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Iraq: Religious minorities

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Preface

This document provides country of origin information (COI) and guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained within this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please email [the Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

Independent Chief Inspector of Borders and Immigration,

5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN.

Email: chiefinspectorukba@icinspector.gsi.gov.uk

Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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1. Introduction

1.1 Basis of claim

- 1.1.1 Fear of persecution or serious harm by state and/or non-state actors, because the person is from a religious minority.

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1.2 Other points to note

- 1.2.1 For the purposes of this guidance religious minorities include all non-Muslim communities in Iraq: Christians, Yezidis, Sabaeen Mandeans, Kaka'i, Baha'i and Jews.

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2. Consideration of Issues

2.1 Credibility

- 2.1.1 For guidance on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Assessment of risk

- 2.2.1 Many members of religious minorities have become Internally Displaced Persons (IDPs). For guidance on Article 3 claims based on the humanitarian situation, see [Country information and guidance – Iraq: Humanitarian situation](#)
- 2.2.2 Caseworkers should no longer follow the country guidance set out in [AK \(Iraq – Christians – risk\) Iraq CG \[2004\] UKIAT 00298](#), [RA \(Christians\) Iraq CG \[2005\] UKIAT 00091](#) and [SR \(Iraqi Arab Christian: relocation to KRG\) Iraq CG \[2009\] UKAIT 00038](#).
- 2.2.3 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- i. State treatment
- 2.2.4 Islam is the official religion in Iraq, although religious minorities do have constitutional rights and are represented in Parliament (an exception is the Baha'i, who are not recognised by law). In May 2015 the Kurdistan Regional

Government (KRG) passed a law to protect the rights of religious minorities (see [Constitutional rights](#) and [Other rights](#)).

- 2.2.5 The legal situation about conversion from Islam is unclear. The Penal Law does not prohibit conversion away from Islam but the Personal Status Law does not legally recognise any such conversion. Consequences of conversion may include difficulties in obtaining documents, getting married and in sending children to certain schools (see [Conversion](#)).
- 2.2.6 There are some reports that the Government of Iraq (GoI) has engaged in abuses, such as killings, kidnappings, detention, entry restrictions, confiscation of property and discrimination, based on a person's religious affiliation (see [Mistreatment by the Government of Iraq \(GoI\)](#)). However, it is difficult to categorise whether these incidents were motivated by the victim's religious identity.
- 2.2.7 There are fewer reports of official abuse and discrimination against religious minorities by the Kurdistan Regional Government (KRG). There are reports of abuses, such as arbitrary detention and discrimination, in areas outside the Kurdistan Region of Iraq (KRI) which are controlled by the KRG, such as parts of Ninewah and Kirkuk (see [Mistreatment by the Kurdistan Regional Government \(KRG\)](#)).
- 2.2.8 In general, members of religious minorities will not face treatment which amounts to persecution or serious harm from the state. Decision makers must, however, consider each case on its individual facts, taking full account of the person's circumstances.

ii. Non-state treatment

- 2.2.9 Since 2003, various armed groups, most prominently and recently the Shia militia, have targeted religious minorities in Baghdad. As a result, significant numbers of people who belong to a religious minority have either fled the country or become displaced internally (see [Religious minority groups](#)). Religious minorities are vulnerable to human rights violations and other abuses, including abductions, extra-judicial killings, extortion and forced evictions (see [Non-state treatment – Other non-state actors](#)).
- 2.2.10 Most religious minorities in Iraq originate from the northern part of the country. In 2014 Daesh (Islamic State) took over much of this territory, and violated the human rights of the inhabitant religious minorities (see [Non-state treatment - Daesh](#)).
- 2.2.11 In general, a person from a religious minority is likely to be at risk from Daesh in the 'contested' areas (Anbar, Diyala, Kirkuk, Ninewah and Salah al-Din), and at risk from armed groups, including the Shia militia, in Baghdad.
- 2.2.12 Those from religious minorities may face discrimination and stigma throughout society on the basis of their religion. Those who apostatise away from Islam may also be at risk of mistreatment. However, the evidence does not indicate that this treatment amounts to persecution or serious harm. Decision makers must, however, consider each case on its merits, taking full account of the person's circumstances (see [Non-state treatment – Other non-state actors](#) and [Conversion](#)).

- 2.2.13 In general, a person from a religious minority will not be at risk of persecution or serious harm in the southern governorates (Babil, Basra, Kerbala, Missan, Muthanna, Najaf, Qaddisiyah, Thi-Qar and Wasit), and the Kurdistan Region of Iraq (KRI). Decision makers must, however, consider each case on its individual facts, taking full account of the person's circumstances.

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2.3 Protection

- 2.3.1 Where the person's fear is of persecution and/or serious harm from non-state actors, decision makers must assess whether the state can provide effective protection.
- 2.3.2 The GoI has not protected religious minorities and has not properly investigated claims of abuses (see [Protection – Government of Iraq \(GoI\)](#)). As a result, in areas outside the KRI, the state appears able but unwilling, and unable and unwilling in parts of the 'contested' areas, to offer effective protection, and the person will not be able to avail themselves to the protection of the authorities. However, decision makers must consider whether the person has any circumstances, such as family, tribal or political links, in which they can obtain sufficient protection.
- 2.3.3 The KRI has traditionally been a haven for religious minorities. Although mistrusted by some members of religious minorities, the KRI authorities do provide effective protection. Some sources say that the willingness of the KRI authorities to offer protection depends on certain factors, such as the identity of the persecutor. There may not be effective protection in the areas outside the KRI which are either controlled or contested by the KRG (see [Protection – Kurdistan Regional Government \(KRG\)](#)). In general, a person from a religious minority will be able to obtain protection from the authorities in the KRI. However, decision makers must consider all a person's circumstances when making an assessment.
- 2.3.4 For further guidance on assessing the availability or not of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.4 Internal relocation

- 2.4.1 There are areas in Iraq to which, as a general matter, a person cannot relocate because of the security situation. Decision makers must consult [Country Information and Guidance – Iraq – Internal relocation \(including documentation and feasibility of return\)](#).
- 2.4.2 In general, religious minorities do not face unreasonable difficulties in gaining access to the KRI, although some people may encounter problems depending on what type of documents they possess (see [Protection – Kurdistan Regional Government \(KRG\)](#)). In general, a member of a religious minority can relocate to the KRI or the southern governorates, if not unduly harsh based on their circumstances. The onus is on the person to demonstrate why they are unable to relocate to these areas to mitigate any risk.

- 2.4.3 For further guidance on internal relocation, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#)

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2.5 Certification

- 2.5.1 Where a claim falls to be refused, it is unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.5.2 For further guidance on certification, see the [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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3. Policy Summary

- 3.1.1 In general, religious minorities are not at risk of persecution or serious harm from the state authorities in Iraq.
- 3.1.2 In general, a person from a religious minority is likely to be at risk of persecution from Daesh in the ‘contested’ areas (Anbar, Diyala, Kirkuk, Ninewah and Salah al-Din), and from armed groups, including the Shia militia, in Baghdad.
- 3.1.3 A person from a religious minority may not be able to obtain protection from the state in areas outside the KRI. However, decision makers must consider whether there are any circumstances, including family, tribal or political links, in which a person can obtain effective protection.
- 3.1.4 In general, a person at risk can relocate to the southern governorates (Babil, Basra, Kerbala, Missan, Muthanna, Najaf, Qadissiyah, Thi-Qar and Wasit), and the Kurdistan Region of Iraq (KRI), if not unduly harsh based on their circumstances.
- 3.1.5 Where a claim falls to be refused, it is unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

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Country Information

Updated: 26 July 2016

4. Religious minority groups

4.1 Overview

4.1.1 According to 2010 Iraqi government statistics, Iraq's population (of 32.6 million¹) are:

- 97 per cent Muslim, of which:
 - 60-65 per cent are Shia (Arabs, Turkmen, Shabak and Faili Kurds); and
 - 31-37 per cent are Sunni (Arabs and Kurds);
- 3 per cent are from other religious groups, including:
 - Christians;
 - Yezidis;
 - Sabaeen Mandaean;
 - Bahai's;
 - Kakai's (sometimes referred to as Ahl-e Haqq); and
 - Jews.²

4.1.2 According to the UN High Commissioner for Refugees (UNHCR), the number of people belonging to a religious minority who are Internally Displaced Persons (IDPs) is unknown, although estimated at 900,000. It is estimated that 100,000-200,000 Christians, 300,000 Yezidis, and several thousand Kakais are displaced throughout the country, with high concentrations in the Kurdistan Region of Iraq (KRI).³

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4.2 Christians

4.2.1 USSD 2014 noted that Christian leaders estimate that there are approximately 400,000-500,000 Christians in Iraq, 'a significant decline over the last 10 years from a pre-2002 estimate of 800,000-1.4 million.'⁴ A

¹ A July 2014 estimate by the US Government, according to US State Department, International Religious Freedoms Report for 2014, Iraq, Section 1: Religious Demography, 14 October 2015, <http://www.state.gov/j/drl/rls/irf/2014/nea/238456.htm>, accessed 26 July 2016

² US State Department, International Religious Freedoms Report for 2014, Iraq, Section 1: Religious Demography, 14 October 2015, <http://www.state.gov/j/drl/rls/irf/2014/nea/238456.htm>, accessed 26 July 2016

³ US State Department, International Religious Freedoms Report for 2014, Iraq, Section 1: Religious Demography, 14 October 2015, <http://www.state.gov/j/drl/rls/irf/2014/nea/238456.htm>, accessed 26 July 2016

⁴ US State Department, International Religious Freedoms Report for 2014, Iraq, Section 1: Religious

Heartland Alliance International report ('the Heartland Alliance report'), dated 2015, wrote that Christian numbers 'continues to decrease on a daily basis.'⁵

4.2.2 The Christians of Iraq fall into different denominations. These are:

- Chaldeans (an eastern rite of the Catholic Church) (two-thirds of Christians);
- Assyrians (Church of the East) (one-fifth of Christians);
- Syriacs (eastern Orthodox and Catholic);
- Armenians (Roman Catholic and Eastern Orthodox);
- Anglicans and other Protestants;
- Evangelical Christians (approximately 5,000).⁶

4.2.3 The Minority Rights Group report, 'Between the Millstones: The State of Iraq's Minorities Since the Fall of Mosul' ('the Minority Rights Group report'), dated February 2015, noted:

'Prior to June 2014, half or more of the pre-2003 Iraqi Christian community – thought to number between 800,000 to 1.4 million – had already left the country...Many consider these denominations to be distinct ethnic groups as these communities speak their own language, practise Christian traditions and do not identify as Arab...

'In the wake of the US-led invasion, community members were targeted for their religious differences as well as their perceived ties to the West, resulting in a large exodus of Christians from the country as refugees. Today, only around 350,000 Christians are still based in Iraq, mostly in Baghdad, Mosul and the Ninewa plain, Kirkuk, Basra as well as the three governorates in the Iraqi Kurdish Region.'⁷

4.2.4 According to the Gulf 2000 Project, since mid-2014 Christians settled in Baghdad, in Nissan (New Baghdad), Karada, Karkh and Dowra.⁸ A map (dated August 2014) from National Geographic shows a Christian minority presence in Ninewah, Kirkuk, Baghdad and Basra.⁹

Demography, 14 October 2015, <http://www.state.gov/j/drl/rls/irf/2014/nea/238456.htm>, accessed 26 July 2016

⁵ Heartland Alliance International, 'At Crossroads: Human Rights Violations Against Iraqi Minorities After ISIS', 2015, <http://masaratiraq.org/wp-content/uploads/2015/09/AT-CROSSROADS.pdf>, p. 21, accessed 15 June 2016

⁶ US State Department, International Religious Freedoms Report for 2014, Iraq, Section 1: Religious Demography, 14 October 2015, <http://www.state.gov/j/drl/rls/irf/2014/nea/238456.htm>, accessed 26 July 2016

⁷ Minority Rights Group, Between the Millstones: The State of Iraq's Minorities Since the Fall of Mosul, February 2015, p.8, http://minorityrights.org/wp-content/uploads/2015/03/MRG_Rep_Iraq_ONLINE.pdf, accessed 11 February 2016

⁸ Gulf 2000 Project, Baghdad Ethnic Composition in 2015: The metropolitan area and the province, http://gulf2000.columbia.edu/images/maps/Baghdad_Ethnic_2015_lg.png, accessed 11 February 2016

⁹ National Geographic, 'Iraqi Christians weigh up taking arms against Islamic State', 27 August 2014, <http://news.nationalgeographic.com/news/2014/08/140827-iraq-dahuk-islamic-state-assyrian->

4.3 Yezidis

4.3.1 USSD 2014 noted that, according to Yezidi leaders, most of the approximate 500,000 Yezidis reside in the north.¹⁰ A Heartland Alliance International report, dated 2015, noted that 'Yezidis live on Sinjar Mountain (70 miles west of Mosul) and there is a 'very scant' and a 'temporary rather than long-term' Yezidi presence in Baghdad.¹¹

4.3.2 The Minority Rights Group report noted:

'Yezidis are an ancient ethnic and religious group, present in the Middle East since approximately 4000 BC and based mainly in northern Iraq, though some are also based in neighbouring Syria and Turkey as well as various European countries. Most Yezidis speak Kurmanji, which is widely considered by both Yezidis and outsiders to be a dialect of Kurdish. Yezidism is also one of the oldest religions in the world still practised today, combining pre-Islamic Zoroastrian, Manichaean, Jewish, Nestorian Christian and Muslim elements.'¹²

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4.4 Kaka'i

4.4.1 The Minority Rights Group report noted:

'Kaka'i, also known as Ahl-e Haqq or Yarsan, are estimated by community members to number between 110,000 and 200,000 in Iraq, mainly south-east of Kirkuk and in the Ninewa plain near Daquq and Hamdaniya, with others also based in Diyala, Erbil and Suleimaniya. They are commonly considered a Kurdish subgroup and branch of the Shi'a faith, though the religion differs in important ways. The Kaka'i faith dates to the 14th century in western Iran and contains elements of Zoroastrianism and Shi'a Islam. Nevertheless, their distinct practices and beliefs have resulted in some persecution. As a result, Kaka'i are secretive about their faith.'¹³

[christians-peshmerga-nineveh-kurdistan/](#), accessed 26 July 2016

¹⁰ US State Department, International Religious Freedoms Report for 2014, Iraq, Section 1: Religious Demography, 14 October 2015, <http://www.state.gov/j/drl/rls/irf/2014/nea/238456.htm>, accessed 26 July 2016

¹¹ Heartland Alliance International, 'At Crossroads: Human Rights Violations Against Iraqi Minorities After ISIS', 2015, <http://masaratiraq.org/wp-content/uploads/2015/09/AT-CROSSROADS.pdf>, p. 17, accessed 15 June 2016

¹² Minority Rights Group, Between the Millstones: The State of Iraq's Minorities Since the Fall of Mosul, February 2015, p.8, http://minorityrights.org/wp-content/uploads/2015/03/MRG_Rep_Iraq_ONLINE.pdf, accessed 11 February 2016

¹³ Minority Rights Group, Between the Millstones: The State of Iraq's Minorities Since the Fall of Mosul, February 2015, p.8, http://minorityrights.org/wp-content/uploads/2015/03/MRG_Rep_Iraq_ONLINE.pdf, accessed 11 February 2016

- 4.4.2 USSD 2014 noted that, according to activists, Kaka'i community numbers approximately 100,000, mainly in villages southeast of Kirkuk, in Diyala and Erbil in the north, and in Karbala.¹⁴

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4.5 Sabaeen Mandaean

- 4.5.1 USSD 2014 noted: 'Estimates of the size of the Sabean-Mandaean community vary. According to Sabean-Mandaean leaders, about 1,000-2,000 remain in the country, predominantly in southern Iraq, with small pockets in Kurdistan and Baghdad.'¹⁵ The Heartland Alliance report noted that, since 2003, almost 90 per cent of Iraqi Mandaeans left the country. They are 'concentrated in Baghdad and southern Iraq (Amarah City in particular)'.¹⁶
- 4.5.2 The World Directory of Minorities and Indigenous Peoples, dated October 2014, noted: 'Sabian Mandaeans face extinction as a people. As their small community is scattered throughout the world, Sabian Mandaeans' ancient language, culture and religion face the threat of extinction....Since the outbreak of violence in 2003, most Sabean-Mandaeans have either fled the country or been killed. Today, there are fewer than 5,000 remaining in Iraq.'¹⁷

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4.6 Baha'i

- 4.6.1 USSD 2014 noted that Baha'i leaders report fewer than 2,000 members, spread throughout the country in small groups.¹⁸
- 4.6.2 The Heartland Alliance report noted: 'Baha'is are a small religious minority living in different regions of Iraq. The Baha'i faith is a modern religion that embraces tenets human unity; Baha'is themselves descend from various religions, backgrounds and ethnicities. Adherents to the Baha'i faith enjoy close relationships with Muslim and Christian relatives, friends, and neighbors, resulting in close integration of Baha'is into their local communities'.¹⁹

¹⁴ US State Department, International Religious Freedoms Report for 2014, Iraq, Section 1: Religious Demography, 14 October 2015, <http://www.state.gov/j/drl/rls/irf/2014/nea/238456.htm>, accessed 26 July 2016

¹⁵ US State Department, International Religious Freedoms Report for 2014, Iraq, Section 1: Religious Demography, 14 October 2015, <http://www.state.gov/j/drl/rls/irf/2014/nea/238456.htm>, accessed 26 July 2016

¹⁶ Heartland Alliance International, 'At Crossroads: Human Rights Violations Against Iraqi Minorities After ISIS', 2015, <http://masaratiraq.org/wp-content/uploads/2015/09/AT-CROSSROADS.pdf>, p. 64, accessed 15 June 2016

¹⁷ Minority Rights Group International, 'World Directory of Minorities and Indigenous Peoples - Iraq: Sabian Mandaeans', October 2014, <http://minorityrights.org/minorities/sabian-mandaeans/>, accessed 7 March 2016

¹⁸ US State Department, International Religious Freedoms Report for 2014, Iraq, Section 1: Religious Demography, 14 October 2015, <http://www.state.gov/j/drl/rls/irf/2014/nea/238456.htm>, accessed 26 July 2016

¹⁹ Heartland Alliance International, 'At Crossroads: Human Rights Violations Against Iraqi Minorities

4.7 Jews

- 4.7.1 USSD 2014 noted: 'Fewer than 10 Jews reportedly reside in Baghdad.'²⁰ The 2015 Heartland Alliance International report noted 'Iraqi Jews, whom recent estimates put at a total of 6 persons, live in Baghdad and represent the last traces of a formerly robust Jewish community over 2,500 years old'.²¹

5. State treatment

5.1 Constitutional rights

- 5.1.1 USSD 2014 noted that the Iraqi constitution:
- recognises Islam as the official religion;
 - mandates Islam as a source of legislation;
 - states that no law may be enacted contradicting Islam (though it does not differentiate between Sunni and Shia);
 - states that no law may contradict constitutionally-protected freedoms;
 - guarantees freedom from religious coercion;
 - guarantees the right to choose whether a civil or religious court will adjudicate matters of personal status;
 - requires the government to maintain the sanctity of holy shrines and religious sites;
 - guarantees the free practice of rituals;
 - guarantees the freedom to manage religious endowments (waqf) and religious institutions;
 - stipulates that the federal Supreme Court is made up of judges, experts in Islamic jurisprudence, and legal scholars, although it leaves the method of regulating the number and selection of judges to legislation that requires a two-thirds majority in the Council of Representatives.²²
- 5.1.2 However, the source also noted: 'Apparent contradictions between the constitution and other legal provisions remain. For example, the law prohibits

After ISIS', 2015, p. 9, <http://masaratiraq.org/wp-content/uploads/2015/09/AT-CROSSROADS.pdf>, accessed 15 June 2016

²⁰ US State Department, International Religious Freedoms Report for 2014, Iraq, Section 1: Religious Demography, 14 October 2015, <http://www.state.gov/j/drl/rls/irf/2014/nea/238456.htm>, accessed 26 July 2016

²¹ Heartland Alliance International, 'At Crossroads: Human Rights Violations Against Iraqi Minorities After ISIS', 2015, p. 9 <http://masaratiraq.org/wp-content/uploads/2015/09/AT-CROSSROADS.pdf>, accessed 15 June 2016

²² US State Department, International Religious Freedoms Report for 2014, Iraq, Section 1: Religious Demography, 14 October 2015, <http://www.state.gov/j/drl/rls/irf/2014/nea/238456.htm>, accessed 26 July 2016

the practice of the Bahai Faith, and a 2001 resolution prohibits the practice of the Wahhabi branch of Sunni Islam.²³

5.1.3 The source also noted: 'The Personal Status Law stipulates that civil courts must consult the religious authority of a non-Muslim party for its opinion under the applicable religious law and apply that opinion in court.'²⁴

5.1.4 In May 2015, the Kurdistan Parliament passed 'The Rights of National and Religious Minorities Protection Law in Kurdistan – Iraq'. Its provisions included:

- equality and equal opportunity in political, cultural, social and economic life;
- prevention of discrimination;
- prevention of hate speech;
- prevention of policies to change demography and to distort historical and cultural heritage;
- protection of language;
- right to religious identity;
- protection of basic rights and liberties, including freedom of religion;
- right to political participation²⁵

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5.2 Other rights

5.2.1 USSD 2014 noted that the government maintains three waqfs (religious endowments): Sunni; Shia; and Christian, Yezidi, Sabaeen-Mandaean and 'other'. These endowments disburse government funding to maintain and protect religious facilities. The Kurdistan Regional Government (KRG) also maintains three waqfs: Sunni; Christian; and Yezidi, and also provides funding to some religious groups without endowments, for example to the Sabaeen Mandaeans.²⁶

5.2.2 The source added:

²³ US State Department, International Religious Freedoms Report for 2014, Iraq, Section 1: Religious Demography, 14 October 2015, <http://www.state.gov/j/drl/rls/irf/2014/nea/238456.htm>, accessed 26 July 2016

²⁴ US State Department, International Religious Freedoms Report for 2014, Iraq, Section 1: Religious Demography, 14 October 2015, <http://www.state.gov/j/drl/rls/irf/2014/nea/238456.htm>, accessed 26 July 2016

²⁵ Peace and Freedom Organization in Kurdistan/Al-Mesalla Organization Human Resources Development, A Reading for the Law of Protecting Components in Kurdistan, July 2015, <http://www.iraqicivilsociety.org/wp-content/uploads/2015/08/A-Reading-for-the-Law-of-Protecting-Components-in-Kurdistan-english.pdf>, accessed 26 July 2016

²⁶ US State Department, International Religious Freedoms Report for 2014, Iraq, Section 1: Religious Demography, 14 October 2015, <http://www.state.gov/j/drl/rls/irf/2014/nea/238456.htm>, accessed 26 July 2016

'The government requires Islamic religious instruction in public schools, but non-Muslim students are not required to participate...During the year [2014], the Ministry of Education (MOE) approved the inclusion of Syriac and Christian religious education in the curricula of 152 public schools in Baghdad, Ninewa, and Kirkuk. Private religious schools operate in the country, but must obtain a license from the director general of private and public schools and pay annual fees...

'Many Christians who speak the Syriac language consider the right to use and teach it to their children a question of religious freedom. The constitution establishes Arabic and Kurdish as official state languages but guarantees the right to educate minority children in their own languages, and makes Turkmen and Syriac official languages in "the administrative units in which they constitute density populations"...The KRG MOE [Kurdistan Regional Government Ministry of Education] funds Syriac-language public schools (elementary and high school) in its territory, and the curriculum does not contain religion or Quranic studies.'²⁷

5.2.3 The source also observed:

'Government policy continued to recognize Christians' right to observe Easter and Christmas without interference. The government also provided increased protection to Christian churches during these holidays. Local Bahais were able to celebrate the festivals of Naw-Ruz and the Festival of Ridvan without interference or intimidation. Provincial governments have also designated religious holidays in their localities; for example, in 2013, the Maysan provincial council recognized a Sabeian-Mandaean holiday as an official holiday. The Maysan provincial council also provided physical protection for the Sabeian-Mandaean community during times of worship, formally excused the group from Shia Muslim dress codes during times of mourning, and granted land for places of worship.

'An advocacy group reported that the Ministry of Antiquities initiated an investigation into the destruction of the home of the founder of the Bahai Faith and the government sent a notice halting construction work on the site.'²⁸

5.2.4 USSD 2014 noted:

'Of the 328 seats in the Council of Representatives, the law reserves eight seats for members of minority groups: five for Christian candidates from Baghdad, Ninewa, Kirkuk, Erbil, and Dahuk; one for a Yezidi; one for a Sabeian-Mandaean; and one for a Shabak. In the 2014 national parliamentary elections, six minority candidates won parliamentary seats outside of the quota allocation, bringing total minority representation to 14

²⁷ US State Department, International Religious Freedoms Report for 2014, Iraq, Section 1: Religious Demography, 14 October 2015, <http://www.state.gov/j/drl/rls/irf/2014/nea/238456.htm>, accessed 26 July 2016

²⁸ US State Department, International Religious Freedoms Report for 2014, Iraq, Section 1: Religious Demography, 14 October 2015, <http://www.state.gov/j/drl/rls/irf/2014/nea/238456.htm>, accessed 26 July 2016

seats. The Iraqi Kurdistan Parliament reserves 11 seats for minorities: five for Christians, five for Turkmen, and one for Armenians.²⁹

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5.3 Conversion

5.3.1 UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Asylum Seekers from Iraq, dated 2012, stated:

'The Constitution of Iraq requires the Iraqi State to uphold both freedom of religion and the principles of Islam, which, according to many Islamic scholars, includes capital punishment for leaving Islam. Iraqi Penal Law does not prohibit conversion from Islam to Christianity (or any other religion); however, Iraq's Personal Status Law does not provide for the legal recognition of a change in one's religious status. These apparent contradictions have not yet been tested in court and, as a result, the legal situation of converts remains unclear.

'A convert would not be able to have his/her conversion recognized by law, meaning that he/she has no legal means to register the change in religious status and his/her identity card will still identify its holder as "Muslim". As a result, children of converts may be without an identification card, unless their parents register them as Muslims. Children of converts cannot be enrolled in Christian schools and are obliged to participate in mandatory Islamic religion classes in public schools. A female convert cannot marry a Christian man, as she would still be considered Muslim by law. A convert may also have his/her marriage voided as under Shari'a Law, as an "apostate" cannot marry or remain married to a Muslim and will be excluded from inheritance rights. Given the widespread animosity towards converts from Islam and the general climate of religious intolerance, the conversion of a Muslim to Christianity would likely result in ostracism and/or violence at the hands of the convert's community, tribe or family. Many, including (Sunni and Shi'ite) religious and political leaders, reportedly believe that apostasy from Islam is punishable by death, or even see the killing of apostates as a religious duty. Additionally, Christian converts risk being suspected as working with the MNF-I/USF-I or more generally the "West", which in the opinion of some has fought a "holy war" against Iraq...

'It is also unclear how the Iraqi legal system would deal with cases of apostasy, as the Iraqi constitution and laws include conflicting provisions. In particular, the constitution mandates in Article 2 that Islam be considered a "foundation source of legislation" and that no law may be enacted that contravenes the "established provisions of Islam", but it also guarantees the freedom of religion in Article 2(2), establishes that "no law be enacted that contradicts the rights and basic freedoms" stipulated in the Constitution in Article 2 (1C), and guarantees protection from religious coercion in Article 37 (2), which would preclude the Iraqi state from penalizing individuals for leaving Islam. Legal experts interviewed by IWPR [Institute for War and

²⁹ US State Department, International Religious Freedoms Report, 2014, Iraq, Section 2, Legal framework, <http://www.state.gov/j/drl/rls/irf/2014/nea/238456.htm>

Peace Reporting] in relation to the killing of a convert in 2010 said that judges would have to refer to Islamic principles in dealing with such a case. The former head of Iraqi Lawyers Union told IWPR that Islamic Law could be considered as a mitigating factor.³⁰

5.3.2 The Institute for International Law and Human Rights noted in its May 2013 report:

‘Among non-Muslim components who voluntarily or were forcibly converted to Islam, the Civil Status law requires that minor children follow in the religion of the parent who embraces the Islamic religion. This provision leaves no remedy for non-Muslim parents to pass their religious identity onto children once the adult has been registered as Muslim, and prevents children from choosing their own religion as adults. This problem is compounded by regulations founded on Shari’ah Law which prohibit individuals from converting away from the Muslim faith. This is particularly problematic for minorities forcibly converted under the Ba’ath regime or who registered as Muslim who seek new identity documents reflecting their true faith. To date, members of the Kaka’i, Baha’i, Christian, Mandaean Sabean, and Yezidi faiths report that, where families have been forced to adopt Islam for the purposes of identity documentation, they have been unable to change their religious designation despite the legal right to practice their faiths.’³¹

5.3.3 An October 2014 report by the Minority Rights Group International noted:

‘Minorities are also disadvantaged by the 1972 Law of Civil Affairs, which makes conversion of minors automatic if either parent converts to Islam, but prohibits Muslims from converting to any other faith. This means that children of converts to Christianity, for example, cannot be enrolled in Christian schools. The law particularly disadvantages girls whose parents converted to Islam when they were minors, because of the restrictions on Muslim women marrying non-Muslim men. An illustration of the negative consequences of this law is the case of three girls in Al-Hamdaniya who had been living their lives as Christians, only to discover when one of them tried to get married to a Christian man that they were registered as Muslims in the civil registry, and therefore prohibited from marrying spouses from other faiths. Many minority activists have been lobbying for a unified personal status law which would allow all citizens to choose their religion for themselves, as well as a civil marriage law which would allow adherents of

³⁰ UN High Commissioner for Refugees, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Iraq, 31 May 2012, IV. Eligibility for International Protection, 5. Individuals with Religion-Based Claims, b) Members of Religious Minorities, iv. Christians including converts, and fn 674, <http://www.refworld.org/docid/4fc77d522.html>, accessed 21 June 2016

³¹ Institute for International Law and Human Rights, Iraq’s Minorities and Other Vulnerable Groups: Legal Framework, Documentation, and Human Rights, May 2013, Iraq’s Legal and Regulatory Framework, http://lawandhumanrights.org/documents/MinorityHB_EN.pdf, accessed 13 July 2016

all religious to decide on matters related to marriage and inheritance without regard to religion'.³²

5.3.4 USSD 2014 noted:

'Personal status laws and regulations prevent the conversion of Muslims to other religions and require conversion of minor children to Islam if either parent converts to Islam. In the IKR [Iraqi Kurdistan Region], there were several cases of Christian single-parent families affected by the conversion policy, which applies to all religious minorities. In some cases, the Christian parent fled with the minor children to avoid conversion of the children to Islam.'³³

5.3.5 A fact-finding mission report published in April 2016 by the Danish Immigration Service/Danish Refugee Council ('the Danish report') noted:

'The law discriminates with regard to conversion, as Muslims are not allowed to convert, whereas it is possible to convert from other religions to Islam...After the meeting with the delegation, the sources informed that this is a big issue right now in Iraq, especially during the last couple of weeks, as the Iraqi Parliament has passed a new law, part of the National Card law, that enforces Islamic religion on children of mixed marriages. Under past regimes, the Kakais have registered at the authorities as Muslims in order to protect themselves. Now they are not allowed to change back to their original religion'.³⁴

5.3.6 For more information about conversion/apostasy, see a response by the [Immigration and Refugee Board of Canada, covering the period 2011 – July 2014](#)

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5.4 Mistreatment by the Government of Iraq (GoI)

5.4.1 USSD 2014 noted:

'Because religion, politics, and ethnicity are often closely linked, it is difficult to categorize many incidents as being solely based on religious identity. There were reports the central government engaged in killings, kidnappings, arrests, detentions, restrictions, and discrimination based on religious affiliation.'³⁵

³² Minority Rights Group International, 'From Crisis to Catastrophe: the situation of minorities in Iraq', 3 Participation, identity and personal status, Personal status, p. 24, http://www.ecoi.net/file_upload/1930_1414494869_mrg-ceasefire-report-iraq-2014.pdf, accessed 13 July 2016

³³ US State Department, International Religious Freedoms Report for 2014, Iraq, 14 October 2015, Section 2, Legal framework, <http://www.state.gov/j/drl/rls/irf/2014/nea/238456.htm>, accessed 26 July 2016

³⁴ Danish Immigration Service, 'The Kurdistan Region of Iraq (KRI); Access, Possibility of Protection, Security and Humanitarian Situation; Report from fact finding mission to Erbil, the Kurdistan Region of Iraq (KRI) and Beirut, Lebanon, 26 September to 6 October 2015', 12 April 2016, Appendix 2, <https://www.nyidanmark.dk/NR/rdonlyres/4B4E8C12-84B7-4ACB-8553-5E0218C5689A/0/FactfindingreportKurdistanRegionofIraq11042016.pdf>, accessed 13 July 2016

³⁵ US State Department, International Religious Freedoms Report for 2014, Iraq, 14 October 2015,

- 5.4.2 A joint report by the Office of the United Nations High Commissioner for Human Rights (UNHCR) and the United Nations Assistance Mission for Iraq (UNAMI), covering the period 1 May to 31 October 2015, received only one report of an alleged attack by government-associated forces against members of an ethnic or religious community.³⁶
- 5.4.3 Heartland Alliance International reported the confiscation of Christian properties in Baghdad, particularly in middle- and upper- class neighbourhoods in al-Karrada district. It commented:
- ‘Many Christians return home to find that their homes and properties have been seized by the central government and resold...Seizure of property is often carried out by parties and persons claiming to have powerful political connections, which can discourage owners from challenging the seizure...However, even when Christian property owners transfer property to one of these parties albeit through legal transactions, these owners are frequently acting under duress...Most Christians refuse to file complaints against the practice out of fear that their family members would be abducted by affiliates of the confiscators.’³⁷
- 5.4.4 The report noted that the Supreme Judicial Council had, in February 2015, ‘enacted strict measures on this issue’, although ‘despite these judiciary measures, property seizure is still taking place without penalty.’³⁸
- 5.4.5 The source commented that Yezidis met with complicated procedures at entry points, particularly at Baghdad’s southern crossing. At al-Shaap checkpoint in Baghdad, Yezidis are required to provide a sponsorship document signed by a Baghdad citizen.³⁹
- 5.4.6 The Heartland Alliance International report noted:
- ‘Yezidi citizens frequently complained about complicated procedures at entry points into certain Iraqi governorates, particularly through Baghdad’s southern crossing point. Strict entry requirements frequently prevent Yezidis from crossing the border to conduct routine transactions, such as going to work in restaurants and entertainment clubs or obtaining official documents like passports. At the al-Shaap checkpoint on the Bagdad border, Yezidis

Section 2, Legal framework, <http://www.state.gov/j/drl/rls/irf/2014/nea/238456.htm>, accessed 13 July 2016

³⁶ Office of the United Nations High Commissioner for Human Rights and United Nations Assistance Mission for Iraq, Report on the Protection of Civilians in the Armed Conflict of Iraq, covering the period 1 May to 31 October 2015, p.23,

http://www.uniraq.org/index.php?option=com_k2&view=item&task=download&id=1660_f694b996c122ba6ea212cd3fa4344381&Itemid=650&lang=en, date accessed: 6 March 2016

³⁷ Heartland Alliance International, ‘At Crossroads: Human Rights Violations Against Iraqi Minorities After ISIS’, 2015, <http://masaratiraq.org/wp-content/uploads/2015/09/AT-CROSSROADS.pdf>, p. 25, accessed 15 June 2016

³⁸ Heartland Alliance International, ‘At Crossroads: Human Rights Violations Against Iraqi Minorities After ISIS’, 2015, <http://masaratiraq.org/wp-content/uploads/2015/09/AT-CROSSROADS.pdf>, p. 26, accessed 15 June 2016

³⁹ Heartland Alliance International, ‘At Crossroads: Human Rights Violations Against Iraqi Minorities After ISIS’, 2015, <http://masaratiraq.org/wp-content/uploads/2015/09/AT-CROSSROADS.pdf> p.17, accessed 15 June 2016

entering the city are requested to provide a sponsorship document signed by a Baghdadi citizen before being granted entry. Masarat spoke with a trucker on the Dohuk-Baghdad road, who informed interviewers that some religious minorities received special treatment when attempting to enter Baghdad, but Yezidis were not among that number. “There is a special context adopted by security members towards the sons of the Yezidi religion.”⁴⁰

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5.5 Mistreatment by the Kurdistan Regional Government (KRG)

5.5.1 USSD 2014 noted: ‘Because religion, politics, and ethnicity are often closely linked, it is difficult to categorize many incidents as being solely based on religious identity...There were relatively fewer reports [than those related to Gol] of official abuse and discrimination based on religious affiliation in the IKR...’⁴¹

5.5.2 The source further noted:

‘... Yezidi and Christian political and civil society leaders stated that Kurdish Peshmerga and Asayish forces harassed and committed abuses against their communities in the portion of Ninewa Province controlled by the KRG or contested between the central government and the KRG. Both activists and members of the Iraqi Kurdistan Parliament stated that KRG security officials held some Yezidis in arbitrary detention both before and after ISIL [Daesh] occupied the Sinjar district of Ninewa.

‘Human rights NGOs and Yezidi leaders stated KRG authorities discriminated against some groups of Yezidi, Christian and Kakai IDPs in providing humanitarian assistance in the IKR. There were also reports that KRG authorities prevented individuals whom they deemed security threats from entering the IKR [although]...Kurdish authorities generally admitted ethnic and religious minority IDPs. .Kakai IDPs in Erbil also reported pressure from provincial authorities to move from a primarily Christian suburb to IDP camps. In September a provincial official reportedly threatened to move Kakai IDPs to a camp by force if they did not go voluntarily...

‘Some Christians in the Disputed Internal Boundaries Areas reported that false claims of land ownership by local officials blocked Christians from building on land that the Christians said was their property. According to a human rights NGO, one such dispute near Shaqlawa prevented the construction of dwellings for primarily Christian IDPs. A Yezidi activist stated that local Kurdish officials in the village of Ain Sifne in the Shaykhan district

⁴⁰ Heartland Alliance International, ‘At Crossroads: Human Rights Violations Against Iraqi Minorities After ISIS’, 2015, p. 17, <http://masaratiraq.org/wp-content/uploads/2015/09/AT-CROSSROADS.pdf>, date accessed: 15 June 2016

⁴¹ US State Department, International Religious Freedoms Report, 2014 for Iraq, Section 2, Legal framework, <http://www.state.gov/j/drl/rls/irf/2014/nea/238456.htm>

of Ninewa continued to pressure local Yezidis to swap their land for larger amounts of poorer quality land elsewhere, in an effort to “Kurdify” the area.’⁴²

5.5.3 The source also commented on the lack of representation of religious minorities:

‘Members of minority religious groups held senior positions in the national parliament and central government, as well as in the KRG, although they were proportionally underrepresented in the unelected government workforce, particularly at the provincial and local levels. Minority group leaders said this underrepresentation limited minority groups’ access to government-provided economic opportunities...

‘Non-Muslims throughout the country, including Christians, Yezidis, and Sabeen-Mandaeans, stated they were being politically isolated by the Muslim majority because of religious differences...’⁴³

5.5.4 The Minority Rights Group report commented on the Yezidis:

‘Despite their distinct identity, some community members as well as Kurds consider Yezidis ethnically Kurdish. This reportedly has created conflict within the community and pressure from Kurdish officials and Kurdish-identifying community members... Prior to June 2014, numerous incidents of arbitrary arrest, discrimination and other abuses against the community were reported by human rights groups.’⁴⁴

5.5.5 Heartland Alliance International reported ‘several’ arbitrary arrests by the Kurdish security forces (‘Asayesh’) of Yezidi activists in the KRI between May and August 2015. The source commented: ‘Yezidi activists describe these arbitrary arrests as tantamount to kidnapping operations despite taking place under the guise of legitimate political activity.’⁴⁵

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6. Non-state treatment

6.1 Daesh

6.1.1 The latest Position on Returns paper by the UN High Commissioner for Refugees (UNHCR), dated October 2014, observed that Daesh ‘intentionally and systematically targeted these [religious minority] communities for gross

⁴² US State Department, International Religious Freedoms Report for 2014, Iraq, Section 2, Government practices, <http://www.state.gov/j/drl/rls/irf/2014/nea/238456.htm>, accessed 6 March 2016

⁴³ US State Department, International Religious Freedoms Report for 2014, Iraq, <http://www.state.gov/j/drl/rls/irf/2014/nea/238456.htm>, accessed 6 March 2016

⁴⁴ Minority Rights Group, Between the Millstones: The State of Iraq’s Minorities Since the Fall of Mosul, February 2015, p.8, http://minorityrights.org/wp-content/uploads/2015/03/MRG_Rep_Iraq_ONLINE.pdf, accessed 11 February 2016

⁴⁵ Heartland Alliance International, ‘At Crossroads: Human Rights Violations Against Iraqi Minorities After ISIS’, 2015, <http://masaratiraq.org/wp-content/uploads/2015/09/AT-CROSSROADS.pdf p.12>, accessed 15 June 2016

human rights abuses, at times aimed at destroying, suppressing or cleansing them from areas under their control.’⁴⁶

6.1.2 The Minority Rights Group report noted:

‘Iraq’s minorities have been steadily targeted over the years, but with ISIS [Daesh]’s ruthless advance there appears to be a new mindset. Since June 2014, many thousands belonging to minorities have been murdered, maimed or abducted, including unknown numbers of women and girls forced into marriage or sexual enslavement...ISIS forces and commanders have committed war crimes, crimes against humanity and the crime of genocide, including summary executions, killing, mutilation, rape, sexual violence, torture, cruel treatment, the use and recruitment of children, and outrages on personal dignity. Cultural and religious property dating back centuries has also been destroyed, while property and possessions have been systematically looted. These abuses...appear to be part of a conscious attempt to eradicate Iraq’s religious and ethnic diversity.

‘The violence has also caused a wave of displacement as entire communities have had to flee ISIS forces...’⁴⁷

6.1.3 The joint UNHCR/UNAMI report observed:

‘ISIL [Daesh] continues to target members of different ethnic and religious communities, intentionally depriving them of their fundamental rights and subjecting them to a range of abuses under international human rights and humanitarian law. These acts appear to form part of a systematic and widespread policy that aims to suppress, permanently expel, or destroy many of these communities within ISIL areas of control.

‘However, during the reporting period, the number of individual reports of such abuses received by UNAMI/OHCHR markedly decreased from previous reporting periods. It is likely that most of the members of ethnic and religious minority communities formerly located in areas of ISIL control have been killed or abducted by ISIL, or fled those areas during the period starting from June 2014 up to April 2015. However, UNAMI/OHCHR cannot exclude that specific human rights abuses targeting individuals from ethnic and religious communities have continued in areas under ISIL control, but owing to the inaccessibility of these areas, it has not received such reports and is unable to verify them. ...’⁴⁸

6.1.4 Regarding the Sabaean-Mandaean community, the Minority Rights Group report observed:

⁴⁶ UNHCR, Position on Returns to Iraq, October 2014, para 3, <http://www.refworld.org/docid/544e4b3c4.html>, accessed 7 March 2016

⁴⁷ Minority Rights Group, Between the Millstones: The State of Iraq’s Minorities Since the Fall of Mosul, February 2015, p.8, http://minorityrights.org/wp-content/uploads/2015/03/MRG_Rep_Iraq_ONLINE.pdf, accessed 11 February 2016

⁴⁸ Office of the United Nations High Commissioner for Human Rights and United Nations Assistance Mission for Iraq, Report on the Protection of Civilians in the Armed Conflict of Iraq, covering the period 1 May to 31 October 2015, p.19, http://www.uniraq.org/index.php?option=com_k2&view=item&task=download&id=1660_f694b996c122ba6ea212cd3fa4344381&Itemid=650&lang=en, accessed 6 March 2016

'Sabeen-Mandaeen families have also been affected by the advance of ISIS [Daesh] forces in Northern Iraq in 2014. There are at least 22 Sabeen-Mandaeen families who have become internally displaced by the latest wave of violence, having lost everything they owned when they fled their homes. Sabeen-Mandaeans fear that staying in ISIS-controlled areas will mean either forced conversions or death, since ISIS does not consider them to be 'People of the Book' and will not offer them the option of paying jizya [tax] as they have offered to Christians. As a result, many are leaving the country.'⁴⁹

- 6.1.5 USSD 2014⁵⁰ and Minority Rights Group International's report of July 2016⁵¹ both included large sections about the treatment of religious minorities by Daesh.

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6.2 Other non-state actors

6.2.1 USSD 2014 noted:

'Violence by sectarian and illegally armed groups occurred in many parts of the country. Although no reliable statistics on religiously motivated violence were available, acts committed against religious groups included killings, IED [Improvised Explosive Device] and VBIED [Vehicle-Borne Improvised Explosive Device] attacks, suicide bombings, kidnapping, robbery, harassment, and intimidation...'⁵²

6.2.2 The Minority Rights Group report noted:

'Even before ISIS [Daesh]'s depredations, the situation of Iraq's minorities was precarious, particularly for those living in the Ninewa plain and the territories disputed between the Kurdish region and the federal government. Before the fall of Mosul, more than half of Iraq's religious and ethnic minorities had fled the country since 2003, and those who remained were at risk of targeted violence, arbitrary arrest and detention, torture, harassment, intimidation, displacement, political disenfranchisement, and social and economic marginalization...'⁵³

- 6.2.3 The same source in a follow-up report published in July 2016 further noted that 'ISIS does not have a monopoly on violations of human rights law, international humanitarian law and international criminal law in Iraq... There

⁴⁹ Minority Rights Group International, 'World Directory of Minorities and Indigenous Peoples - Iraq : Sabian Mandaean', October 2014, <http://minorityrights.org/minorities/sabian-mandaeans/>, accessed 7 March 2016

⁵⁰ US State Department, International Religious Freedoms Report for 2014, Iraq, Section 2, Status of government respect for religious freedoms, <http://www.state.gov/j/drl/rls/irf/2014/nea/238456.htm>

⁵¹ Minority Rights Group International, 'No Way Home: Iraq's minorities on the verge of disappearance', July 2016, http://minorityrights.org/wp-content/uploads/2016/06/MRG_CFRep_Iraq_Jun16_4.pdf, accessed 6 July 2016

⁵² US State Department, International Religious Freedoms Report for 2014, Iraq, 14 October 2015, Section 3, <http://www.state.gov/j/drl/rls/irf/2014/nea/238456.htm>, accessed 26 July 2016

⁵³ Minority Rights Group, Between the Millstones: The State of Iraq's Minorities Since the Fall of Mosul, February 2015, p.8, http://minorityrights.org/wp-content/uploads/2015/03/MRG_Rep_Iraq_ONLINE.pdf, accessed 11 February 2016

are also some reported atrocities, ranging from kidnappings to bomb attacks, committed against Iraqi minorities by unknown or unidentified actors.⁵⁴

Abuses against Christians

- 6.2.4 USSD 2014 noted that groups targeting Christians ‘reportedly combined kidnappings or killings with criminal activities for profit...Christian groups reported that militias and armed groups confiscated homes abandoned by community members who had fled the country following the sectarian violence of 2006-2008. Settlement was often reached when owners of the properties were forced to sell at prices below market value.’⁵⁵
- 6.2.5 Heartland Alliance International reported a number of murders and kidnappings of Christians in Baghdad. It opined that the trend of Christian kidnappings in Baghdad had risen since the formation of the Popular Mobilisation Unit (PMU) Shia militia. It added:
- ‘The reappearance of kidnapping as a profit-making scheme, its recurring use by criminal elements, the absence of any serious action by the GoI or security services to dismantle the criminal gangs behind these activities, and the prevalence of armed groups providing cover for criminal enterprise all motivate Christians to strongly consider emigration as the best way to maintain their safety and the safety of their children.’⁵⁶
- 6.2.6 The US Commission report dated 2016 found:
- ‘At the end of December 2015, PMF [Popular Mobilisation Units] groups were reported to be harassing Christian women who did not wear the Islamic headscarf. Christians in Baghdad said that the PMF hung posters on churches and monasteries in Christian neighborhoods urging women to cover their hair and that some Christians received threats that they should not celebrate Christmas or New Year’s or disrespect PMF martyrs who died fighting ISIL’.⁵⁷
- 6.2.7 Heartland Alliance International further noted:
- ‘When ISIS invaded Mosul and the Ninewa Plain, many Christians left their homes, abandoning the areas they had shared with other ethnic and religious groups for hundreds of years. Since their departure, Christian property and religious sites have become targets for attacks and looting.

⁵⁴ Minority Rights Group International, ‘No Way Home: Iraq’s minorities on the verge of disappearance’, July 2016, p. 18 and 19, http://minorityrights.org/wp-content/uploads/2016/06/MRG_CFRep_Iraq_Jun16_4.pdf, accessed 13 July 2016

⁵⁵ US State Department, International Religious Freedoms Report for 2014, Iraq, 14 October 2015, Section 3, <http://www.state.gov/j/drl/rls/irf/2014/nea/238456.htm>

⁵⁶ Heartland Alliance International, ‘At Crossroads: Human Rights Violations Against Iraqi Minorities After ISIS’, 2015, <http://masaratiraq.org/wp-content/uploads/2015/09/AT-CROSSROADS.pdf>, p. 24, accessed 15 June 2016

⁵⁷ U.S. Commission on International Religious Freedom, 2016 Annual Report, 2 May 2016, Iraq, Religious Freedom Conditions 2015/2016, Violations by the Iraqi Government, p. 101 and 102, <http://www.uscifr.gov/sites/default/files/USCIRF%202016%20Annual%20Report.pdf>, accessed 13 July 2016

Christians in other parts of Iraq also live in fear, even though they have never been exposed firsthand to the effects of ISIS. Rather, this fear is a product of violations affecting the safety of individuals and the exposure of Christian property to illegal seizure. Discrimination against Christians remains prevalent in a way that threatens all Iraqi Christians and compels them to emigrate'.⁵⁸

- 6.2.8 The same source noted: 'Throughout Iraq's southern governorates, Christian women often encounter social stigma if they do not veil themselves before leaving their homes.'⁵⁹
- 6.2.9 The source also described discrimination against Christians, including in employment and education, in the KRI.⁶⁰

Abuses against Yezidis

- 6.2.10 The Minority Rights Group report commented on the Yezidis:
'Despite their distinct identity, some community members as well as Kurds consider Yezidis ethnically Kurdish. This reportedly has created conflict within the community and pressure from Kurdish officials and Kurdish-identifying community members, as well as death threats. In addition, due to a misinterpretation of their religion, some militants regard Yezidis as heretical and not 'People of the Book'. They have been regularly targeted with violence as a result.'⁶¹
- 6.2.11 Heartland Alliance International also reported:
'Following the extreme violence and massive displacement already faced by Yezidis during ISIS occupation, the minority group has been further beset by continued hate speech from Iraqi society. A small number of Muslim clerics appear regularly on media platforms such as Rudaw, Gelî Kurdistan, Kurdistan News, KNN, and Zagros to criticize Yezidis for not following Islam.'⁶²
- 6.2.12 Heartland International Alliance reported that Yezidis were targeted by various non-state groups and individuals. In June 2015, a Yezidi, Mousa Mirad Khidir Kirani, was shot dead and mutilated in Sulaymaniyah, KRI. It

⁵⁸ Heartland Alliance International, 'At Crossroads: Human Rights Violations Against Iraqi Minorities After ISIS', 2015, p. 21, <http://masaratiraq.org/wp-content/uploads/2015/09/AT-CROSSROADS.pdf>, accessed 15 June 2016

⁵⁹ Heartland Alliance International, 'At Crossroads: Human Rights Violations Against Iraqi Minorities After ISIS', 2015, <http://masaratiraq.org/wp-content/uploads/2015/09/AT-CROSSROADS.pdf>, p. 24, accessed 15 June 2016

⁶⁰ Heartland Alliance International, 'At Crossroads: Human Rights Violations Against Iraqi Minorities After ISIS', 2015, <http://masaratiraq.org/wp-content/uploads/2015/09/AT-CROSSROADS.pdf>, pp. 26-28, accessed 15 June 2016

⁶¹ Minority Rights Group, *Between the Millstones: The State of Iraq's Minorities Since the Fall of Mosul*, February 2015, p.8, http://minorityrights.org/wp-content/uploads/2015/03/MRG_Rep_Iraq_ONLINE.pdf, accessed 11 February 2016

⁶² Heartland Alliance International, 'At Crossroads: Human Rights Violations Against Iraqi Minorities After ISIS', 2015, p. 13, <http://masaratiraq.org/wp-content/uploads/2015/09/AT-CROSSROADS.pdf>, accessed 15 June 2016

was speculated that he was killed because of his religion. Two weeks later, armed groups attacked Yezidi social clubs in al-Karrada district, Baghdad. Other similar incidents in Baghdad included the killing of five Yezidis in liquor stores in al-Muadham neighbourhood.⁶³

- 6.2.13 The same source reported that a small number of Muslim clerics in the media incited hate against the Yezidi community. The source commented: '...research suggests that the existence of Islamic movements in Kurdistan is a source of great concern for Yezidis...Despite shared language and ethnic background with non-Yezidi Kurds, the religious gap between these two sectors of Kurdish society can be significant. At times, the severity of these religious discrepancies becomes so obvious that hardline religious voices claim that the very existence of Yezidis pose a challenge to Kurdish Islamic identity...'⁶⁴
- 6.2.14 The source also referred to discrimination, such as in financial support and employment, against Yezidis. It commented: '[There are] three big Yezidi towns near Dohuk City [in the KRI] but one cannot find any commercial or economic resource for Yezidis. There are no Yezidi restaurants in the city, because Muslims consider Yezidi food unclean, and refuse to eat it.'⁶⁵
- 6.2.15 The same source noted that the 'rising influence of political Islam in Kurdish governmental departments is enabling further human rights abuses on the basis of Yezidi religious affiliation. According to statements of Yezidi activists, recurring acts of discrimination suggest to Yezidis that they live as unprotected prisoners of stereotypical perceptions and preconceived labeling as infidels, continuing their history of discrimination, persecution, and attempts at forced religious and ethnic conversion'.⁶⁶

Abuses against Sabaeen-Mandaeans

- 6.2.16 USSD 2014 noted that groups targeting Sabaeen-Mandaeans 'reportedly combined kidnappings or killings with criminal activities for profit...For example, unknown assailants reportedly killed a Sabean-Mandaean resident of Baghdad in February after he refused to pay a ransom, and killed a Sabean-Mandaean business owner south of Baghdad in June. Two Sabean-Mandaeans were kidnapped and held for ransom in Maysan and Baghdad in

⁶³ Heartland Alliance International, 'At Crossroads: Human Rights Violations Against Iraqi Minorities After ISIS', 2015, <http://masaratiraq.org/wp-content/uploads/2015/09/AT-CROSSROADS.pdf>, pp. 10-11, accessed 15 June 2016

⁶⁴ Heartland Alliance International, 'At Crossroads: Human Rights Violations Against Iraqi Minorities After ISIS', 2015, <http://masaratiraq.org/wp-content/uploads/2015/09/AT-CROSSROADS.pdf>, p.14, accessed 15 June 2016

⁶⁵ Heartland Alliance International, 'At Crossroads: Human Rights Violations Against Iraqi Minorities After ISIS', 2015, <http://masaratiraq.org/wp-content/uploads/2015/09/AT-CROSSROADS.pdf>, p.16, accessed 15 June 2016

⁶⁶ Heartland Alliance International, 'At Crossroads: Human Rights Violations Against Iraqi Minorities After ISIS', 2015, p. 14, <http://masaratiraq.org/wp-content/uploads/2015/09/AT-CROSSROADS.pdf>, accessed 15 June 2016

August, but neither individual was returned to his family despite the payment of ransoms.⁶⁷

6.2.17 The Minority Rights Group report stated:

‘Despite its dhimmi [protected] status, Shi’a and Sunni Islamic militants have targeted the group. This is made all the easier, as Mandaean are prohibited by their beliefs from attempting armed self-defence. Hundreds of killings, abductions and incidents of torture have often been accompanied by rhetoric accusing Sabians of witchcraft, impurity, and systematic adultery. Sabian Mandaean women have been targeted for not covering their heads. In Baghdad, Mandaean goldsmiths, silversmiths and jewellers have been targeted for theft and murder at much higher rates than their Muslim colleagues. Faced with systematic pressure to convert, leave, or die, many Sabian Madaeans have chosen to leave...’⁶⁸

6.2.18 The Heartland Alliance International spoke of a ‘range of abuses from abduction to discrimination.’ It reported four killings of Sabaeen-Mandaens (three in Baghdad and one in Missan); four kidnappings (two in Baghdad, one in Diyala and one in Thi-Qar); and two armed robberies (one in Baghdad, one in Basra). All incidents were in 2014.⁶⁹

6.2.19 The source noted:

‘In late 2014, Deputy Chairman of the Mandaean Community in Iraq, Sheikh Alaa Aziz Tarish, sent a letter...complaining about the kidnapping of Mandeans in central and southern Iraq. Tarish’s letter explained that Madaeans had no community militias to protect them, and that moreover their beliefs ban all forms of violence. On the political level, there were no politicians to speak for them in government, because Mandaean votes are barely sufficient to achieve representation in local parliaments and governments.’⁷⁰

6.2.20 The source also referred to discrimination against Sabaeen Madaeans in education (in Missan), Shia clerics’ issue of fatwas against the Sabean community in Basra, and social isolation of the community.⁷¹ The USSD 2014 report observed that ‘The combination of corruption, attacks against non-Muslim businesses, uneven application of the rule of law, and nepotism in hiring practices throughout the country by members of the majority Muslim

⁶⁷ US State Department, International Religious Freedoms Report for 2014, Iraq, 14 October 2015, Section 3, <http://www.state.gov/j/drl/rls/irf/2014/nea/238456.htm>, accessed 26 July 2016

⁶⁸ Minority Rights Group International, ‘World Directory of Minorities and Indigenous Peoples - Iraq : Sabian Madaeans’, October 2014, <http://minorityrights.org/minorities/sabian-madaeans/>, accessed 7 March 2016

⁶⁹ Heartland Alliance International, ‘At Crossroads: Human Rights Violations Against Iraqi Minorities After ISIS’, 2015, <http://masaratiraq.org/wp-content/uploads/2015/09/AT-CROSSROADS.pdf>, pp. 59, 61-62, accessed 15 June 2016

⁷⁰ Heartland Alliance International, ‘At Crossroads: Human Rights Violations Against Iraqi Minorities After ISIS’, 2015, <http://masaratiraq.org/wp-content/uploads/2015/09/AT-CROSSROADS.pdf>, p. 64, accessed 15 June 2016

⁷¹ Heartland Alliance International, ‘At Crossroads: Human Rights Violations Against Iraqi Minorities After ISIS’, 2015, <http://masaratiraq.org/wp-content/uploads/2015/09/AT-CROSSROADS.pdf>, p. 64, accessed 15 June 2016

population had a detrimental economic effect on non-Muslim communities and contributed to their emigration. The deputy chairman of the Council of Sabeen-Mandaeans in Dhi Qar Province, for example, attributed his group's increased emigration rate to the lack of security and limited economic opportunity'.⁷²

Abuses against Kaka'i

- 6.2.21 With respect to the Kaka'i, Heartland Alliance International noted: 'Cataloguing the violations of Kaka'i rights taking place is challenging...Kaka'i's usually do not report human rights violations against them, since the disclosure of information required for this conflicts with keeping their societal practice of secrecy.' Nevertheless, the source reported on Kakai marginalisation, the use of hate speech against them (in Kirkuk) and discrimination against them in employment, education and society (in the KRI) and that: 'Many extremist Muslim clerics are quick to attack the Kaka'is whenever given the chance. Some sources say that many Muslims perceive Kaka'is as very similar to Yezidis, believing that both are devil worshippers'.⁷³

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7. Protection

7.1 Government of Iraq (GoI)

7.1.1 USSD 2014 commented:

'Official investigations of abuses by government forces, illegal armed groups, and terrorist organizations were infrequent, and the outcomes of investigations that did occur were often unpublished, unknown, or incomplete. The government also publicly called for tolerance for all religious communities...Religious and ethnic minorities residing within the territory of the disputed internal boundaries in north-central Iraq blamed the central government and the KRG for the lack of security in the area.'⁷⁴

- 7.1.2 The 2016 US Commission on International Religious Freedom report ('the US Commission report') observed: 'Religious minority communities, especially the Yazidi population, doubt the Iraqi government's willingness, ability, or both to protect them from ISIL. This degree of mistrust among Iraq's religious and ethnic communities and these communities' lack of

⁷² US State Department, International Religious Freedoms Report for 2014 for Iraq, 14 October 2015, Section 2, Government practices, <http://www.state.gov/j/drl/rls/irf/2014/nea/238456.htm>, accessed 12 July 2016

⁷³ Heartland Alliance International, 'At Crossroads: Human Rights Violations Against Iraqi Minorities After ISIS', 2015, p. 53, <http://masaratiraq.org/wp-content/uploads/2015/09/AT-CROSSROADS.pdf>, accessed 15 June 2016

⁷⁴ US State Department, International Religious Freedoms Report for 2014, Iraq, 14 October 2015, Section 2, Government practices, <http://www.state.gov/j/drl/rls/irf/2014/nea/238456.htm>, accessed 6 March 2016

confidence in the Iraqi government have combined to exacerbate sectarian tensions, undermine the country's stability, and create doubt that religious freedom and human rights are a priority and will be protected by the government.'⁷⁵

7.1.3 In respect of Christians, the Heartland Alliance International report commented: '...incidents...suggest to Iraqi Christians that the law does not offer them adequate protection. Iraqi Christians feel that they cannot claim their rights, because in many cases tribal norms are applied instead of relying on the rule of law.'⁷⁶

7.1.4 In respect of Yazidis, the Heartland Alliance International reported a lack of government action to investigate killings in Baghdad and the KRI. The source commented:

'From interviews with Yazidis...it was clear that Yazidis in Iraq's capital are reluctant to call attention to the Baghdad attacks due to concerns of their perception among the Baghdad population...

'While neither the Kurdistan Regional Government (KRG), nor the Government of Iraq (GoI), have taken any serious steps in following up attacks on Yazidis, it is unclear whether government inaction was intended to prevent uproar of these incidents...or due to Islamic political influence in Iraqi and Kurdish governments.

'In any event, the failure of the government to respond to such violence suggests that equality is not afforded to persons of Yazidi descent, creating the impression amongst Yazidis that they are not considered real citizens of Iraq in the eyes of government authorities who create an environment of impunity for perpetrators of anti-Yazidi violence.'⁷⁷

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7.2 Kurdistan Regional Government (KRG)

7.2.1 The Internal Displacement Monitoring Centre (IDMC) noted in its June 2015 report that the Kurdistan Region of Iraq (KRI) is historically a haven for religious minorities.⁷⁸ The UNHCR Position Paper on Returns observed that religious minorities were generally admitted to the KRI, despite the increasing access restrictions for other groups.⁷⁹ The US Commission report

⁷⁵ US Commission on International Religious Freedom, 2016 Annual Report, 2 May 2016, Iraq, p. 106, <http://www.uscifr.gov/sites/default/files/USCIRF%202016%20Annual%20Report.pdf>, accessed 12 July 2016

⁷⁶ Heartland Alliance International, 'At Crossroads: Human Rights Violations Against Iraqi Minorities After ISIS', 2015, p. 22, <http://masaratiraq.org/wp-content/uploads/2015/09/AT-CROSSROADS.pdf>, accessed 15 June 2016

⁷⁷ Heartland Alliance International, 'At Crossroads: Human Rights Violations Against Iraqi Minorities After ISIS', 2015, p. 12, <http://masaratiraq.org/wp-content/uploads/2015/09/AT-CROSSROADS.pdf>, accessed 15 June 2016

⁷⁸ Internal Displacement Monitoring Centre (IDMC), 'Iraq: IDPs caught between a rock and a hard place as displacement crisis deepens', 30 June 2015, see Kurdistan Region of Iraq, <http://www.internal-displacement.org/middle-east-and-north-africa/iraq/2015/iraq-idps-caught-between-a-rock-and-a-hard-place-as-displacement-crisis-deepens>, accessed 7 March 2016

⁷⁹ UNHCR, Position on Returns to Iraq, October 2014, para 24 and footnote 97,

observed: 'Since 2014, the semi-autonomous Kurdistan region and its government (KRG) have played a significant role in providing a safe haven for religious minority communities fleeing ISIL's advancements and attacks.'⁸⁰ On 1 March 2016, the Kurdistan Regional Government (KRG)'s foreign affairs department quoted Izsak-Ndiaye Rita, UN Special Rapporteur on minority issues: "What the KRG has done for minorities and different ethnic and religious groups who have fled to this region is very well appreciated and recognized internationally."⁸¹

7.2.2 USSD 2014 commented:

'Religious and ethnic minorities residing within the territory of the disputed internal boundaries in north-central Iraq blamed the central government and the KRG for the lack of security in the area... Advocacy groups and representatives of religious minority communities said the failure of the ISF [Iraqi Security Forces], including the Kurdish Peshmerga, to ensure protection for minority communities against ISIL [Daesh] in Mosul and across the Ninewa Plain also led to the departure of Christians and other religious minority communities from northern Iraq during the year.'⁸²

7.2.3 Heartland Alliance International reported a lack of government action to investigate killings of Yazidis, including in the KRI.⁸³

7.2.4 The Danish report noted:

'Human Rights Watch said that compared to south and central Iraq, the effectiveness in terms of law enforcement in KRI is higher. An international humanitarian organisation characterized law enforcement in KRI as exceptionally effective but said that it varies in other Kurdish controlled areas. The international humanitarian organisation added that law enforcement in Kirkuk is very effective but that, in some Peshmerga controlled areas outside KRI, there are many pockets with lack of law enforcement, especially in a westward direction of KRI towards Anbar.

'According to two sources, the Kurdish authorities have the potential to provide very effective security in the areas that they control. Being one of these sources, the international humanitarian organisation, however, stated that if Kurdish authorities do not want to protect an individual, they can also enforce that very effectively. Correspondingly, Journalist Osama Al Habahbeh said that the possibility to receive protection from KRI authorities

<http://www.refworld.org/docid/544e4b3c4.html>, accessed 7 March 2016

⁸⁰ US Commission on International Religious Freedom, 2016 Annual Report, 2 May 2016, Iraq, p. 101 and 102, <http://www.uscifr.gov/sites/default/files/USCIRF%202016%20Annual%20Report.pdf>, accessed 12 July 2016

⁸¹ Department of Foreign Affairs, Kurdistan Regional Government (KRG), 'UN Special Rapporteur on minority issues commends KRG for minority protection efforts', 1 March 2016, <http://dfr.gov.krd/a/d.aspx?l=12&a=45549>, accessed 15 June 2016

⁸² US State Department, International Religious Freedoms Report for 2014, Iraq, 14 October 2015, Section 2, Government practices, <http://www.state.gov/j/drl/rls/irf/2014/nea/238456.htm>

⁸³ Heartland Alliance International, 'At Crossroads: Human Rights Violations Against Iraqi Minorities After ISIS', 2015, p. 12, <http://masaratiraq.org/wp-content/uploads/2015/09/AT-CROSSROADS.pdf>, accessed 15 June 2016

depends on who the persecutor is. Journalist Osama Al Habahbeh explained that the authorities would not protect an individual in case the person had a conflict with a politician. In line with this, Human Rights Watch characterized the Kurdish court system as being under political influence and used to stifle dissent and target critical voices, including journalists.

‘According to UNHCR, there is very little regard of law enforcement among the local population in KRI and people do not make use of the police or the courts. UNHCR said that the courts are not seen to respond, even though, in principle, they have a number of excellent laws meeting international standards. In addition, UNHCR explained that access to rule of law is dependent on ethnic and religious affiliation, tribe, connections, family and relatives, and it is very difficult, if not impossible, for an individual to stand up for his rights by himself...

‘[A]... western diplomat, however, said that many IDPs from the south cannot get access to the courts due to lack of documents. According to PAO/KHRW, the Asayish has extended powers when it comes to IDPs because IDPs need approval from the Asayish to change address, to change work, to get electricity in their homes, to go to health care clinics and schools etc., and there are no fixed criteria for the approval. According to Human Rights Watch, as regards the Asayish, both Arabs and Kurds are at risk of arbitrary detention and torture. According to UNHCR, collective punishment of IDPs upon security incidents is common practice’.⁸⁴

7.2.5 The report also commented:

7.2.6 ‘PAO/KHRW explained that, as Saddam Hussein repressed the Kurds, the Kurds are now repressing minorities in their own region. Journalist Osama Al Habahbeh also referred to lack of protection of minority groups by authorities and said that it manifests itself in IDPs creating ghettos based on ethnic affiliation inside the camps and in other areas where they live. As an elaboration to this picture, Visiting Scholar Renad Mansour said that, traditionally, it has been more difficult for minorities to trust the Peshmerga, but, nevertheless, the Kurdistan Regional Government (KRG) has been keen on showing that it protects minorities, especially Christians. According to Visiting Scholar Renad Mansour, measures are taken by Kurdish authorities in order to prevent incidents of disputes based on ethnic affiliation. ...According to UNHCR, the possibility to seek protection from the authorities in KRI and other Kurdish controlled areas in case of harassment based on religious and/or ethnic affiliation, however, depends on the personal connections of the person in question.’⁸⁵

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⁸⁴ Danish Immigration Service, ‘The Kurdistan Region of Iraq (KRI); Access, Possibility of Protection, Security and Humanitarian Situation; Report from fact finding mission to Erbil, the Kurdistan Region of Iraq (KRI) and Beirut, Lebanon, 26 September to 6 October 2015’, 12 April 2016, Section 4, <https://www.nyidanmark.dk/NR/rdonlyres/4B4E8C12-84B7-4ACB-8553-5E0218C5689A/0/FactfindingreportKurdistanRegionofIraq11042016.pdf>, accessed 13 July 2016

⁸⁵ Danish Immigration Service, The Kurdistan Region of Iraq (KRI); Access, Possibility of Protection, Security and Humanitarian Situation; Report from fact finding mission to Erbil, the Kurdistan Region of Iraq (KRI) and Beirut, Lebanon, 26 September to 6 October 2015, 12 April 2016, Section 4,

Version Control and Contacts

Contacts

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Clearance

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