



Shadow Report
Submitted by Zoroastrian Representation- Head Office in Baghdad - Iraq
To the Committee on the Elimination of Racial Discrimination
Regarding the Combined Report of Iraq (26) - (27) on the International Convention on the
Elimination of All Forms of Racial Discrimination

Introduction

The Representation of Zoroastrian of the head office in Baghdad is the first official representation of the Zoroastrian religion outside the borders of the Kurdistan Region of Iraq, as it was officially opened on 2/7/2022 under the approval of His Excellency the Minister of Interior issued by No. (J.W. 5377), and it serves as a positive starting point for religion and Iraq in the field of religious freedoms, the Representation of Zoroastrian has devoted its efforts since the beginning of its establishment towards communicating with all components in order to create a spirit of positive cooperation and public acceptance for the purpose of:

- 1- General census of the component and registration of the qualifications of individuals in order to activate their role in serving the country.
- 2- Controlling and unifying the media discourse in a way that serves and promotes the spirit of peaceful coexistence.
- 3- Introducing Zoroastrian philosophy in order to counter misleading and distortion.
- 4- Searching for Zoroastrian monuments and tombs and inform the relevant authorities.
- 5- Claiming minority rights.
- 6- Studying the problems of individuals and communicate them to the relevant concerned authorities.
- 7- Developing the values and culture of human rights through educational institutions and the media.
- 8- Paying attention to religious and ethnic minorities and other marginalized groups such as women, children, the infirm, the elderly, people with special needs, dislodged persons, refugees and displaced persons, and advocate for their rights and respect their privacy as equal and non-discriminatory Iraqi citizens.
- 9- Monitoring, documenting and following up on violations that occur.

- 10- Monitoring the good application of legislation and man-made laws related to human rights, its constitutionality, and monitoring the extent of adapting the provisions of the constitution and national legislation to Iraq's obligations in the international agreements, instruments and conventions of human rights.
- 11- Spreading awareness, consolidating and developing the values and culture of human rights.
- 12- Sharing with the Iraqi people and all other components on special and national occasions.

The Zoroastrian Representation, Head Office, Baghdad, Iraq, while carrying out its human rights tasks, coupled with other humanitarian activities in defense, advocacy and support for marginalized groups, is well aware of the importance of the contractual tools and mechanisms adopted by the United Nations in order to protect human beings and promote and improve the conditions of their rights, and the effectiveness of these mechanisms and their impact on the performance of states.

Based on our Mission's belief and confidence in the positive impact of these mechanisms on improving States' compliance with their international obligations, and the need to adopt them, the Representation of Zoroastrian Office - Baghdad - Iraq submits this report to your esteemed Committee in order to strengthen and support joint action in a way that imposes the protection of human rights, maintains its security, guarantees equality and non-discrimination, and meets the values and rights contained in the Convention and other international texts for the elimination of all forms of racial discrimination.

Presentation of the Situation

- 1- The Representation of Zoroastrian reviewed the combined twenty-second to twenty-fifth periodic reports of Iraq submitted in one document to the Committee on the Elimination of Racial Discrimination at its 2687th and 2688th meetings held on 29 and 30 November 2018, and the concluding observations adopted at its 2701st and 2702nd meetings held on 10 and 11 December 2018, as well as the International Convention on the Elimination of All Forms of Racial Discrimination 1965, and the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. 1992.
- 2- The Representation of Zoroastrian believes that the Universal Declaration of Human Rights 1948 declares that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms established therein, without any discrimination and guarantees religious freedoms.
- 3- The Representation of Zoroastrian notes with concern the gravity of some legislation and its effects on society, such as:
 - A- Law No. (14-A) according to a directive based on the Municipal Revenues Law No. (1) of 2023 published in the Iraqi Gazette No. 4708 issued on February 20, 2023, which prohibits (the import, manufacture and sale of alcoholic beverages of all kinds). This law violates constitutional articles (2), (3) and (125), restricts personal and social freedoms and opens the way for drug trafficking.
 - B- April 27, 2024 - Law of prohibiting and combating prostitution and homosexuality (homosexual relations) and imposing prison sentences of no less than 10 years and no more than 15 years on its perpetrators,

and stipulates imprisonment for a period of no less than seven years for anyone who promotes prostitution or homosexuality, which threatens human rights and fundamental freedoms protected by the constitution, and can be used to obstruct freedom of opinion and expression, and restrict the freedom of civil society organizations and activists to communicate information. The legislation also weakens Iraq's ability to diversify its economy and attracting investments.

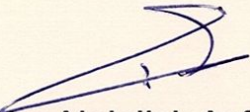
- 4- On 2/3/2024, we went to one of the archaeological sites (Kuthi ruins) near Al-Sowaira, and a week later, we visited the site of Al-Shahmaniya, Al-Sowaira, or what was called (formerly Jabal Al-Nar), which were neglected sites exposed to erosion factors, with the presence of other possessions dating back to the Achaemenid, Parthian and Sassanian eras, including antiquities and clay pieces related to the Zoroastrian religion in the Authority's warehouses that were not displayed for unknown reasons (perhaps political).
- 5- The Representation Office is deeply concerned about the weak and unrepresentation of ethnic and religious minorities, especially the Zoroastrian minority, in elected bodies at all levels and in public functions and their lack of a minimum of a house of worship, offices, cultural and entertainment centers for activities, events, celebrations, publications, participation during international conferences and others).
- 6- By referring to the International Covenant on Civil and Political Rights (ICCPR) 1966, which entered into force on 23 March 1976 in accordance with the provisions of Article 49 of this Covenant, the Representation of Zoroastrian considers the following:
 - A- The right to freedom of thought, conscience and religion contained in article 18 (1) is a wide-ranging and profound right, and the Representation is concerned at any tendency to discriminate against any religion or belief on any grounds, including the fact that they represent religious minorities who may be hostile to a dominant religious community.
 - B- Recognition of a religion as a state religion or official or traditional religion, or as a majority of the population, must not impede the enjoyment of any of the rights set forth in the Covenant, including articles 18 and 27.
 - C- Clause (2) of article (2) of present Covenant (**Each State party to the present Covenant undertakes, if its existing legislative or other measures do not actually guarantee the realization of the rights recognized in the present Covenant, to take such legislative or other measures as may be necessary for such acts, in accordance with its constitutional procedures and the provisions of the present Covenant**).
- 7- Zoroastrianism is one of the oldest monotheistic religions mentioned in various heavenly books, for example (such as the Qur'an, the Bible and the Torah), whose followers' number more than twenty (**20,000**) thousand people in Iraq were banned during the time of the former regime for political reasons with the confiscation of their property and imprisonment, and we have people who were killed and disabled during torture, so we hope for reparation, justice and justice for their families.
- 8- Maintaining the registration of Zoroastrians as Muslims in the official records, especially in areas not affiliated with the Kurdistan Region of Iraq (as the region enjoys Law No. 5 for the year 2015) causes a package of legal, social and psychological problems for the community.

- 9- The Representation of Zoroastrian tried to join the **(Diwan of Endowments of Christian, Yazidi and Sabian Mandaean Religions)** through several official communications to the Presidency of the Republic, the General Secretariat of the Council of Ministers and the aforementioned endowments, but unfortunately the response to the request (attached) was that **(it requires legislative intervention because Article (1) of the Law of the Diwan of Endowments of Christian, Yazidi and Sabean Mandaean Religions No. (58) for the year 2012 specified the religions covered by the law exclusively)**, As well as appealing to the Iraqi High Commission for Human Rights of the Office of the Prime Minister's Adviser for Minority Affairs in order to include them in the above endowment in an independent commission (No. 3687 dated 24/10/2023) (No. 1469 dated 1/4/2024).
- 10- According to the Iraqi Constitution in force for 2005:
- A- Clause (Second) of Article (2) thereof (guarantees the full religious rights of all individuals to freedom of belief and religious practices).
 - B- Article (3) affirms that Iraq is a multi-national, multi-religious and multi-sect country.
 - C- Article (37) (The State shall guarantee the freedom of the individual from political, intellectual and religious coercion).
- 11- Although the government media has made no effort to reject hate speech, we see a lack of such efforts by other media outlets.
- 12- Please allow me a humanitarian question, kindly: **"Why were the Jews of Iraq forcibly deported from our country, their property seized, assaulted and their citizenship withdrawn?! Why not restore their rights, who are the indigenous people of the country, with compensation for their families? Is difference of religion a crime?! Why don't most of the working organizations mention them in their reports and demand their rights? Do they have rights in the Committee on the Elimination of Racial Discrimination?)."**

Recommendations

- 1- Urge the Iraqi government to restore and compensate all the rights of Iraqi Jews.
- 2- Urging the Iraqi government to expand the base of the endowment and register followers of other religions (such as Zoroastrianism) while legislating laws and taking measures that guarantee religious freedoms and preserve their dignity, for example **(allocating one or more state properties to a house of worship office, cultural and recreational center, accommodation, activities and events, financial support for holding activities and holy books, and participating in conferences and seminars inside and outside Iraq).**
- 3- Expediting the regulation of a law within Article **(125)** of the Iraqi Constitution due to its importance in preserving diversity and guaranteeing the constitutional rights of other minorities.
- 4- Iraq should fully integrate the International Convention on the Elimination of All Forms of Racial Discrimination into its domestic legal system and ensure that the Convention takes precedence over domestic legislation in case of conflict.
- 5- Urging the various media outlets to adopt better media mechanisms and policies to reject hate speech and introduce diversity, peaceful coexistence and fraternity.

- 6- Urging that school curricula not be limited to specific religions and not others to be inclusive.
- 7- Transforming the guarantees of freedom of religion, thought and belief in the constitution into a practical reality, especially the issues and issues of personal status of religious minorities.
- 8- Allocating seats in the House of Representation (**quota**) to minorities that are not officially recognized (such as Zoroastrianism) and, if this is not possible, mention these religions through independent legislation.
- 9- Protection of religious and cultural heritage, monuments and cemeteries of different religions by designing special legislation for official and informal institutions.
- 10- We recommend a committee that includes the original Iraqi components within the dome of the parliament that would achieve justice for minorities not mentioned in the Constitution in terms of legal provisions on marriage and inheritance and all other rights.
- 11- Allocating job grades to members of religious minorities who are not covered by employment opportunities (such as Zoroastrianism).
- 12- Effective political participation of members of minorities in the administration of the State.
- 13- Urging security forces to take swift and firm measures on attacks on religious minorities.



Hayder Abdullah Asfoor
Head of Representation of Zoroastrians