



Shadow Report
Hammurabi Human Rights Organization(HHRO)
to
Committee on the Elimination of Racial
Discrimination
On Iraq's compliance with the International
Convention
to eliminate all forms of racial discrimination

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Introduction

Hammurabi Human Rights Organization is an Iraqi Organization independent, non-governmental, non-profit, officially registered under No. (1H71134) in the NGO Department of the General Secretariat of the Iraqi Council of Ministers, which supervises Iraqi civil society organizations according to Law No. 12 of 2010.

The organization was founded on April 1, 2005, composed of human rights volunteer activists and members who believe that human being is a supreme value that should be respected. They all volunteered to defend human dignity and rights, any human being regardless of religion, ethnicity, nationality, gender or origin colour or ideology and political direction.

Since its founding, Hammurabi Human Rights Organization has devoted its efforts to achieving its objectives included in its bylaw in Article 5 which can be summarized to defending the most basic human rights as well as fundamental rights in all fields at national, regional and international levels, follow-up activities related to human rights, monitor and document violations that occur and follow up, prevent the occurrence of waste in human rights, monitor the proper application of laws and statutes related to human rights, its constitutionality and follow up the adaptation of the provisions of the Constitution and national legislations to Iraqi obligations in international conventions, instruments and covenants related to human rights, register and seek to limit or terminate any types of violations, spread awareness, establish and develop the values and culture of human rights through educational and teaching institutions, media and the work of non-governmental organizations and other concerned institution, to pay attention to the rights of religious , ethnic minorities and other marginalized groups such as women, children, the disabled, displaced persons, refugees, forcibly displaced persons, prisoners and those with special needs, and to advocate for their rights and respect for their privacy as equal and non-discriminatory Iraqi citizens.

Hammurabi Human Rights Organization carries out its human rights duties with other human rights activities in defending, advocacy and support marginalized groups for more than (13)years, is well aware of the importance of the treaty bodies instruments and mechanisms adopted by the United Nations for the protection of human rights, to promote and improve the human rights situation, and their effectiveness and impact on the performance of States. Based on its belief and confidence in the positive impact of these mechanisms on improving states compliance with their international obligations and the need to adopt such mechanism, Hammurabi Human Rights Organization submits this report to your esteemed Committee to promote and support joint action to protect human rights, safeguard its dignity and ensure equality and non-discrimination to meet the Values and rights contained in the Convention and other international instruments to eliminate all forms of racial discrimination.

- Hammurabi Human Rights Organization reviewed the comprehensive report submitted by the Iraqi Government to the Committee on the Elimination of Discrimination in Geneva within a single document whose reports included the fifteenth to twenty-first reports, which were discussed in the Committee over two sessions 2307 and 2308, on 19,20 August 2014.

- Hammurabi also examined the observations adopted by the Committee on the Elimination of Racial Discrimination at its 2319th session on 27 August 2014, in which Hammurabi also conducted a field assessment through its activists, according to the Iraqi Government's report and the observations of the Committee on the Elimination of Racial Discrimination What follows:

1-The issue of disputed areas remains unresolved so far, although this has caused and continues to cause many problems that can be characterized by racial discrimination, particularly on the minorities whose views are not taken into account and are still exposed to many problems that have been raised forcing the displacement of many families of Christian, Ezidies, Shabak, Turkmen and Kakai's from these areas. The characterization of minority areas, including the (Nineveh Plain), in disputed areas, discourages development and investment, and discourages displaced persons and forcibly immigrants from returning to their areas, fearing that instability will persist because of the conflict between Baghdad and Erbil and that its residents eventually pay the price. For example, (23,000) Christians returned to the Christian village of Qaraqosh till March 2018 out of a total of (50,000) Christians. In other words, the return rate was 49% while the return rate for Christians in Bartilla was 30%¹.

Hammurabi Human Rights Organization referring to this issue, believes that it should be resolved by taking the measures of return based on previous population statistics, which preceded the demographic change in particular the 1957 census, to guarantee the rights of all people without discrimination.

2-Hammurabi Human Rights Organization considers that the recommendation of the Committee on the Elimination of Racial Discrimination to take immediate measures to protect and preserve the linguistic, religious and cultural diversity of Iraq from ancient times has not adopted effective governmental measures. Minorities have been exposed to terrorist groups specially the attacks of ISIS without protecting its existence physically and morally, the state did not do its basic job in protecting its citizens as civilians found themselves in front of groups of murder, rape, captivity and kidnapping without protection from state institutions concerned. As a result, families fled from Mosul and Nineveh Plain. More than (150) thousand Christians, about (200) thousand Shabak and (11) thousand Kakai's, while displaced more than (400) thousand Ezidies from the areas of Sinjar and Nineveh Plain, and more

¹ - Semi- annual report 2018 for Hammurabi Human Rights Organization on the situation of human rights in Iraq.(www.hhro.org)

than (300) thousand Turkmen from Telafar and Nineveh Plain and towns belonging to the province of Kirkuk. Hammurabi annual reports indicate that more than (400) Christians remained under the control of ISIS in Nineveh plain and Mosul, some of whom escaped from ISIS control in different ways, while others were liberated during the liberation of their areas but (65) Christians are still missing or disappeared whose fate is unknown, although some survivors have reported that number of the disappeared have died during years of ISIS control. Our organization has met with more than (100) Ezidies and Christians survived from ISIS, who have been exposed to captivity, rape and sexual slavery, cruel treatment, torture and forcible conversion of religion.

Hammurabi also witnessed the destruction, burning, and destroys of religious, cultural and heritage sites. In the absence of the necessary protection, emigration in the Christian sector intensified, which led to the decline in their number in Iraq from (1.5) million in 2003 less than half a million people, as well as Ezidies, where the number decreased less than half a million after the number was more than (550) thousand people in 2003.

In the context of the foregoing, it is clear that the existence of minorities is subject to destruction and genocide, and that the inability of the state to protect minorities or indifference to their protection has the undue damage to their existence and poses a great threat to religious, ethnic, cultural and linguistic diversity. The reluctance of the State and lack of proper and adequate attention to the question of the protection of the existence of minorities is a violation of rights and racial discrimination.

Therefore, Hammurabi recommends urging the Iraqi government to:

- To work effectively to support the return of the displaced people by imposing security by involving the habitants of those areas in protection through inclusion in the security institutions without exception, and accelerate the reconstruction or construction of the infrastructure and service facilities, education and health for minority areas and achieve transitional justice, which will contribute to restoring the lost trust between the people of the destroyed areas and the security and administrative authorities in order to create sustainable stability.

- Encouraging the return of the displaced persons and forcibly immigrants through reconstruction and assisting small and medium-sized agricultural, industrial and economic projects to resume their activities to create job opportunities for returnees with small loans.

- Accelerate the compensation of those affected and encourage and facilitate the work of national and international civil society organizations to implement community rehabilitation projects and restore confidence among different communities.- Encouraging investment and facilitating the work of the private

sector to take its role in order to meet the need to develop the affected areas from ISIS, and to employ the unemployed, which contributes to reducing migration among the minorities that began to increase day by day, in the absence of a rapid improvement in their situation in terms of security and economic stability, service and psychological stability are dominated by fears.

3-The Committee on the Elimination of Racial Discrimination has identified a very important issue concerning the lack of information and data base so far on the ethnic composition of the population, especially the minorities. Hammurabi noted that the lack of data and information in this regard devoted racial discrimination to the services, rights and opportunities that could be given to minorities at the base level, but that has been reflected negatively in the annual budget allocations for Iraqi minorities in a number of areas, especially in the province of Nineveh.

Hammurabi Human Rights Organization recommends that:

-The development of a comprehensive national plan for the census and on the basis of identification data on the subject of ethnic and religious diversity and public identities would inevitably greatly reduce the trends of delay, negligence and neglect that many areas of Iraq continue to suffer from; note that the figures adopted so far on this subject did not depart from the circle of speculation and estimates that arrive from the Ministry of Planning in the governments (the Federation and the region) and most of them are within a political framework only, and for specific targets. On the other hand, the census can be used in the development of solutions in relation to the above point 1 which related to the disputed areas.

4- It seem to Hammurabi organization that the internal displacement of the population in Iraq and the demographic changes is not limited to the occurrence of armed violence is characterized by a lot of threat and risk by armed violence groups or terrorist groups such as Al Qaeda and ISIS, but also before these bloody events a displacement for other reasons is closely related to economic conditions, , lack of job opportunities in certain areas and social pressures and lack of respect for privacy and equal freedoms in respect of dressing , social practices of religious groups such as Christians, Sabeen Mandeans and Ezidies, as well as encroachments on temples and monasteries and churches or at the minimum are sieged (people can't reach it for many reasons), this situation has led to the closure of many churches in Baghdad alone (6) Chaldean churches have been closed so far to the continuous decline of the number of believers attending the church. In addition, there were (160) churches, monastery and a cemetery for Christians in Nineveh province, which were destroyed and burned by the terrorist ISIS, as well as more than (20) Temple and Shrine for Ezidies, and a Husseinias, and a shrine for the Shabak and (8) of the shrines of Kakai's. Hammurabi also noted that the pressure on the Sabeen Mandaean community has also caused them to be displaced from certain areas of Baghdad and other cities in

southern Iraq towards relatively safer areas inside and outside Iraq. So far, there has been no end for the threats against Sabeen Mandeans in their residence and also works.

Hammurabi Human Rights Organization (HHRO) recommends that:

- Urge the Iraqi government to pay more attention to addressing the phenomena of unemployment in both real and convincing ways, by strengthening the private sector and investing in industrial, agricultural, tourism and all service activities, and adopting reform policies that give priority to the most affected, poverty and destitution based on the principle of positive discrimination.
- Urge the Iraqi government to provide adequate protection for minorities, especially religious ones such as Christians, Ezidies and Sabeen Mandaeans, to exercise their constitutional right to religious freedom, interests and work appropriate with their religious and cultural specificities.
- Urge the Iraqi government to increase attention to the public service, health, education and economic conditions in the minority areas to meet the needs of returning citizens to their areas of origin after liberation as their human rights.
- Urge international organizations such as UNESCO and others, to assist Iraq in the reconstruction of religious and archaeological monuments from temples, churches and monasteries, some of which are not only Iraqi heritage but also human and world heritage.

5- Hammurabi considers that the observations of the Committee on the Elimination of Racial Discrimination at its 2319th session on 27/8/2014 on the security services sector of the state of low representation of ethnic and religious minorities in the security forces of the Iraqi state, is still valid despite some weak solutions, particularly in the areas of Nineveh Plain as well as within the leadership institutions. This situation has been reflected and is still reflecting in many negative impacts on religious and ethnic communities with low population ratios. Regarding the judicial system as an example the number of judges does not exceed number of fingers for Christians, Ezidies and Sabeen Mandaeans. The same applies to the diplomatic corps, and so to the independent bodies and ministries, thus, the level of representation of some minorities does not fit to their numerical size and qualitative influence, such as Christians and Ezidies, while requiring the state to adopt the principle of positive discrimination against them, especially since they have been subjected to a long history of harassment, marginalization and persecution on the one hand, but also because there are among them a high number of specific competencies and expertise that can contribute to the restoration of political and administrative process, provided that their choice should be build on their qualifications and capacities not to their loyalties to the powerful political parties from other side, to achieve a real fulfilling of Article (9) of the

Constitution 2005.

So that, Hammurabi Human Rights Organization (HHRO), recommends that the Iraqi government and state institutions should:

- Develop a comprehensive strategy based on giving opportunities to participate in the military and security apparatus for all members of Iraqi society without exception, with the involvement of members of religious and ethnic minorities in the security service of the country in an appropriate preparation, giving them the opportunity and competence to assume and manage the security of their areas, there are also many security experiences of the sons of those minorities did not find their chance in formations of the leadership of the Ministries of Interior and Defense as if these two ministries are for the components of the Shiites, Kurds and Sunnis only.
- Commitment to Article (9) of the Iraqi Constitution in force of 2005 to ensure the fair application of the representation of all components of Iraqi society in the Iraqi security and military and national institutions.
- Involvement of minorities in public life and state institutions in proportion to their competencies, abilities and specific gravity in order to protect the diversity, equality, and non-discrimination, that the Constitution of Iraq adopted in many of its articles.

6-Hammurabi noted that racial discrimination on the property of minorities and cases of grabbing and controlling the property continues despite some of the judicial procedures is still in addition to positive measures taken by the government through the Secretariat of the Council of Ministers, and the Ministry of Justice for treatment, which part of that measures resulted in confusion and complexity in the transfer of property, which adversely affected owners of property themselves. Our conclusions are that some judicial proceedings are still experiencing a slowdown and volatility, and that most cases of rape of property are carried out through fraud, forgery or absent documents by gangs and the collusion of corrupt employees. And other information that Hammurabi has that there are cases brought to the judiciary, while the repeated postponements and delaying the resolution lead to time forcing the owners of the properties to deal outside the courts at low prices and then to drop those cases. The judicial authorities often blame the executive authorities for their delay in carrying out the sentences. On the same subject, HHRO received more than a complaint from Christian real estate owners in Baghdad who were unable to recover their property through legal procedures. In Mosul and after the full liberation at the end of 2017, where a number of real estate and houses of Christians occupied by people who refuse or delay in vacating the owners, despite the formation of government and security committees to resolve this subject, has been found that some of it raped by influential security people, in this regard, a complaint has been filed against a citizen whose house is still being usurped by one of the security men at the rank of officer. HHRO have more than (10) previous

documented complaints published by our organization in its annual reports of property owners whose homes are still being usurped in many areas of Baghdad. Threats aimed at their lives to force them to give up their demands to restore their property.

Therefore, Hammurabi recommends that the government consider:

- Take more serious measures in the issue of the expropriated real estate of the sons of minorities, so as to ensure the mechanisms of achieving justice and protecting and guaranteeing equal rights of all.

- The institutions concerned with real estate and property should review the sale and purchase transactions of Christian real estate that took place after June 10, 2014, the date of the occupation of ISIS the city of Mosul, checking the real estate records and stressing the real estate registration departments to verify the authenticity of the transfer because some transactions move within the framework of Suspicious forgery and cheating

- The government and its executive security institutions must implement the decisions has already issued by the judicial authority on some real estate after it has acquired the peremptory measure in order to restore the property to its real owners.

- Urge the judicial authorities and their courts to resolve crucially the cases of abuse and rape of houses and property in short periods and to reduce repeated delays.

- Urge the Iraqi government to provide protection to real property owners through the adoption of written security assurances from individuals and persons who have raped those properties not to be subjected to them and to be obliged to bear the consequences of harm to these Iraqi citizens.

7- positive developments for the Iraqi government is the decision of the Council of Ministers No. 86 of 2018 during its ordinary session held on 6/3/2018 and included the approval of the compensation of grades for the movement of work appointment of the Christian minority (meaning compensation for job vacations, retirees and resigners), each according to its own area, provided that it is applied after the entry into force of the Federal Budget Law for the fiscal year 2018, after submission of sufficient data to the Ministry of Finance to make the required changes based on the provisions of 3 and 4 of the appointment Law No. 25 of 1960.

In this decision, Hammurabi found an important development that limits racial discrimination. In fact, the Council of Ministers pay attention to compensating the job grades for the movement of jobs of the Christian minority due to displacement, violence, migration and death, is a reinforcement of the principle of positive discrimination toward Christians, who have been subjected to injustice, marginalization and continuous aggression for years.

But the problem lies in the field applications of the decision within the ministries and government institutions, that the number of retirees with the deceased in the district of Hamdaniya, for example, of the Christian minority in the Department of Hamdaniya Education reached (288) people, but the Ministry of Education has not yet implemented the decision of the Council of Ministers to compensate. In its response to the Council of Representatives in its No. 26907 dated July 1, 2018, it pointed out that it needs to provide accurate statistics through the Director General of Education in Nineveh province and accurate data on the names of the retired Christian candidates. However, despite the fact that the database needed were provided to the ministry of education, the decision still has not implemented.

Therefore (HHRO) recommends that the Iraqi government consider the following:

- If the decision did not take full opportunity of binding implementation, and therefore we see the need to activate and put an end to neglect and lack of full care of the resolution because its implementation would achieve some balance sought by minorities, especially Christians in public jobs.
- The General Secretariat of the Council of Ministers has to follow up the implementation of its decisions to achieve justice, equality and non-discrimination in accordance with the provisions of Article 14 of the Constitution of Iraq of 2005.

8- Iraq still does not harmonize its legislation and laws to meet with the principle of religious freedom, although the Iraqi Constitution of 2005 affirms freedom of belief and non-discrimination on the basis of religion in many of its articles, especially in articles (2 the second, 14, 37the second, 42), However, there are laws or legal provisions affecting this freedom, especially for followers of non-Muslim religions such as Elides, Christians, Sabean Mandeans, Baha'is and others. Article 26 the second², of the Unified National Card Act (Law No. 3 of 2016) is still not amended, Imposes a change of religion for underage children to Islam whenever one of the parent convert to Islam, despite the demand of the sons of non-Muslim minorities to amend the text, to guarantee their religious freedom and human dignity, although this text is contrary to the Constitution explicitly, including Article 2 the second, which states (This Constitution guarantees the preservation of the Islamic identity of the majority and also guarantees the full religious rights of all individuals to freedom of belief and religious practice, such as Christians, Ezidies and Sabean Mandeans) the text also contradicts Article 3, which states (Iraq is a multi-national, religious and doctrinal country), also with Article 14 which states that (Iraqis are equal before the law without discrimination on grounds

² - This article states that “ underage children in religion shall follow the religion of Islam from the parents “ . And that this article is a copy of Civil Status Law No. (65) of 1972 the amended, which was cancelled recently according to the law of the National Unified Card No. (3)for the year 2016, but the content of articles 20 and 21 thereof, was transferred text to the new law.

of sex, race, nationality, origin, colour, religion, sect, belief, opinion, economic or social status) and Article 37 the second/ the State guarantees the protection of the individual from intellectual, political and religious coercion and Article 41 affirms that (Iraqis are free to abide by their personal status according to their religion, belief or choices).And article 42, which states (everyone has the right to freedom of thought, conscience and belief).

It is important to note that Hammurabi held two major conferences one in Alqosh district northern Iraq in June 2012 and the other in Baghdad in December 2012, many judges, lawyers, researchers, law professors, clerics, officials from Shiite, Sunni, Christian and other circles, civil activists, social and cultural elites, participated in these conference, in order to reach a recommendation to amend this unfair article, the following recommendation was reached: (underage children stay in their original religion should be given the right to choose religion after reaching the age of majority),the recommendations of Hammurabi which was the product of these two important conferences, represents a legal and national summary, provided by Hammurabi to the government of Mr.Noori Al-Maliki in a timely manner, but unfortunately, the responses have been negative in a way that does not meet the objective treatment that could put an end to the racial discrimination that has been practiced since the issuance of the Civil Status Law No. 65 of 1972 so far in the field of religious freedoms for non-Muslims to the records of civil status, as it turned out that they became Muslims without knowing it, this is a form and is still a problem for thousands of Christian families, Sabean Mandeans, Ezidies and non-Muslim families in general,other provisions of the Personal Status Law No. 188 of 1959 the amended are applicable to them in accordance with Islamic law and different from the religious laws regarding eligibility and marriage , discordant , disintegration, marital home, obedience house , alimony ,custody of the child and the act of the commandment and the provisions of inheritance and adoption, while the provisions of the will in Church laws of Christians differ from those in the applicable personal status law in force, as well as with regard to inheritance provisions, the method of inheritance division, and the transfer of inheritance funds, differ than provisions of Islamic law.

In addition, non-Muslim minorities, especially Christians, Ezidies and Sabean Mandeans, occasionally face provocative and inciting attacks by Muslim religious figures, including statements and sermons that incite hatred and atonement in the absence of state institutions to enforce legal restrictions and hold those who incite under Iraqi law.

Hammurabi Human Rights Organization noted through several legal workshops that Article 372 of the Iraqi Penal Code 111 of 1969, which imposes penalties for insulting religions, inviolability of places of worship and incitement to hatred is completely disrupted, as we could not see someone has been charged in accordance with this article for the past ten years despite

the existence of abuses issued here or there of known personalities, and publicly through the media.

In the framework of religious freedom, Law No. 105 of 1970 prohibiting Baha'i activity has been in force since the 1970s, restricting Baha'is' religious freedom and restricting their registration as Baha'is in the registers of Civil Status, despite a letter issued from the Ministry of the Interior No. 5441 on 19/3/2007, which included the lifting of the freeze on the Baha'i records, but this ministerial action clashes with Law No. (105) referred to above. It is noted that so far many Baha'is have not been able to change the field of religion in personal status cards they also face difficulties in registering marriages and births according to the Baha'i faith, noting that most of the rituals related to this community take place in the houses, there is still no official statistics for the number of followers of this religion in Iraq can be relied on because of it.

Hammurabi organization, recommend that the government and the parliament in Iraq consider the following:-

- Amending Article (26 the second) of the Unified National Card No. (3) of 2016, aiming respond to the rights of Iraqi citizens to equality and non-discrimination stipulated in the Constitution and the Universal Declaration of Human Rights.
- Cancellation of Law No. (105) of 1970 issued by the Revolution Command Council dissolved to prevent racial discrimination against the followers of Baha'i faith, and re-registration of Baha'i Iraqi citizens according to their religion, and retroactively.
- Activating Article (372) of the Iraqi Penal Code (111) of 1969, or amending it to ensure fair implementation thereof.

9- Hammurabi organization monitor that the government authorities are still operating under the laws and legislation previously issued by the dissolved Revolutionary Command Council, especially with regard to resolution No. 117 of 2000 on the ownership of non - agricultural land to the Municipality of Baghdad or municipalities in several provinces, in order to distribute and allocated them as residential land for the military and the police. This decision was used in the policy of demographic change adopted by the former regime as a methodology for changing the identity of many Iraqi regions, towns and cities. Their effects have been attributed to ethnic and religious minorities including Kirkuk and Nineveh Plain areas in Telkief, Bartilla, Sheikhan, and also Sinjar and Telafar.

The policy of systematic demographic change adopted by the former regime is still in many areas of the Nineveh Plain and according to the policy of (Arabization) which is used to Arabize and assimilate or absorb the ethnic groups in that areas, negatively affected the original population presence of Assyrian Chaldeans Syriac minority.

The Hammurabi Human Rights Organization therefore proposes that the Iraqi parliament:-

- Reconsider the laws and decisions that would prejudice the change in the identity and privacy of the population in a number of provinces, regions and towns, and stop the transfer of records of emergency families and collectively to areas such as the Nineveh Plain so as not to take a racist political character, and abide by the provisions of Article (23 the third B) of the Constitution prohibits property for population change purposes.

10-Hammurabi organization regrets that the government's efforts so far to follow up on the subject of the disappeared have not yet reached the required level, noting that there are no official government statistics for the disappeared and that the official numbers so far do not represent all the disappeared since 2003, especially since the numbers of the disappeared have risen more rapidly since 2007 and to the end of 2008 ,in addition to the numbers of those who disappeared from the liberation of Mosul and Anbar and other cities and towns from the control of the terrorist ISIS, as well as groups have been arrested from unknown parties filed complaints to our organization from the regions of Baghdad and its surroundings during 2014, knowing that the disappeared (1700) person and that the case of the disappeared from the minorities (Ezidies and Christians) after the occupation of ISIS to Nineveh province is still opened to know their fate, noting that the statistics reached by Hammurabi Human Rights Organization through its visits and field reports to the regions of minorities, especially Ezekias, Christians, Shabaks and Kakai's, say that there are still more than (65) Christian people who are unaccounted for the occupation of ISIS the province of Nineveh.

According to the information provided by Hammurabi semi-annual report of 2018 on the Ezidies population until June 2018, the number of the dead reached about (3000) people, and the number of abductees reached more than (6000) kidnapped by ISIS, and other sad facts that there (2745) female and male orphans, according to information received by Hammurabi that the terrorists are still in their hands and hold about (3117) people and that (1665) of them males and (1452) of females and all these prisoners and the captivity do not know their fate until this moment . It is to be mentioned that there are many Iraqi families did not inform the government agencies of the abduction of their children for reasons of some social, especially when woman is kidnapped.

That Hammurabi Human Rights Organization confirm the existence of negligence in the file of the missing and the disappeared forcibly, believes that the next year 2019 should be a government action based on the consolidation of efforts to infer in this regard.

Therefore, Hammurabi Human Rights Organization (HHRO) recommends that the Iraqi government and all executive and judicial authorities to conduct:

- Establishment of a central structure, to be the National Centre for Missing Persons, to take account of missing persons regardless of the race, relatives, religion, nationality or origin of the disappeared person or the circumstances of disappearance of missing persons.
- Establishment a national central records of all missing and forcibly disappeared persons from the recent past of Iraq, including records of missing persons from minorities and marginalized communities (minorities, women, etc.) or other simplified mechanism to allow families to seek information about their disappeared relatives and ensure work of the rights of the family to know the truth and their right to resort to justice even if it is against an unknown.
- Establish a mechanism for reporting on missing persons that can be accessed by all families of the missing and raise awareness of this mechanism, especially among women, youth and marginalized communities.
- Ensure that the families of missing persons have transparent information and representation within the parties responsible for locating and identifying their beloved ones, such as mass grave excavations and all data from family members.
- Develop a coordinated strategy for the identification and recovery of missing persons, using neutral, transparent and non-discriminatory criteria, establish a mechanism to compensate victims of enforced disappearance and their families.
- Involvement of women from marginalized groups and ethnic and religious minorities as a priority at all stages of remedy, while ensuring the rights of survivors, especially that women of ethnic and religious minorities in some cases face risks of disappearance or honour crimes, in addition women of ethnic and religious minorities may be marginalized from access to protection and services when the head of the family disappear.
- Conduct prompt investigations into enforced disappearances, locate and release illegal detainees such as military and security forces, prosecute enforced disappearances, and prosecute law enforcement officials of all ranks, including those with superior authority, who are found to be responsible for forced disappear.
- Provide prompt information on the fate of the disappeared. If a person is detained, he must be charged or released. If he has died, his family must give full details of the death and their body must be returned to their families. The post should immediately suspend, pending full investigation, any official against whom there is credible evidence of participation in an enforced disappearance.

11 - Hammurabi Human Rights Organization notes that the method of family violence and negative discrimination continues to target women of all ages, in this context, the opportunities of girls and women for employment and getting a job are still at a low level with high unemployment among them where women stand in the same way as males in the daily workers place. Despite the campaign adopted by civil society organizations to prevent the amendment of the Personal Status Law No. 188 of 1959, this did not prevent

the new parliament from passing amendments and laws that perpetuated racial discrimination against women. Hammurabi noted that there is no protective houses for battered women to escape from family violence as the girls are still used in primitive ways in this regard, as girls and women send to live with the mayor for temporary protection, with the fact that the Iraqi tribal centre is full of phenomena of violence and forcing girls to marry early or their relatives, or raped. Hammurabi noted that the divorce rate is on a continuous rise according to a study conducted by the organization, racial discrimination is one of the main reasons, according to information from personal courts and data issued by the Supreme Judicial Council, 70 thousand divorce cases were recorded during 2017, and that the total divorce cases in Iraq from 2005 to the end of last year 2017 amounted to 600 thousand cases, but this figure does not represent the reality of reality, because there are cases of separation and divorce takes place outside the courts, the cases of interruptions between the spouses, as we found from the information confirmed that hundreds of couples left their homes and were cut off from their married life, and do not know their residence at the present time and thus became marital status is strictly dependent on the definition of this diagnosis, This is also the case of court rulings (discord) ie, the freezing of the rights of women in secession, a penalty for women if she refused to join the marital home for certain reasons, which the personal status judge cannot justify for separation. In addition to this serious negative social reality, the marriage of underage is still valid for marriages outside the personal courts and through clerics who edit marriage contracts of this kind.

Hammurabi Human Rights Organization, referring to this bitter reality in which women generally live, firmly believes that tackling poverty and creating deterrent laws that protect the rights of girls and women from forced marriage is one of the basic keys to required protection.

Hammurabi recommends that the government and the Iraqi judiciary consider the following:

- Seeking to activate the role of personal status courts in accepting complaints of battered women and activating judicial procedures in general, because the reasons for the continued harassment is the absence of security and judicial deterrents to reduce them.
- Creating more safe havens for battered women who refuse to bully them from relatives or husbands.
- Community police should play a role in addressing abuses against women.
- To give special attention to the economic rights of women , and give preference in employment, loans and grants to support them economically, as well as to qualify them in training programs appropriate with the qualifications possessed by women or girls.

12- From time to time, Hammurabi Human Rights Organization monitors

violations of a discriminatory nature and negative differentiation in citizen rights both functional, social and other matters, the discrimination and differentiation constitute a clear part of the phenomenon of unjustly marginalization and exclusion, this leads to the belief that this type of policy is still going on. Hammurabi Organization followed-up samples from several years ago, and other no more than a few months ago. Hammurabi received a full file from years ago on the issue of Iraqi citizen (Alex Warkees) of the Armenian minority in Iraq, was relieved of his post as an adviser to the Iraqi parliament and stripped of his career grade also by unjust resolutions in the last days of the parliamentary session, which was chaired by Mr. Ayad Al - Samarrai, and submitted a grievance and then went to the Administrative Court declaring that he was dismissed from the position of racial discrimination as a Christian, but he was subjected to pressure and the threat to withdraw his complaint from the courts hoping for the formation of an investigative committee in parliament for his advice , and in the next parliamentary session, chaired by Mr. Osama Al- Nujaifi, the latter formed an investigative committee of the House of Representatives, which issued fair recommendations for the citizen (Alex), but in the end did not get a way to implement and lost all his functional rights, which ultimately forced him to immigrate and leave the country, and now he and his family are living in Armenia.

As for the recent issues that Hammurabi has received in the field of job discrimination, and monitor the exemption of number of Christians, managers in institutions and departments of importance, they were relieved of their posts in close periods not exceeding three months, in the summer of 2018, Dr.(May Istifan Rizkullah) exempted from the duties of the post of Dean of the Faculty of Languages at the University of Baghdad on 2/9/2018 University Order number (11/5507) referred to the Ministerial Order No. (M.W.D/ H / 179).And Dr.(Duraid Hekmat Tobiya Zoma), Director of Nineveh Agriculture, and Mr.(Fayez Abdul Jahoury), Director of Alqosh district and Mr.(Nilson Philip Khoshaba) Director of Nineveh Water directorate. The last one was reinstated to his position recently after the interventions and pressure from figures with influence on decision makers in Baghdad.

Those who were referred to, unfortunately, were exempted despite their competence and integrity in the service of the homeland, they were replaced by people who were not of their level, ability and integrity, this raises doubts about the usefulness of governmental procedures, especially those that affect people belonging to religious and ethnic groups, and that these procedures occurred at close intervals suggesting that these groups are targeted at negative discrimination in jobs.

Based on the above, Hammurabi Human Rights Organization recommends that the Iraqi government and its institutions should:

- Pay attention to the fact that persons belonging to minority or marginalized groups are not allowed to hold public works at all levels, including the

sovereign works as any Iraqi citizen, and to protect those who continue in their jobs from the practices of exclusion by some ministries through decisions of how or mood and without legal basis.

- Increasing the participation and involvement of minority sons in public services in accordance with the principle of positive discrimination and adherence to the Iraqi constitution of 2005, which, in many articles (14, 20 and 46), emphasizes equality, non-discrimination and non-restriction of the exercise of rights only by law.
