

Report submitted by the "Coalition of Iraqi Minorities Network" which includes

18 local organizations working in the field of defending minority issues in Iraq

The report is submitted to the Committee on the Elimination of Racial Discrimination

Of stakeholder reports.

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I. Difficulties impeding the implementation of the Convention

1. Although Iraq has acceded to the convention on the elimination of all forms of racial discrimination and continues to submit reports to the committee, we are in AIM to note:

-Iraq has still not harmonized its national and local legislation in accordance with the convention it has acceded to.

national legislation is still not comprehensive in dealing with the principle of non-discrimination in particular with regard to cultural and societal policies and practices.

-In AIM, we look forward to the urgent need to enact legislation to prevent discrimination and protect the rights of religious and ethnic minorities in Iraq.

2. Despite the elimination of the organization of the Islamic State militarily within the areas that were controlled in Iraq, but we in the AIM observe the following: -

- The methodology and ideology of the "Organization of the Islamic State" has not yet been established. The policies and programs have not yet been put in place to eliminate it. Many of those who have been involved in this thought still believe in it despite the military elimination of the organization.

Religious and ethnic minorities express concerns about the resurgence of the ideology of the Islamic State-ISIS, because those minorities were the most vulnerable to violations and crimes by the terrorist organization.

AIM organizations have observed that investigations into the crimes

- Iraq's legislation and the courts are still implementing the Iraqi penal code as well as the anti-terrorism law for crimes committed by individuals who have joined the "Organization of the Islamic State" "While the AIM organizations believe that these crimes are cross-border crimes as well as international crimes (war crimes, crimes against humanity or genocide), all of which have no description or adaptation in national legislation.

Concerns and recommendations

Ensuring non-discrimination on religious and ethnic minorities

3 - What the Islamic Organization has done to the people of religious and ethnic minorities, especially Yazidis, Christians, Shabaks and Turkmen, is an international crime that escalates to genocide, while the Iraqi government continues to deal with these grave violations at a level that does not amount to national recognition that these crimes and violations are crimes of genocide and crimes against humanity.

5. AIM organizations express their concerns and concerns about the impunity that has occurred during the process of liberating Iraqi territory from ISIS. The lack of clarity of legal procedures in dealing with suspects contributes to impunity. As the Government's policy of dealing with (the database) Individuals suspected of collaborating with ISIS and committing crimes are of concern, and the multiplicity of institutions involved in security vetting, contributes to impunity because of inconsistencies and attempts to influence the decisions of these security parties.

6- The Iraqi government still does not have an integrated dossier on the crimes committed by the Islamic State of ISIS against the children of religious and ethnic minorities, as the mass graves have not been dealt with, in addition to the files of those who were executed, as well as those women and girls who were enslaved and raped.

7- The immigration of ethnic and religious minorities continues to pose a serious threat to their presence in Iraq due to the continued and systematic targeting of extremist groups that fall under the responsibility of the state to protect their children. AIM organizations have monitored the high levels of migration of Yazidis, Christians and Sabean Mandaeans since 2003, As "weak" government measures to ensure their survival and reduce the risks to their existence forcing them to migrate outside Iraq.

We recommend the following

- Preparing an integrated dossier on the violations of religious and ethnic minorities by the "Organization of the Islamic State" and to recognize that crimes of genocide and crimes against humanity have been committed through the Iraqi parliament and the Iraqi government.

- Ensuring that there is no impunity and that the government's databases on the suspects of the "ISIS" are updated and that the security vetting process is terminated, and that the trial procedures are controlled to ensure that the perpetrators of international crimes do not escape punishment.
- Ensuring that legislative and executive policies are put in place to reduce the risks for members of religious and ethnic minorities to ensure that they do not migrate and empty the country of their presence, and that their participation in government institutions, national policies and sources of decision-making is increased on both local and national levels.

Population census and the guarantee of representation of religious and ethnic minorities

8- Iraq has not yet taken a step towards conducting a census of Iraqis, including members of religious and ethnic minorities, since the 1987 census of a political nature. According to the monitoring of the AIM organizations, political discourse often exploits the absence of a census, especially for religious and ethnic minorities. Political participation in state institutions, although the electoral law of the Iraqi parliament granted religious minorities a system of "quota" reserved seats, but those seats do not rise and the proportion of population according to the Iraqi constitution and also does not rise to their level of real representation.

We recommend the following:

- Accelerating the conduct of a comprehensive population census, and the need to amend national laws and policies to increase the representation of religious and ethnic minorities in line with the size of their population.
- The need to conduct comprehensive national surveys to identify social, economic and cultural indicators as well as indicators of extremism, racism and violence, and to measure their impact on the principle of non-discrimination and ensure better participation of minorities in cultural, social and economic life and combating violent extremism.

Prohibition of discrimination, hatred and legal reform

- 9-** There is still no prohibition of discrimination in national laws and legislation, and even the draft laws are devoid of the principle of prohibiting discrimination. AIM organizations have noted that the Iraqi penal code in article 372 requires the imposition of a penalty of imprisonment or a fine on anyone who attacks a belief, while the legal material did not rise to prohibit discrimination and hatred towards any attack on beliefs, rituals and places of worship for non-Muslims.
- 10-** AIM organizations have also observed a clear distinction in the newly introduced unified national card act, which clearly refers to discrimination against members of religious minorities, as it recognizes the provisions of the personal status act, concerning the phenomenon of "Islamization of Minors", which considers that every child is a minor in the event of the Islamization of a parent According to the law, all minor children become Muslims, even though the parents are not Muslims before the Islamization of one of them.
- 11-** The children of religious and ethnic minorities still complain about equal opportunities in employment we issue the decision, according to the monitoring carried out by AIM organizations, inequality in employment opportunities is not codified by law, but in the application policies of the law and in the applied procedures, it is reflected in the AIM report 2016 that there is still no judge Yazidi while there are many applicants to "The Judicial Institute " To obtain a judge's testimony but during the applied procedures they are given a certificate "prosecutor ", this is a clear distinction in job opportunities, and the statistics collected by AIM demonstrate that the level of participation of the minorities in the public service and the source of the decision is still few in comparison to their number and level of participation, particularly in opportunities in diplomatic missions, military commanders, aviation, general directors and others.

Participation of minority members in the security and military system

12- AIM organizations express their resentment at the continuing imbalance and the real representation of the sons of religious and ethnic minorities in the Iraqi security and military system, Aim organizations are dismayed by the continued imbalance and real representation of the members of the religious and ethnic minorities in the Iraqi security and military system, including the police and army, Peshmerga forces in the Kurdistan Region - Iraq, and according to what the AIM organizations have identified as the sites of leadership, security and military decisions. Minority areas are not in the hands of the people of these areas.

13- In spite of the recent withdrawals and encroachments on these areas. The AIM organizations confirm that the formation of the "masses of minorities" within the popular mobilization body of the Commander-in-Chief of the security forces is not a best practice, considering that all the crowds were established. On the basis of religious and sectarian, although they represent the sects and religions and ethnic minorities, but this is a threat to the protection and sustainability of security in minority areas.

We recommend the following:

- Increase levels of participation of minority children in the local police forces, the army and Peshmerga, while increasing their participation in security decision-making in their areas.
- Dissolution of minority populations in the areas of Nineveh Plain and Sinjar and work on their integration into the local police forces and the army and assume leadership positions to manage security in their areas instead of military formations on sectarian, religious or doctrinal grounds.

Participation of members of minorities in political life

Religious and ethnic minorities in Iraq, especially Christians, Yazidis, Sabean Mandaean, Shabak and finally the Fili Kurds, were granted quotas at the level of parliamentary seats and local governments. However, AIM organizations monitored the following:

- Intentional and continuous exploitation of large political blocs by confiscating the quota system for minorities

- The survival of the electoral law and the voting system does not encourage the independence of the electoral votes of minorities to the blocs competing for the quota.

In spite of the Federal Court's decision 2010 to increase the number of quota seats allocated to Yazidis according to their census according to the statistics of the Ministry of Planning, but the Iraqi Council of Representatives did not respond to that.

- The Yazidis, Kakayis, Zardashtin and Baha'is are still not allocated quota seats at the level of the People's Assembly in Kurdistan – Iraq, despite the multiple demands to amend the law and the need to represent them along the lines of Christians, Turkmen and Armenians.

We recommend the following:

- Amending the electoral law and increasing the level of representation of minorities within the former quota system

- amendment of the voting system and the allocation of a clear mechanism for voting of quotas to avoid exploitation by the large political blocs.

- The People's Assembly of Kurdistan - Iraq to reconsider the electoral law and the need to allocate seats quota for minorities not represented by the quota system in Kurdistan - Iraq.

The situation of minorities and the justice system

14. AIM organizations conducted a comprehensive survey of the situation of minorities and the justice system in their special report 2016-2017, showing that:

-There is still no clear mechanism on reporting acts of racial discrimination against minorities.

Despite the fact that four years have elapsed since the "ISIS" violations, there is still no clear mechanism for lodging complaints, considering crimes and adapting them to international crimes (genocide, war crime or a crime against humanity) that are not codified in Iraqi criminal law.

The Iraqi government has still not established a clear mechanism for compensating victims and their relatives, especially women victims of sexual and physical violence.

-The Iraqi courts are still dealing with the accused of "ISIS" on charges of terrorism, while the crimes committed by the "ISIS" are different from the crimes of terrorism, but international crimes.

-Hundreds of mass graves committed by ISIS have not been dealt with despite the existence of a law on mass graves, and all actions in this regard are slow and do not respond to the need for this dossier.

Transitional justice institutions and the absence of representation for minorities

15. The transitional justice institutions, which include the institution of the martyrs - reconciliation - the institution of political prisoners - the Commission on Human Rights - the Commission on Property Disputes - have no real representation of religious and ethnic minorities in their formations. Religious and ethnic minorities are the most affected by violence in Iraq, The procedures of these bodies do not rise to the required level in the principle of participation. As Iraq is a country that has begun to recover from the post-conflict phase, it is necessary to work on:

- Involvement of members of religious and ethnic minorities in transitional justice institutions in Iraq by giving them leadership roles in these institutions.
- Fairness in dealing with these institutions with the files of violations and challenges faced by members of religious and ethnic minorities, and the need to adopt the principle of "positive discrimination" in some files fair to the victims, especially religious and ethnic minorities in Iraq.

Nationality and citizenship

There is discrimination in Article 18 of the Iraqi Nationality Law No. 26 of 2006, as stipulated

16. First: Every Iraqi who has been stripped of Iraqi nationality for political, racial or sectarian reasons must recover it by submitting a request. In the event of his death, his children who have lost Iraqi nationality, according to their father or mother, may apply for Iraqi citizenship.

Second: It does not benefit from the provision of item (1) of this article, which has been revoked by virtue of the provisions of Law No. 1 of 1950 and Law No. 12 of 1951.

17. The unfair decision No. 358 against the Bahá'ís of the Civil Status Directorate, which included the freezing of Bahá'ís' records in civil status records and giving the Department the authority to replace the religion field, thus depriving civil and legal rights such as obtaining civil IDs and other supporting documents, recording birth data, Etc., unless proven in the field of Muslim religion.

Although the decision revoked the issuance of the Ministry of the Interior's book 5441 on 19/3/2007, which was circulated to all civil status departments under the book of the General Directorate of Travel and Nationality No. 5708 on 04/04/2007, following the decision was practically lifted from the restrictions and issued A number of Bahá'ís have identities in which the religion field is established (Bahá'í).

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Although there is no direct persecution of the Bahá'ís, the followers of this religion continue to struggle for the abolition of Law No. 105 of 1970, in addition to the cancellation of the book issued by the General Secretariat of the Iraqi Council of Ministers on 26/07/2007 and Barqam 1215, (Bahá'í) in the field of religion in the civil identity and registration of a Muslim.

* There is a challenge to change religion in personal status documents, because Bahá'í will be considered a change of Islam to another religion and this is prohibited.

18 - The challenges of the restoration of nationality who were dropped by the Baath regime, especially the Faili Kurds because of the conditions imposed on the student rejection and isolation. "Return of nationality such as the presence of his name in the database of the 1957 census and the like.

This applies to the applicant and its first-time naturalization, such as Bidun, gypsy and Bedouins, who were not registered in the 1957 census.

19 - The gypsy (Exception) note in their certificate of Iraqi nationality, which deprives them of access to the right to education, work and health. This exception deepens the ostracism and social isolation that they face because they are excluded from society in inferior terms, which caused their isolation from life almost completely.