



**Report on Iraq's Compliance with the International Convention on the
Elimination of All Forms of Racial Discrimination**

**SUBMITTED TO THE UN COMMITTEE ON THE
ELIMINATION OF RACIAL DISCRIMINATION**

**Iraqi High Commission for Human Rights
(IHCHR)**



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Introduction:

The Iraqi High Commission for Human Rights (IHCHR) was established on the basis of Article (102) of the Iraqi Constitution in force for the year 2005. The Commission was regulated by its Law No. (53) of 2008 (amended) and undertook to work towards achieving its objectives stated in Article (3) of that law (To ensure the protection and promotion of respect for human rights in Iraq, the protection of the rights and freedoms set forth in the Constitution, laws, treaties and international conventions ratified by Iraq, and the consolidation and development of the values and culture of human rights). In accordance with the duties and tasks assigned to it under Articles (4 and 5) of the law above mentioned, the IHCHR undertakes its work in monitoring and following up the reality of human rights in Iraq, receiving complaints from groups, individuals and civil society organizations regarding violations before and after the passing of this law, conducting initial investigations on human rights violations and moving claims of human rights violations and then referring them to the prosecution¹.

Based on the IHCHR's awareness of the effectiveness and usefulness of the treaty bodies emanating from the conventions and their great impact on the international human rights protection system, and expressing its confidence in these mechanisms, the Iraqi High Commission for Human Rights submits its first report to your esteemed Committee, in the belief that these mechanisms play an important role in the protection and promotion of human rights and the realization of the rights recognized in the International Convention on the Elimination of All Forms of Racial Discrimination. This report includes a comprehensive assessment of legislation, mechanisms and formal procedures on the ground and to measure their compliance and harmony with the principles of the Convention and its articles.

Since its inception, the IHCHR has devoted a special file on minorities, coexistence and community peace and a special file on combating racial discrimination, extremism and hate speech. The Commission has followed through monitoring and documenting the reality of religious and national minorities' rights. The following are the most important observations, opinions and recommendations on Iraq's compliance with the provisions of the International Convention on the elimination of all forms of racial discrimination and how this has been reflected in the effective enjoyment of these rights recognized in the Convention

¹) For more information on the Law No. (53) OF 2008, click the following link:
<http://ihchr.ig/upload/upfile/ar/1ihr1.pdf>

The Convention in Domestic Law (Articles 1, 3 and 4):

The IHCHR noted that the international convention is no higher than the national legislation under the legal system in Iraq as this derives from the provisions of the Iraqi Constitution in force, which has been given no precedence to international conventions and treaties over the provisions of domestic laws, and this leads us to say that the law of ratification of the International Convention on the Elimination of All Forms of Racial Discrimination is a part of national legislation and has an amended effect on the validity of the previous legal texts, however this is true in theoretical terms only because the national judge in Iraq, especially in the penal courts, strictly follows the provisions of the Iraqi criminal code and does not consider any other provisions recognized in the international conventions ratified by Iraq ... Therefore, victims of discrimination could not invoke the Convention in national courts.

Recommendations:

1. The need to take the necessary steps to incorporate the Convention into domestic law and urging the Committee on Harmonization of Legislation in the General Secretariat of the Council of Ministers to work towards harmonizing the provisions of the Convention with national legislation.
2. Prompt the Iraqi Council of Representatives to pass legislation or constitutional amendment to ensure that the provisions of the Convention take precedence over national legislation and carry the weight of constitutional texts.
3. Prompt the judicial authorities to examine the possibility of issuing instructions that victims of discrimination can invoke the Convention in national courts.

Process of democratization and Inter-Ethnic Relations (Articles 2 - 7):

The IHCHR noted that the political process and the democratic transition are still facing many obstacles, despite the adoption of a number of measures related to the consolidation of the values of coexistence and community peace by the government, including the formation of a permanent committee on peaceful coexistence in the General Secretariat of the Council of Ministers following the operations of liberating areas and retaking them from Daesh Terrorist gangs, and then opening sub-committees in Nineveh Plain and in other areas that have experienced armed conflict with Daesh terrorist gangs. However, the Commission observed that ethnic and religious groups have not enjoyed their rights to return to some areas, including Sinjar district, as security measures and the multiplicity of armed security forces in that area remained an obstacle to the return of Yazidis to their areas, the delay in the rehabilitation of the Nineveh plain (villages and sub-districts) belonging to the Christian, Yazidi and Shabak minorities and the destruction of the infrastructure and the lack of services are obstacles to the return of life and the return of the displaced people. Moreover,

the security, economic and social instability in Nineveh Plain. To date, no real and effective measures have been taken to resolve the issue of disputed territories between the central government of Iraq and the KRG, in accordance with Article (140) of the Constitution, which negatively affected the enjoyment of citizens of minorities in those areas of their civil, political, economic, social and cultural rights. The conflict between the central government of Iraq and the Kurdistan Regional Government (KRG) has overshadowed the rights of minorities in most of the adjacent areas, especially in the Sinjar district.

The problem of agricultural lands and even residential ones still remains in the province of Kirkuk because of demographic change by the former regime that confiscated lands of the Kurds and Turkmen and appropriated agricultural lands and real estate in Kirkuk province through a series of procedures and laws issued by the (dissolved) Revolutionary Command Council. Delaying rehabilitation of Tal Afar district of the Turkmen component and the lack of real efforts to clear it of the mines that daily kill the population of women and children. Despite the issuance of several decisions of the Committee on the implementation of Article (140) of the Constitution (Resolution No. (4) on 4/2/2007, which includes the abolition of all agricultural contracts made within demographic change policy - Resolution No. (5) on 13/8/2007 to start disbursement of compensation and implementation of decisions after the approval of the Council of Ministers on the decisions of the Committee - Resolution No. (6) on 1/10/2007, which includes lifting injustice to the people of the Turkmen areas ((Tis'een and Hamza Lee) through restoring the appropriated lands and all agricultural ones, but there are still many problems about the acquisition of land existing until the moment.

Recommendations:

1. Prompt the Government to adopt plans, measures, policies and strategies for post-liberation coexistence and community peace to ensure that ethnic and religious minorities enjoy their rights.
2. Prompt the federal government and the Kurdistan Regional Government to take all measures to resolve the issue of disputed territories between the two governments, in accordance with the Article (140) of the Constitution.
3. Prompt the federal government and the Kurdistan Regional Government to ensure the rights of minorities in the disputed areas and to deal with these rights away from political and partisan disputes and regional conflicts.

Effective Protection of Ethnic and Religious-Ethnic Groups against Acts of Racial Discrimination (Articles 2, 5 & 6):

Despite the issuance of the Iraqi Council of Ministers Resolution No. (92) of 2014 containing the approval on considering what the Iraqi people components of the Yazidis, Turkmen, Christians, and Shabak had exposed by Daesh terrorist gangs as a crime of genocide; and the Decision of the Iraqi Council of Representatives No. (43) of 2016 included taking the necessary measures by government to release the Yazidi abducted Women, reconstruct Sinjar district and restore services and infrastructure for the district; the Commission indicated that there are many Yazidi abductees of (3288) persons whose fate is unknown until now, where the Commission approached the General Secretariat Of the Council of Ministers to instruct the relevant ministries and bodies like (Ministry of Interior, Ministry of Defense and the Popular Mobilization Forces) to detect for the fate of the abductees, and approached the Reconstruction Fund of Affected Areas and Nineveh Provincial Council to give a major and exceptional importance to the reconstruction and rehabilitation of devastated areas in Sinjar district and its villages.

IHCHR notes here the statistics of Yazidis who were targeted by Daesh terrorist gangs up to 3/6/2018 as follows²:

1. The number of Yazidis before Daesh terrorist gangs' attacks was (550000) persons, while after Daesh's attacks, the number of displaced Yazidis reached to (360000) displaced persons.
2. The number of Yazidis who were killed and targeted by Daesh is (1293) victims.
3. The number of orphans who lost both parents due to crimes of Daesh is (2745) orphans.
4. The number of the total abductees (6417) persons (3548 women and 2896 men).
5. The number of mass graves (68) cemetery, the Commission observed the procedures of the committees on the opening of mass graves in Sinjar were obstructed by the influential security authorities.
6. The number of destroyed shrines and places of worship is (68).
7. The total released persons (3,200) persons (1150 women \ 337 men \ 946 female children \ 867 male children).
8. The number of persons still kidnapped and whose fate is not known so far is (3,177) persons (1452 women and 1665 men).

²) According to the visit of the IHCHR team in Nineveh to the Yazidi Affairs Department in Erbil on 30\7\2018.

The Commission pointed out that the number of families returning to their origin areas as follows: (120) families in Sinuni area of Sinjar district that is equivalent to (25%) of the number of families in the area, (300) families in the area of Bashiqa that is equivalent to (25%) of the total families in Bashiqa, noting that those families have no incomes or source to live in the Kurdistan region, which forced them to return despite the lack of services in the origin areas and they rely on primitive means of livelihood and daily life.

The Commission believes that there are many reasons that prevent the return of the people of Sinjar, primarily that the city of Sinjar is considered as a disaster city because of the size of the battles that took place and the remnants of these battles of explosives and bombs, which have not been cleared a large proportion of them so far, the little attention of the governmental and international agencies involved in demining which endangering the lives of citizens, in addition to the extent of the destruction caused by Daesh terrorist gangs in this city and its infrastructure, where the size of destruction can be estimated at (90%), and the lack of basic services (water, electricity, and roads), as well as the presence of more than one authority and military force to manage the district, which causes the concern of citizens to return in addition to the negative outcomes of the previous phase and its consequences, especially social ones and the absence of international-local support to this disaster city. There is no sign of looming in the horizon for reconstruction,

The IHCHR also noted that a significant number of children who have lost their parents still live in the camps and under the care of their relatives or Yazidi residents of these camps. There is an intention to build an institution that cares for children from the Yazidi component in Dohuk governorate or one of its districts with the support of international organizations and the Duhok provincial council, but it is still under study, noting that there is a small house with a few staff and personal efforts to care for children who lost their parents. The Director General of the Department of Yazidis Affairs in Erbil confirmed that there is no support by the Iraqi government to care for these children.

The Commission observed the great desire of the majority of Yazidi citizens to emigrate outside the country after serious violations and fears of repeated genocide against them.

As for the minorities of Christians there is no official statistics on the number of returnees to the province of Nineveh, and the Commission notes the unwillingness of Christian citizens, who are inhabited in Nineveh, to return permanently to the province for many reasons, including:

1. The reservation of the Church (religious authority of the Christians) on the subject of returning until the necessary environment is guaranteed by the Government .

2. the spreading of Daesh terrorist gangs' bodies in the right side of Mosul, which causes pollution in the environment and endanger citizens' lives.
3. Concerning the damage caused to the places of Christians worship , including churches and monasteries, whether the damage was a theft of its contents, burning or destroying it completely or part of it, reaching (54) churches, as well as three graves of Christians in Mosul subjected to damage through the demolition and exhumation of tombs and mutilation (Markorkis Church grave in Karamlis area, Mart Shamoni Church grave in Bartala, and Bagdida grave in Qara Qosh), the Commission also indicates that most of the worship places (churches) not rehabilitated so far.
4. lack of guarantees regarding the security aspect, where the citizens are still worried for their fate in case of their returning.
5. In Babel province, the Commission notes the existence of 10 Christian families only because of the security and economic conditions and fear for their lives.
6. With regard to investigations into ethnic-religious attacks and the outcome of the relevant criminal proceedings before the courts, we refer here to the assignment of the Special Adviser charged with the investigating task to detect Daesh terrorist gangs under Security Council resolution 2379 in 2017 and the cooperation of the Iraqi authorities, The Iraqi high Commission for human rights was the first institution chosen by him in his visit to Iraq, and the Commission has submitted many documents and evidence that condemn gangs, including documentary reports concerning Daesh crimes and statements received by the Commission from Yezidis female survivors of Daesh gangs ,where the commission provided all the facilities to the team and the procedures are still in its early stages and the Commission is closely following .

As for the compensation provided to the victims as a result of these terrorist attacks, the Commission notes the weakness of compensation procedures. The sub-committee on Compensation in Nineveh province stated the number of compensation transactions as a result of terrorist operations and military mistakes is as follows³:

1. 5,500 martyr transactions, of which 500 were completed.
2. 4050 injured person transactions, of which 598 were completed.
3. 190 missing person transactions.

The Commission has monitored the conditions of Turkmen component rights, while stressing that the Turkmen are considered the third nationality in Iraq and up to 8% of the total population of Iraq, according to the statistics of the former Iraqi Ministry of Planning, the Commission notes that the number of displaced Turkmen as a result of Daesh control gangs reached more than 560,000 Turkmen, more than 820 were

³) According to the response of the sub-committee on the compensation in Nineveh under its letter no. (70053) on 2\10\2018.

killed, 600 Turkmen women and 200 children were abducted. The monitoring teams of the Commission followed the issues of compensating the Turkmen for their lands and properties confiscated during the time of the former regime and noted the existence of many compensation cases that have not yet been resolved either by the property claims commission or the competent courts, especially in Kirkuk province

As for the violations committed against the Turkmen component in Tuz Khurmato district, the Commission notes that the Turkmen in this district were subjected to systematic targeting for 15 years by the terrorists and the associated groups without the presence of a local or central force to protect them. Where (1670) were disabled due to the targeting of car bombs, improvised explosive devices, assassinations and kidnappings. At least 600 houses and 320 shops were damaged, as well as the emigration of skilled workers and businessmen, which negatively affected the economic, service and other fields. Turkmen in the province of Kirkuk was also subjected to serious violations by terrorist gangs. The village of Basheer was targeted at the beginning of June 2014, forcibly displaced its inhabitants, 11 Turkmen girls and women were kidnapped, raped, killed, then burned their bodies and hanging on electricity poles, in addition to the destruction of 60% of the village's buildings. As of the date of the report, the Commission has not noticed any real efforts to clear the village of mines. Taza was also hit by chemical weapons by terrorist gangs in June 2016 and (4000) Civilians were affected in varying degrees and large numbers of them still suffer from chronic skin and respiratory diseases. Despite the magnitude of those violations and crimes monitored by the Commission, but the measures taken to bring the perpetrators to justice were not at the required and expected level.

The Commission has monitored the conditions of Sabeen Mandaean and pointed out that the only obstacle suffered by the members of this community is not to allocate a piece of land to build a temple for the Mandaeans in Baghdad province and Kirkuk.

The Commission has monitored the reality of minorities' rights (Shabak component) since Daesh control of Mosul city on 9/6/2014 and its most heinous crimes committed against civilians in Mosul, and then these gangs attack the areas of Nineveh Plain and the surrounding villages that are inhabited by Shabak component.

The gangs killed 124 citizen and kidnapped 126 others, including 27 women. As a result of these attacks on the areas of the Nineveh Plain, more than (200,000) shabaki citizens were displaced to the provinces of Kurdistan region and then the number of them moved to other provinces, especially the provinces (Baghdad, Najaf and Karbala), where the largest number of displaced families in the camps (Prophet Shit and Prophet Younis) In Baghdad city.

The Commission noted that displaced families have faced a difficulty in returning to their areas in the Nineveh Plain or surrounding villages, including the absence of special offices for the Ministry of Displacement and Migration for the purpose of registering their return and granting them a return grant of 1.5 million Iraqi dinars, therefore some of families are forced not to register their return despite their urgent

need due to the destruction of the houses by terrorist gangs, as well as lack of rehabilitation of the simplest services needed by the citizen to return (electricity, water, schools and hospitals.)

The Commission monitored the exposure of minorities of Al-Kakaiya component to numerous and systematic violations based on ethnicity, where the security situation posed a direct threat in the areas inhabited by Al- Kakaiya in the province of Kirkuk, and hundreds of families subjected to displacement because of the threats of armed groups and terrorism.

The Commission noted the existence of an organized and systematic operation by terrorist groups to remove Kakaiya sacred sites by detonating, controlling or changing its identity. Daesh occupied villages in Nineveh plain and Daqouq area in the governorate in 2014, resulting in the displacement of approximately 20 thousand citizens of Alkakaiya community in Iraq, and the number of people remaining in the province of Kirkuk is estimated at (75) thousand people, but the number in all of Iraq is estimated at (200) thousand people, and two villages inhabited by Al-Kakaiya (Albu Mohammed – Shuker Jeran) were displaced into Kirkuk province where their numbers (52) family.

After the liberation of Hawija district from Daesh terrorist gangs in 2017, the villages near Daqouq district, which is inhabited by the majority of Al-Kakaiya component, were displaced by Daesh where the number of the displaced families from the nearby villages to the district especially the villages of (Arabkwi, Zanqr) , reached 53 family. The statistics indicated the killing of 197 people, were kidnapped during 2003-2014, and 38 were killed during the period of occupation of terrorist gangs.

During 2018, two members of Al-Kakaiya component were kidnapped from the village of Topazawa and (3) people were injured, as well as kidnapping a woman and killing (2) women from one family. On 21/3/2018, terrorist gangs blew up Zibar shrine, a religious symbol whose shrine is considered an archaeological and religious destination, it is located in the village of Zanqr, west of Daqouq district.

Recommendations:

1. Urging the federal government to conduct disaggregated statistical data on minorities according to ethnic and religious composition, age and gender that indicating the extent on which the members of minorities enjoy their economic, social and cultural rights.
2. Urging the Federal Government and the Kurdistan Regional Government to take all necessary measures to remove all obstacles that prevent the enjoyment of human rights by members of different ethnic and religious groups, including Yazidi minorities in Sinjar district, and striving to rehabilitate their areas and returning them.

3. Urging the federal government and the Kurdistan Regional Government to rehabilitate all places of residence for minorities and places of worship for Christian, Yazidi and Sabeian Mandaean minorities to encourage them to return voluntarily and to practice their religious rites freely and reassuringly.
4. Urging the federal government and the concerned judicial authorities to bring the perpetrators of the crimes against the members of Turkmen component to justice and combat impunity.
5. Urging the Federal Government to take all measures aimed at addressing the radical causes of discrimination against minority groups.
6. Urging the federal government to adopt policies, strategies, programs and allocating sufficient funds to protect and preserve the diversity of languages, religions, ethnicities and cultures in Iraq and protecting the cultural heritage of all components of Iraqi society.
7. Urging the Federal Government, the Iraqi Council of Representatives and the Kurdistan Regional Government to take all steps to recognize all ethnic and religious minorities in Iraq, recognize Yazidis as ethnic groups different from Kurds and recognize the Shabak as a national group.
8. Urging the federal government and the Kurdistan Regional Government to take all measures aimed at protecting minorities from Al-Kakaiya component and recognizing them as an ethnic-religious group

Statistical Data Relating to the Ethnic Composition of the Population (Articles 1 & 5):

Because of the security conditions experienced by Iraq and the vicious attack by Daesh terrorist gangs on many of the provinces, resulting in the killing, abduction and forced displacement of a large number of minorities to the Kurdistan region and the rest of Iraq's provinces and the migration of others to the outside of the country and thus significantly affected the census of them.

The IHCHR believes that the need to keep track of their numbers and prepare a database of them who are inside and outside Iraq for its important in building strategic policies to promote the protection of minority rights, to develop appropriate programs and rehabilitate them at all levels in addition to the need to conduct a census of the whole of Iraq. The Commission noted a decline in the number of members of religious minorities, from 2003 to 2014, a significant decline in the number of Christian families in all their communities from (1500) families in Basra to nearly (450) families in 2014 According to the continuous survey of the monitoring teams of our Commission, it is similar to the Evangelical community, which has been reduced to (15) families by 2018.

Recommendations:

Prompt the federal government and the Kurdistan Regional Government to speed up conducting the general census of Iraq.

Legal Framework against Racial Discrimination (Articles 2-7):

Article (125) of the Constitution states: "This Constitution shall guarantee the administrative, political, cultural, and educational rights of the various nationalities, such as Turkmen, Chaldeans, Assyrians, and all other constituents, and this shall be regulated by law", the Iraqi national legislations include a number of legal provisions that protect, directly or indirectly, the rights of minorities, such as Article (372) of the Iraqi Penal Code No. (111) of 1969 (Amended), despite the enactment of the law on the protection of the rights of components in the Kurdistan Region No. (5) of 2015 and the issuance of Labor Law No. (37) of 2015, which contains a clear and explicit definition of direct and indirect discrimination in labor and ban it (Article (1)\ Paragraph 25 and 26) .. However, the Commission noted that the law on the protection of minorities is still in the drawers of the Iraqi Federal Council of Representatives and has not been approved so far and the Commission continues to follow up in coordination with the relevant authorities in the Office of Endowments of Christian, Yazidi and Sabeen Mandaean religions. The law on Turkmen's Rights and the law to develop the governorates of Tuz and Tal Afar are still in the drawers of the Iraqi Council of Representatives without passing. The Commission observed that criminal laws still do not include a clear prohibition of racial discrimination. The procedures for denouncing hate speech do not rise to the required level. The dissemination of ideas based on racial superiority or hatred and incitement to racial discrimination is not a punishable crime. The Commission indicated the escalation of extremism and reached the level of violence and killing in some areas inhabited by Arab and Yazidi citizens, where the (Yazidi armed factions) killed (52) citizens including men, women and children from the Arab tribe (Almitiot) and burned their bodies on 4/6/2017 in the (Ain al-Ghazal) village of the Qayrawan area\ Al-Baaj district⁴. In addition, the IHCHR Office in Nineveh received another complaint from a resident (S.A.M) from Nineveh \ Baaj district who is a displaced person in one of the camps (Al-Jada'a camp) reporting that an armed group of the Yazidi Mobilization had kidnapped his family's members of (a Muslim Arab family) consisting of (21) individuals during the battles to liberate the district of al-Baaj from Daesh Terrorist gangs on 4/6/2017, and that the fate of the family members of the complainant is still unknown, and according to his claim this was based on a violent extremism fueled by the spirit of revenge for the attacks on the Yazidis by Daesh terrorist gangs.

⁴) Based on the complaint submitted to the IHCHR Office in Nineveh by two citizens who are relatives of the victims against the armed Yazidi factions.

The Commission also pointed out that the Iraqi Penal Code No. (111) of 1969 (amended) in Article (372), has imposed penalties for imprisonment or fines for certain behaviors and actions that undermine the rights of minorities (religious rather than national).

Recommendations:

1. Prompt the Iraqi Council of Representatives to accelerate the issuance of the law on the protection of minorities, the law of Turkmen rights and the law of the development of the provinces Tuz and Tal Afar.
2. Prompt the federal government and the Kurdistan Regional Government to take measures to denounce the hate speech.
3. Prompt the Iraqi Council of Representatives to amend the Penal Code to ensure that any dissemination of ideas based on racial segregation or racial hatred and any incitement to racial discrimination is punishable by law.
4. Prompt the Iraqi Council of Representatives to amend the Iraqi Penal Code (Article 372) and consider behaviors that infringe the rights of minorities a criminal offense and not a misdemeanor.

National Human Rights Bodies to Combat Racial Discrimination (Articles 2-7):

The Law No. (53) of 2008 was issued to establish an independent commission for human rights based on Article (102) of the Iraqi Constitution of 2005. The Board of Commissioners was elected for the second round and started their work in August 2017. The president and vice-president of the Commission were elected on 9\12\2017, the Commission works in accordance with the Paris Principles in terms of its independence guaranteed by the Constitution and the law, however the Commission suffers from the lack of financial allocations in relation to the tasks and duties carried out, and the estimated budget prepared by the Commission passes in three stages: the first stage: To the Finance Committee of the Council of Representatives, the second stage: to the Ministry of Finance \ Budget Department, and the third stage: to the Council of Ministers. In each of those stages there is a great possibility of canceling some of the proposed sections of the budget at times or reduce them at other times, according to the views of the aforementioned parties. Thus, these measures affect the ability of the Commission and restricts its freedom to determine priorities and activities, and the vote on the estimated budget of the IHCHR passed by the Council of Representatives to be sent to the Ministry of Finance\ Budget Department to make comments and amendments, which often reach a reduction in many of the proposed sections, and the Ministry of Finance to send it to the Council of Ministers to vote on which also has the power to modify or reduce it. Therefore, the provision of funds to the Commission is directly under the control of the government, which makes the mechanisms and sections of expenditures subject to the procedures and limits set by the Ministry of Finance.

In addition, some of the provisions of the IHCHR's law have not been activated so far, such as visiting prisons without prior permission under Article (5\ fifth) of the law, and Article (6) concerning the provision of data and statistics not fully implemented, The Commission noted the reluctance of some executive institutions to provide the Commission with the statistics necessary to its work, the movement of complaints are still facing many procedural obstacles, the Human Rights Court established pursuant to a declaration issued by the Supreme Judicial Council is still inactive in the provinces, except Baghdad, regardless to the challenges of the working environment and the massive violations witnessed by the situation of human rights in Iraq, which affected the work of the High Commission for Human Rights in light of the challenges above. In spite of this, the Commission has carried out many activities aimed at eliminating racial discrimination through appeals, educational campaigns and training workshops. The IHCHR has also played a role in supporting the efforts of NGOs in Diwaniyah governorate to open an primary school for the Roma and has played a role in supporting minorities of black people in the province of Basra through the referring their appeals and demands to the executive authorities, both at the level of the province and at the national level.

Recommendations:

1. Prompt the federal government to increase the financial allocations of the Commission and give it freedom to transfer between the items and sections of its budget in a manner that achieves its goals and objectives.
2. Prompt the Iraqi government to facilitate the implementation of the law of the IHCHR in relation to conducting field visits to prisons and detention centers without prior permission, as well as with regard to providing the Commission with data and statistics related to its work in monitoring the reality of human rights in Iraq.

The Ethnic Composition of the Security and Police Services (Articles 5 & 2):

Despite the provision of Article (9\ first \ A) of the Constitution that " The Iraqi armed forces and security services will be composed of the components of the Iraqi people with due consideration given to their balance and representation without discrimination or exclusion. They shall be subject to the control of the civilian authority, shall defend Iraq, shall not be used as an instrument to oppress the Iraqi people, shall not interfere in the political affairs, and shall have no role in the transfer of authority), and despite the presence of a large number of minorities were integrated into the police and security forces are working to protect the worship places and religious and cultural centers of their communities, and the establishment of armed formations of the minorities of minorities such as Christian, Yazidi, Shabak and Turkmen, similar to the popular mobilization and tribal mobilization to protect their areas, which were attached to the Prime Minister's Office for integrating them into the formations of the armed forces under the popular mobilization body. In spite

of the issuance of instructions and decisions from the Prime Minister to provide compensating job vacancies to the members of minorities who left the service either by resigning or emigrating outside the country or the threat and to recruit some of them in the Unified National Card system and to assign the members of minorities in the police and security services; but the Commission observed the lack of the word (minority) in the text of the above article, the unequal access to these rights among the minorities, as the minorities, including Turkmen are disproportionately represented by their percentage and population in the areas where they live in.

Recommendations:

1. Take all measures to ensure the representation of ethnic and religious groups in the security and police services, including in positions of leadership and authority.
2. Taking into account the representation of minorities in the security and police services commensurate with the population in their areas.

Minority Representation in Politics (Articles 2 & 5):

The Commission noted that the representation of minorities is low which is reflected in Article (11\ paragraph 2) of the new law, which stipulates that their representation in the national lists (quota) is calculated on the allocated seats with no affect their proportion in the event they participate in the national lists. The quota is distributed to (5) seats for the Christian components and (1) seat for each component (Yazidi, Sabean, Shabak) according to their presence in the provinces where their seats after the amendment became as follows:

- (4) seats for Christians, Sabean Mandaean and Faili Kurds in Baghdad. A seat for Turkmens was canceled.

The allocation of the following seats for the components shown next to them within the seats of the provincial councils:

- (3) seats for each of the Christians, Yazidis and Shabak in Nineveh.
- (1) seat for Christians in Basra.
- (1) seat for the Faili Kurds in Wasit.

The allocation of the following seats for the components shown next to them within the seats of the district councils:

- (1) seat for Sabean Mandaean in each governorate (Baghdad, Basra, Maysan).
- (1) seat for Yazidis and Shabak in Mosul.
- (1) seat for Christians in (Baghdad\ Karkh, Baghdad\ Rusafa, Basra, Mosul, Maysan).

The Commission indicated that the government representation of religious-ethnic minorities is by one member of the local government in the province of Basra, while there is no representation of minorities from other ethnic groups of the Faili Kurds, although the number of this group up to more than (10000) persons and the number of the Blacks up to (20,000) people.

The Commission noted that there was no appropriate representation of al-Kakaiya community in the Iraqi Council of Representatives nor the provincial councils with small proportions of al-Kakaiya..

The IHCHR pointed out that the former government had no representative of the Turkmen in the Cabinet, nor any ministerial portfolio given to Turkmen in the current government so far despite repeated demands by their representatives.

Whereas the Commission indicated the representation of the Turkmen component in all rounds of Salahddin Provincial Council by proportion ranging between 4-8% in addition to the representation of large proportions ranging 33-50% in the local councils in the district of Tuz and its sub-districts, including the area of Amerli, while the Turkmen did not have a real participation in the province of Kirkuk, whether in the security services or in the local government and other institutions, despite their proportion of not less than a third in that province.

Recommendations:

1. Prompt the federal government and the KRG to take all legal measures to ensure the representation of minorities in political life and increase the number of seats reserved for minorities in commensurate with their demographic weight.
2. Ensure the representation of women belonging to minority groups in political life.

The Situation of Black Iraqis and Roma Communities:

Despite the existence of a constitutional text and the law of the General Authority for Guaranteeing the Rights of Regions and Governorates that are not Organized in a Region No. 26 of 2016, in addition to the adoption of the government to a number of strategies for the five-year national plans (2010-2014) and (2013-2017), the Millennium Development Objectives, the principles of equality and non-discrimination among different segments and the strategy of alleviating poverty (2010-2014). However, the Commission noted that these strategies did not achieve the desired goals and the survey readings of these groups of individuals still suffer from direct and indirect discrimination, as the groups (black-skinned) continue to suffer from historically based social discrimination, leaving a negative impact on the social and psychological reality,

and they don't have representation in decision-making in the provinces where they are especially existed in Basra province, which constitute the largest proportion of this segment, where their numbers up to approximately (20,000) distributed in Basra city center and the southern and western parts, specifically in Zubair district and some southern and northern areas of the city, while informal statistics indicate that the number of people with black skin in Iraq, approximately (2 million) persons⁵ and distributed among the provinces (Basra, Kut, Amara and Nasiriyah), and they live in

⁵) According to statistics provided by the Women's Freedom Organization in Iraq.

difficult conditions, in a society that practice harassment and discrimination, and the difficulty of getting jobs, especially for women, where there are many women who have higher degrees, but they did not get a suitable job.

As for the Roma, despite the Iraqi Constitution guarantees of the equality principle in article 14 and the promulgation of General Authority for Guaranteeing the Rights of Regions and Governorates that are not Organized in a Region No. 26, however the Commission noted that the approximate statistics of the Roma in Diwaniya Governorate are (399) person, distributed: men (134), women (152) and children (113). Despite the lifting of the restriction on obtaining the identity papers as well as the ratification of marriage contracts; but it is still indirect discrimination is practiced against them such as insulting and inferiority that they are exposed to in society.

The Commission also observed al-Zuhour village of in the Diwaniyah province, which is inhabited by the Roma. The Commission noted the inferiority of the local government, which refuses to help them despite the appeals made by the civil society organizations and the village's mayor. The Commission is concerned about the difficulty of their enjoying the economic, social and cultural rights where the environment suffers from a large number of waste and a cause of spreading diseases, there is no drinking water network, but there is a car (water tanks) provides water to the village from time to time⁶.

The Commission also noted that there are some difficulties facing the Roma citizens in obtaining the unified card. The Ministry of Interior and its concerned departments were approached to deal with this matter and facilitate the granting of official Iraqi documents. The Civil Status Law No. 65 of 1972 did not address the Roma segment of society, and despite the amendment of the law (the Nationality Amendment Law No. 26 of 2006), but did not indicate any positive step concerning them. The Commission has approached the Iraqi House of Representatives\ legal department in early 2018 in this regard because of the fact that the Roma did not receive the unified card

Recommendations:

1. Prompt the Government to take all necessary measures to combat discrimination against black people (or people of African descent) and Roma communities in a comprehensive manner that ensures the addressing of the radical causes of discrimination in the enjoyment of economic, social and cultural rights.
2. Prompt the Government to ensure that black and Roma minorities enjoy all their economic, social and cultural rights, including employment, poverty alleviation, access to education at all levels and appropriate and decent housing, as well as the provision of basic health services.
3. Prompt the federal government to prepare sex-disaggregated data and statistics to assess progress in the living conditions of black people (Afro-descendent) and Roma communities.

⁶) the Commission got this information from a civil activist who lunched a campaign entitled (the Gypsy are humans) in Diwaniya.

The Situation of Women belonging to Minorities (Articles 2-7):

Despite the constitutional and legal guarantees guaranteed by Iraqi legislation that prohibit all forms of racial discrimination, however the Iraqi reality still discriminates against minority women due to the social environment, weak or lack of culture of rejection of hatred, extremism and racism, and lack of public awareness of gender issues and women's participation where the taken measures to monitor, prevent and combat all forms of discrimination against women belonging to minority groups remain weak and do not rise to the scale of the problem.

The Commission notes here the extent of the violations committed against minority women, as 1452 women still remain unaccounted for, who have been abducted by Daesh gangs. These gangs have abducted about 600 Turkmen women and girls from Tal Afar in Nineveh governorate and Basheer village in Kirkuk governorate and other areas in the district of Tuz in Salah al-Din. where this category did not receive any local or international attention to save them or protect those who were liberated as the military operations progress as there are no programs for rehabilitation at all levels of health, psychological or social and their communities Still suffer from social shame that restrict their movement and involvement in society. The Commission noted that the situation of women from minorities, especially black-skinned, needs more government attention to education and access to employment. According to the Commission's indicators, black women suffer from a lack of access to work compared to other women, as well as Roma women still need protection and access to education opportunities.

Recommendations:

1. Prompt the Government to support women's organizations working in the field of dissemination and education, as well as to support the efforts of IHCHR in the preparation of educational and training programs for the reintegration and coexistence of Roma communities socially, particularly in housing and employment, and to increase public awareness of gender issues and building skills in order to increase women's participation in the labor force.
2. Take measures to monitor, prevent and combat all forms of discrimination against women belonging to minority groups.

Citizenship and Nationality (Articles 5-7):

The Commission has identified many problems related to the identity documents of Roma minority and Faili Kurds. There are still difficulties for the Roma citizens to obtain the unified card, while the Commission has noted many decisions over the Faili Kurds to redress them and remove the negative effects that they have suffered and we mentioned below:

1. Application of the Prohibition of the Baath Party, Entities, Activities, Racism, Terrorist and Decency Act No. 32 of 2016.

2. The Council of Ministers Decision No. 426 of 2010 concerning the removal of the bad effects of the Faili Kurds, considering the extermination of the Faili Kurds from the crimes of genocide by all standards.
3. Decision of the Council of Ministers No. 139 of 2016 concerning the support of the citizens affairs sector in relation to the e-citizen's program to facilitate and accelerate the access of the Faili Kurds to their rights, remedy their situation and prioritize their grievances within the framework of the laws and regulations in force.
4. The rules of procedure of the Council of Ministers No. 8 for the year 2014 amended and the effective controls to take the necessary and activate the committees required for the purpose mentioned above in the ministries and government agencies and refer their recommendations, decisions, plans and results of their work to the General Secretariat of the Council of Ministers for decision.
5. Dewani Order No. 95 of 2017, which includes the formation of a committee to remove the bad effects of the Faili Kurds.
6. Resolution No. 163 of 2017 concerning the activation of the National Human Rights Plan in the Republic of Iraq for the purpose of implementing the international obligations of the Iraqi Government, including the removal of bad effects from the Faili Kurds.

The Commission has followed up many of the problems faced by Faili Kurds in the implementation of the laws relating to their equity and the return of their rights, some of which are summarized below, where it had been documented through direct interviews with the Faili Kurds through IHCHR monitoring teams, as follows:

- Problems related to the Faili Kurds deported to the Islamic Republic of Iran under the former regime, as well as the displaced persons in Iran whose their files are still suspended and suffering from the problems of residence and return, as follows:
 - A. The difficulty of returning the families of the Faili Kurds because they do not receive Iraqi identity documents.
 - B. Lack of housing for them in Iraq.
 - C. The Islamic Republic of Iran withdraws the white card from the Faili Kurds, which prevents their return to Iran and arranges fines for them.
 - D. Problem of aliases, noting that the Ministry of Displacement and Migration / Legal Department formed a committee to solve this problem, but this committee completed its work on 16/5/2017, which made it impossible for many families to submit their requests for correction of names.

To solve these problems, our Commission addressed the concerned parties according to the following:

- A- General Secretariat of the Council of Ministers concerning the conditions of the Faili Kurds in Iran and according to our book with a number of 3745 in 20/8/2017, the General Secretariat of the Council of Ministers / Department of Cabinet Affairs replied, explaining that it is serious in developing appropriate solutions to the problems of the Faili Kurds, follow-up their applications and their access to their rights and the settlement of their grievances in accordance with the laws and decisions of the Council of Ministers numbered (426) for the year 2010 and (139) for the year 2106 and (163) for the year 2017 , so the Commission is in the process of request to activate and follow-up procedures and mechanisms of action needed on Subject according to jurisdiction in accordance with the provisions of the law of the Commission (53) for the year 2008 amended.
- B- Ministry of the Interior / Directorate of Nationality Affairs to facilitate the procedures, for granting citizenship, to the returnees of the Faili Kurds according to our book No. (2186) on 2/5/2017 and the response of the Ministry of Interior - Human Rights Department was received under its letter No. (1041) of 15/6/2017, which confirms permanently that the Ministry of the Interior has formed specialized committees in the departments of nationality to complete the transactions of the members of Faili Kurds, according to decisions and directions, and it have been already completed a large number of transactions.
- C- The Ministry of Foreign Affairs / According to our book No. (2186) on 2/5/2017, regarding the suspending files of the Iraqis in the Iranian camps, including the Faili Kurds. The Ministry of Foreign Affairs informed us in their letter (1041) on 5/6/2017 of the series of measures taken over Faili Kurds in coordination with Ministry of Displacement and the Iranian Government through our embassy in Tehran.
- D- Addressing the Ministry of Reconstruction &, Housing and Public Municipalities under our letter No. (2781) dated 4/6/2017 concerning our request to include the sons of the Faili Kurds to obtain apartments and houses of low cost, implemented by the ministry and exceptionally as a kind of positive discrimination. The response of the ministry was received under letter no. (5261) of 22/10/2018, which stated that the Council of Ministers has discussed the letter of the Commission in this regard and will take the necessary action.

Recommendations:

1. Prompt the Government (Central Statistical Organization) to prepare statistics on the extent to which minorities enjoy economic, social and cultural rights disaggregated by ethnic origin, age and gender.
2. Follow-up the procedures and measures for the process of returning the nationality of the members of the Faili Kurds, and to identify the progress made in this process as well as the process of returning and compensating their property.