



I. EXECUTIVE SUMMARY

1. The following report is submitted on behalf of the Assyrian Universal Alliance - Americas Chapter¹ in consultation with the Hammurabi Human Rights Organization (HHRO) and the Nineveh Center for Research and Development (NCRD) for consideration in Iraq's second Universal Periodic Review (UPR) to take place during the 20th session of the UPR Working Group.
2. Chronic human rights abuses persist throughout Iraq since the state underwent its inaugural UPR in February 2010. This report examines those abuses pertaining to Iraq's indigenous Assyrian Christian minority. These abuses stem largely from instances of *de jure* and *de facto* discrimination, inadequate security, and escalating tension over disputed internal borders. Furthermore, the increasingly polarized state of politics in Iraq has prevented the government from addressing human rights issues affecting Assyrian Christians at a rate needed to counter their rampant emigration.
3. Three thematic human rights issues form the outline of this report; namely: (A) freedom of religion or belief; (B) the rights of internally displaced persons; and (C) the right to participate in public life. In order to help cure the human rights violations alleged here, AUA Americas offers the following recommendations to the Government of Iraq:

- Amend existing laws or implement new legislation to end discrimination against religious minorities in their commitment to their personal status.
- Amend existing laws or implement new legislation allowing all Iraqis the right to change their religious designation on identity cards and other government documents to the religion of their choice.
- Establish civil defense mechanisms and protocols that would allow for cross-agency emergency management during times of suspected violence, such as religious celebrations, minority holidays, or events taking place at minority places of worship.
- Amend the penal code to include stronger penalties against those who attack minority places of worship.
- Commit to investigating and prosecuting those responsible for past violent offenses against Assyrian Christians and ending future attacks with impunity.
- Extend property restitution programs for IDPs to include those displaced after 2008 and grant IDPs who elect to remain in their places of displacement with adequate property compensation measures.
- Extend financial support programs for damaged or destroyed houses to include businesses affected by the conflict.
- Extend government benefits for IDPs to those electing to integrate in their places of displacement with measures that include long-term subsidized housing and income-generating projects in areas where they reside.
- Ensure that IDP students have safe physical access to education and guarantee the full and timely development of the university in Hamdaniya.
- Adopt necessary security measures and prosecute acts of undue influence that infringe on the right of Assyrian Christians and other vulnerable groups to exercise their vote freely.



- Amend election laws to guarantee minorities are proportionally represented in parliamentary and provincial councils throughout Iraq.
- End discriminatory hiring practices and ensure that Assyrian Christians are adequately represented in all levels of unelected public service positions, including police and security forces.

II. INTRODUCTION

4. Assyrians² in Iraq identify as a distinct ethno-religious community with a heritage linked to the civilizations of Mesopotamia. They are predominantly Aramaic-speaking, politically non-dominant, profess to a Syriac tradition of Christianity and were historically the first to settle in many of the territories they currently reside.³ As such, Assyrian Christians fall within the criteria of indigenous peoples adopted by the UN's Permanent Forum on Indigenous Issues and should be entitled to those rights afforded to members of indigenous communities.⁴

5. The situation of Assyrian Christians and other vulnerable groups in Iraq remains precarious. Between 2010 to 2013, Iraq has consistently been ranked among the top four most dangerous countries for minorities by Minority Rights Group International (MRG),⁵ labeled a "Country of Particular Concern" by the US Commission on International Religious Freedom (USCIRF)⁶ and received "Not Free" status by the Economist Intelligence Unit's Democracy Index.⁷ The rampant rate of emigration is also indicative of the reality that many Assyrian Christians are deciding to leave the country in the face of protracted human rights challenges. While Assyrian Christians were believed to number 1.4 million before the 2003 invasion,⁸ current estimates place the community at less than half that size.⁹ Their population continues to dwindle as church officials claim that roughly six Assyrian Christian families leave Iraq everyday.¹⁰ In 2011, Assyrian Christians represented 52 percent of new UNHCR-registered Iraqi refugees in Turkey¹¹ and more than half of new UNHCR-registered Iraqi refugees in Lebanon.¹² The statistic is alarming when considering that the community represented just 3 percent of Iraq's population before 2003.¹³

6. Ratified in 2005, Iraq's constitution is relatively progressive in comparison to those of neighboring countries, recognizing among other rights, equality between men and women, the right to counsel, and various economic, social and cultural liberties. However, many its provisions require implementing legislation or other necessary steps that have yet to be realized.¹⁴ Among those provisions still inactive is Article 140, which looks to normalize the situation of internal borders disputed between the autonomous Kurdistan Region in the north and Iraq's Arab-controlled central government.¹⁵ According to US officials, "the greatest potential threat to Iraq's stability is not extremist groups but the prospect of Arab-Kurdish conflict over [...] disputed territories."¹⁶ The Nineveh Plain, which encompasses the districts of Hamdaniya, Tel Keiff and Sheikhan in the province of Ninewa, constitutes part of these disputed territories. The region also represents the state's most ethnically and religiously diverse territories and houses the greatest concentration of Assyrian Christians in Iraq.¹⁷ As tensions between Kurds and Arabs intensify in the region, Assyrian Christians encounter political marginalization in territories considered their ancestral homeland.

7. Without increased protection by all levels of the Iraqi Government, Assyrian Christians face the reality of no longer remaining a viable component in Iraq's social fabric.



III. ACHIEVEMENTS, BEST PRACTICES AND CHALLENGES

A. Freedom of Religion or Belief

8. Legal and structural barriers continue to prevent the Government of Iraq from fulfilling its obligation to respect and protect the freedom of religion or belief of individuals within the state.

1. Freedom From Discrimination on the Basis of Religion

9. Although Article 2(2) of Iraq's constitution "guarantees the full religious rights to freedom of religious belief and practice of all individuals, such as Christians [...]"¹⁸ an earlier provision establishes Islam as the official religion of the State and bars any law that "contradicts the established provisions of Islam."¹⁹ This potential conflict within the constitution may adversely affect a range of rights of Assyrian Christians and other non-Muslim minorities. For instance, the constitution grants Iraqis freedom "in their commitment to their personal status according to their religions, sects, beliefs, or choices,"²⁰ but implementing legislation has not yet been passed.²¹ As a result, courts continue to apply the 1959 Personal Status Law, which includes principles of Shari'a.²² The law largely exempts non-Muslims by requiring civil courts to apply the opinion of the religious authority of non-Muslims parties in court.²³ Despite this exemption, there remain instances in which religious minorities continue to endure legal discrimination in their commitment to their personal status.

10. One example is found in the 1972 Law of Civil Affairs, which forms part of the larger Personal Status Code. While the law explicitly allows non-Muslims to convert to Islam, principles of Shari'a prohibit converting away from the faith.²⁴ Although there is no penalty for converting from Islam, the many non-Muslims who converted voluntarily or to avoid discrimination during the Ba'athist regime are now unable to change their religion on identity documents.²⁵ The law also requires the conversion of minor children to Islam if either parent converts to Islam, even if the other parent objects.²⁶ Until recently, minor children of a parent who converts to Islam also lacked the ability to change their religious designation upon reaching the age of maturity. However, in 2012, the Court of Appeals in Baghdad granted an 18-year-old's request to change his religion back to Christian on his identity card after his father converted to Islam while the plaintiff was still a minor, thereby automatically changing the minor's religious designation to the same.²⁷ Some human rights organizations claim that the court's holding is too narrow to allow all children of convert parents the opportunity to correct their religion on identity cards.

11. Secondly, the present legal framework proves particularly problematic for non-Muslim girls whose parents have converted to Islam when the girls were minors. While the 1959 Personal Status Law allows inter-religious marriage between Muslim men and non-Muslim women, it bars Muslim women from marrying non-Muslim men.²⁸ Minor girls who are otherwise unable to legally change their religious designation from Islam following a parent's conversion are thus prohibited to marry within the religious community of their birth. In Iraq, Assyrian Christians represent not only an indigenous religious community, but also a distinct ethnic and linguistic segment of society. Preventing such girls from marrying other Christians not only leaves some Assyrian women culturally isolated but also threatens the continued vitality of the community as a whole. Furthermore, the discriminatory aspects of the Personal Status Law have caused some Iraqi families to marry in



religious services and hide the marriage from state authorities.²⁹ Consequently, children born from such marriages may not receive governmental identification documents, which prevent them from enrolling in school and accessing other services.³⁰

12. These provisions are inconsistent with Article 14 of Iraq's constitution, which guarantees equal protection before the law without discrimination as to religion,³¹ as well as similar safeguards under Article 7 of the Universal Declaration of Human Rights (UDHR)³² and Article 26 of the International Covenant on Civil and Political Rights (ICCPR).³³ Legal barriers preventing citizens from replacing their religious designation contravene Iraq's non-derogable commitment to guarantee the freedom to adopt, change or renounce a religion under Article 18 of both the UDHR and the ICCPR.³⁴ Lastly, the ban on marriages between Muslim women and non-Muslim men clearly violates Iraq's obligation to ensure men and women have the "same right to freely choose a spouse" stipulated within Article 16(b) of Convention on the Elimination of all forms of Discrimination Against Women (CEDAW).³⁵

RECOMMENDATION:

- **Amend existing laws or implement new legislation to end discrimination against religious minorities in their commitment to their personal status.**
- **Amend existing laws or implement new legislation allowing all Iraqis the right to change their religious designation on identity cards and other government documents to the religion of their choice.**

2. Freedom to Manifest One's Religion or Belief

13. Despite Article 43(2) of Iraq's constitution guaranteeing "the freedom of worship and the protection of places of worship,"³⁶ violations of the right to manifest one's religion or belief persist.

14. Between 2010-2013, insurgents bombed or attacked eight churches in major cities throughout Iraq.³⁷ The most violent of these attacks occurred on October 31, 2010 inside the Saidat al-Najat (Our Lady of Salvation) Syriac Catholic Cathedral in Baghdad's al-Karrada District.³⁸ During a Sunday evening mass, five terrorists entered the church and took some 120 people hostage and detonated explosives.³⁹ The final death count totaled 58: 41 civilians inside the church including two priests, seven policemen, five passers-by and five gunmen.⁴⁰ Human rights reports indicate that roughly one hundred Assyrian Christians have been killed in targeted attacks throughout the country during the past four years.⁴¹

15. Even in the relatively secure Kurdistan Region there occurred instances of religiously motivated violence against religious minorities. In December 2011, an imam affiliated with the Kurdistan Islamic Union incited followers to attack businesses owned by Assyrian Christians and other non-Muslims during a midday prayer in the northern province of Dohuk.⁴² His remarks led 300 to 1,000 rioters to burn or destroy several stores deemed "anti-Islamic," including 26 legally operating liquor stores, a massage parlor, four hotels which serve alcohol, and a casino.⁴³ The riots lasted four days and caused an estimated four million US dollars in damages.⁴⁴ In other parts of Iraq, Assyrian Christians continue to face obstacles abridging their freedom to express their faith openly. Assyrian Christian women in Mosul reported feeling compelled to wear the hijab or hide religious symbols from view.⁴⁵ In Baghdad, anonymous letters threatening non-Muslim minorities were circulated in neighborhoods home to Assyrian Christians.⁴⁶



16. Just over 60 percent of Assyrian Christians surveyed in a 2012 report published by MRG admitted feeling unsafe when leaving their home, traveling, or at work/school/university.⁴⁷ Poor perception of security has caused a significant decline in attendance in church services among Assyrian Christians outside of the Kurdistan Region and has often quelled celebrations of Christian holidays and events.⁴⁸ Efforts by authorities to improve protection around churches and expedite investigations of high-profile attacks against religious minorities have helped decrease the number of further attacks against Assyrian Christians since the height of Iraq's sectarian conflict.⁴⁹ Nonetheless, inadequate legal protections and the state's general failure to prosecute offenders continue to pose challenges in ensuring Assyrian Christians enjoy the right to manifest their religion publicly.

17. Iraq's Penal Code criminalizes the destruction, defacement, and desecration of buildings set aside for ceremonies of religious minorities and punishes perpetrators with a maximum penalty of three years in detention or a fine of 300 Iraqi dinars (roughly 25 cents).⁵⁰ The trivial fine prescribed by the law is unlikely to fulfill the aim of effectively deterring attacks against churches and other non-Muslim places of worship. Moreover, according to the Institute for International Law and Human Rights (IILHR), the Penal Code does not guarantee that all crimes will be prosecuted or victims' rights protected.⁵¹ This perpetuates the climate of impunity rampant across Iraq since the start of the conflict. Aside from the more notorious attacks at the Saidat al-Najat Church in Baghdad or the riots against businesses owned by non-Muslims in Dohuk, authorities have made little progress in investigating and prosecuting those responsible for the vast majority of violent offenses against Assyrian Christians.⁵² In the same 2012 MRG report, 78 percent of minorities surveyed believed that prosecuting and punishing those responsible for attacks on innocent civilians "was very likely to improve security."⁵³

18. Continuing attacks against Assyrian Christians with impunity and lax legal protections of minority places of worship abridge both the right to manifest one's religion publicly as well as Iraq's other international human rights commitments.⁵⁴ The right to security of person under Article (9)(1) of the ICCPR is understood by the Human Rights Committee to concern "freedom from injury to the body, or bodily integrity" arising from either government or private sources.⁵⁵ In order to discharge such obligation, the Human Rights Committee requires states to enforce criminal laws in response to past injury.⁵⁶ Similarly, the Human Rights Committee notes that the right to an effective remedy under Article 2(3) should be "adapted so as to take account of the special vulnerability of certain categories of person"⁵⁷ and "may require changes in the State Party's laws or practices."⁵⁸ Iraq's failure to enforce its criminal laws against those who commit violent acts against Assyrian Christians and amend the penal code to help deter such future behavior places the state in violation of these treaty commitments.

RECOMMENDATION:

- Establish civil defense mechanisms and protocols that would allow for cross-agency emergency management during times of suspected violence, such as religious celebrations, minority holidays, or events taking place at minority places of worship.
- Amend the penal code to include stronger penalties against those who attack minority places of worship.
- Commit to investigating and prosecuting those responsible for past violent offenses against Assyrian Christians and ending future attacks with impunity.



B. Rights of Internally Displaced Persons

19. The UNHCR estimates there are one million internally displaced persons (IDPs) within Iraq.⁵⁹ The number of minorities internally displaced remains uncertain, however international NGOs reported that such communities have represented as much as 13 percent of IDPs.⁶⁰ By virtue of their status as minority IDPs, these communities face particular challenges in exercising their freedom of movement along with their right to education and an adequate standard of living.

1. Freedom of Movement

20. Although the government generally respects the constitutional provisions for freedom of movement,⁶¹ *de facto* obstacles continue to obstruct the rights of Assyrian Christians IDPs to return to their homes and have their properties restored.

21. Threats and targeted bombings of Assyrian Christians since 2010 produced two large-scale waves of displacement from Iraq's major cities to the Nineveh Plain and territories controlled by the Kurdish Regional Government (KRG).⁶² In weeks leading up to the March 2010 parliamentary elections, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reported that over 800 Assyrian Christian families were displaced from Mosul after sporadic violence directed at the community left at least 12 dead.⁶³ Soon after the attack at Baghdad's Saidat al-Najat Church in October of the same year, the International Organization for Migration (IOM) reported that as many as 1,300 Assyrian Christian families endured displacement.⁶⁴ Individuals exploited the panic held by Assyrian Christians in major cities by publishing rumors of impending violence against the community in order to drive down home prices and encourage them to flee.⁶⁵ As a result, Assyrian Christians from Baghdad were largely unable to sell their homes at fair value, leading many to either undersell properties or leave them abandoned and vulnerable to squatters. This reality points to a particular need for robust policies to help Assyrian Christian IDPs redeem properties affected by the conflict.

22. The current property restitution framework for displaced Iraqis includes Council of Ministers Decree 262 and Prime Minister's Order No. 101.⁶⁶ The measures establish administrative services to help returnees recover their real property and offer one million Iraqi dinars in cash assistance per returnee family.⁶⁷ They also hold those occupying the home of an IDP responsible as a participant to that person's forcible displacement under the state's Anti-Terrorism Law.⁶⁸ However, only those returning to their home after being displaced between 2006 and 2008 are governed by this framework. Assyrian Christian IDPs wishing to integrate locally in their places of displacement as well as those fleeing from violence targeting the community in 2010 are presumably left with the costly and time-consuming burden of pursuing their property claims in court. While governorate-level programs in Baghdad provide financial support for returnee families to repair or reconstruct their damaged or destroyed houses, the initiative excludes damages to businesses, including the several Assyrian Christian-owned liquor stores targeted by extremists.⁶⁹

23. These measures, although significant, do not discharge Iraq's obligation under Article 5(d)(i) of the International Convention of all forms of Racial Discrimination (ICERD) to guarantee, without distinction as to ethnic origin, equal enjoyment of the right to freedom of movement within the state.⁷⁰ The freedom of movement under Article 5(d)(i), as interpreted by the Committee on the Elimination of Racial Discrimination, encompasses "the right to have restored to [IDPs] property of which they were deprived in the course of the conflict and to be compensated appropriately for any



such property that cannot be restored to them.”⁷¹ Limiting available administrative processes for property restitution to those displaced between 2006 and 2008 violates Article 5 by effectively creating a disparate legal framework that disfavors the thousands of Assyrian Christians uprooted years later.

RECOMMENDATION:

- **Extend property restitution programs for IDPs to include those displaced after 2008 and grant IDPs who elect to remain in their places of displacement with adequate property compensation measures.**
- **Extend financial support programs for damaged or destroyed houses to include businesses affected by the conflict.**

2. *Right to Equal Access to Education and Adequate Housing*

24. Sudden displacement has forced many Assyrian Christian students to leave school in the middle of the academic year. Among Assyrian Christian IDPs surveyed by IOM in December 2010, 68 percent indicated education as a priority need.⁷² Barriers in accessing education from their location of displacement have forced many Assyrian Christian university students from Mosul to return to the city to take their exams despite risks to their security.⁷³ Displaced students electing to commute from the Nineveh Plain to Mosul also face similar threats to safety. On May 2, 2010, a roadside bomb targeted a convoy of buses carrying Assyrian Christian students from the district of Hamdaniya in the Nineveh Plain to the University of Mosul.⁷⁴ The attack killed one person and injured 70.⁷⁵ Soon after, Assyrian Christian students stopped attending classes at the university out of fear for their safety and nearly 1,000 students reported dropping out of classes for the remainder of the semester.⁷⁶ In October 2011, government officials approved a decision to establish a new university in Hamdaniya, which would serve as a viable alternative for students to pursue their studies without having to transfer to the Kurdistan Region or travel to Mosul.⁷⁷ Since announcing the decision, little progress has been made in establishing the new university.

25. Access to affordable and adequate housing was also among the top priority needs of Assyrian Christian IDPs surveyed by the IOM.⁷⁸ In some areas with high numbers of displaced Assyrian Christians such as Ankawa, rental prices for very modest accommodations rose 200-300 percent between November 2010 and January 2011.⁷⁹ Rising cost of rent exacerbates the trend of secondary displacement as many Assyrian Christian IDPs are electing to seek refuge abroad after being unable to afford the cost of housing in areas where they reside.⁸⁰ Those staying with relatives or in churches also endure housing challenges. Homes accommodating multiple families are overcrowded and churches lack beds and sufficient protection from the elements.⁸¹ Despite growing interest among IDPs to integrate within their places of displacement, policies by Iraq’s Ministry of Migration and Displacement (MOMD) continue to focus mostly on supporting returnees.⁸² Although the MOMD announced it was extending grants for displaced people to include those electing to integrate locally, lack of funding prevented the awarding of grants by the end of 2012.⁸³

26. Displaced Assyrian Christian students forced to endure dangerous conditions in order to continue their lessons are thus denied their right to education under Article 13(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which must be afforded “within safe physical reach.”⁸⁴ Those burdened by unreasonable rent increases and overcrowded and otherwise



inadequate housing conditions are also unable to enjoy the right to housing under Article 11(1) of the ICESCR, which includes, *inter alia*, the right to affordable and habitable housing with legal security of tenure.⁸⁵ To fully guarantee equal access to education and housing, the state must prioritize the needs of Assyrian Christian IDPs and other disadvantaged groups by implementing necessary measures that will help overcome such threats to their physical and financial security.

RECOMMENDATION:

- **Extend government benefits for IDPs to those electing to integrate in their places of displacement with measures that include long-term subsidized housing and income-generating projects in areas where they reside.**
- **Ensure that IDP students have safe physical access to education and guarantee the full and timely development of the university in Hamdaniya.**

C. Right to Participate in Public Life

27. Iraq's constitution affords all citizens the right to participate in public life, including the right to vote, elect, and run for office.⁸⁶ Targeted violence along with inequitable policies and discriminatory practices, however, have left many Assyrian Christians disenfranchised and the community underrepresented in government institutions.

1. Right to Vote

28. Instances of coercion, violence and the threat of violence have prevented Assyrian Christians from exercising their right to vote freely.

29. In a pattern reminiscent of previous election cycles, Assyrian Christians in Mosul experienced targeted violence in the weeks leading up to the 2010 Parliamentary Elections.⁸⁷ As evident by voter turnout, the attacks deterred Assyrian Christians from participating at the polls. While 62 percent of registered voters casted ballots nationwide,⁸⁸ only 37 percent of voters turned out in the exclusively Assyrian Christian area of Alqosh.⁸⁹ Voting rights of Assyrian Christians and other minorities residing in disputed territories are also infringed by Arab and Kurdish political groups seeking to gain their votes and secure control of the area.⁹⁰ MRG reports that such actions are especially apparent in the Nineveh Plain, where minorities have come under substantial pressure to identify either as Arabs or Kurds, or pledge their support to a particular political party.⁹¹ Those who resist such pressures often lose access to jobs and services.⁹² Other organizations also report on allegations that the KRG has denied churches and Christian aid organizations funding for assistance programs geared at IDPs after refusing to pledge support to the Kurdish political parties.⁹³

30. The right to vote under international human rights law extends beyond granting universal suffrage. According to the Human Rights Committee, Article 25 of the ICCPR obligates parties to ensure that those entitled to vote are "free to support or to oppose government, without undue influence or coercion"⁹⁴ and can exercise such a right "free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind."⁹⁵ Failure to guard against election-related violence and ongoing instances of intimidation directed at Assyrian Christian voters thus contravene Iraq's commitments under the Covenant.

**RECOMMENDATION:**

- **Adopt necessary security measures and prosecute acts of undue influence that infringe on the right of Assyrian Christians and other vulnerable groups to exercise their vote freely.**

2. *Right to Take Part in the Conduct of Public Affairs*

31. Deficient quota systems at both the local and national level along with discriminatory hiring practices serve to bar Assyrian Christians from equal enjoyment to the right to take part in the conduct of public affairs.

32. Iraq's Council of Representatives (CoR) is comprised of 325 seats, with Article 43(1) of the constitution requiring one representative per one hundred thousand Iraqi persons.⁹⁶ Law No. 26 of 2009, which amends a previous electoral law, reserves five of these seats for Assyrian Christians in Iraq, distributed in the provinces of Baghdad, Ninewa, Kirkuk, Erbil and Dohuk.⁹⁷ Although Assyrian Christians have been able to win contested seats as members of secular Arab or Kurdish parties, the allotment of reserved seats underrepresents the size of the Assyrian Christian population at the time the law was enacted. The CoR has nevertheless been attentive to minority issues through the work of the parliamentary minorities caucus, which has helped pass important legislation concerning the situation of Assyrian Christians and other groups.⁹⁸

33. The issue of underrepresentation is most acute at the subnational level, particularly among regions and provinces where government authority is most expansive. Under Law No. 36 of 2008 and its subsequent amendments, Assyrian Christians are granted a single reserved seat in the provincial councils of Baghdad, Ninewa and Basra, which are comprised of 58, 39 and 35 members respectively.⁹⁹ While Assyrian Christians are guaranteed a presence in these legislative bodies by virtue of such quotas, the relatively modest allocation is seemingly more tokenistic than meaningful. Among the 41 seats available in each of the three provincial councils within the Kurdistan Region, Law No. 4 of 2009 reserves Assyrian Christians two seats in Dohuk, two seats in Erbil and one seats in Sulaimaniya.¹⁰⁰ However, Assyrian Christians have yet to benefit from these allotted seats as no provincial elections have taken place in the region since the law was enacted.¹⁰¹ In the Kurdistan Parliament, Assyrian Christians are apportioned five of its 111 seats under Law No. 1 of 2009.¹⁰² Legislative quotas at the parliamentary and provincial level appear to be more proportional in the Kurdistan Region than other parts of Iraq yet Assyrian Christian leaders still express concerns of being politically underrepresented. Following recent amendments to KRG's election law, Assyrian Christian leaders voiced disappointment that the changes failed to include demands for reserved seats in the region's district and subdistrict councils.¹⁰³

34. In unelected public workforce positions, Assyrian Christians faced discrimination as a result of sectarian hiring practices.¹⁰⁴ The disparity is apparent in the composition of Iraq's security and police forces. Article 9(1)(A) of Iraq's constitution requires that security services maintain a balanced representation of the country's various components.¹⁰⁵ Nonetheless, reports by NGOs claim that Assyrian Christians constitute an inequitable proportion of local police forces in the Nineveh Plain. In 2010, Assyrian Christians represented only 32 percent of the total number of police officers in Hamdaniya and 12 percent in Tel Keiff despite constituting at least half of the total population in the two districts.¹⁰⁶ Moreover, 63 percent of minorities surveyed in 2012 believed that recruiting more members of their own communities to the police and army would improve their security.¹⁰⁷ While the



number of Assyrian Christians in these police forces is reportedly improving, concerns remain that the community is still largely unrepresented in high-ranking positions.¹⁰⁸

35. The right to take part in the conduct of public affairs is a fundamental aspect of any democratic government. When *de facto* barriers prevent disadvantaged racial or ethnic groups from equal enjoyment of the right to participate in public affairs at any level, the ICERD requires parties to implement necessary steps to cure such imbalances.¹⁰⁹ By adopting quotas, Iraq recognizes the need to supplement constitutional safeguards against legal discrimination with positive measures aimed at ensuring Assyrian Christians are able to participate in various decision-making bodies. Yet the relatively few seats reserved for the community fall short of satisfying Iraq's commitment to ensure that such participation is full and equal, particularly at local levels where decisions most affecting Assyrian Christians are made. Obligations to cure discrimination in fact also extend to the right of equal access to public service, enshrined under Article 21(2) of the UDHR and Article 25(c) of the ICCPR. As such, disparities in ethnic composition of Iraq's security forces and positions of command require the government to extend positive measures to help end discriminatory hiring practices and promote equal representation in Iraq's unelected public workforce.

RECOMMENDATION:

- Amend election laws to guarantee minorities are proportionally represented in parliamentary and provincial councils throughout Iraq.
- End discriminatory hiring practices and ensure that Assyrian Christians are adequately represented in all levels of unelected public service positions, including police and security forces.

IV. CONCLUSION

36. On January 21, 2014, Iraq's Council of Ministers approved the formation of a committee to establish guidelines and standards for converting the Nineveh Plain into a separate province.¹¹⁰ Such a province would have "broad administrative and financial authorities"¹¹¹ under Iraq's constitution and would offer Assyrian Christians greater influence in issues such as local security, government and economic development. Coupled with the recommendations proposed herein, the decision to establish a new province in the Nineveh Plain points to a viable long term solution for many of the human rights challenges threatening the community's continued existence in their ancestral homeland.



¹ An organization in Consultative Status with the Economic and Social Council since 2013.

² Referred to at times as Chaldeans, Syriacs, Chaldo-Assyrians or other variant names, Assyrians maintain they are a single community and should be treated as such.

³ *Assyria*, Unrepresented Nations and Peoples Organization, March 28, 2008, <http://www.unpo.org/members/7859> (accessed March 14, 2014).

⁴ “Who are indigenous peoples?” *Factsheet*, United Nations Permanent Forum on Indigenous Issues, http://www.un.org/esa/socdev/unpfi/documents/5session_factsheet1.pdf (accessed March 14, 2014).

⁵ *People Under Threat 2013*, Minority Rights Group International, <http://www.minorityrights.org/11989/peoples-under-threat/peoples-under-threat-2013.html> (accessed March 14, 2014).

⁶ “Countries of Particular Concern 2013,” US Commission on International Religious Freedom, <http://www.uscirf.gov/all-countries/countries-of-particular-concern-tier-1> (accessed March 14, 2014).

⁷ *Democracy Index 2012*, The Economist Intelligence Unit, https://portoncv.gov.cv/dhub/porton.por_global.open_file?p_doc_id=1034 (accessed March 14, 2014).

⁸ “Iraq: Christians live in fear of death squads,” IRIN News, October 18, 2006, <http://www.irinnews.org/report/61897/iraq-christians-live-in-fear-of-death-squads> (accessed March 14, 2014).

⁹ *Annual Report 2013*, United States Commission on International Religious Freedom, April 2013, 88, [http://www.uscirf.gov/sites/default/files/resources/2013%20USCIRF%20Annual%20Report%20\(2\).pdf](http://www.uscirf.gov/sites/default/files/resources/2013%20USCIRF%20Annual%20Report%20(2).pdf).

¹⁰ Amjad Salah, “Chaldean Church: Six Christian families leave Iraq every day,” *Alsumaria*, December 18, 2013, <http://www.alsumaria.tv/news/88513/chaldean-church-six-christian-families-1/en> (accessed March 14, 2014).

¹¹ *Mid-Year Review of the Regional Response Plan for Iraqi Refugees 2012*, United Nations Office for the Coordination of Humanitarian Affairs, September 10, 2012, 115: https://docs.unocha.org/sites/dms/CAP/MYR_2012_Iraq_RP.pdf (accessed March 14, 2014).

¹² *Id.* at 76.

¹³ Steven Lee Myers, “More Christians Flee Iraq After New Violence,” *The New York Times*, December 12, 2010, <http://www.nytimes.com/2010/12/13/world/middleeast/13iraq.html?pagewanted=all> (accessed March 14, 2014).

¹⁴ Vijaya Samaraweera, *The Constitution and Subnational Governance: Structural Arrangements and Authorities*. US Agency for International Development, January 2006), http://pdf.usaid.gov/pdf_docs/PNADH215.pdf.

¹⁵ Sean Kane, *Iraq’s Disputed Territories*, US Institute of Peace, March 2011 <http://www.usip.org/sites/default/files/resources/PW69.pdf>

¹⁶ *Id.* at 3.

¹⁷ *Id.* at 18.

¹⁸ Constitution of Iraq, Article 2(2).

¹⁹ *Id.* at Article 2(1).

²⁰ *Id.* at Article 41.

²¹ *Iraq’s Minorities and Other Vulnerable Groups: Legal Framework, Documentation and Human Rights*, Institute for International Law and Human Rights, May 2013, 56, http://lawandhumanrights.org/documents/MinorityHB_EN.pdf (accessed March 14, 2014).

²² Law No. 188 of 1959, Article 1(2), (available at: http://gipi.org/wp-content/uploads/2009/01/iraq_personal_status_law_1959_english_translation.pdf).

²³ *International Religious Freedom Report 2010*, U.S. Department of State Bureau of Democracy, Human Rights, and Labor, November 17, 2010, <http://www.state.gov/j/drl/rls/irf/2010/148821.htm> (accessed March 14, 2014).

²⁴ *Id.*

²⁵ *Supra* note 21.

²⁶ *Supra* note 9 at 86.

²⁷ *Iraq 2012 International Religious Freedom Report*, U.S. Department of State Bureau of Democracy, Human Rights, and Labor, May 20, 2013, 9, <http://www.state.gov/documents/organization/208602.pdf> (accessed March 14, 2014).

²⁸ *Supra* note 22 at Article 17.

²⁹ *Supra* note 21.

³⁰ *Id.*

³¹ *Supra* note 18 at Article 14.

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