

Moving the Issue of Minorities in Iraq Forward

In 2003, Iraq's minorities made up as much as 14 percent of Iraq's population. This includes Armenian and Chaldo-Assyrian Christians, Mandeans, Shabaks, Turkomans, Yazidi, and other minorities. Five years later, most of Iraq's minorities have fled or hope to flee the country due to a lack of fundamental security, the absence of Constitutional protections and implementing legislation, continued discrimination, assimilation, and divided and weak representation at regional and federal levels of government.

This paper outlines a range of potential actions that the Institute for International Law and Human Rights (IILHR) could take to advance the cause of minority rights, representation, protection, and cohesion, within the context of its grant with the State Department.

Since 2003, a dramatic exodus of Iraq's minorities has taken place, and many of their leaders have told IILHR staff of their fears about the very existence of some of Iraq's minorities, who have resided in Iraq for millennia. Over the centuries, they have made major contributions to the nation, and are part of the historic fabric and promise of multi-ethnic, multi-confessional federal Iraq.

As Iraq's minority population remains in flux, it is also important to stress that *minority groups are not just concentrated on the well-known Ninawah Governorate and in territory disputed by the Kurdistan Regional Government (KRG)*. Minority communities are spread across the country, from Basra to Baghdad and in the South and Center of Iraq. In this paper, IILHR will not address Kurdish or Sunni minority issues, given the broad autonomy enjoyed by the KRG and the strong political focus on Sunni matters.

There is broad international interest in the fate of Iraqi minorities. For example, the US Commission on International Religious Freedom added Iraq to its watch list of countries requiring close monitoring in 2007, and the issue is closely watched by European Union member states and the European Parliament.

One of the most striking aspects of minority issues in Iraq is *the almost-complete absence of human rights reporting*. IILHR has yet to see any systematic reporting being released by the current Ministry of Human Rights, United Nations institutions, or domestic and international human rights organizations. This has led some international officials to cast doubt on the size and scope of abuses against Christians and other minorities. Without baseline information on conditions, and systematic human rights documentation, forward movement is significantly handicapped.

Representation of Minority Communities

Representation of minority communities at the local, governorate, and federal levels is limited and divided. Minorities were included on Shia or Sunni or Kurdish coalition lists, or formed local NGOs and have competed for local council seats. Generally speaking, minority groupings are not united in representation, and in many cases have established organizations that compete against each other. In the current Iraqi Parliament, only Yazidi and Christian representatives were elected independently; all other minorities were seated based on larger party affiliations.

In 2005, a small number of parliamentarians formed a non-governmental organization called the Iraqi Minorities Council in 2005, and it has a membership of approximately twenty Members of Parliament covering the spectrum of Iraqi minorities. The chair of the Minorities Council, Dr. Hunain al-Qaddo, has described the council as having splintered apart over the past few years, and noted that the larger Iraqi political parties have “bought off” the participation of parliamentary minority leaders. Chairman Qaddo himself is rumored to have developed an “understanding” with the Islamic Supreme Council of Iraq (ISCI) leadership. Other members of the Minorities Council have stated that *the Council is for all intents and purposes moribund*, not operating as a parliamentary caucus, and the various big parties had effectively split its membership.

Ways to Support Iraq’s Minority Community

There are a number of initiatives that IILHR could implement to provide support for minority representation and participation. Please note that this paper does not propose initiatives in the areas of refugee and/or IDP resettlement, given the strong interest of international humanitarian organizations in assisting those Iraqi minorities who are a significant part of Iraq’s refugees and IDPs.

This paper is intended primarily to initiate a dialogue about policy priorities. IILHR recognizes that some of these proposals exceed its capacity. Potential initiatives could include the following:

- Provide support, where possible, to Iraqi human rights organizations that follow minority issues, emphasizing the need to document anti-minority abuses, while encouraging the Iraqi Government, UNAMI, UNHCR, members of the international community, and international human rights non-governmental organizations to work to systematically document anti-minority abuses.
- Reestablish the Iraqi Minorities Council as an independent (albeit Iraqi Government-supported) institution to ensure a slow, consultative, and cohesive approach to improving the situation of minorities and preserving their identity.
- As part of that process, establish a small working group of approximately six to eight parliamentarians/minority leaders to restart an inter-minority dialogue.

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Initial goals would include identifying areas of common interest and developing a statement of joint principles.

- As part of the ongoing Constitutional Review process, work to bolster protections for minorities and women's rights, including broadening the Constitution's definition of minorities and providing constitutional protections for all Iraq's minorities.
- Work with key parliamentary committees to develop nondiscrimination and minority legislation for Council of Representatives approval.
- Collaborate with parliamentarians to implement the provisions of Article 125 of Iraq's Constitution on Local Administration, which protects minority rights at the governorate and district level.
- Ensure that an Iraqi High Commission for Human Rights, as called for in Article 102 of the Constitution, has the power and authority to monitor and investigate human rights violations and other abuses against minorities. The Human Rights Commission should publish regular reports and recommendations.
- Work with the Iraqi government to review and/or repeal Saddam-era legislation that discriminates against minorities, including Law 105 and Order 358, which are directed against practitioners of the Baha'i faith.
- Work to increase Iraqi integration into the network of international instruments and conventions that protect minority rights, including removing its reservations to CEDAW and ratifying its optional protocol, as well as harmonizing domestic law.
- Work with the KRG to provide residence and work permits for displaced Iraqi minorities who have fled to Kurdistan, and to end the practice of requiring special travel permits – essentially internal visas – for Iraqi citizens from outside Kurdistan who wish to travel to the region.
- Collaborate with the KRG and the Iraqi government to facilitate the return of Chaldo-Assyrian families displaced from their original homes in Kurdistan, especially in Dohuk Governorate. The steps necessary include waiving KRG residence, work, and "special travel" permits.
- Establish an ethnically and religiously balanced and transparent property claims commission for property claims occurring after April, 2003, to complement the existing property claims commission. The jurisdiction of this commission should

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also include adjudication of property claims for community and church properties.