

Minorities and the Law in Iraq

EXECUTIVE SUMMARY

Overview and Key Concerns

The report examines Iraqi legal codes that might disparately affect Iraqi minorities and assesses how those laws may be consistent with the Iraqi Constitution and Iraq's international obligations under various treaties. Finally, it makes suggestions on how to improve protection to all minority groups¹ and advance their economic, social, political, and cultural rights within Iraq.

The analysis found a sophisticated legal system in Iraq. Most legal codes were drafted in a manner that took into careful consideration the position of various Iraqi components, and guaranteed broad protections under the law. However, several important areas of the law did not adequately guarantee certain basic rights.

The Iraqi Constitution of 2005, which is the “preeminent and supreme law in Iraq,”² offers robust protection against discrimination and guarantees equal treatment of all Iraqis irrespective of gender, race, ethnicity, origin, color, religion, creed, belief or opinion, or economic or social status³. It sets out strong equality rights and sets a solid basis for the rest of Iraq's body of legal texts. However, several key provisions of the Constitution are yet to be implemented, leaving minorities and other vulnerable groups without protection from harm in some instances.

Changes to the Constitution – either in the form of Constitutional amendments or the implementation of certain provisions – are necessary. While several key amendments are suggested, the most prominent amongst them is Article 2(1)(A), which disallows any law that contradicts the established provisions of Islam. This Article renders void many legal provisions that strive to include and provide legal protections to minorities. An amendment that broadens the provision to include all heavenly religions rather than just Islam, could effectively validate many existing legal guarantees as well as encourage draft legislation that purports to improve the legal status of minorities.

Several key Constitutional provisions, which facially offer protections to minorities, need to be implemented in order to have meaningful impact. For instance, Article 125 calls for enhancing local administration, where the administrative, political, cultural, and educational rights of various nationalities are guaranteed. This provision envisions

¹ The term “minority” has been construed in the broadest possible sense; it encompasses groups who are in the minority based on their religion, ethnicity, political affiliation, language, origin, skin color, economic or social status, nationality and citizenship status and disability status.

² Article 13(1).

³ Article 14.

supporting smaller or more scattered minority groups in Iraq. Building a decentralized administration as called for in the Constitution can provide much needed support for minority communities across Iraq.

Iraq has signed a number of key international human rights and minority rights conventions, including the ICESCR, ICERD and the ICCPR (see list of Acronyms). However, international obligations must be consistently incorporated into domestic law through legislation. Though much of the body of Iraqi law reflects the principles of the international instruments to which it is a party, revision of many laws—including amendments, repeals, and new provisions—is required in order for Iraq to adequately meet its international obligations to protect minority rights.

While this report identifies several key areas for reform, significant changes need to occur especially in the areas of governance and personal status legislation.

Governance

Minority representation at all levels of government needs to be instituted in a meaningful way. Article 49 of the Constitution states that the Council of Representatives (COR) should consist of a number of members, at a ratio of one representative per 100,000 Iraqis. Related implementing legislation should reflect how fair representation of the Iraqi components might be achieved within the COR. For instance, if a quota system based on the percentages of minorities in the population is suggested, the proposed amendment should ensure that the goal of such a system would be not to appoint token officeholders, but to include, engage, represent and empower all components of Iraqi society.

Governance issues need to be addressed through Electoral Law reform as well. For instance, the Independent Higher Electoral Council (IHEC) relies on an antiquated system of voter registration, which skews the statistical presence of Iraqi minorities in certain areas and undermines their representation in elected offices. Certain quotas that have been mandated by the law are at times arbitrary and do not adequately represent the ethnic and religious make-up of the population.

Personal Status

The current Personal Status laws in Iraq are largely applicable only to Muslim communities. However, the Code contains a key provision, which permits communities not governed by Shari'a, to enact their own separate laws. While such separate laws have not yet been enacted, from a minority rights perspective, the permissive provision makes legal reform possible.

Reform in the area of Personal Status is however controversial. Legal experts differ on whether reform in Personal Status legislation should come in the form of a uniform law

that is not rooted in a particular religion that would govern all Iraqis, or whether separate laws are required for the separate communities. In the meantime, however, minorities are left with very little protection in key areas of personal status, including marriage, dissolution of marriage, testamentary dispositions and inheritance.

Much of the legal analysis in this report addresses specific drafting patterns within Iraqi codes that have adversely impacted Iraqi minorities. Several key legal codes, including the Electoral Law and Nationality Act, on their face, afford sufficient nominal protection for all citizens, and do not contain any overtly discriminatory provisions. However, these Codes do not take into consideration the fact that years of violence and civil unrest in Iraq has uprooted and displaced many communities, and that the effect of such instability has resulted in certain segments of society being more vulnerable and unprotected than others. In order to ensure that they, too, are in a position to enjoy the basic privileges afforded to all Iraqis, it is necessary that the law makes some allowances for these groups and places them on a level playing field.

For instance, basic citizenship rights are guaranteed in the Iraqi Nationality Act of 2006. However, since some minorities do not have access to citizenship documents due to historical discrimination or recent events, they may be denied access to basic human rights such as the right to education, health care, property rights and the freedom of movement.

Recommendations

In order to improve protections afforded to minorities, legal reform is necessary in Iraq. The final chapter in this report provides a detailed analysis of certain recommendations and sets out suggestions for the way forward.

Changes may be instituted in the form of positive discrimination, where vulnerable groups who have been routinely discriminated against and excluded from various social processes are provided with legally mandated mechanisms that would grant them additional benefits for a specific time period. The Iraqi Constitution and other domestic legislation are scattered with provisions that call for equality and nondiscrimination in employment, housing, education, access to resources, political participation, security and other areas. Iraq could explore the possibilities of enacting nondiscrimination legislation – either by embracing an overarching approach where an omnibus piece of nondiscrimination legislation would protect all components of Iraqi society, or by embracing a piecemeal approach, passing separate pieces of legislation in a variety of areas.

Changes may also come in the form of establishing effective independent human rights institutions such as the Iraqi High Commission for Human Rights (HCHR); a body currently mandated with the task of evaluating human rights violations, coordinating with civil society groups, reporting on violations and submitting recommendations to the

government. Law No. 53 of 2008, which establishes how a Commission will be formed and how it will operate, is certainly a good start, yet it could be improved to more closely conform to international best practices.

Iraq should also give priority to consistently applying international law; international legal principles, and especially those contained in the treaties to which Iraq is a signatory, must be incorporated into the domestic legal framework. This should be followed up by efforts by the judiciary to apply these laws in a meaningful manner that guarantees the human rights of all Iraqis.

Conclusion

Iraqi experts and jurists have acknowledged the need to address key areas of law and raise legitimate concerns about the rights and protections afforded to Iraqi minorities. However, they note that amending and reforming certain areas of law can pose considerable legal and constitutional challenges. Specifically, some Iraqi jurists reference Article 2 of the Constitution – stating that no law may be enacted which contradicts the established provisions of Islam – as posing a particular challenge for reforms. Significant progress can also come with the passage of implementing legislation for dozens of Articles in Iraq’s Constitution.

This report does not aim to be a compendium of Iraqi law and policy, or an overall assessment of the situation of minorities in Iraq. Certain important regulatory acts, such as education reform, are not dealt with. This report does, however, aim to summarize the main body of Iraqi law and analyze how that law may affect minorities, in a way that may be helpful to those who seek to build a stronger role for minorities in the new Iraq.

OVERVIEW AND KEY RECOMMENDATIONS

1. International Law

Iraq has ratified many key human rights treaties, including several that directly affect the status of minorities. By ratifying the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR) and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Iraq has committed itself to abide by international law in protecting the civil, social, economic, political and cultural rights of Iraqi minorities. Additionally, by acceding to the International Convention for the Protection of All Persons from Enforced Disappearance, Iraq has obligated itself to ensure that its laws adequately criminalize inhumane conduct and protect victims, that its judiciary and security forces effectively enforce such laws, and that victims have access and means to obtain compensation and reparation through institutions, litigation, or both.

Key Recommendations

- Enact a law detailing how an international treaty may be ratified under Article 61(4) of the Constitution, and specify how international treaties may be implemented within the national legal framework.
- Amend, repeal, or enact laws to implement obligations under the Convention on the Prevention and Punishment of the Crime of Genocide.
- Amend, repeal, and enact laws to implement and reflect obligations under the ICESCR.
- Amend, repeal, and enact laws to implement and reflect obligations under the ICCPR.
- Amend, repeal, and enact laws to implement and reflect obligations under the ICERD.
- Amend, repeal, and enact laws to implement and reflect obligations under the International Convention for the Protection of All Persons from Enforced Disappearance.
- Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

2. Constitutional Law

The 2005 Iraqi Constitution grants all Iraqis a wide array of civil, political, economic, social and cultural rights.⁴ It offers robust protection against discrimination and asserts the right to equal treatment and equal access under the law. Most notably, Article 14 of

⁴ Iraq Constitution, 2005.

the Constitution contains an equal protection clause for all--irrespective of gender, race, ethnicity, origin, color, religion, creed, belief or opinion, or economic or social status.⁵ Article 2 raises severe questions about the role of non-Islamic religions within the legal framework of Iraq and amendment or clarification of this provision is necessary. All of Iraq's components must be protected from discrimination and afforded equal protection under Iraqi law. To this end, amendments to the Constitution should be adopted to ensure internal consistency and the protection of the rights therein afforded to Iraq's Components and other vulnerable groups.

Key Recommendations

Constitutional Amendments

- Amend the Preamble of the Constitution to reflect the historical and continuing participation and contribution of Iraq's minority components to Iraq's cultural and political heritage, and to the development of its democratic system.
- Amend Article 2(1)(A), which disallows any law that contradicts the established provisions of Islam, to include the commonly-held practices or tenets of all heavenly religions, rather than just Islam.
- Amend Article 23(second) to ensure that the expropriation of private property for public benefit in return for just compensation shall be accomplished without discrimination of any kind or to foster demographic change both within and between governorates.
- Amend Article 23(third)(B) to prohibit ownership of property for the purposes of demographic change both within and between governorates.
- Amend Article 92(2) to require the Federal Supreme Court to include persons who have broad expertise in Iraqi law in general, and develop legislation ensuring that judges and jurists will have the skill and capacity to implement Iraq's current legal regime.
- Amend Article 9 to note that equal representation should be reflected throughout the ranks of Iraqi security forces and require implementing legislation to regulate how to ensure such equality.
- Amend Article 14 to include "language" and "other status" as prohibited bases for discrimination.
- Amend Article 50 to require the oath for members of the Council of Representatives to include a pledge of non-discrimination toward all religious, cultural, ethnic or religious groups.
- Amend Article 125 to eliminate reference to "the various nationalities, such as Turkomen, Chaldeans, Assyrians, and all other constituents," and substitute a reference to "all of Iraq's Minority Components" to ensure representation of all Components and eliminate discrimination within the illustrative list.

⁵ Article 14.

Constitutional Implementation

- Implement a statutory framework, consistent with the goals of Article 125, to delegate greater power to governorates and grant districts within the governorates additional powers from the governorate, and clarify the scope and jurisdiction of such local administrative powers.
- Enact separate personal status laws to address the needs of non-Muslim minorities consistent with Article 41.
- Enact implementing legislation as required under Article 23 to both regulate such expropriation and protect against discrimination in such processes.
- Implement Article 65 and create a Federation Council that could represent Iraq's minorities and serve as a potential political platform for Iraqi minorities.

3. Personal Status Law

The Personal Status Code governs legal matters that determine the legal status of a person, including marriage, the dissolution of marriage, maintenance, child custody, testamentary dispositions and inheritance. Article 1 of the Personal Status Code gives prominence to Shari'a law; this is in tension with Article 41 of the Iraqi Constitution, which states, "Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs, or choices." In order to protect minorities and to secure their legal rights in the important areas of family law, wills and inheritance, clarification and amendments to the Code are necessary to ensure that non-Muslim individuals are not bound by laws that contradict their religions, sects, beliefs, and choices.

Personal Status Law jurisprudence has reflected changing social circumstances. For example, in a 1976 decision by the Court of Cassation upholding a decision by the Personal Status (Articles) Court in Al Karada, Baghdad,⁶ A minor who was registered as a Muslim as a result of the conversion to Islam of his or her father, retains the right to chose his or her religion upon reaching legal adulthood, if the conditions of adult legal capacity are met. In that case, a woman had been registered as a Muslim as a minor child as a result of her father's conversion to Islam. Upon reaching legal adulthood, she chose to revert to Christianity and married a Christian man in 1974, obtaining a deed of marriage. The Director of Civil Status refused to unify the registration files of wife and husband under the law. The wife sought a judgment to certify the marriage deed and to require the Director of Civil Status Directorate to unify her registration file with her husband's in the Directorate files, reaffirming her Christian status.

⁶ Court of Cassation of Iraq, 25 December, 1976, No. 218, 2nd General Commission-1976, (holding that, a minor, if she or he became registered as a Muslim according to the conversion of his or her father to Islam, retains the right to chose his or her religion upon reaching the age of adulthood if the legal conditions of adult capacity are met.)

The Court of Cassation held that the wife, in choosing to be a Christian upon the age of adulthood, exercised her legal right according to Shari'a and her marriage contract was valid. The Court of Cassation held that the Director does not have the right, in his professional capacity, to object to unifying her file with the file of her husband under the law. The unification of the registration files was so ordered. The Court of Cassation refused the appeal of the Director as having no basis under the law.

Key Recommendations

- Enact separate special personal status laws for non-Muslim minorities as permissible under Article 2 of the current Code, or amend the current Personal Status Code so that its provisions do not discriminate non-Muslim minorities.
- Amend Articles 12, 13 and 17 so that marriages between the various faiths are not rendered void.
- Unless special provisions are made for non-Muslim minorities to govern their Personal Status issues, Article 34 should be amended to eliminate the sentence mandating divorce to occur according to Shari'a. Article 37 should contain an exception for non-Muslims.

4. Nationality Act

The Nationality Act of 2006 effectively repeals and replaces Iraqi Nationality Law No. 43 of 1963 and Law No. 5 of 1975. In doing so, the current version makes significant strides in granting citizenship to Iraqis who were denied citizenship by older versions of the Nationality law, including, but not limited to, Fails Kurds, Baha'is, and Jews. However, the procedures required to reinstate nationality are onerous and time requirements and deadlines may prove difficult or impossible to adhere to. These challenges may prevent individuals entitled to citizenship from obtaining reinstatement and citizenship documents. Additionally, several amendments to the law are necessary to ensure that minorities who fled the country due to past persecution and violence may still return and regain their citizenship without facing unnecessary limitations.

Key Recommendations

- Amend the Nationality Act to clarify and specify and clarify the procedures by which nationality may be reinstated, including feasible or flexible time requirements, notice, access, appeals processes, and transparency.
- Place an affirmative burden on the government to reach out to those minorities whose citizenship has been denied in order to commence reinstating their citizenship.
- Amend Article 4 to make accommodations for persons who have lost documents proving their birth date, due to past violence and displacement in the country.

- Amend Article 5 to provide that “the Minister may consider Iraqi anyone who was born within Iraq.”
- Amend Article 9(2) to reduce the 10-year waiting period to ensure that individuals who have been temporarily displaced from Iraq due to factors beyond their control do not have to wait as long as a decade to reintegrate into the political process.

5. High Commission for Human Rights Law

This important 2008 law establishes the Iraqi High Commission for Human Rights (HCHR) to redress human rights violations and act as a mechanism to help deter future violations. While this is a much-needed apparatus in combating human rights abuses in Iraq, the Law has very limited authority for a human rights commission. For instance, the HCHR may monitor, evaluate and offer advice; it may not, however, initiate lawsuits or intervene in existing lawsuits. The Commission lacks the power to issue binding decisions in arbitration or mediation.⁷ Under the structure of Iraqi law, the Courts and prosecutors are the primary implementers and enforcers of the law. However, mediation, arbitration, and other non-traditional forms of dispute resolution may be more effective in the human rights setting than would the forms of justice available under the existing justice system. The High Commission for Human Rights, to be effective, should therefore have a greater ability to utilize these non-traditional forms of justice. Several amendments are needed to expand the powers of the Commission and ensure that minorities are equitably represented on the Board of Commissioners.

Key Recommendations

- Amend Article 4 to give the HCHR powers to issue binding decisions after listening to the merits of a case under specified circumstances.
 - Amend Article 4(3) to require the HCHR to examine and provide commentary on draft legislation, as well as legislation in force, to determine whether it conforms with the Constitution and adequately protects the human rights of all Iraqis.
 - Amend Article 4(7) to grant the HCHR greater authority over the preparation and content of human rights reports submitted to the United Nations.
 - Amend Article 5 to grant the HCHR the power to independently initiate lawsuits without the need for an external complaint.
 - Amend Article 5 to grant the HCHR the power to intervene or participate in lawsuits as an *amicus curiae* (friend of the court).
- Amend Article 7 to guarantee reserved seats for minority representatives on the Committee of Experts charged with recommending Commissioners to the Council of Representatives for approval.

⁷ See Iraqi Law No. 53 (2008).

- Amend Article 8(fifth) to increase the quota for minority Commissioners from “no less than one original member and one reserve” to ensure appropriate representation of Iraq’s Minority Components.

6. Elections Law

The laws regulating elections in Iraq are fairly progressive as they strive to be inclusive of all components of Iraqi society in local and national representation. Article 4 of the Elections Law, for instance, contains a nondiscrimination provision that affirms the rights of all Iraqis to run for office as well as to vote for public officers. However, several provisions in the Law may discriminate against and marginalize components, deny or hinder their right to obtain political office, and thereby operate to effectively remove them from the political process. Several other provisions fail to take into account and involve minority communities in the electoral process. Additionally, observers have noted that the IHEC has been criticized for alleged corruption and undue political party influence and have called for reform.

Key Recommendations

- Amend Article 4 to state that election participation is the right of every citizen without discrimination of any kind and provide an illustrative, but not exhaustive, list of impermissible grounds for discrimination.
- Amend the law to include an affirmative obligation that the State will take effective measures to ensure that all persons who are entitled to vote are able to exercise that right free from discrimination.
- Amend the Elections Law to specifically state that the Independent Higher Electoral Commission (IHEC) must not exercise its discretion in any way that has the purpose or effect of discriminating against any group on any basis listed in the Election Law’s nondiscrimination provision in Article 4.
- Amend the Elections Law to guarantee reserved seats in the IHEC for minority representatives.
- Amend the Elections Law to mandate that the IHEC should conduct a full voter registration.
- Amend Article 1 of the Elections Law to enable the IHEC to consider developing mechanisms whereby minorities can vote for their representatives through special lists, special ballots, or other means as appropriate, including amending calculations for compensatory seats.
- Amend Articles 6 and 7 to allow the IHEC to formulate and implement a mechanism to allow IDPs to express their intent to remain in, and integrate into, their place of displacement and to allow them to vote and run for office in their place of displacement after such a determination is made

- Amend Article 1 to reconcile Articles 1(1) and 1(3) to provide maximum protection practicable for all ethnic, linguistic and religious minorities
- Amend Article 4 to make clear that generalized fear of violence is sufficient grounds to qualify as an IDP.

7. Political Prisoners' Foundation Act

This important law makes significant strides toward recognizing the injustices that occurred during the Ba'athist regime, and strives to compensate persons who were imprisoned or detained for political reasons. While comprehensive provisions seek to provide compensation for such persons, a few amendments could be considered to make the law more responsive to the concerns of Iraq's components.

Key Recommendations

- Amend Article 10 to state that the Private Committee may not exercise its discretion in a discriminatory manner when determining who qualifies as a political prisoner.
- Amend Article 10 so that an applicant may have additional time to appeal the decision of the Private Committee and ensure timely notification to the applicant of Committee decisions.
- Amend Article 5 to include persons who were detained or imprisoned as a result of the previous regime's discriminatory practices, including those detained because of their ethnic, religious, linguistic or national origin backgrounds.
- Amend the law to include a provision prohibiting the State from exercising its discretion in a discriminatory manner when making decisions pertaining to compensation or benefits to be paid to political prisoners and detainees.

8. Martyrs' Institution Law

The Martyr's Institution Law of 2005 contains language identical to that of the Political Prisoners' and Detainees Institution Law. Similarly, this law sets out provisions to protect and provide for the next of kin of those Iraqis who died due to their opposition to the Ba'athist regime. Several provisions are necessary to ensure that the law grants broad protection to minority communities who may have been particularly targeted by the previous regime.

Key Recommendations

- Amend Article 10 to state that the Private Committee may not exercise its discretion in a discriminatory manner when determining who qualifies as a martyr.

- Amend Article 10 so that an applicant may have additional time to appeal the decision of the Private Committee and ensure timely notification to the applicant of Committee decisions.

9. Issues Surrounding Potential Political Party Legislation

Guaranteeing individuals the right to participate in the political process is essential to building a democracy. These rights include the right to form political or other associations, to campaign, to stand for office and vote. These guaranteed rights extend beyond those of individual voters to the rights of political parties and other associations to garner support and campaign.⁸

The draft law analyzed in this report is under consideration by the Council of Representatives and has not yet been enacted. While IILHR recognizes that the eventual legislation might differ from the language addressed here, the report's analysis addresses concerns that are likely to be raised as the legislation comes under consideration.

Key Recommendations

- Add "Iraq's international legal obligations" to the list of instruments and concepts the law should not contradict.
- Include a nondiscrimination provision, including mechanisms for positive discrimination, such as voluntary party quotas within party leadership positions and party lists.
- Stipulate a review process by which "unqualified" candidates can appeal restrictions on their participation in party activities.

10. Civil Code

The Iraqi Civil Code No. 40 of 1951 is based on a system of law that includes both Islamic Law and continental European influences and mirrors similar reforms in Egypt during the same time period. This law regulates interaction between citizens in the key areas of contract, tort and property.

Key Recommendations

- Amend Article 1106 and create a specific provision for non-Muslims who are not obligated by Shari'a principles, so that their private property rights are not abrogated.

⁸ Organization for Security and Cooperation in Europe (OSCE), Office for Democratic Institutions and Human Rights. "Guidelines to Assist National Minority Participation in the Electoral Process" 16, (2003), hereafter "OSCE Guidelines."

- Amend Article 164 to broaden the definition of “custom” to include the customs and practices of all religious and ethnic minorities, clarifying that non-Muslims are not governed by Shari’a principles.

11. Penal Code

The Coalition Provisional Authority Order Number 7 of April 2003 was incorporated by reference to the Penal Code of July 1969. The law contains an important anti-discrimination clause to protect minorities’ rights: “In exercising their official functions, all persons undertaking public duties or holding public office, including all police, prosecutors and judges, must apply the law impartially. No person will be discriminated against on the basis of sex, race, color, language, religion, political opinion, national, ethnic or social origin or birth.”⁹ Given its sweeping applicability, the significance of this excellent non-discrimination provision cannot be overstated. This provision, together with Article 372 of the Penal Code criminalizing acts which harm, attack, insult, disrupt, or destroy the religious practices and holy sites of Iraq’s religious minorities, have created a strong body of law that protects the interests of Iraqi minorities.

Key Recommendations

- Increase the fine penalty for violations of Article 372 from the current 300 Iraqi dinars to reflect a stronger condemnation of such prohibited acts and the degree of harm inflicted by such acts on the religious practices and holy sites of Iraq’s religious minorities.

12. Criminal Procedure Code

The Coalition Provisional Authority Order Number 3, signed in July 2003, was incorporated by reference to the Code of Criminal Procedure No. 23 of 1971. That law outlines procedures to be used in conducting criminal investigations and trials. The Iraqi criminal procedure system has come under fire for many shortcomings in comparison to international standards of due process as enumerated in Articles 9, 14, and 15 of the ICCPR.

Key Recommendations

- Amend Article 152 of the Code of Criminal Procedure to clarify “certain groups of people” in a manner that ensures minorities may not be excluded from court proceedings without due cause or a reasonable belief that their presence would adversely affect the proceedings or harm a party to the case.

⁹ See Coalition Provisional Authority Order Number 7 at § 4.

13. Unified Labor Code

The Unified Labor Code of 1987 is a progressive set of rules governing labor and employment laws in Iraq, including setting standards for worker safety and compensation. However, several provisions could be amended to better protect the interests of minority workers.

Key Recommendations

- Amend the law to explicitly provide that the Ministry of Labor and Social Affairs must not exercise its discretion in any way that has the purpose or effect of discriminating against any group on any basis listed in the Code's nondiscrimination provision.
- Amend Article 2 to clarify that racial discrimination means *any* distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin.
- Amend Article 2 to apply the principle of non-discrimination to all provisions of the Code, not simply to the section that states the right to work and the possibility of pursuing vocational training.
- Amend Article 10 to eliminate the requirement that Arabic be the only language used in all employment relationships and ensure that the language used in employment relationships reflects the linguistic needs of the employee.
- Amend Article 107 to require employers to inform workers of occupational hazards and protective measures, both orally and in writing.
- Repeal section (2) and amend section (1) of Article 60 to reflect that each employee's day of rest will be determined on an individualized basis, occur on a pre-determined day, with all feasible measures taken to accommodate the religious views or traditions of the employee.

14. Non-Governmental Organizations Law

The Law of Non-Governmental Organizations Number 12 (NGO Law), passed on January 25, 2010 by the Iraqi Council of Representatives, replaced four older NGO laws, including Law Number 34 of 1962, Law Number 13 of 2000, CPA Order Number 45 of 2003, and the Detachment of NGO Assistance Office Order Number 16 of 2005 (Order Number 16).¹⁰ This new law is a significant development for Iraq's minority components because NGOs are an important advocacy device for underrepresented groups. While no provisions of this law prove specifically problematic for Iraq's minorities, observers have noted that, to date, the registration process is difficult and, due to some contradictory instructions, prevents the proper registration of many NGOs.

¹⁰ Article 34, NGO Law