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COI QUERY

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Contributing EU+ COI units (if applicable)	This query response was sent to the EASO COI Specialist Network on Iraq ¹ for contributions on the treatment of members of the Sabeen-Mandean community in Iraq. No information was contributed by EU+ countries, but feedback was received from the Swedish Migration Agency's (SMA) Country of Origin expert institution (Lifos) and The Netherlands, Office for Country Information and Language Analysis (OCILA).

Disclaimer

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The information provided in this response has been researched, evaluated and processed with utmost care within a limited time frame. All sources used are referenced. A quality review has been performed in line with the above mentioned methodology. This document does not claim to be exhaustive neither conclusive as to the merit of any particular claim to international protection. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Terminology used should not be regarded as indicative of a particular legal position.

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The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on the 07.10.2020. Any event taking place after this date is not included in this answer.

¹ Network composed of specialised COI researchers and analysts from EU+ countries.



COI QUERY RESPONSE

Treatment of the Sabeian-Mandean minority in Iraq

1. General information

The Sabeian-Mandean community is one of Iraq's smallest religious groups, with an estimated less than 5 000 followers.² According to the United Nations (UN) Special Rapporteur on minority issues the group's 'language, culture and religion are thought to be at risk of extinction in Iraq.'³

Hasan, a Mandaean asylum seeker from Iraq who resides in Jordan, told The Independent 'that under the autocrat [referring to Saddam Hussein] the community felt safe. "Of course, we have always faced persecution" [...] "But it was mostly from individuals. We had laws and a strong secular legal system that protected us."'⁴ Whereas, the UN Special Rapporteur on minority issues believes that since 2003, the Sabeian-Mandean community 'faced violence by both Shia and Sunni Islamic groups and continues to be actively targeted. Numerous attacks have taken place against community members, their property and places of worship, including targeted killings of individuals.'⁵ The Middle East Research Institute (MERI) in an article published in 2017, also articulates that the Sabeian-Mandaeans faced security threats and displacement.⁶ In the same year, mistreatment towards the Sabeian-Mandean community was also reported by other sources. The Minority Rights Group International (MRG), reported that members of the Sabeian-Mandean group faced torture and were abducted or killed.⁷ Specific information on the security situation of Sabeian-Mandaeans post-2017 could not be found among the sources consulted by EASO within time constraints.

Additionally, MRG notes that women were targeted if they were not covering their heads.⁸ This issue of women feeling more safe wearing a hijab, was also reported by USDOS, in their 2019 Religious Freedom Report, which outlines that 'outside the IKR [the Iraqi Kurdistan Region], numerous women, including ... Sabeian-Mandaeans, said they opted to wear the hijab after continual harassment.'⁹

As some community members of Sabeian-Mandean origin engaged in jewellery trade, the group was at times perceived as being rich, this in turn made them a target of gangs and extremist groups.¹⁰

Furthermore, MRG explains that Sabeian-Mandean group members have been affected by The Islamic State of Iraq and al-Sham the Levant's (ISIS) rise:

² EASO, Country of Origin Information Report Iraq Targeting of Individuals, March 2019, [url](#), p. 145; The Minority Rights Group International (MRG), Sabian Mandeans, November 2017, [url](#)

³ UN Human Rights Council, Report of the Special Rapporteur on minority issues on her mission to Iraq [A/HRC/34/53/Add.1], 9 January 2017, [url](#), p. 11

⁴ The Independent, These Iraqi Gnostics Hold Water Sacred, 11 November 2019, [url](#)

⁵ UN Human Rights Council, Report of the Special Rapporteur on minority issues on her mission to Iraq [A/HRC/34/53/Add.1], 9 January 2017, [url](#), p. 11

⁶ MERI, The Sabeian-Mandaeans, 2017, [url](#), p. 4

⁷ MRG, Sabian Mandeans, November 2017, [url](#)

⁸ MRG, Sabian Mandeans, November 2017, [url](#)

⁹ USDOS, 2019 Report on International Religious Freedom: Iraq, June 2020, [url](#), p. 19

¹⁰ EASO, Country of Origin Information Report Iraq Targeting of Individuals, March 2019, [url](#), p. 146

‘Sabeen-Mandaeans feared that staying in ISIS-controlled areas would mean either forced conversions or death, since ISIS does not consider them to be ‘People of the Book’ and did not offer them the option of paying *jizya*¹¹ [...] in Baghdad, Sabeen-Mandaeans continue to be targeted for attacks and kidnappings.’¹²

However, between 2015 and 2018, ISIS has lost territorial control.¹³ According to USDOS, in 2017, ‘Sabeen-Mandean leaders continued to report threats, abuses, and robberies.’¹⁴ Information on how ISIS affected the situation of Sabeen-Mandaeans post-2017 could not be found among the sources consulted by EASO within time constraints.

Many Sabeen Mandaeans live in ‘lower Iraq, except for minuscule communities in Khorramshahr and Ahwaz, in southwestern Iran, and a community of silversmiths and their families in Baghdad. They are primarily located in the Marshes or on the two rivers, at al-Amara, Qal’at-Salih, Nasiriya, Suq al-Shuyukh and Qurna [...] At least 50 families were displaced, mostly from Ramadi in Anbar governorate. In Baghdad, Sabeen-Mandaeans continue to be targeted for attacks and kidnappings.’¹⁵

The UN Human Rights Council notes that Sabeen-Mandean became Internally Displaced Persons (IDPs) or left Iraq, as they fled areas controlled by ISIS.¹⁶

With regards to social discrimination, according to MRG, members of the Sabeen-Mandean community experienced negative stereotyping and discrimination in public life, for example people refused to share food with them.¹⁷ Madi, a Sabeen-Mandean who stayed in Baghdad, interviewed by The Independent gives an example for societal treatment of Sabeen-Mandean group members,

‘the vendor would not even allow us to pick up the fruit ourselves because people would avoid his shop if they knew a Mandaean had touched the food [...] neighbours who had co-existed together for decades turned against one another. “I started to not be able to tell people that I am Mandaean” [...] we felt constantly in danger.’¹⁸

2. Rights (relevant legislation on identity documents, school enrolment, healthcare, education, residence, other rights)

Information on Sabeen-Mandean rights with regards to identify documents, school enrolment, healthcare, education and residence was scarce among the sources consulted by EASO within time constraints. However, the following information may be relevant with regards to their rights in general.

¹¹ According to the Britannica, Jizyah, n.d., [url](#), ‘Jizyah, also spelled jizya, historically, a tax (the term is often incorrectly translated as a “head tax” or “poll tax”) paid by non-Muslim populations to their Muslim rulers.’

¹² MRG, Sabian Mandaeans, November 2017, [url](#); UN Human Rights Council, Report of the Special Rapporteur on minority issues on her mission to Iraq [A/HRC/34/53/Add.1], 9 January 2017, [url](#), p. 11

¹³ BBC News, Islamic State and the crisis in Iraq and Syria in maps, 28 March 2018, [url](#)

¹⁴ USDOS, 2018 Report on International Religious Freedom: Iraq, n.d., [url](#)

¹⁵ MRG, Sabian Mandaeans, November 2017, [url](#)

¹⁶ UN Human Rights Council, Report of the Special Rapporteur on minority issues on her mission to Iraq [A/HRC/34/53/Add.1], 9 January 2017, [url](#), p. 11

¹⁷ MRG, Sabian Mandaeans, November 2017, [url](#)

¹⁸ The Independent, These Iraqi Gnostics Hold Water Sacred, 11 November 2019, [url](#)



Iraq's Permanent Constitution in Article 2 outlines that Islam is the official religion of the state, while the Constitution furthermore stipulates that it 'guarantees the Islamic identity of the majority of the Iraqi people and guarantees the full religious rights to freedom of religious belief and practice of all individuals such as Christians, Yazidis, and Mandeans Sabians.'¹⁹

In addition, the Personal Status Law mentions religious groups which are recognised by the Iraqi government; this includes the Sabian-Mandean community.²⁰

Iraqi law stipulates that,

'the following religious groups are recognized by the personal status law and thereby registered with the government: Islam, ... Sabian-Mandean ... Recognition allows groups to appoint legal representatives and perform legal transactions such as buying and selling property. All recognized religious groups in the country, ... have their own personal status courts responsible for handling marriage, divorce, and inheritance issues.'²¹

The Constitution of Iraq stipulates that before the law, all citizens are equal and guarantees 'freedom from religious coercion.'²² Mrs. Puttick, who is Head of the Middle East and North Africa Programmes at the Ceasefire Centre for Civilian Rights and closely worked on human rights issues in Iraq for over seven years, wrote in an Email to EASO that, according to her knowledge, 'Sabian-Mandaeans are subject to the same laws as other Iraqis, with the exception of personal status issues ... where they are permitted to follow their own customs. However, I do not believe that this is formally institutionalised through a separate court system.'²³

In practice, Sabian-Mandean might refrain from fully exercising religious rituals throughout the year. USDOS reports that

'Sabian-Mandaeans in Basrah, Dhi Qar, and Maysan Provinces, reported they continued to avoid celebrating their religious festivals when they coincided with Shia Islamic periods of mourning ... There were continued reports that non-Muslim minorities felt pressured by the Muslim majority to adhere to certain Islamic practices.'²⁴

According to Mrs. Puttick,

'the challenges that Sabian-Mandaeans face are not usually connected to direct legal discrimination. Instead, they are generally the result of negative social stereotypes and ignorance about their religion due to the fact that they are a small minority living in a Muslim-majority country. On paper, they are largely equal under the law. However, their actual

¹⁹ USCIRF, Iraq's Permanent Constitution, March 2006, [url](#)

²⁰ USDOS, 2019 Report on International Religious Freedom: Iraq, June 2020, [url](#), p. 5

²¹ EASO, Country of Origin Information Report Iraq Targeting of Individuals, March 2019, [url](#), p. 132

²² EASO, Country of Origin Information Report Iraq Targeting of Individuals, March 2019, [url](#), p. 132

²³ Puttick, M., Email to EASO, 15 September 2020. Mrs. Puttick is Head of the Middle East and North Africa Programmes at the Ceasefire Centre for Civilian Rights. She worked closely on human rights issues in Iraq for over seven years in her current role and during her previous role as Civilian Rights Officer at Minority Rights Group International. During Mrs. Puttick's visits to Iraq she conducted research and human rights trainings and met with minority representatives.

²⁴ USDOS, 2019 Report on International Religious Freedom: Iraq, June 2020, [url](#), p. 18

experiences of the rights to healthcare, education etc. are often hampered by discrimination. For example, in schools, their religion is sometimes denigrated by teachers or other students. The religion class in school is dedicated to the Islamic religion, and Sabean-Mandaeans children might be asked to leave the classroom. At the same time, the textbooks and curriculum do not present very much information about Sabean-Mandaeans or their contributions to Iraqi civilisation.²⁵

The same source furthermore confirms that Sabean Mandeans have been targeted by extremists for kidnappings and killings, aggravated by the fact that the community was perceived as rich and wealthy due to their goldsmith activities. Mrs. Puttick outlines that 'these threats to their personal security function as a major driver of displacement, which may lead members of the community to experience barriers to education, healthcare and residence rights in other governorates or.'²⁶

3. Access and barriers to registering vital civil status events²⁷

Information was scarce among the sources consulted by EASO within time constraints. However, the following information may be relevant.

According to USDOS, 'without an official identity card, one may not register a marriage, enroll children in public school, acquire passports, or obtain some government services. Passports do not specify religion.'²⁸

According to Mrs. Puttick, Sabean Mandeans might encounter challenges with regards to civil status events. She explains, that

'one civil status issue that can negatively affect Sabean-Mandaeans and other non-Muslim minorities is the rule on conversion of minors, which is found in Iraqi personal status law. According to this rule, if even one parent of a child converts to Islam, the child is automatically converted and registered as a Muslim. This can occur even if the child is estranged or not living with the parent, such as in cases of divorce, and can have long-term repercussions for the child.'²⁹

4. Access to (re-obtaining lost) ID documents

On identity cards, USDOS writes that 'the only religions that may be listed on the national identity card are Christian, Sabean-Mandean, Yazidi, and Muslim; there is no distinction between Shia and Sunni Muslim, nor a designation of Christian denominations.'³⁰

However, USDOS further states that,

²⁵ Puttick, M., Email to EASO, 15 September 2020

²⁶ Puttick, M., Email to EASO, 15 September 2020

²⁷ Vital civil service events refer to for example the registration of birth, marriage, divorce, etc. in the civil registry. Civil registration is compulsory in Iraq.

²⁸ USDOS, 2019 Report on International Religious Freedom: Iraq, June 2020, [url](#), p. 7

²⁹ Puttick, M., Email to EASO, 15 September 2020

³⁰ EASO, Country of Origin Information Report Iraq Targeting of Individuals, March 2019, [url](#), p. 137; USDOS, 2019 Report on International Religious Freedom: Iraq, June 2020, [url](#), p. 7

‘national identity cards issued since 2016 do not denote the bearer’s religion, although the online application still requests this information and a data chip on the card still contains data on religion, according to a 2018 study by the Danish Immigration Service [...] Without an official identity card, one may not register a marriage, enroll children in public school, acquire passports, or obtain some government services. Passports do not specify religion.’³¹

USDOS’s information is complemented by Mrs. Puttick’s information, according to her, ‘the Sabean-Mandaean religion is officially recognised in Iraq [but] Iraqi national identity cards no longer have a religion field printed on the card, but this data is still kept in the database.’³²

In May 2013, The Institute for International Law and Human Rights (IILHR), a human rights organisation present in Iraq and based in the United States, notes that some religions, including the Sabean-Mandeans, were in the past 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. As a result, where threats to life or freedom are based on religious or ethnic status, some applicants may be unable to demonstrate such status through documentation.’³³

With regards to documentation for Sabean Mandeans residing in the Kurdistan Region of Iraq or who moved governates, the external expert Mrs. Puttick explains that,

‘there are several hundred Sabean-Mandaeans who have moved to the KR-I [³⁴] due to the threats they face in central and southern Iraq. They do experience some challenges related to documentation, as many do not have any residency documents proving that they live in the KR-I. Their documents still show them as living in their place of origin, e.g. Baghdad, which means that they can’t participate in certain processes, such as elections. Also, educational credentials from other parts of Iraq are often not recognized so they cannot automatically continue their studies in the KRG³⁵. Public sector employees will also have problems receiving their salaries after transferring to another governorate.’³⁶

5. Access to services: health, education, residence and other

Information on Sabean-Mandaean’s access to health and residence services could not be found among the sources consulted by EASO within time constraints.

With regards to access to education, in 2019, The Independent talked to Hasan, a father of eight children residing in Baghdad. He told The Independent that he ‘was forced to pull his son out of school in third grade, fearing he would be the target of a kidnapping. “If my son drank from a water bottle,

³¹ USDOS, 2019 Report on International Religious Freedom: Iraq, June 2020, [url](#), p. 7

³² Puttick, M., Email to EASO, 15 September 2020

³³ IILHR, Iraq’s Minorities and Other Vulnerable Groups: Legal Framework, Documentation and Human Rights, May 2013, [url](#), pp. 13-14

³⁴ KR-I refers to the Kurdistan Region of Iraq. Puttick, M., The Lost Women of Iraq, November 2015, [url](#), p. 38

³⁵ KRG refers to The the Kurdistan Regional Government. Puttick, M., The Lost Women of Iraq, November 2015, [url](#), p. 5

³⁶ Puttick, M., Email to EASO, 15 September 2020



no one would drink after him,” he said. “The other students would not even sit next to him because he is Mandaean.”³⁷

According the Middle East Research Institute, the Sabean Mandaean group ‘lack[s] access to employment in the public sector.’³⁸ As many of the group’s members are displaced, they have a limited social network and ‘the community is especially struggling with the dearth of economic opportunities.’³⁹

6. State of enrolment of children in school

Information on the enrolment of school children could not be found among the sources consulted, including the consultation of an external expert by EASO within time constraints.

³⁷ The Independent, These Iraqi Gnostics Hold Water Sacred, 11 November 2019, [url](#)

³⁸ van Zoonen, D. and Wirya, K., The Sabean-Mandaeans – Perceptions of reconciliation and conflict, Middle East Research Institute, July 2017, [url](#), p. 10

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