



Mandaean Human Rights Group  
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## Submission on behalf of the Mandaean Human Rights Group to the Human Rights Committee's Periodic Review of Iraq in October 2015

### Background

1. The Mandaean Human Rights Group (MHRG) represents the Sabian Mandaean community, an ethno-religious, linguistic minority and an indigenous people from Iraq and Iran, numbering approximately 60,000 individuals with our own independent 2,000-year-old religion and our own language, a dialect of Aramaic.
2. Since 2003, 90% of Mandaeans have left Iraq having suffered persecution from religious fundamentalists, ethnic supremacists and from criminals, leaving 6,000 remaining in Iraq.<sup>1</sup> The Mandaean community has therefore suffered more displacement than other groups in Iraqi society. The MHRG continues to advocate on behalf of Mandaeans still in Iraq and Mandaean refugees, most of whom are Iraqi citizens, around the world.
3. The Mandaean community in Iraq is of continuing concern for the UN Office of the High Commissioner for Human Rights and the UN Mission of Assistance to Iraq (UNAMI).<sup>2</sup>
4. The Mandaic language has been classified by UNESCO as “critically endangered”.<sup>3</sup>

### Articles 26 and 27

5. The MHRG welcome the protection of minorities in the Iraqi Constitution particularly through Article 2.<sup>4</sup> However, the situation for minorities remains particularly perilous at this time.
6. Members of minorities face particular disadvantages in the current crisis in Iraq:
  - a) While Iraqis from all communities have suffered ethnic cleansing and internal displacement on the basis of their ethnic and religious background, members of large communities can move to areas populated by their ethnic and religious communities and receive support, while members of minorities have nowhere to go where they can feel safe.
  - b) While Iraqis from all communities have suffered persecution and crimes, the MHRG's experience is that crimes against minorities are less likely to be effectively investigated and punished. This is because police units can have a lack of will, they can be affiliated with a particular community, and they can find it hard to find witnesses willing to testify. This in turn means that persons feel that they can commit crimes against members of minorities with impunity.
  - c) While hate speech has been directed against all communities in Iraq, particular threats of genocide have been made against groups who are not considered “people of the book” under some interpretations of Sharia law.
  - d) Iraqis who are affiliated with powerful tribes have access to forms of support, security, and remedies that are not available to others. Members of minorities and Mandaeans in particular are not affiliated with tribes.
7. The Government of Iraq therefore has particularly strong obligations to protect members of minorities.
8. The MHRG welcomes the provision in the Iraqi Constitution for members of parliament to be

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1 These figures come from contact with the Mandaean Associations' Union.

2 UNAMI & OHCHR, *Report on Human Rights in Iraq: 2011* (Baghdad, May 2012), pp. vi, 4 & 32.

3 UNESCO, *Atlas of Endangered Languages* (<http://www.unesco.org/culture/languages-atlas/en/atlasmap.html>).

4 Iraq, *Fifth Periodic State Report to the Human Rights Committee* (2014), UN Doc. CCPR/C/IRQ/5, para. 226.

drawn from minority communities.<sup>5</sup> However, the current law does not restrict the electorate to members of these minorities, and elected representatives therefore do not represent the minority they are drawn from.

9. The MHRG welcomes efforts by the Government of Iraq to promote tolerance in Iraqi society, particularly in districts of Baghdad.<sup>6</sup> Such measures should be extended to the rest of the country and be carried out through the media as well as in schools.

#### **Articles 26 and 27 in conjunction with Articles 6 and 9**

10. The MHRG has documented over 170 murders of members of the Mandaean community since 2003.<sup>7</sup> Six murders have been documented in 2014 in areas fully under the direct control of the Government of Iraq.<sup>8</sup>
11. The MHRG has documented over 270 kidnaps of members of the Mandaean community since 2003, many of them held for ransom.<sup>9</sup> Other incidents have taken place but have not been published by the MHRG at the request of the families involved. Several Madaeans have been kidnapped in 2014, some of whom have been murdered and one of whom has disappeared.
12. Iraq has a positive obligations under Articles 6 and 9 to investigate, prosecute and punish the crimes of kidnap and murder. However, very few such crimes against Madaeans have been properly investigated or punished.
13. Mandaean families who have lost members to murder are unable to secure compensation or other form of remedy. Likewise Madaeans who have fled persecution in Iraq receive no support from the Government of Iraq.
14. The MHRG has lines of communication with representatives of the Iraqi government. However we recommend that a formal system, in the form of a Minorities Security Council should be establish to ensure that concerns of minorities anywhere in the State can be addressed by the central Government authorities.

#### **Article 20**

15. The MHRG welcomes the prohibition of hate speech in Iraqi law.<sup>10</sup> However, they would like to see more prosecutions arising from this law.

#### **The Mandaean Human Rights Group recommends the following:**

16. In order to ensure that crimes against members of minorities do not go unpunished and to respond to crises facing minorities, the Government of Iraq should form a Minorities Security Council including representatives of all minorities, and representatives from the UN agencies, directly linked to the government to guarantee a fast response in cases of emergency, proper investigations, and follow-up plans of action to restore confidence.
17. The Government of Iraq should institute a campaign for religious tolerance that identifies all Iraqis as equal citizens and combats hatred and divisiveness. The campaign should be carried out at various levels: in the media, religious establishments and in the curriculum in schools.
18. The Government of Iraq should instigate a programme to systematically prosecute hate speech, particularly from religious leaders. It should provide information on the prosecution of hate speech.
19. The voting system for parliament should be altered to ensure that only members of a minority have the right to elect the representative of that minority.
20. The Government of Iraq should provide remedy in the form of compensation and support for victims of crimes, internally displaced persons and refugees.

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5 Ibid., para. 234.

6 Ibid., para. 243.

7 Mandaean Human Rights Group, Annual Report, 2011, found at:

[http://www.mandaeanunion.com/images/MAU/MHRG/MHRG\\_Docs/MHRG%20%20Report%202011.pdf](http://www.mandaeanunion.com/images/MAU/MHRG/MHRG_Docs/MHRG%20%20Report%202011.pdf)

8 These murders have been brought to the attention of representatives of the Iraqi Government and of the OHCHR. They are not published here to protect the identity of victims and their families.

9 Mandaean Human Rights Group, Annual Report, 2011, found at:

[http://www.mandaeanunion.com/images/MAU/MHRG/MHRG\\_Docs/MHRG%20%20Report%202011.pdf](http://www.mandaeanunion.com/images/MAU/MHRG/MHRG_Docs/MHRG%20%20Report%202011.pdf)

10 Iraq, *Fifth Periodic State Report to the Human Rights Committee*, paras. 155–159.