



United Nations Human Rights Council

Universal Periodic Review

Islamic Republic of Iraq

Submission of Jubilee Campaign USA, Inc.

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Jubilee Campaign promotes the human rights and religious liberty of ethnic and religious minorities; advocates the release of prisoners of conscience; and protects and promotes the freedom and safety of children from bodily harm and sexual exploitation.

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Universal Periodic Review of Member-State Iraq

Jubilee Campaign USA, Inc., in special consultative status with ECOSOC, submits this analysis of religious freedom and human rights in Iraq as a contribution to the Universal Periodic Review of UNHRC member-state Iraq.

Freedom of Religion: Dangers for Minorities, Refugee Crisis

1. Though the Constitution of the republic of Iraq provides for religious freedom (Article 43), minorities are at great risk in Iraq and continue to face life-threatening situations and flee from their homeland. Certain minorities are guaranteed full religious rights "such as Christians, Yazidis, and Mandaean Sabians," (Article 2) ¹, but the constitution also stipulates that no law may be enacted that contradicts the established provisions of Islam. When these are in conflict, the rights of the minority secede.
2. The refugee crisis represents one the country's biggest current challenges. In July 2007 the Office of the UN High Commissioner for Refugees (UNHCR) estimated that 2 million Iraqis had become refugees and 2 million more internally displaced since March 2003. The agency further estimated that 2,000 additional Iraqis continued to be displaced every day. Most of the refugees have fled to Jordan (500,000) and Syria (1.5 million). According to the UN, nearly a third of these refugees come from minority communities².
3. Christian Assyrians, known also as Chaldeans and Syrians in Iraq, have been greatly displaced. Nearly half of the 1.4 Christians in Iraq have fled since 2003.
4. The United States Commission on International Religious Freedom reports that only 500,000 to 700,000 Christians in Iraq, including Chaldean Catholics, Assyrian Orthodox, Assyrian Church of the East, Syriac Orthodox, Armenians (Catholic and Orthodox), Protestants, and Evangelicals, remain in the country³. Those who are forced to go back to their homes are often considered apostates by fundamentalists. They may be harassed or killed.
5. Persecution of religious minorities has worsened. In particular, the Sabeian Mandaean community has faced near-extinction. In spite of supposed increased security, the Mandaeans continue to be victims of religious violence. Over 90 percent of their community has fled or been killed.
6. The Mandaeans' religious practices are innately tied to the land of Iraq and the intermarriage of the community members. The refugees that do escape murder and destruction of their homes and businesses experience a wide dispersion that threatens their survival. In some instances, several family members are killed. Of an original 60,000-70,000 member community, only 5,000 are left. The United

- States and other western countries have accepted many of the displaced Iraqi Mandeans for refugee resettlement, but the very existence of the community depends on its ability to return to Iraq and live in peace and safety. Those who remain right now are in harms way.
7. On April 19, three Mandaean jewelers were brutally murdered by gunmen in their shops in Baghdad. Three others were badly injured. Since 2003, The Mandaean Associations Union reports numerous incidents of targeted attacks including, 167 killings, 275 kidnappings, and 298 assaults and forced conversions to Islam.
 8. Under Islamic law, conversion to Islam is forbidden⁴. Extremists will often employ this principle to justify the execution of an "apostate." Religiously motivated killings, abductions, beatings, rape, threats, intimidation, forced resettlement, and attacks on leaders and holy sites have accompanied Muslims and non-Muslims, but the most vulnerable are the smallest religious minorities, especially the Mandeans.
 9. Several religious leaders have been killed for their religious affiliation including Father Adel Youssef, a Christian Assyrian priest, on April 5; Mullah Abbas Khadhim, a Shabak leader, on July 12; and seven members of a Yazidi family killed by unknown assailants in their home in Sinjar on December 12⁵.
 10. A 2006 law prohibits Jews who have emigrated from regaining citizenship⁶.
 11. The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government did not establish by year's end an effective system for providing protection to refugees⁷. While the government did protect sending refugees elsewhere when it threatened their lives, a law should be implemented to protect those who flee and ensure the safety of those who return.
 12. Jubilee Campaign calls for the end of violence against religious communities who only exhibit peace in their practices and lifestyles. We especially advocate for provision of security and protection by the Iraqi government for refugees and religious minorities who have been forcibly returned or unable to leave and ask that their home states be made safe for their return. We ask that special protection and consideration be given to protect the non-violent Mandaean community that wants and must return to Iraq to continue to thrive. Only then can Iraq hope to stabilize and hope for religious freedom.

Freedom of Expression: Political Oppression

1. Though Iraq has a freely elected government, terrorists and local Sunni insurgents waging guerrilla warfare historically seriously affected the government's human rights performance. Elements of the security forces, particularly sectarian militias, frequently acted independently of governmental authority⁸. Under the leadership

of Prime Minister Nouri Jawad al Maliki since 2006, overall security has improved, but insurgency and terrorism are again on the rise and the security measures to protect Iraqi citizens must be reassessed.

2. It was reported on August 20 that over 101 were killed and 500 were injured in the most deadly string of bombings in a year in Baghdad⁹. The blasts were likely planted by Sunni insurgents whose group members have beaten, dismembered, beheaded, and electrically drilled and shocked their victims.
3. In the January elections, many of the mostly non-Muslim residents on the Nineveh Plain were unable to vote due to administrative problems and refusal by Kurdish security forces to bring ballot boxes to predominantly Christian villages. Some polling places did not open or ballot boxes were not delivered, and incidents of voter fraud and intimidation occurred.
4. Election violations occurred in February 2009 when violence, threats, and pressure stopped thousands of Assyrians in the Ninevah plain from voting in a free and fair election¹⁰. Assyrian campaign workers were beaten by Kurdish-backed militia.
5. Iraq should employ greater security measures to protect the political freedoms of its people.

Women's Rights: Discrimination in Legislation and in Practice

1. Article 20 of the Iraqi Constitution provides women's rights to participate in public affairs and the political system equally to men; however, in practice, women frequently face discrimination and are denied equal opportunity and equal protection of the law.
2. Women's rights groups are often targeted by militant groups for attack and lack the proper security and protection to defend them¹¹.
3. Under the Penal Code, a husband is legally entitled to punish his wife "within certain limits prescribed by law or custom." This often results in condoning domestic violence. Honor killings remain a huge problem. From April to December 37 women were killed, including six honor killings and nine killings from domestic violence¹².
4. Women are pressured to exhibit conservative interpretations of Islam, such as wearing a head scarf and avoiding commonplace activities like driving, wearing pants, or leaving the house alone. They continue to be discriminated against in employment.

Rights of Children: Sexual and Domestic Trafficking

1. Iraq is both a source and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and involuntary servitude. Iraqi women and girls, some as young as 11 years old, are trafficked within the country and abroad to Syria, Lebanon, Jordan, Kuwait, UAE, Turkey, Iran, and possibly Yemen, for forced prostitution and sexual exploitation within households in these countries.¹³
2. The government of Iran must call for better protection when bringing in and sending people from its borders. Proper punitive punishment is needed for those who are at risk of being trafficked as well as preventative measures.

Torture and Sexual Exploitation of Prisoners

1. Reports of torture and abuse by electricity and cold water among other things continue in MOI and MOD detention facilities and KRG security forces' detention facilities¹⁴. Allegations of abuse included application of electric shocks, suspension in stress positions, and severe beatings. In some cases, police reportedly threatened and sexually abused detainees, including juveniles, and also committed acts of torture, including beatings and use of drills.
2. Juveniles are kept separate from adults, but some women were in the same facilities as men.
3. Access to proper medical care, food, and good hygiene improved significantly over the past year, but with overcrowding and extortion by guards.
4. Some suspects are detained arbitrarily without a warrant and held incommunicado for an undetermined amount of days.

Summary of Recommendations

1. Iraq must integrate refugee and IDP protection and assistance into its policies to ensure the security and successful rehabilitation of those displaced. The international community can assist with this as well, especially in the case of the Sabaen Mandaean who are in dire need of protection.
2. Iraq must take action to protect political dissidents from the violent backlash of officials and ensure unbiased elections in the future by protecting religious minorities and setting the ballots up so that they may vote freely and fairly.
3. Iraq must reform its employment laws and property laws to demand more rights for women and individuals of minority groups.
4. Iraq must identify the areas of reform needed in its trafficking laws to better protect, prevent, and treat victims of trafficking. More shelter and resources are needed for these victims.

5. Iran must accept international intervention and supervision in the reformation of the prison system to ensure compliance with international standards of treatment of prisoners.

¹ See United Nations Iraq <http://www.uniraq.org/documents/iraqi_constitution.pdf>.

² Minority Rights Group International, State of the World's Minorities 2008 - Iraq, 11 March 2008, available at: <http://www.unhcr.org/refworld/docid/48a7eafc.html> [accessed 1 September 2009].

³ See United States Commission on International Religious Freedom, Annual Report <http://www.uscirf.gov/images/AR2009/iraq.pdf>.

⁴ Anuj Chopra, U.S. News and World Report, In Iran, Covert Christian Converts Live With Secrecy and Fear, <www.usnews.com>, Posted 8 May 2008.

⁵ See US State Department Report on Iraq. 2008. Accessed 30 August 2009. <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119116.htm>.

⁶ See US State Department Report on Iraq. 2008. Accessed 30 August 2009. <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119116.htm>.

⁷ See US State Department Report on Iraq. 2008. Accessed 30 August 2009. <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119116.htm>.

⁸ See US State Department Report on Iraq. 2008. Accessed 30 August 2009. <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119116.htm>.

⁹ Associated Press. "Iraq's Security Problems Persist as Bomb Kills Two Near Baghdad Restaurant." Fox News. 20 August, 2009. Accessed 31 August, 2009. <http://www.foxnews.com/story/0,2933,541041,00.html>.

¹⁰ "Report Highlights Election Violations Against Assyrians in North Iraq." Assyrian International News Agency. 12 February 2009. Accessed 31 August 2009.

¹¹ See US State Department Report on Iraq. 2008. Accessed 30 August 2009. <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119116.htm>.

¹² See US State Department Report on Iraq. 2008. Accessed 30 August 2009. <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119116.htm>

¹³ TIP office Trafficking in Persons Report 2009. <http://www.state.gov/documents/organization/123362.pdf>. Accessed 31 August 2009.

¹⁴ See US State Department Report on Iraq. 2008. Accessed 30 August 2009. <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119116.htm>.