sadr, which regarded them as morally repugnant.<sup>201</sup> Despite being Muslims, *Kawliyah* have been ostracized by Iraqi society and authorities alike because of their differing cultural and social norms and their tradition as entertainers. Consequently, they experience substantial difficulties in accessing health, housing and education services. One *Kawliyah* woman describes the situation saying, 'we live worse than dogs ... the authorities say "you are entitled to nothing" and throw us out. When we go into the city

to buy food, they refuse us.'<sup>202</sup> Consequently, begging has become a way of life for many. In Diwaniyah governorate, attacks by armed forces have forced families to flee to other governorates. Abbas al-Sidi, a member of the governorate's Human Rights Commission, depicts how, after these attacks, 'the infrastructure was destroyed, including the water network and electricity... The number of families has fallen from 450 to 120. Those who remain are the poorest.'<sup>203</sup> Al Zuhoor, a *Kawliyah* village in Diwaniyah governorate, has no potable water or electricity. Families live in brick hovels without windows or doors. In other areas, such as Baquba, near Baghdad, conditions are even worse. *Kawliyah* there also fear being targeted by Islamic militia. Hassan, a *Kawliyah* from Baquba, says, 'We have nothing. We are poor. We're just looking for a safe place to hide.'<sup>204</sup>

# What next for Iraq's minorities?

Some of Iraq's minority groups have been present in the region for more than two millennia. As MRG has previously noted, they now face the threat of eradication from their ancient homeland.<sup>205</sup> Since 2003, minorities have put forward numerous proposals on how best to ensure their future protection within Iraq. Some have raised the idea of an autonomous region specifically for minorities in Iraq. Indeed, Michael Youash, director of Washington-based think-tank Iraq Sustainable Democracy Project, has lobbied for US support of a proposal called the Nineveh Plain Administrative Unit.<sup>206</sup> This plan calls for the constitutional definition of an area in northern Iraq 'where Christians and other minorities could elect local councils to deal with matters such as education, public works, health-care and security'.<sup>207</sup> As part of this proposal, the region's governance would receive a share of Iraq's national revenue before deciding how to allocate these funds.<sup>208</sup> The region proposed measures approximately 5,000 km<sup>2</sup> with a population of nearly half a million.<sup>209</sup> However, such an undertaking is extremely complex and, as such, the Christian representative in the Iraqi parliament, Younadam Kanna, has commented, 'this area is not exclusively made up of or just for Christians. It is populated by a mosaic of peoples – Arabs, Shiite and others too, who are suffering. We need to find a solution for all.'<sup>210</sup>

Some Turkmen representatives oppose the idea of an autonomous region, favouring instead 'a strong central government that respects their cultural heritage',<sup>211</sup> while the Iraqi Turkmen Front (a coalition of Turkmen political parties) has pledged its support for a unitary Iraq. However, as sectarian divisions seem to be forcing more and more people into religiously segregated areas, Muzaffer Arslan, Adviser on Turkmen Affairs to President Jalal Talabani, said, 'If the land is separated along religious lines ... the Turkmen, should it come to a federal state, want a piece of this federation.' In referring to the Iraqi Constitution, he added, 'The Turkmen could have an autonomous region, with the capital being Kirkuk.'<sup>212</sup> Although the likelihood of such an autonomous region is slim, the recent parliamentary electoral results in Kirkuk may exacerbate the dispute over the city, since they show a decline in the share of the vote for the Kurdish political parties. Unsurprisingly, the Kurdish alliance that won the same number of seats (six) as al-Iraqiyah (with whom the Turkmen parties have allied) have asked the court to

review votes in Kirkuk.<sup>213</sup> As the struggle over this city becomes more pressing, it is vital that the rights of its minorities, particularly the Chaldo-Assyrians and Turkmen, are properly respected, and that they are represented in any future referendum on this area.

According to the Institute for International Law and Human Rights (IILHR) and United States Institute for Peace (USIP), who are actively working to promote practical dialogue on minority protections in Iraq, most minority representatives agree on the need for implementation of Article 125 of Iraq's Constitution, which calls for 'local administration' for minorities, although opinions vary on how broadly it should be implemented and the extent to which decision-making should be decentralized.<sup>214</sup> Some minority leaders have thus been considering autonomy arrangements at the district or governorate level, and are advocating the re-drawing of some district and sub-district boundaries in minority areas. However, others, including some minority representatives in the previous Iraqi parliament, have expressed concern about whether the passage of legislation implementing Article 125 was feasible given a polarized political environment. As a result, some minority representatives have raised the possibility of introducing legislation which would address specific aspects of Article 125's provisions and would focus more on educational and cultural protections at the district and/or governorate level.<sup>215</sup>

Autonomy arrangements at the district or governorate level would be particularly pertinent to those minorities who are concentrated in specific regions in Iraq, while cultural autonomy could be relevant to those groups which are spread across different regions in Iraq. However, such measures may not assuage the fears of all minority groups, particularly the Sabian Mandeans, since the majority of their community has already fled from Iraq. MRG has previously demonstrated that the more scattered the Mandaean people are across the world, the more their culture, religion and language is under threat.<sup>216</sup> As a result, some Mandeans are hoping to identify one country that would accept them for resettlement. NGO Refugees International has expressed its concern for groups such as the Mandeans, who believe they will never be safe in Iraq, but risk disappearing as a culture entirely if they are scattered across several resettlement countries.<sup>217</sup>

As Mandaean and others continue to suffer in Iraq, Jordan and Syria, more attention needs to be paid by the international community to how best they can access their rights and how best their needs can be served. For those minorities left within Iraq, the immediate focus needs to be on implementing legislation that will realize the provisions for minorities in Article 125 of the Iraqi Constitution and on improving minorities' security. The latter is particularly pertinent to Nineveh and Kirkuk.

In Nineveh, Abdul-Raheem Al-Shimari, head of Nineveh's Security and Defence Committee, stated in November 2009 that plans were under way to recruit

14,000 new police officers and soldiers from the governorate. These recruits were to be spread around Nineveh, but with a greater concentration in the areas where minorities live.<sup>218</sup> If recruits were drawn from minority communities themselves, it would satisfy a repeated demand from minority representatives, who hope that it would ensure better security for their communities. It would also provide employment and send an important symbolic message about the inclusion of minorities in the Iraqi nation. However, in the meantime, minorities grow increasingly frustrated with the status quo.

# Recommendations

## To the Iraqi government and parliament:

- The Iraqi government should fulfil its obligations under international law to protect religious, ethnic and linguistic minorities through legislation, policy and programmes enacted at federal, governorate and local level.
- Legislation implementing Article 125 of the Iraqi Constitution should be enacted as a priority, after a process of consultation allowing for effective and meaningful consultation with minority communities.
- The government should actively implement equal opportunities policies to ensure that minorities have equal access to services and employment opportunities as enshrined in Article 16 of the Constitution.
- The government should remove any sectarian biases from religious education curricula and provide classes for non-Muslim minorities that include teachings on their own religion. Education curricula should provide for instruction on the history and characteristics of all ethnic and religious minorities and their contribution to Iraqi society.
- The Iraqi government should allocate more resources to the newly created Real Property Claims Commission and the MoDM to enable them to speed up the processing of claims by the displaced. Special emphasis needs to be placed on enforcing decisions made by the Commission and the MoDM.
- The government should draw up an implementation plan to accompany the current National Policy on Displacement which should include: greater resource allocation to female-headed IDP households and a focus beyond return which includes resettlement and reintegration policies.
- The Council of Representatives should establish a standing or ad hoc committee on minority affairs.

## To the Kurdistan Regional Government:

- Revisions should be made to Article 5 of the Kurdish Constitution to give legal recognition to Shabaks and Yazidis as distinct ethnic groups. Accordingly, Articles 35 and 36, which outline minority rights, should be extended to include Shabaks and Yazidis, and Article

14 should be extended to include the Shabak and Yazidi languages.

- Legislation implementing Articles 35 and 36 should be enacted to ensure minorities' cultural and administrative rights. The Kurdistan National Assembly should establish a committee on minority affairs that includes representatives of all minorities and that should be consulted during the drafting of such legislation.
- In accordance with Article 19 of the Kurdish Constitution, the KRG should take immediate action against state officials and others who persecute members of minorities for choosing not to identify themselves as Kurds or affiliate themselves with Kurdish political parties.

## To the Iraqi government and KRG:

- Independent investigations of all violence against minorities must be initiated, including killings, random arrests and torture, and attacks on religious property, congregations and clergy. Results of the investigations should be made public, and those against whom credible evidence exists should be prosecuted in full compliance with fair trial standards.
- Minority activists or leaders detained on account of their peaceful political or human rights activities should be released immediately.
- Consultation with minority representatives must occur to put in place protective measures for minority communities, particularly in Nineveh and Kirkuk. These measures should include the hiring of minority police officers.
- Provisions for education in minorities' mother tongue should be extended to include all minorities, particularly in schools where there is a significant proportion of a minority community present. Teaching staff and curriculum advisers should ideally be fluent in the minority language they are teaching.
- Resources should be allocated to protect minority women and other victims of gender-based violence through the establishment of more women's shelters, and through increased support to women's NGOs and services.
- The Iraqi government and the KRG must work collaboratively to improve the security situation in

Nineveh and Kirkuk; in particular: bilateral efforts should be made to end all attacks on civilians by insurgent forces and other armed groups, as well as to map out a timetable for implementation of Article 140 of the Iraqi Constitution and the full participation of minorities in negotiations on the future status of Kirkuk and the disputed areas of Nineveh.

### **To the international community:**

- In light of the widespread documented persecution of minorities, governments to which minority members

have fled should not forcibly return them to any part of Iraq. Given that some states have now adopted a policy of returning asylum-seekers to the Kurdistan Region, they should particularly consider the evidence that some members of minorities may face persecution in that region.

### **To UNAMI:**

- Investigations should be conducted into claims by minorities that forced displacement and assimilation tactics are being used in Nineveh in order to alter the demographics of disputed areas.

# Appendix 1: Locations of interviews

Below is a list of locations that were visited by the human rights monitors during the course of the research process. At each location, Iraqi citizens were approached and asked to fill in the questionnaire. The breakdown of locations is listed by minority.

- *Shabak*: Mosul, Khazna, Bazwaya, Ali Rash, Manara, Badna Kebir, Tiba Complex, Bartilla, Mouffaqiya, Tahrawa, Jelokhan, Bazkerta, Barema, Baybokh, Umarka, Shaqooly, Baspeta
- *Yazidi*: Bashiqa, Bahzani, Sinjar, Shekhan (villages of Ain Sifni), Erbil, Ba'athra, Ezian, Majd, Dina and Dohuk
- *Christians*: Baghdad, Mosul, Kirkuk, Dohuk, Erbil, Karakosh, Bartilla, Karmless, Nahla
- *Faili Kurds*: Baghdad, Zerbatiya, Mandli, Qala'at Sukkar
- *Armenians*: Baghdad, Mosul, Karmless
- *Turkmen*: Tallafar, Sinjar, Iyadhiya, Fadhiliya, Abu Maria, Mosul, Burghuliya, Kirkuk, Taza

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## Still Targeted: Continued Persecution of Iraq's Minorities

Despite moves towards greater pluralism in Iraq's 2010 national parliamentary election, the conditions for minority communities of the country's diverse population remain extremely distressing. Minorities there face frequent bombings, torture, arbitrary arrest, intimidation, displacement and marginalization. Meanwhile, minority women and children are frequently victims of human rights violations. The ongoing threat of violence has seriously restricted minority women's freedom of movement and, in some cases, their right to express their religious and ethnic identity through the way they dress. These limitations in turn restrict their access to health services, education and employment.

While levels of displacement in Iraq have stabilized, the report identifies that an estimated 2.8 million people remain displaced. A significant number of those people displaced internally in Iraq since 2006 – almost 250,000 – represents minority populations, many fleeing due to

attacks and intimidation. Internal displacement following violence in the run-up to the March 2010 elections has left those who have been displaced in critical need of humanitarian support.

The research for this report focuses on the Kurdistan Region; Kirkuk and Nineveh provinces in the north; and Baghdad, 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 governorates in the country.

Despite the extent of the atrocities committed against minorities in recent years, there have been few investigations to identify the perpetrators of these attacks. In looking to solutions the report highlights the need for legislation implementing the minority rights enshrined in Article 125 of the Iraqi Constitution.