



**Legal Aid Analysis Framework:
Access to Legal Aid Services for Ethnic
and Religious Minority Groups in the
Kurdistan Region of Iraq**

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1. Legal Aid Analysis Framework in Iraq

1.1. Introduction

The Legal Aid Analysis Framework (LAAF) is a tool developed by the Global Protection Cluster Task Team on Law and Policy (GPC TTLP) to assist humanitarian actors in conducting a comprehensive analysis of the legal aid landscape within a specific humanitarian context.¹ The LAAF tool allows for the identification and analysis of available quantitative and qualitative data on a legal environment, including the justice system, legal aid needs and existing capacities and responses in a country or territory affected by a crisis. The tool facilitates analysis of the legal aid landscape to achieve evidence-based analytical conclusions, to foster response in coordination with national counterparts.²

Iraq is home to a variety of ethnic and religious groups, including Arabs, Kurds, Turkmen, Assyrians, Ezidis, Shabak, Kaka'i, Zardashti and others. Both ethnic and religious minorities face discrimination and marginalization due to poor access to justice. One of the main challenges faced by minorities in Iraq is the lack of effective legal protection and enforcement mechanisms. The legal concerns of minorities are sometimes related to laws in force, or a lack of necessary laws, or to the way the law is implemented.

The Kurdistan Region of Iraq (KR-I) is home to many members of these ethnic and religious minority communities. The experiences of members of these communities are unique in that persons are subject to both the laws of Federal Iraq and those administered by the Kurdistan Regional Government (KRG). This report focuses on the legal aid needs and legal concerns generally of ethnic and religious minorities in KR-I, which is a regional case study but also provides indications for the broader situation for minority communities across Iraq.

1.2. The Scope of the Report

This report applies the LAAF tool to identify the main legal aid needs and legal concerns of ethnic and religious minority community members in the KR-I. The report explores the challenges they face in relation to access to justice, provision of legal aid, gaps in the existing Federal Iraqi and KR-I legal framework, as well as the implementation and enforcement mechanisms in place for existing laws.

1.3. The Objectives of the Report

The main objectives of this report are:

1. To explore the perspectives of members of ethnic and religious minority groups in KR-I on their access to legal aid and other justice needs, including the legal frameworks of Federal Iraq and the KR-I pertaining to minority rights;
2. To highlight key findings on the legal aid needs of minority communities in KR-I through a variety of qualitative and quantitative data collection and analysis processes; and
3. To provide several evidence-based recommendations on how to remedy the identified legal aid needs for these communities.

1.4. Methodology and Approach

Due to the lack of available data and information available on ethnic and religious minority communities in Iraq in general, and their legal aid needs, the analysis in this report is grounded in primary source data collection obtained through in-depth interviews with 27 key informants with expertise and lived experience on the situation for minority communities in the KR-I. These key informants include rights holders from different ethnic

¹ Conceptual Framework – Legal Aid in Humanitarian Settings, Global Protection Cluster’s Task Team on Law and Policy, May 2022, p.4, available at:

www.globalprotectioncluster.org/sites/default/files/2023-01/20220530_conceptual_framework_revised_final.pdf

² Legal Aid in Humanitarian Settings – Analysis Guide, Global Protection Cluster’s Task Team on Law and Policy, May 2022, p.6, available at:

www.globalprotectioncluster.org/sites/default/files/2023-01/20220602_legal_aid_analysis_guide_revised.pdf

and religious minorities in KR-I, civil society and humanitarian actors, duty bearers, lawyers, academics and legal experts.

Additionally, a survey has been conducted for judges, lawyers, and legal experts to better understand their perspectives on the existing legal aid system in Iraq and KR-I in particular. The respondents were asked questions regarding the impact of the legal aid system, the quality of the provided legal aid, the qualification of the lawyers hired by the courts for criminal cases, awareness of people about the available legal aid system, discrimination against minorities, and their insights, ideas and suggestions for improving access to the existing legal aid system for minority communities.

Thus, the report is descriptive and analytical, and attempts to incorporate various perspectives obtained through key informant interviews, survey results, and collected information from various other sources to construct the report.

1.5. The Report Pillars

The structure of the report is aligned with the four pillars of the Legal Aid Analysis Framework tool:

1. Legal aid and justice context: This section focuses on access to legal aid and other justice needs for ethnic and religious minority communities in KR-I within the context of current political, economic, and legal context in Federal Iraq and the KR-I. This section looks at applicable legal and policy frameworks but also how they are implemented, and how that implementation affects access for minority communities.
2. Legal aid needs: This section identifies the key concerns of minority communities in KR-I in terms of access to legal aid and the main legal aid needs which have not been addressed, both within the legal framework but also in relation to how the legal framework is implemented in policy and practice.
3. Impact of the legal aid needs and legal concerns: This section elaborates upon the effects and consequences of the legal aid needs and legal concerns of minority groups in KR-I particularly in relation to their safety and security. This section also explains coping mechanisms adopted by minority community members to respond to the consequences of their legal aid needs and their legal concerns generally.
4. Existing capacities and responses: This section examines to what extent existing legal aid services and providers (either through duty bearers or humanitarian organizations) are available and effective for minority community members and whether the services provided are of quality and adequate capacity.³

1.6. Selection criteria for KIs and the report questions

To collect accurate information from the key informants, 27 interviews have been conducted, the majority of whom belong to different ethnic and religious minority groups in KR-I. The key informants have been selected from four different categories:

1. Rights holders, including representatives, political leaders, figures, social personalities, and ordinary members of minority communities;
2. Civil Society and NGO actors, including legal aid providers;
3. Duty bearers; and
4. Legal experts and academics.

Out of the 27 key informants that have been interviewed for this report, eight were rights holders, seven from civil society and NGO actors, seven were duty bearers and five were legal experts and five academics.

³ Legal Aid in Humanitarian Settings – Analysis Guide, p9-18, available at: www.globalprotectioncluster.org/sites/default/files/2023-01/20220602_legal_aid_analysis_guide_revised.pdf

The interviews covered the following questions, which cover the four pillars of the LAAF tool:

- What is the overall situation for members of ethnic religious minority communities and their ability to access their rights in KR-I and Iraq more broadly?
- What is your opinion about the current legal framework in KR-I and Federal Iraq in relation to minority rights? Have the needs and circumstances of specific minority communities been taken into consideration? In this regard, how does the interplay between the legal frameworks of Federal Iraq and KR-I affect the ability for minority individuals to access their rights?
- Have you experienced or witnessed discrimination against minority individuals in terms of access to legal services, either within policy or practice?
- What are the areas in which minorities experience the most discrimination, and which groups are most affected?
- How do you assess the participation of minority individuals in civic and political life in Iraq and KRI?
- What is the main legal aid needs of minorities in KR-I and Iraq more broadly?
- What are the challenges that members of ethnic and religious minority communities in KR-I face in accessing justice and what are the barriers?
- Which groups are most negatively impacted by the current legal situation?
- Are the legal concerns and legal aid needs of minority communities the result of a specific laws, the legal framework in general, or related to implementation and practice? How do these legal aid issues/justice problems impact the enjoyment of rights of minorities, particularly in terms of safety and security?
- What are the coping mechanisms (positive and negative) adopted by these communities to respond to the consequences of legal aid issues?
- What are the respective roles and impacts of official/statutory and traditional/customary existing legal aid systems/dispute resolution mechanisms in KR-I and Iraq generally for members of minority communities?
- Are the existing legal aid mechanisms and actors providing meaningful legal aid and access to justice to ethnic and religious minority communities?

2. Overview of Ethnic and Religious Minority Groups in KR-I

Several ethnic and religious minority communities are officially recognized by Federal Iraqi and KR-I law. The Federal Iraqi Constitution of 2005 (applicable throughout the country) recognizes three religious minority communities (Christians, Ezidis, and Sabeans)⁴ and five ethnic minority communities (Turkmen, Assyrians, Chaldeans, Syriacs, and Armenians)⁵.

The Federal Iraq Supplementary System to the Religious Sects Welfare System (Religious Sects Officially Recognized in Iraq) Act No. 32 of 1981, recognizes four religious minority communities in Iraq: Christians (including all sects) Ezidis, Sabeans and Jews.

The KR-I Law on Protection of Minority Rights No. 5 of 2015 (only applicable in the Kurdistan Region) recognizes five ethnic minority communities (Turkmen, Assyrians, Chaldeans, Syriacs and Armenians) and seven religious minority communities (Christians, Ezidis, Sabeans, Kaka'i, Shabak, Fayli, and Zardashti).⁶ Thus, the same five ethnic minorities are recognized by Federal and KR-I laws, but the KR-I law recognizes additional religious minority communities which are not recognized in the Federal framework (Kaka'i, Shabak, Fayli and Zardashti). Additional ethnic and religious communities living in Iraq, such as the Baha'i, are not recognized by either framework. Moreover, since 1970, practice of the Baha'i faith has been prohibited in Iraq by Resolution No. 105 of the Revolutionary Command Council of the (dissolved) Baath Party.

It is important to note that many of the minority communities recognized in the Federal and KR-I legal frameworks self-identify as ethno-religious communities –therefore, it would not be accurate to categorize them as singularly 'ethnic' or 'religious' communities. However, the following overview will cover the communities in alignment with their designation within the Iraqi legal framework.

2.1. Religious Minorities

Christians

An estimated 250,000 Christians live in Iraq. Christianity is mainly practiced in Iraq by members of four ethnic minority groups: Armenians, Assyrians, Chaldeans, and Syriacs.⁷ Christian groups include Chaldean Catholics (67 percent), the Assyrian Church of the East (20 percent), and small numbers of Syrian Orthodox, Syriac Catholics, Armenian Catholics, Armenian Orthodox, Anglicans, Evangelicals and other Protestants.⁸ Christians in Iraq can be found in most provinces of the country, but their presence is concentrated in Baghdad, Mosul, Basra, Kirkuk and KR-I.⁹

Yazidis (Ezidis)

Members of the Yazidi (also called Ezidi) community are primarily located in the northern Iraqi governorate of Ninewa. They are predominantly concentrated in the Ninewa Plains, 150 km west of Mosul, primarily near Sinjar

⁴ Article 1(2), Iraqi Constitution of 2005.

⁵ Articles 4 and 125, Iraqi Constitution of 2005.

⁶ Article 1(2), KR-I Law on Protection of Minorities' Rights No. 5 of 2015.

⁷ الاقليات الضعيفة الاخرى في العراق - Minorities and other vulnerable groups in Iraq), The Institution of International law and Human Rights, first edition, Iraq, Baghdad, p.47, available at: <https://arabic.iilhr.org/publications-resources/>

⁸ Religious and ethnic minorities, and stateless persons. A report on Iraqi minorities by the European Union Agency for Asylum (EUAA), 2021, available at: <https://euaa.europa.eu/country-guidance-iraq-2021/2153-christians>

⁹ مستقبل الأقليات في العراق ومصادر تهديدها - The future of minorities in Iraq and the sources of their threat), Fars Hasan Almahdawi, July 2021, p.5, available at: www.studies.aljazeera.net/ar/article/5029

Mountain and the districts of Sinjar, Al-Shikhan, Bahzani and Bashiqa villages near Mosul. In KR-I, most Ezidis are in Duhok, many of whom fled there after the invasion of Da'esh. Most Ezidis speak a dialect of Kurdish known as "Kurmanji". Prior to the invasion of Da'esh in 2014, the Ezidi community in Iraq was estimated to have between 550,000 and 700,000 members.¹⁰ After the systematic and widespread destruction of Ezidi communities by Da'esh, this number has decreased.¹¹

Kaka'i

Members of the Kaka'i community live primarily in Kirkuk on the banks of the Great Zab River in the Iraqi Iranian border area. Many originate from Kirkuk, Khanaqin, Mandali, Jalawla, Erbil, Sulaymaniyah, and Horaman. This religion is known by other names including "Yarsan" and "Ahel-Alhaq".¹² There are no official data sources on the number of Kaka'i in Iraq, but the International Group on Minority Rights reported an estimated number of 200,000 persons in 2011.¹³

Shabak

The Shabak community has been present in lived in Iraq for several centuries and were known for their distinct customs and traditions. According to unofficial estimates, the number of this religious minority ranges from 250,000-350,000 people in the villages of the Nineveh Plains.¹⁴ Most Shabak speak a dialect which draws from Farsi, Arabic, Turkish and Kurdish.¹⁵

Fayli Kurds

Fayli Kurds have historically inhabited both sides of the Zagros Mountain range along the Iraq-Iran border. Today, most Fayli Kurds in Iraq live in Baghdad as well as in the eastern parts of Diyala, Wassit, Missan, and Basrah governorates. Additionally, a sizeable population can also be found in the KR-I. Estimations of the numbers of Fayli Kurds in Iraq vary from 1.5 to 2.5 million.¹⁶ Whilst the majority of Kurds in Iraq are Sunni Muslims adhering to the Shafi'i school of Islam, Fayli Kurds are Shi'a Muslims. They speak a distinct dialect of Kurdish which is a sub-dialect of Luri. Due to their dual identity as both Shi'a and Kurdish, they have historically been persecuted.¹⁷

Zardashti

Before Islam reached what is present-day Iraq region, Zardashti (Zoroastrianism) was one of the most prevalent religions among the Kurdish population.¹⁸ The Zardashti community has re-emerged in the KR-I in the last several

¹⁰ Religious and ethnic minorities, and stateless persons, available at:

www.euaa.europa.eu/country-guidance-iraq-2021/2152-yazidi

¹¹ حماية الاقليات الدينية واللغوية والاثنية واللغوية في العراق – Protection of religious, ethnic and linguistic minorities in Iraq), Saa'd Salum, assistant professor at Al-Mustanserria University, Iraq, Baghdad, 2017, p132, available at:

www.iraqi-alamal.org/wp-content/uploads/2019/10/protection.pdf

¹² الكاكائية: اصولهم وعقائدهم - The Kakais: their origins and beliefs), Rozhan Khurshid and Ismail Mohammed, A research published in (Jihan University Magazine for Humanitarian and Social Sciences), volume 4, no (2), p40, available at:

www.journals.cihanuniversity.edu.iq/index.php/cuejhss/article/view/259/140

¹³ حماية الأقليات الدينية واللغوية في العراق – Protection of religious, ethnic and linguistic minorities in Iraq), p127.

¹⁴ تعرف على شبك العراق – Learn about Iraq's Shabak), a published article on 2020, available at:

www.aljazeera.net/culture/2020/12/23/رشد-الحنطة-وكسر-الجرة-أبرز-عاداتهم-تعرف

¹⁵ Minorities and other vulnerable groups in Iraq), p129.

¹⁶ Religious and ethnic minorities, and stateless persons, available at:

<https://euaa.europa.eu/country-guidance-iraq-2021/2159-fayli-kurds>

¹⁷ Fayki Kurds, an article published on (Minority Rights Group International) website, available at:

<https://minorityrights.org/minorities/fayli-kurds/>

¹⁸ Kurdistan Region and Minorities Rights: Geography of cultural diversity), Dr. Abdulrahman Kareem Darwesh, Rudaw Research Center, Erbil, First Edition, 2022, P 22.

decades and has now been recognized as an official religion by KR-I law.¹⁹ There are no official estimations on how many people belong to this religious minority group.

Sabean

There are an estimated less than 5,000 Sabean-Mandaeans in Iraq. They mainly live in southern Iraq, including Basrah and the southern governorates of Thi-Qar and Missan, but small numbers also live in Baghdad and KR-I.²⁰ Many members of the Sabean-Mandean community fled to KR-I (Sulymaniyah and Erbil) after 2003.²¹

Baha'i

Another one of Iraq's smallest religious minority groups, members of the Baha'i community are located across Iraq. In recent years, many have moved to Sulymaniyah in KR-I particularly because of the area's social stability and security. Due to the absence of official recognition of them and their institutions, and the difficulties associated with counting their numbers, there is no accurate census of the number of Baha'is in Iraq. However, it has been estimated that their number is several thousand.²² The Baha'i faith has been prohibited in Iraq since 1970 by resolution No. 105 of the (dissolved) Baath Party's Revolutionary Command Council. Since 2003 and the fall of the prior regime, they have been trying to fix this discrimination against them and repeal the resolution, but it has not been resolved.

2.2. Ethnic Minorities

Turkmen

Turkmen are the third largest ethnic group in Iraq after Arabs and Kurds. They are comprised of both Sunni and Shi'a Muslims and a small group of Christian Turkmen.²³ They live mainly in northern Iraq in an arc extending from Tala'far west of Mosul to Mosul, Erbil, Alton Kupri, Kirkuk, Tuz Khurmatu, Kifri and Khanaqin. There are no accurate or official statistics on the number of Turkmen in Iraq, and the current estimates are merely speculative estimates from Turkmen authorities, who estimate that they constitute about 7% to 10% of Iraq's population (between 2.8 – 4 million).²⁴

Chaldeans

The Chaldeans are believed to be descendants of the ancient Mesopotamians in Iraq. Currently, Chaldeans comprise the largest Christian group in Iraq (about 80% of the Christian population). The term "Chaldean" comes from to the land of "Kluthay", which means Mesopotamia which is known today as southern Iraq., which is in the northern part of Babylon (southern Iraq). Chaldeans speak Chaldean-Aramaic which is derived from Akkadian-Babylonian and Aramaic. Chaldeans primarily live in Telkaif, Batnaya, Alqosh, Batofa, Telskuf, Karemlash, Ankawa, Araden, Mangesh, Duhok (certain areas), Zakho (certain areas), and Inshik.²⁵

Assyrian

¹⁹ حماية الاقليات الدينية واللغوية والاثنية واللغوية في العراق) – Protection of religious, ethnic and linguistic minorities in Iraq), p179.

²⁰ Religious and ethnic minorities, and stateless persons, a report published by European Union Agency for Asylum (EUAA), published at 2021, available at: <https://euaa.europa.eu/country-guidance-iraq-2021/2156-sabean-mandaeans>

²¹ حماية الاقليات الدينية واللغوية والاثنية واللغوية في العراق) – Protection of religious, ethnic and linguistic minorities in Iraq), P131.

²² Ibid, p127.

²³ Religious and ethnic minorities, and stateless persons. A report on Iraqi minorities by the European Union Agency for Asylum (EUAA), published in 2021 and available at: <https://euaa.europa.eu/country-guidance-iraq-2021/2151-turkmen>

²⁴ حماية الاقليات الدينية واللغوية والاثنية واللغوية في العراق) – Protection of religious, ethnic and linguistic minorities in Iraq), p132.

²⁵ طائفة كلدان في العراق-دراسة انثروبولوجية) - Chaldean sect in Iraq - an anthropological study), Esam Ibrahim Mohammed, Master thesis, Baghdad University, College of Art – Social science, 2007, p (37-42).

Assyrians comprise a distinct ethno-religious group in Iraq. Descendants of ancient Mesopotamian peoples, Assyrians speak Assyrian-Aramaic and belong to one of four churches: the Chaldean, Nestorian, Jacobite (Syrian Orthodox), and the Syrian Catholic. Assyrians form a distinct community in Iraq. They make up 5% of Christians from Iraq and they are primarily found in Amadiya, Shaqlawa, and Rawanduz, and some certain areas in Duhok and Zakho. Also, Assyrian towns in Iraq include Barwar, Baznaya, Sarsing, and Nahla.²⁶

Syriacs

Iraqi Syriacs make up around 10% of total population of Iraqi Christians; this includes both the Syriac Catholics and the Syriac Orthodox members. Syriacs are also descendants of the ancient Mesopotamians and speak a dialect of Aramaic known as Syriac, which originated in Syria & Southern Turkey. The three largest Syriac towns in Iraq are all in the Nineveh Plains: Qaraqosh, Bashiqa, and Bartlla.²⁷

Armenian

The Armenian community in Iraq is derived from people who have lived in the region for thousands of years ²⁸ as well as descendants of refugees who fled the Armenian Genocide between 1915 and 1918. Armenians speak the Armenian language, and most Armenians belong to the Armenian Orthodox Church, but a minority of Armenians belong to the Armenian Catholic Church. In total they make up around three percent of the Christian community in Iraq. Most Armenians live in large cities such as Baghdad, with some presence in Mosul, Kirkuk, and Basrah. Following the rise of Da'esh many of fled to KR-I.²⁹

²⁶Brief Summary on Iraqi Christians, an article published by (Iraqi Christian Foundation). (Assyrians), an article published on (Minority Rights Group International) website, available at:

<https://minorityrights.org/minorities/assyrians-2/#:~:text=Assyrians%20comprise%20a%20distinct%20ethno,Orthodox%2C%20and%20the%20Syrian%20Catholic.>

²⁷ Brief Summary on Iraqi Christians, an article published by (Iraqi Christian Foundation).

²⁸ هه‌ری‌یی کوردستان و مافی که‌مینه‌کان، جو‌گرافی‌ای هه‌مه‌ره‌نگی کولتوری له هه‌ری‌یی کوردستان – Kurdistan Region and Minorities Rights: Geography of cultural diversity), p18.

²⁹ Armenian, an article published on (Minority Rights Group International) website, available at:

<https://minorityrights.org/minorities/armenians-4/>

Brief Summary on Iraqi Christians, an article published by (Iraqi Christian Foundation).

3. International and national legal Framework of Minority Rights

3.1. International Legal Framework of Minority Rights

In the **Charter of the United Nations (1945)**, human rights (including minorities' rights) have become a matter of international law. It is no longer a matter of state internal affairs which decides to resolve it in isolation from the international community.³⁰

Article 1(3) of the UN charter prohibits discrimination in legal treatment for any reason whatsoever. It stipulates that “to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion”.

As part of the United Nations' efforts to eliminate the violation of the rights of minorities, a **Subcommittee on Combating Any Discriminatory Measure and Protection of Minorities** was established in 1947. In 1999, the committee was renamed as the Sub-Committee for the Promotion and Protection of Human Rights, which it is a part of the Human Rights Committee.³¹

The Universal Declaration of Human Rights (1948) stipulates several rights and freedoms in general, but Article (2) in particular, provides that every human being is entitled to enjoy all the rights and freedoms mentioned in the Declaration, without distinction of any kind, because of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. This article provides a legal guarantee for minorities under international human rights law, since they are most likely to be discriminated against because of their ethnic origin, color, or belief, since they belong to minority groups.³²

Article (2) of the **Convention on the Prevention and Punishment of the Crime of Genocide 1951**, defines the crimes that constitute genocide against national, ethnical, racial, or religious groups. protecting their identity and culture and reaffirmed the principles of protection that had been relied upon in the League of Nations, through incorporating it into public international law.³³ Despite the fact that the protection enshrined in this article of the Convention does not necessarily mean minorities, nevertheless this group can benefit from all the protection measures provided for in the Convention.³⁴

³⁰ اثر الشرعة الدولية لحقوق الاقليات في النظام القانوني العراقي (The impact of the International Bill of Rights of Minorities in the Iraqi legal system), Ghazwan Hamid Aldawoodi, Master thesis in Human Rights, Mosul University, College of Law, 2022, p64-65.

³¹ ما هي اللجنة الفرعية لتعزيز وحماية حقوق الإنسان؟ (What is the Subcommittee for the Promotion and Protection of Human Rights?), an article published on (OHCHR) website, available at: <https://www.ohchr.org/sites/default/files/Documents/Publications/SubCommLeafletar.pdf>

³² Article (2) of Universal Declaration of Human Rights (1948): “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty”.

³³ اثر الشرعة الدولية لحقوق الاقليات في النظام القانوني العراقي (The impact of the International Bill of Rights of Minorities in the Iraqi legal system), p69.

³⁴ Article (2) of the Convention on the Prevention and Punishment of the Crime of Genocide (1951): “In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such: (a) Killing members of the group. (b) Causing serious bodily or mental harm to members of the group. (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part. (d) Imposing measures intended to prevent births within the group. (e) Forcibly transferring children of the group to another group”.

Article (27) of the **International Covenant on Civil and Political Rights (1966)**³⁵ provides a preliminary and decisive framework for the protection of minorities. It responded to minorities' demands regarding the necessity of protecting their identity and culture, as it stipulates that the members of minorities shall not be denied the right to enjoy their own culture, to practice their own religion and use their own language, with the other members of their groups.

Apart from the international conventions, the **(Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities 1992)** remains the only text of the United Nations that deals exclusively with the rights of minorities, and it came after 40 years of continuous work by the Human Rights Committee and the Subcommittee on Prevention of Discrimination and Protection of Minorities.³⁶

This declaration, which is composed of a preamble and a total of nine articles, in addition to the rights contained in Article (27) of the ICCPR, is distinguished by the inclusion of several new rights as well as its explicit requirement that states take positive action and measures to promote and protect the rights granted by it. It generally provides protection for minorities in three important respects:

1. Providing protection for minorities, both materially and morally.
2. Preventing all forms of discrimination against minorities.
3. Not to exclude minorities from participating in political, social, economic, and cultural life.³⁷

In addition to that, the mandate of the **Independent Expert on minority issues** was established by the Commission on Human Rights in 2005 (resolution 2005/79), and subsequently extended by the General Assembly (resolution 60/251) and the Human Rights Council (resolution 7/6). On 24 March 2011, the Council decided to renew the mandate for an additional three years (resolution 16/6). The Independent Expert is required to promote implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including through consultation with Governments.³⁸

Other than the aforementioned international conventions, there are a number of international covenants providing legal protection against discrimination, regardless of the reason, including but are not limited to: International Convention on Economic, Social and Cultural Rights 1966, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984, Convention on the Elimination of All Forms of Discrimination Against Women 1981, Convention on the Rights of the Child 1989.

3.2. National Legal Framework of Minority Rights

In addition to the Iraqi Constitution as the basis for all legislation in Iraq, several laws in Iraq and the Kurdistan Region contain legal guarantees for the protection of minorities' civil, political, social, economic, and cultural rights.

3.2.1 Iraqi Constitution 2005

Although the Iraqi Constitution uses the term component (المكون) instead of minorities, many articles stipulated legal guarantees, rights and freedoms for all Iraqis, and in other articles minority communities are mentioned by name. In its preamble, the Iraqi Constitution of 2005 acknowledges the tragic past of some ethnic and religious

³⁵ Article (27) of ICCPR 1966: "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language".

³⁶ Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities 1992, available at <https://www.ohchr.org/sites/default/files/Documents/Publications/GuideMinoritiesDeclarationen.pdf>

³⁷ اثر الشريعة الدولية لحقوق الاقليات في النظام القانوني العراقي - The impact of the International Bill of Rights of Minorities in the Iraqi legal system), p76.

³⁸ Report of the Independent Expert on minority issues, Rita Izsák, December 2012, available at: file:///C:/Users/SULAIMAM/Downloads/A_HRC_22_49-EN.pdf

minority groups in Iraq, including Fayli Kurds and Turkmen. It does not mention the violence inflicted upon other ethnic and religious minority groups during other campaigns, such as the Anfal.³⁹

Article 3 of the Constitution stipulates that Iraq is a country of multiple nationalities, religions, and sects. Article 2(2) guarantees the right to freedom of religious belief and practice of religious minorities, and mentioned (Christians, Yazidis and Sabeans) by name.⁴⁰ Article 4(1) guarantees the right to educate children in their mother tongue for specific minority communities: Turkmen, Assyrians and Armenians. Article 4(4) states that in the areas where Turkmen and Syriac Christians constitute the majority of the population, the Turkmen and Syriac languages will be the official languages.

Article 14 guarantees equality before the law for all Iraqis, and prohibits all forms of discrimination based on gender, race ethnicity, nationality, origin, color, religion, sect, belief, or opinion, or economic or social status. Article 49(1) states that the representation of minorities in the Iraqi Parliament should be taken into consideration. Article 125 guarantees the administrative, political, cultural, and educational rights of minorities, with specific mention of Turkmen, Chaldeans, and Assyrians. According to this article, these guarantees should be regulated by law; however, members of minority communities point out that no legislation has been passed by the Iraqi Parliament for this purpose.

In addition to the articles, the Iraqi Constitution provides for other basic rights for all Iraqis, including minorities. These include the right to participate in security services (Article 9), the protection of holy shrines (Article 10), right to life (Article 15), the right to equal opportunity (Article 16), the right to litigate (Article 19), political rights (Article 20), freedom of expression (Article 38), the right to establish associations and parties (Article 39), personal status freedom (Article 41), and the right to practice of religious rites (Article 43).

In theory, some of the key informants believe that the Iraqi constitution contains important provisions and legal guarantees, but in practice, these provisions do not appear to have been implemented. For example, Dhiya Putrus, Former President of the KR-I Independent Human Rights Commission and General Secretary of the Chaldean National Council, believe that “The problem is that the Iraqi Constitution provides many legal guarantees, particularly for minorities, and stipulates the need for legislation to be enacted, but unfortunately no legislation has been passed. For example, Article 125 stipulates that the Constitution shall guarantee the administrative, political, cultural, and educational rights of the various nationalities, and this shall be regulated by law. After four parliamentary cycles, this legislation has not been enacted.”

3.1.2. Laws of Federal Iraq

The laws of Federal Iraq contain many provisions and legal guarantees affecting the rights and freedoms of all Iraqis generally, but also for minority communities directly.

Article 8 (5) of **The Iraqi High Commission of Human Rights Law No.53 of 2008** stipulates that the minority representation in the Board of Commissioners must consist of at least one original member and one substitute

³⁹ Anfal is the name of a systematic attempt to exterminate the Kurdish population, in the late 1980s, by the (dissolved) Baath Party regime. Hundreds of thousands of men, women and children were executed during this campaign. The campaign takes its name from Surat al-Anfal in the Qur’an, which literally means the spoils (of war) and was used to describe the military campaign of extermination and looting commanded by Ali Hassan al-Majid, one of Baath Party leaders.

More detail is available at:

<https://us.gov.krd/en/issues/anfal-campaign-and-kurdish-genocide/>

⁴⁰ “I see Article 2 as a political game by the Iraqi dominant political party. In the same article, it has been stipulated that no laws may be enacted that contradicts the established provisions of Islam and it should not contradict principles of democracy and the rights and basic freedoms stipulated by the constitution! Does r the first paragraph of Article 2, which states that no laws may be enacted that contradict Islam, or the other two paragraphs [2&3] which states that laws may not be enacted that contradict democracy, rights, and basic freedoms take precedence? I wish that the religious minority representatives in the Iraqi Parliament will submit an official request to the Iraqi Supreme Federal Court to explain that. However, this has not yet been done.” - Interview with Dr. Muna Yaqo, Head of the KR-I Independent Human Rights Commission, PhD in International Humanitarian law, University Professor – College of Law – Erbil, Specialized in Minorities, and head of Board of Minorities in KR-I. 3rd July 2023.

member. **The Iraqi Official Language Law No. 7 of 2014**, Article 1(2) states that “a local official language is the language which its usages restricted in administrative units and whose speakers form a population density”. Additionally, Article 10 stipulates that “Turkmen and Syriac languages shall be the two official languages in the administrative units in which the Turkmen or Syriacs are densely populated”.⁴¹ Minorities are entitled to open educational institutions and schools in their mother tongues in accordance with Article 8 states that “schools for all stages for teaching in Arabic, Kurdish, Turkmen, Syriac or Armenian languages in the educational institutes or any other languages in the private educational institutes could be opened, in accordance with the educational disciplines”.

The Iraqi Parliament, Provincial and District Council Election Law No. 12 of 2018, amended in 2023, provides for the allocation of several seats for representatives of minority communities in the Iraqi Parliament and governorate, district, and sub-district government structure systems using a quota system. According to Article 15(1)), nine of the 320 seats in the Iraqi Parliament have been allocated for minority representatives, including.

- Five seats for Christians in two electoral constituencies (two seats for Erbil and Duhok and three seats for Ninewa, Kirkuk and Baghdad).
- One seat each one for Ezidis and Shabak in Ninewa.
- One seat for Sabeans in Baghdad; and
- One seat for Fayli Kurds in Wassit.

Article 15(2) guarantees ten seats for minority representatives in provincial and district councils:

- One seat in Baghdad governorate council each for Christians, Sabeans and Fayli Kurds.
- One seat in Ninewa governorate council each for Christians, Ezidis and Shabak.
- One seat for Christians in Basra governorate council.
- One seat for Fayli Kurds in Wassit governorate council.
- One seat for Sabeans in Missan governorate; and
- One one seat each for Chaldeans, Assyrians and Syriacs in Kirkuk governate council.

According to the **Christian, Yazidi, and Sabean Endowment Office Law No. 58 of 2012**, an endowment office has been established for the minority religions (Christians, Yazidi and Sabean), and it is linked to Iraqi Council of Ministries. This office maintains the affairs of worship, holy shrines, religious men, religious institutions, in a manner that helps provide the best services to the members of these religious minorities.

The Yazidi Survivors Law, number (8) of 2021 was enacted to support.

the survivors of sexual enslavement and other crimes against humanity perpetuated by Da'esh crimes.

The law provides for several legal and financial privileges and compensation for the survivors of different minority groups, including:

- The establishment of a General Directorate for Yazidi Survivors in Ninewa (Article 3).
- Rehabilitation, care, and financial compensation for survivors (Article 4).
- Support for survivors in accessing care, employment, education, medical treatment, and mental and psychosocial support services, as well as support in searching for men, women and children who were kidnapped (Article 5); and
- The provision of monthly salary, a parcel of residential land, and prioritization for opportunities (+2%) for female survivors (Article 6).

3.1.3. KR-I Laws

Compared to the Federal Iraqi Parliament, the legal foundation for the KR-I Parliament contains stronger provisions and legal guarantees for minority groups. Article 36 of the **KR-I Parliament Election Law No. 1 of**

⁴¹ To clarify the term of “density population the Federal Supreme Court in Iraq, in its Resolution No. 15 of 2008 stated that, according to Article (4(4) of the Iraqi Constitution, the term “density of population” does not necessarily refer to the majority of the population, but rather refers to groups that have a significant weight and visibility in cities that represent a variety of ethnicities and have an influence on society and participate in its movement. Since this applies to Turkmen and Syriac speakers in Kirkuk Governorate, they are included in the concept of population density.

1992, last amended in 2013 allocates 11 of the 111 KR-I Parliament seat for minority representatives, also under a quota system: five seats for Chaldeans, Assyrians and Syriacs, five seats for (Turkmens, and one seat for Armenians.⁴²

In the first amendment of the **Law of Ministry of Education, No. 4 of 1992**, two General Directorates were established for the minority education, the General Directorate of Syriac Education, and the General Directorate of Turkmen Education.

Regarding the affairs of religious minorities in KR-I, **the Law of Ministry of Endowment and Religious Affairs, number (11) of 2007**, for the first time changed the name of the ministry from Ministry of Endowment and Islamic Affairs to the Ministry of Endowment and Religious Affairs and established two General Directorates of Religious Affairs for religious minorities, one for the Christians and the other for Ezidis, so the communities may independently manage their own religious affairs. Additionally, Kaka'i and have their own representative in the KR-I Ministry of Endowment.

Article 32 of **the KR-I Provincial and District Election Law No.4 of 2009** allocates nine seats for the three governorate councils of KR-I:

- Two seats s for Chaldeans, Assyrians and Syriacs and one seat for Armenians in Duhok governorate council.
- Two seats for Chaldeans, Assyrians and Syriacs and three seats for Turkmens in Erbil governorate council; and
- One seat for Chaldeans, Assyrians and Syriacs in Sulaymaniyah governorate council.

It is important to note that under the KR-I law, minority groups have been allocated seats based on ethnicity, and ethnic designations have been applied to Christians (Chaldeans, Assyrians, Syriacs and Armenians). On this basis, KR-I has not allocated seats to any other religious minorities (such as Ezidis, Kaka'i and Zardashti). On the other hand, the Federal Iraqi law has allocated quota seats to minorities based on religion.⁴³

The KR-I **Law of Ministry of Culture and Youth No. 12 of 2011** established two General Directorates for and run by minority groups, the General Directorate of Turkmen Cultural Affairs, and the General Directorate of Syriac Cultural Affairs.

The KR-I **Independent High Commission for Elections and Referendum Law, No. 4 of 2014** ensures a balanced representation of ethnic minority groups in the Commission. Article (18) of this law states that the balance should be maintained in the formation of the High Commission for Elections based on ethnicity, which is an important step in ensuring minorities are represented. However, this article only benefits ethnic minorities in the Kurdistan Region; other religious minorities do not receive benefit from this provision.

In light of Article 4 of the Iraqi Constitution of 2005, and in order to pay respect to the mother tongues of all minority individuals in the Kurdistan Region, the KR-I Parliament enacted the **Official Languages Law No. 9 of 2014**. According to Article 3 of this law, in KRI, along with Kurdish, the languages of the other minority groups (namely Turkmen, Syriacs, and Armenians) represented in particular administrative areas will be considered official languages in those areas. Article 10 states that "the signboards of all government institutions and departments shall be in Kurdish and Arabic, taking into consideration the language of the other groups, provided that the Kurdish writing appears at the top of the signboards". It is also stated in Article 22 that in all administrative units where ethnic minority groups have a population density, their languages become an official language for education, communication, and administrative and internal affairs in that area, along with Kurdish and Arabic.

⁴² "If we compare the number of the quota seats allocated to minorities in both Iraq and KRI, we notice that the number of allocated seats to minorities in the KRI is more what Iraqi parliament allocated. In KRI, out of 111 seats, 11 of them allocated to minorities under quota system (Which constitutes ten percent of the total seats of parliament). But in [Federal] Iraq, out of 325 seats in Iraqi Parliament, only nine of them are allocated to different ethnic and religious minorities [which constitutes 2.7 percent of total Parliament seats]". - Interview with (Dr. Aram Najmadin), General Director of the Erbil Office of the Independent High Election Commission, 7th June 2023.

⁴³ اثر الشريعة الدولية لحقوق الاقليات في النظام القانوني العراقي - The impact of the International Bill of Rights of Minorities in the Iraqi legal system), p165.

One of the laws that the KR-I authorities are most proud of with respect to promoting the rights of minorities is the **Law on Protection of Minorities' Rights No. 5 of 2015**. This law is a positive step and a qualitative leap in KR-I for the recognition of the rights of minorities, as it recognizes the ethnic and religious diversity of the various Iraqi minority groups and sects present in KR-I, protects them and prohibits all forms of abuse against the followers of those minority groups and their customs.⁴⁴

The most important legal guarantees are stipulated in Article 3 of this law:

- Equal opportunity in political, cultural, social, and economic life; prohibiting political or religious hate speech and all forms of discrimination against minorities.
- Preventing any ownership or act that intends to or causes a change in the demography of the areas where minorities reside.
- Addressing the encroachment upon minority areas and normalizing the situation to that which existed prior to the occurrence of encroachment and eliminating the effects of demographic changes.
- Developing economic plans that consider the local situation, social relations, customs, and economic interests of minorities.
- The encouragement by the KR-I government of emigrants from immigrants from minorities to return home and access the full scope of their rights; and
- Preserving minority languages through education, media, and establishing departments for minority languages at universities.

Even though this law contains many legal protections and guarantees for minorities, it has also been subject to several criticisms. One of the disadvantages of this law is that it does not provide any punishment for the act that is criminalized. For example, the law criminalizes hate speech, but for the penalty, the courts are instructed to depend on the Iraqi Penal Code, which does not provide for effective consequences.

About this point, Dr. Muna Yaqo, the Head of Human Rights Commission in KR-I said “In 2014 I with several legal experts were assigned to prepare a bill on the protection of minority rights. Among the prepared drafts, my draft was selected to be the main bill for the law. We discussed the bill with the legal committee of the KR-I parliament, and everything was satisfactory. During the Parliamentary sessions discussing the bill, many things were changed. The most significant change was that the penalties for the behaviors which were criminalized by the law, such as hate speech, were removed by the Parliament. These amendments on the bill have left the law as a slogan of claiming democracy, human rights, and guaranteeing minorities' rights rather than acting as an effective law”.⁴⁵

⁴⁴ اثر الشرعة الدولية لحقوق الاقليات في النظام القانوني العراقي (The impact of the International Bill of Rights of Minorities in the Iraqi legal system), p167.

⁴⁵ Interview with (Dhiya Putrus Slwea).

About the same point, (Dr. Soran Salahaddin), Legal Consultant at Ministry of Trade and Industry from Turkmens told a story that he experienced “Once a police officer posted on Facebook that he would slaughter all Turkmens tonight if he could. We filed a complaint against him under Law No. (5), since his post is considered a kind of hate speech against the Turkmens, but since there are no sanctions under this law, we were unable to reach any result in the case”.

Haji Kndor former member of Iraqi Parliament from the Ezidi community said, “Law number (5) criminalizes hate speech against minorities, but recently we have seen a campaign of hate speech against the Yazidi minority by some Muslim religious men from different mosques, but no action was taken to punish them”. Interview with (Haji Kndor) 13th June 2023.

4. The Legal Aid System in Iraq

There is no legal framework for the comprehensive provision of reduced-cost or free-of-charge legal aid services for those in need in Iraq. Additionally, no legal framework exists to regulate the provision of legal aid by non-governmental entities.

There are a few laws which provide for limited free-of-charge legal aid services, which several criticisms and comments have been made about it. Dr. Hadi Sinjari, Member (counselor) of the KR-I Shura Council noted that. In Iraq, there is no proper legal aid system. Many people abandon their rights and decide not to proceed with court proceedings because they cannot afford to pay the fees of the legal representation. It has been more than fifty years since the Iraqi laws containing some articles on free legal aid were enacted. The laws must be amended and changed, or new laws must be enacted for free legal aid⁴⁶. Article 19(11) of Iraqi Constitution of 2005 provides for free-of-charge secondary legal aid for legal representation, but only for defendants in the felony and misdemeanor criminal cases: “The court shall appoint a lawyer at the expense of the state for an accused of a felony or misdemeanor who does not have a defense lawyer”.

4.1. Free of charge legal aid in Iraq and KRI laws

Additional laws that cover legal aid in some capacity include:

4.1.1. Criminal Procedure Law No.23 of 1971 [Federal]

Article 144(A) states that the Felony Court must appoint a lawyer for the accused person in felony cases, if he/she has not appointed one. The Court provides remuneration for the lawyer, on behalf of the of the state.⁴⁷ According to this article, only the accused person is entitled to appoint a lawyer, and the complainant does not have this right, even if he/she is vulnerable and unable to afford the costs.

In the regionally adopted version, the KR-I parliament amended some articles of this law, including Article 123, to include the right to appoint a lawyer for the defendant, if he/she is unable to do so independently, to hire, during investigation and trial phases. But again, in the amended law in KR-I, this pro bono legal aid is only available for the defendant.

4.1.2. Iraqi Attorneys Law No. 173 of 1965 [Federal]

Article 66 of the law provides for the establishment of a Legal Aid Committee, comprised of three lawyers, to be assigned to each Court of Appeal in Iraq. According to Articles 67 and 68, this committee decides on the eligibility of the requester to obtain free-of-charge legal aid, and if the committee finds that the requester is unable to afford the lawyer’s fee, or no lawyers have been appointed to him/her by the court, it may decide to appoint a lawyer for him/her. It is the responsibility of the lawyer that has been assigned by the committee to advocate for the client free-of-charge in front of the court, and he/she may collect from the Bar Association the expenses he has incurred throughout the course of the legal services. In addition to that, the court where the assigned lawyer represents the client shall pay for his/her lawyer's fees. According to Article 71, in cases where the lawyer does not receive his fees from his client or opponent, the Legal Aid Committee will estimate his fees at the expense of the Bar Association.

4.1.3. Iraqi Civil Procedure Law, No. umber 83 of 1969 [Federal]

In accordance with this law, free-of-charge legal aid (“judicial assistance”) can be provided to the requester who meets certain criteria, elaborated upon in Article 293:

⁴⁶ Interview with Dr. Hadi Sinjari, Member (counselor) of KRI Shura Council and head of Legislation Committee in the Council – Ministry of Justice, 13th June 2023.

⁴⁷ this right was extended from felonies to all crimes by CPA Memorandum 3 Section 8(2) signed 18 June 2003, published in the Official Gazette, issue 3978 of 17 August 2003

1. There must be a poverty factor and the person should be unable to afford litigation costs. (According to Article 294, the person must prove their poverty by submitting evidence and support letters).
2. The case must have the possibility of being settled in favor of the person requesting legal aid.

The judicial assistance that this law provides for, does not including hiring a lawyer for the person requesting the legal aid. According to Article 295, If the court decides to provide this judicial assistance, the requesting person will be temporarily exempted from all judicial fees. If the state of poverty ceases during the case, the court may cancel the legal aid decision and collect the judicial fees from the requesting person.

4.1.4. KR-I Attorneys Law, number (17) of 1999 [KR-I]

The KR-I Attorneys law is less comprehensive than the Federal Iraqi Attorneys Law with respect to the provision of free-of-charge legal aid. Article 36 of the KR-I Law covers only the amount of the lawyer's fee for lawyers appointed by the Investigation, misdemeanor, and felony courts, for defendants, which is an amount between 60,000-120,000 IQD at the expense of the state.

4.1.5. Legal Aid Bill – Iraqi Parliament [Federal]

A bill on legal aid was drafted in 2021 and submitted to the Iraqi Parliament. Since then, two parliament sessions have been held to discuss the content of the bill. Even though the proposal is still under discussion and has not yet been finalized and enacted as a law, it represents an important step toward ensuring that state-funded legal aid is available free of charge to those who cannot afford the costs and fees associated with legal services.

Objectives of the bill

Article (1) of the bill stipulates on five important objectives of the law:

1. Providing legal aid for those covered by this law, including legal counseling and representation.
2. Promoting legal awareness among citizens.
3. Supporting the rights of the group covered by this law and enabling them to access the judicial system.
4. Preparing a guide for legal and judicial assistance.
5. Coordination with national and international organizations to improve the quality of legal aid.

Covered groups.

According to the Article 2(1) the following groups are eligible for free legal aid, regardless of their financial capacity:

1. Victims of domestic violence.
2. Persons covered by The Social Protection Law (from MOLSA).
3. People living in government shelters.
4. Internally displaced persons (IDPs).
5. Wives and children of martyrs (for this purpose both the students and the unmarried girls are considered children).

The second paragraph of Article 2 names additional eligible persons, if they are unable to afford legal fees and want to benefit from the legal aid:

1. Victims of sexual abuse.
2. Victims of human trafficking.
3. Children at risk.
4. Refugees.
5. Disabled persons.
6. Disabled people because of war operations or terrorist acts.

Article 6(1) explains types of the provided legal aid:

1. Awareness raising on the constitutional and legal rights.
2. Legal counselling
3. Amicable settlement between the disputing parties.
4. Preparing lawsuit petition and files.

5. Legal representation before the courts and governmental facilities.

The second paragraph of this article excludes some type of lawsuits from legal aid, including commercial lawsuits, tax lawsuits, and other suits that the Council of Ministers may decide to exclude.

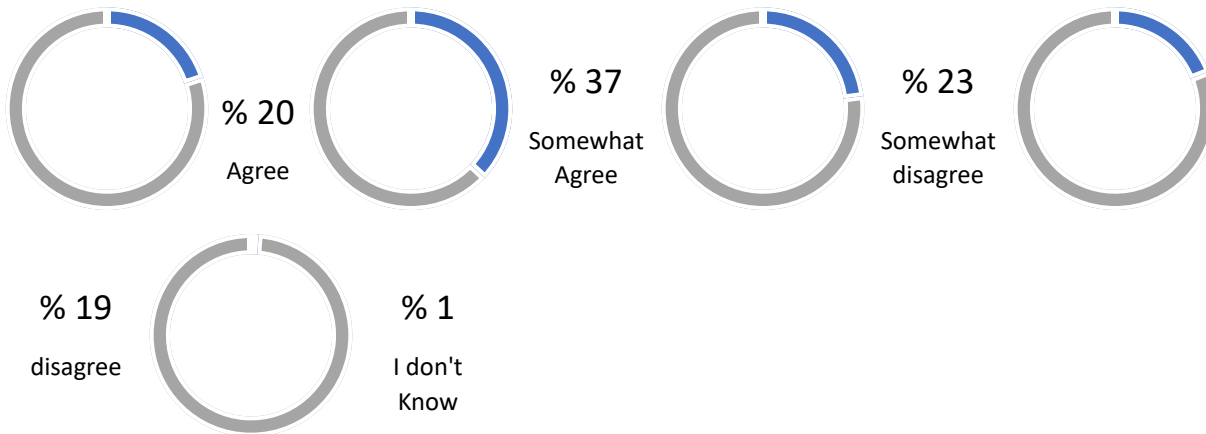
4.2. A survey on Legal Aid system in Iraq

As part of this LAAF exercise, a survey was administered for the purpose of gathering data on the perceptions of legal aid experts, including lawyers, judges, and legalists in the judicial and governmental systems, about the Iraqi legal aid system. In total, 92 persons participated, including 68 lawyers (41 working with humanitarian legal aid providers and 27 freelance lawyers), 15 governmental and judicial legal practitioners and nine judges. Most participants were male (76%; 24% female). Out of the 92 respondents, more than one-third are from ethnic and religious minority communities themselves (36%).

The following charts illustrate the participants' responses on each question:

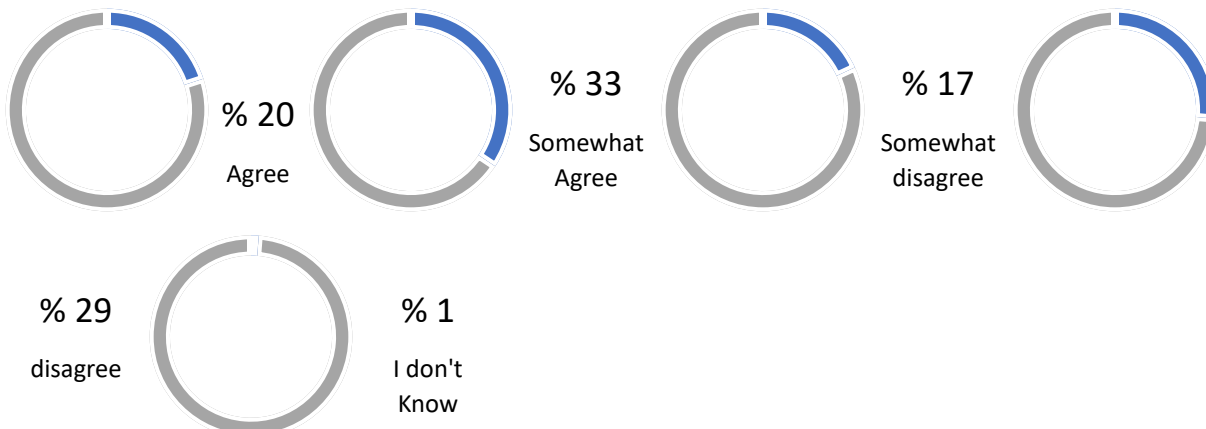
The provided free of charge legal aid to beneficiaries in Iraq is of good quality.

42 percent of respondents believe that the quality of legal assistance provided is poor, while 57 percent believe it is good.



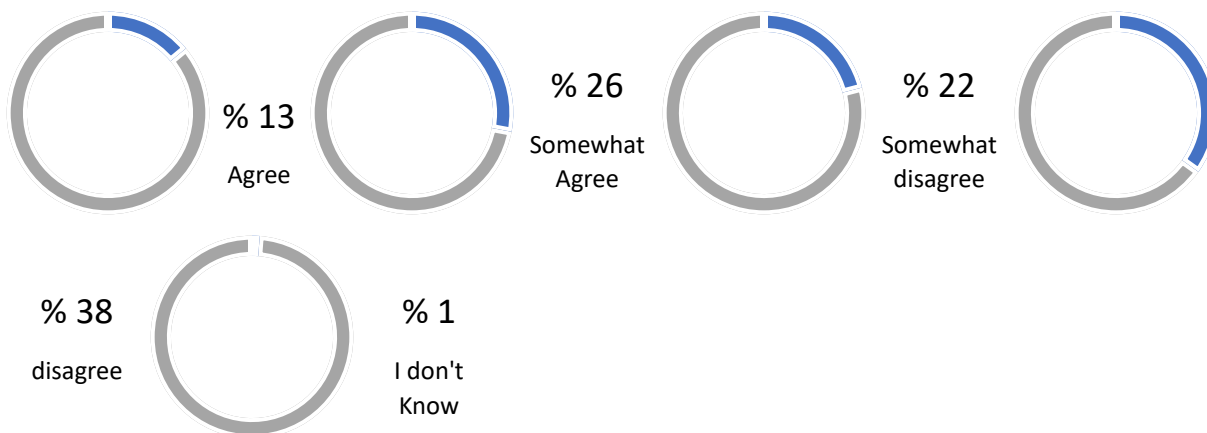
Lawyers that provide free legal aid to the clients are professionals.

Approximately half of respondents (53 percent) believed that the lawyers providing legal aid services in Iraq are professional and adequately trained, while 46 percent doubted their abilities to some extent. It is a common concern that the quality of legal representation from court appointed lawyers is low since the experienced lawyers do not like to be appointed for this task, and new lawyers do not possess adequate skills.



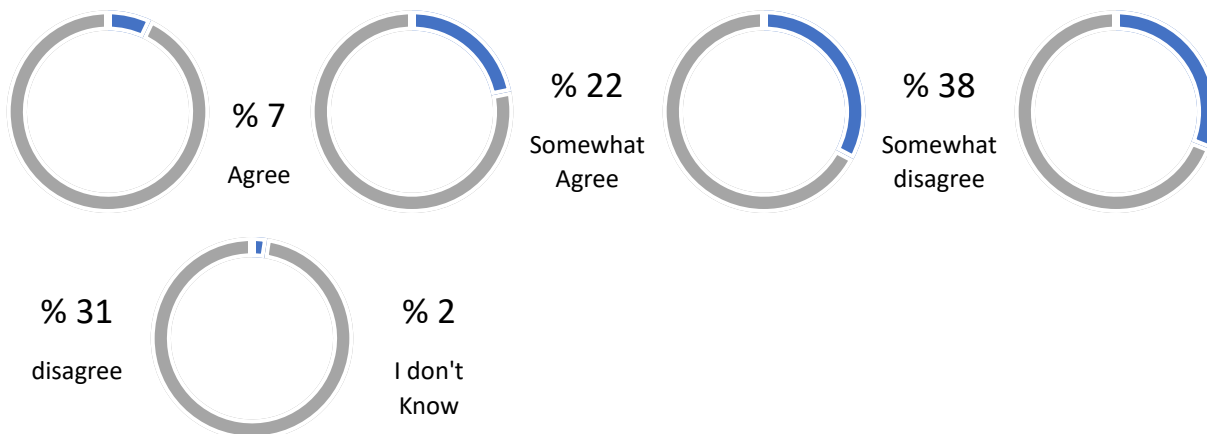
A mechanism exists to monitor, evaluate, or follow up on the free legal assistance provided by the assigned lawyers during investigation and trial phases (either by the Bar Association or by the courts).

The majority of the respondents (60 percent) believe that there is no mechanism in place by which the courts or Bar Association can monitor the lawyers assigned by the court and evaluate their performance, while they are providing free legal assistance to defendants.



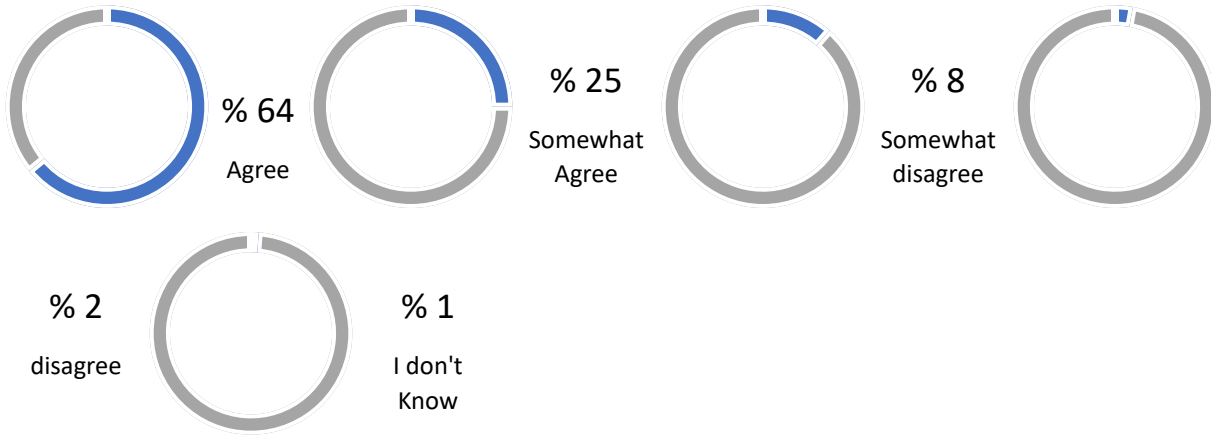
In general, Iraqi citizens are aware of the free legal aid system.

In addition to the poor system of free legal aid in Iraq, Iraqis are not sufficiently aware of the existing legal aid, stipulated in different laws. In total, 69 percent of the respondents believe that Iraqi citizens are not adequately aware about the free legal aid system in the country.



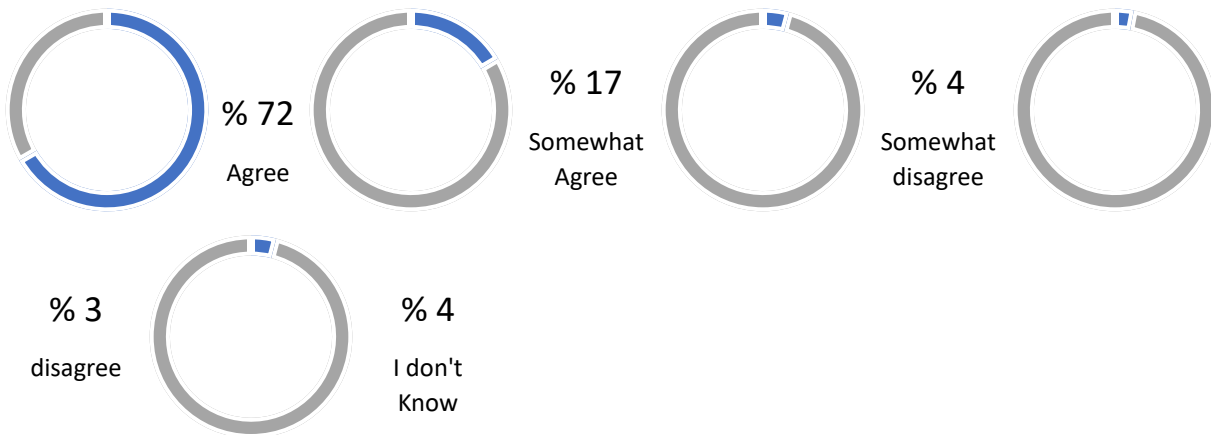
The free legal aid system in Iraq is not compatible with the current circumstances and citizens' legal needs, and needs to be modified and developed.

The vast majority of participants believe that the legal aid system in Iraq is not compatible with the Iraqi citizens' legal needs.



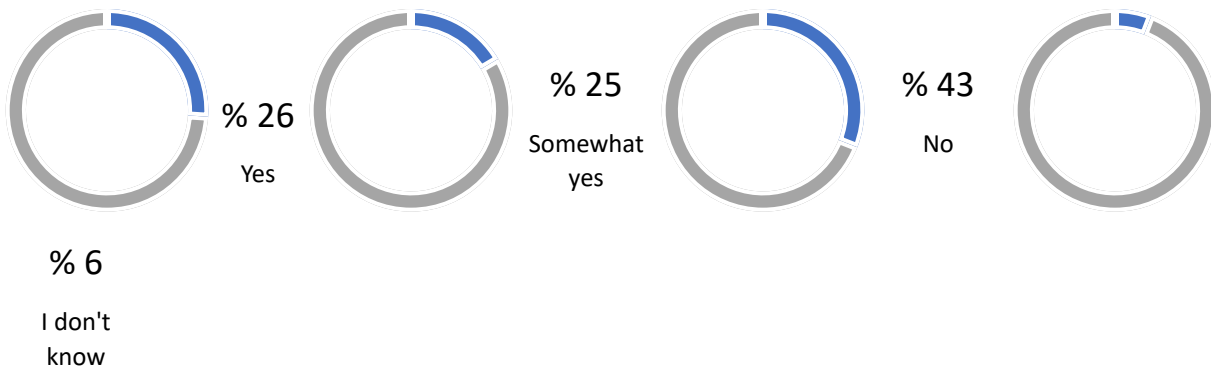
There is a need to enact specific laws concerning free legal aid and to expand the eligibility criteria for vulnerable individuals.

There is a strong belief among most respondents (89 percent o) that a law on free legal aid needs to be enacted with more comprehensive standards so as to benefit a greater number of Iraqis.



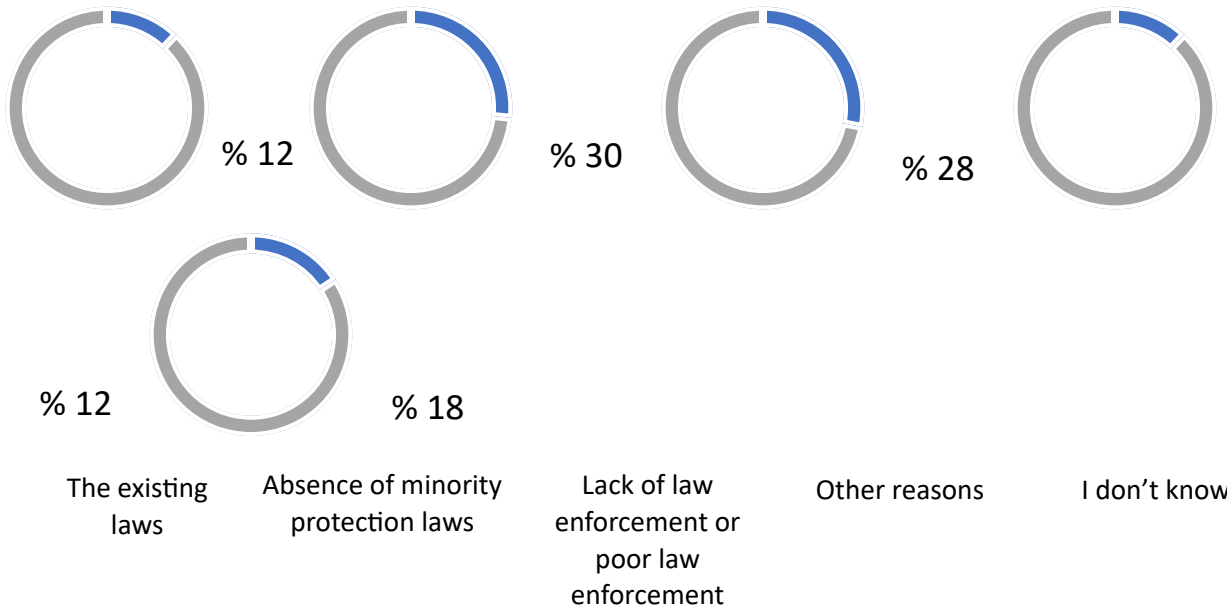
Are you aware of any legal discrimination against minorities (both religious and national) in Iraq?

Half of the respondents believe that minorites have been discriminated against legally in Iraq.



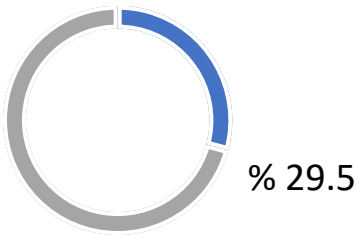
If the answer is (yes), what are the reasons for discrimination?

The majority of the respondents believe that the two main reasons behind legal discrimination against minority groups are absence of the needed laws that protect minorities and poor enforcement of existing laws.



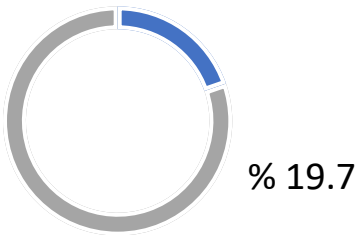
How can the free legal aid system in Iraq be improved?

Respondents were asked what the most necessary step would be to improve access to free-of-charge legal aid in Iraq:



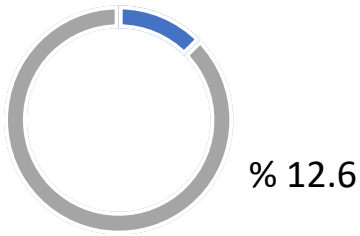
Some 30 percent of respondents are of the opinion that under the existing laws, the current legal aid system cannot be improved. Therefore, new laws are needed that contain better provisions and guarantee providing better free legal services in terms of quality and include more vulnerable groups in society.

Through Enacting new laws



Some 20 percent of the participants believe that the existing laws are somewhat good, but the problem is with implementation and in practice. As a result, Iraq's free legal aid system can be improved by enhancing the enforcement and practice of the existing laws pertaining to free of charge legal aid.

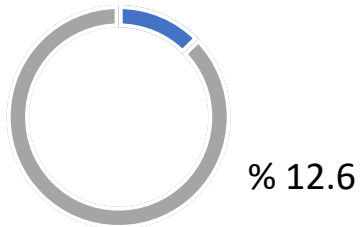
Enhancing the enforcement and practice of the law



% 12.6

Increasing Lawyers' fee

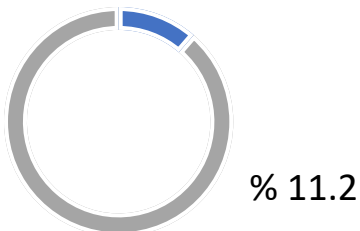
Another 12 percent of respondents believe the amount of the fee the courts provide for the lawyers they appoint for providing the free legal aid is too small, not motivating them to provide better legal representation and better service to their clients. Currently, the amount is between 60,000-120,000 IQD, which is regarded by most lawyers as a relatively small amount that does not reflect the number of efforts involved.



% 12.6

Providing awareness Raising

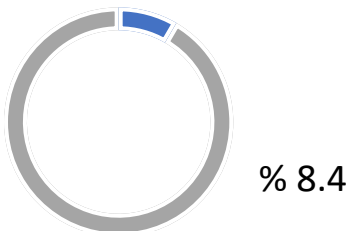
Similarly, 12 percent of participants reported that one of the most effective ways to improve the free legal aid system in Iraq is to raise people's awareness about their rights and the availability of free legal assistance in Iraq. As a result, people will pay more attention and follow up on their rights, thereby making the system more active.



% 11.2

Capacity Building for Lawyers

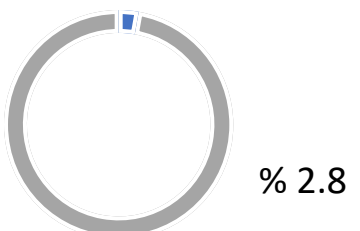
For 11 percent of the respondents, most of the lawyers appointed by the courts to provide free legal assistance are new graduates who are not qualified for this role, which negatively affects the quality of the legal assistance provided. Therefore, by conducting trainings and capacity building for them, the quality of the legal aid provided would be improvised and enhanced.



% 8.4

Amending the existing laws

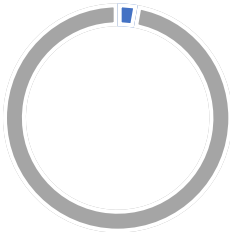
Some eight percent of respondents believe that, even though the existing laws contain some good provisions, they are not generally satisfactory. Therefore, in order to improve the free legal aid system in Iraq, some amendments are needed to include new provisions.



% 2.8

A system for monitoring lawyers' performance

Only 2.8 percent of the respondents believe that having a monitoring system in place, either by the Bar Association, or by the judicial authorities, to monitor the performance of the lawyers appointed to provide free legal aid, is the best way to improve the quality of the legal assistance that is provided for free to the clients.



% 2.8

Reducing Bureaucracy

The same proportion of the participants state that there is too much bureaucracy, especially concerning the free judicial aid, stipulated by the Iraqi Civil Procedure law. By reducing bureaucratic measures, more people will be able to take advantage of this service.

5. Key Findings from Interviews with Key Informants

The key informants interviewed in this report stated a number of legal issues and needs, challenges, and violations of minority rights. These issues can be attributed to a lack of certain laws, by effective laws discriminating against minorities, or by poor or incorrect enforcement of laws. The following are examples from the areas of personal status and family relations, land and property, and participation in civic and political life.

5.1. Personal Status and Minority Rights

The Federal Iraqi Personal Status Law No. 188 of 1959, which is derived from Islamic jurisprudence, is the only law in Iraq regulating personal status and family issues of all Iraqis, including non-Muslim minorities. Article 2(1) of the Iraqi Personal Status Law stipulates that “the provisions of this law apply to all Iraqis except for those who are exempted by virtue of a special law”. A judge from the Personal Status Court interviewed for this report noted that “prior to this date, Personal Status judges applied Islamic law, in its various sects and schools. In this new law, different schools of thought in Islamic law [shari’a] were brought together, for the whole Iraqi population.” The law is mainly derived from Islamic jurisprudence and does not take the rights to privacy for religious minority groups into consideration”.⁴⁸ There are many concerns among non-Muslims regarding this law, as it conflicts with their religious beliefs. A member of the Ezidi community expressed that “the Ezidi community, like other religious minorities, has expressed concern regarding Iraq’s Personal Status Law, which is applicable to all Iraqis, including non-Muslims, while the law is derived from Islamic Shari’a”.⁴⁹

5.1.1. Automatic Conversion to Islam of Children from Religious Minority Communities

There is provision in the Iraqi National Unified ID Card Law No.) of 2016 that has caused concern among non-Muslims, who consider it to be a violation of children’s rights and an element of discrimination against religious minorities. Article (26(2) of the law stipulates that “with regard to religion, minor children shall follow the spouse who converts to Islam”. Based on this provision, the children of non-Muslims will automatically become Muslims if one of their parents converts to Islam.

Fedl Boya, a Christian lawyer, has worked on many cases of the automatic conversion of children of Christian families. He stated that “this article of the National Unified ID Card law is extremely discriminatory against Christians as well as non-Muslims in general. Christians have continuously requested that this article be amended, as it does not comply with the standards of human rights.”⁵⁰ Dhiya Putrus, former President of the KR-I

⁴⁸ Interview with Hazhar Mala Ahmed, Personal Status Court judge, 31 May 2023.

⁴⁹ Interview with Saud Musto, Director of the General Directorate of Ezidi Affairs - Ministry of Endowment and Religious Affairs – KRG, 31st May 2023.

⁵⁰ Interview with Fedl Majd Boya, Christian lawyer, 21st May 2023.

Independent Human Rights Commission noted that the “article is a violation against the right of the children” and that the automatic conversion provision, “is a very dangerous threat to the existence of minorities”.⁵¹

When asked whether children who were automatically converted to Islam can reclaim their previous religion once they reach the age of majority, Sanar Fransis, a Christian lawyer, who has worked on many of such cases, said that “this issue has not been solved by law, but there was a provision from the KR-I Court Of Cassation, before, which says that a minor who has become a Muslim by virtue the law may file a lawsuit within one year of reaching the full legal age, to correct the religion and return to his old religion. But if this person fails to submit a request during this year (when he/she is between 18-19 years old), his/her right will be forfeited, and they will never be able to correct their religion.”⁵²

Fedl, a Christian lawyer, also told a story about a case of this nature: “Several years ago, I followed up on a lawsuit for a Christian family that had a brother and a sister living in Baghdad, and whose mother converted to Islam when they were young. In 2006, when they were 21 years old, they returned to their local Civil Affairs Directorate office to renew their IDs, but to their surprise they discovered that they had become Muslims, because of their mother. I filed a lawsuit on their behalf and pursued the case in the Personal Status Court and the KR-I Court of Cassation, but without success. In the court's opinion, they were late in coming to correct their religion, since more than one year had passed since they had turned 18 years old... now they are Muslims on their official papers unwillingly”.⁵³

Sanar also explained that the KR-I Court of Cassation recently issued another verdict, quite opposite to the one above, which stipulates that children that have converted to Islam, following their parents, do not have right to ask for legal reclamation of their previous religion after reaching the full legal age, because there is no law that give them this right. Moreover, Iraqi law does not permit conversion from Islam to other religions.⁵⁴ Thus, there is no consistent position on the issue of automatic conversation by the KR-I Court of Cassation.⁵⁵

This provision is further influenced by differences in the rights of men and women in Iraqi law. For example, a Muslim woman is prohibited by the Personal Status Law from marrying a non-Muslim man, but the same restriction does not exist for Muslim men. Thus, if a woman who is experienced automatic conversion wishes to marry someone from the religious minority community in which she grew up, she is unable to do so. Thus, Sanar believes that it is the responsibility of the courts to support the requests of minors who were converted by law to Islam so that their beliefs can be accurately reflected in their legal status. ⁵⁶

⁵¹ Interview with Dhiya Putrus Slwea, former president of KR-I Independent Human Rights Commission, General Secretary of the Chaldean National Council, 7th June 2023.

Otherkey informants described this article in the Iraqi National Card law as discriminatory and a and violation of childrens'rights. Hogr Chato, Chairman of the Board of Trustees of PAO NGO and a board memberof Alliance of Iraqi Minorities - AIM said “It is one of the discriminations against the religious minorities in Iraq”. Fryad Yaqub, a Christian member of KR-I parliament described it as “a big problem that religious minorities face in Iraq”, while Nawzad Pols, Head of Suraya Civil Society NGO and Editor-in-Chief of “Suraya” political weekly magazine, considers it to be a “violation of the right to one’s beliefs”.

⁵² Interview with Sanar Zaki Fransis, Christian lawyer, 7th June 2023.

⁵³ Interview with Fedl Boya.

⁵⁴ “It is prohibited for anyone who becomes a Muslim, whether by dependency, following the religion of one or both of their parents or by birth, to revert from his conversion to Islam, as doing so constitutes apostasy, which Islam prohibits”. Iraqi Court of Cassation verdict, number (285), Sequence 4342, dated 12/31/2008. Available at the website of (Muthanna University – College of Law) website: <https://law.mu.edu.iq/?p=5491>

⁵⁵ “There was a case of a Ezidi woman who converted to Islam. After reaching the age of 18, her children, who had been automatically converted to Islam by virtue of the law, filed a lawsuit to return to her old religion (within one year). The Personal Statusr Court accepted the request and decided on that, but then the KR-I Court of Cassation rejected the decision and stated that according to Iraqi law, they do not have right to request changing their religion or to return to their old religion”. - Interview with Sanar Zaki Fransis.

⁵⁶ Interview with Sanar Zaki Fransis.

Dr. Muna Yaqo, Head of the KR-I Independent Human Rights Commission, believes that Article 26 of the Iraqi National Unified ID Card law and other legal provisions in Iraqi law that discriminate against minorities are the result of what has been stipulated in Article 2 of the Iraqi Constitution of 2005. The article states that Islam is the official religion of the State and is a foundation source of legislation and no law may be enacted that contradicts the established provisions of Islam. She views this as “legalized discrimination on the basis of religion”.⁵⁷

5.1.2. Marriage and Divorce

Iraqi law provides space for minority religious institutions to play a role in the personal status matters of their community members. Article 41 of the Iraqi Constitution grants religious minorities the right to rely on their religious beliefs in their personal status issues, stipulating that “Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs, or choices”.

Based on the fact above, for family issues such as marriage and divorce for persons from religious minorities, Personal Matter Courts⁵⁸ refer them to their own religious institutions, to provide an approval letter before proceeding with their marriage or divorce cases. Therefore, although there is no special law for non-Muslims, but minority religious institutions (i.e., church leaders for Christians and the Spiritual Council for Ezidis) play a crucial role in determining the outcome of personal status matters for their community members. ⁵⁹

In this regard, Catholic Christians in Iraq have institutions such as the Ecclesiastical Court and the Ecclesiastical Court of Appeals, which handle family matters like marriage and divorce. These courts try to fill the gap of lack of special personal status law for Christians. The official Personal Matters Courts recognize the decisions and letters of approval issued by these religious courts.⁶⁰

However, issues do arise for non-Muslims and the Personal Matters Court. First for Christian families, different churches have different perspectives on the same issue, especially divorce. By law, in personal matter cases, churches will respond differently to the same legal issue based on their various sects.⁶¹ For example, It is not the belief of Catholic Christians to divorce, but to nullify their marriage, which is a long procedure. Therefore, Catholic Christian spouses cannot follow the regular procedures of divorce and separation according to Iraqi Personal Status Law since Personal Matter judges usually refer them to their religious institutions first. In some cases, some Christians actually convert from one religious’ sect to another to speed up divorce procedures, since some sects are more lenient on the divorce issue than others. Personal Matter Courts, however, do not recognize this shift unless the competent church provides a letter of approval.⁶²

Layla Taher, a Kaka’i activist, noted that the Personal Status Law comes into direct conflict with Kaka’i beliefs which do not permit divorce.

⁵⁷ Interview with Dr. Muna Yaqo, Head of KR-I Independent Human Rights Commission, PhD in International Humanitarian Law, University Professor – College of Law – Erbil, specialized in minorities, and Head of the Board of Minorities in KR-I. 3rd July 2023.

⁵⁸ The court that governs personal status issues of Muslims is called the “Personal Status Court” but the court that deals with the personal status matters of non-Muslims is called the “Personal Matter Court”. The latter applies Iraqi Civil Code based on Article 33 of the Iraqi Civil Procedure Law No. 83 of 1969, which says: “The jurisdiction of the court of first instance covers matters relating to personal status for non-Muslims and the foreigners whose personal status is subject to civil law”.

⁵⁹ Interview with Hazhar Mala Ahmed, Personal Status judge, 31 May 2023.

⁶⁰ Interview with Khalil Fethullah, First-instance Court Judge in Soran District, 7th June 2023.

⁶¹ Interview with Hazhr Mala Ahmed, Personal Status Judge.

⁶² Interview with (Khalil Fethullah), First instance Court Judge.

Additionally, there is no specific law to guide Personal Matters judges on when to refer persons from minority communities to their own religious institutions. Thus, cases are handled according to judges' own awareness and understanding, and the treatment of non-Muslim family cases varies from one judge to another.⁶³ Some judges directly refer persons to their religious authorities and do not take any action in relation to marriage and divorce issues without a recommendation or approval letter, but some do not.⁶⁴

5.1.3. Custody, Alimony, and Dowery

With regards to custody issues, there is inherent discrimination against non-Muslim women in the Iraqi Personal Status Law. The Law generally grants a mother the right to custody of her children⁶⁵, regardless of her religious. However, if the father converts to Islam while the mother belongs to a religious minority group, custody rights will be given to the father, as stated in Article 57(2) of the Personal Status Law, since the mother will be considered ineligible to care for the children due to her religious beliefs.⁶⁶ Dhiya Putrus said that, when a dispute arises between non-Muslim couples, some of them (both men and women) resort to converting to Islam, to obtain the rights to custody of the children.⁶⁷ Fedl Majd Boya, a Christian lawyer, recounted one such case he encountered: "I am aware of a lawsuit at one of the courts in Duhok, in which a father who converted to Islam managed to take the children from the mother, who was still Christian, and the Personal Matters Court ruled that the mother was ineligible to look after the children. It is even more troubling that the KR-I Court of Cassation approved and supported the judgment of the Personal Matters Court".

Dr. Muna Yaqo, the current Head of the KR-I Human Rights Commission, who is also Christian, stated that in recent years, it has become common for Christian couples to convert to Islam. As a result of a dispute between the spouses, one of the parents may resort to converting to Islam to obtain the right to custody of the children. In many of these cases, the conversion takes place not because the person believes in the Islamic religion, but rather as a strategic means to win custody battles as the Iraqi Personal Status Law does not grant custody rights to a non-Muslim wife or husband if the other partner is Muslim.⁶⁸

With regards to alimony, according to Dr Sarhang Salih, a professor at the College of Law at Salaheddin University believes that the religious laws and customs of many religious minority groups in Iraq do not include specific provisions for alimony, in contrast with Islamic Shari'a. In this case, provisions in the Iraqi Personal Status Law relating to alimony issues are much stronger for women from religious minority communities than the law and customs of their own faith traditions. For example, within Christianity, the girl's alimony ceases when she reaches 18 years of age. However, according to the Personal Status Law, alimony continues until she gets married, regardless of her age. Therefore, according to some judges of the Personal Matters, some, non-Muslims may prefer direct implementation of the Personal Status Law instead of referral to their own religious authorities.⁶⁹

⁶³ Interview with (Hazhar Mala Ahmed).

⁶⁴ Interview with (Saud Musto), Director of the General Directorate of Yazidi Affairs.

(Saud) mentioned one of the cases that he experienced "I witnessed a Yazidi man's personal status case when I was working at the court. I asked the judge to refer him to the Yazidi Spiritual Council, as he was not a Muslim, but he rejected and said that he would not apply any other law or rule except what is in this law, which is Islamic Sharia law"!

⁶⁵ Article (57/1) of Iraqi Personal Status Law stipulates that "The mother is more deserving of the custody and upbringing of the child, as long as the marriage is valid and after separation, unless the child in custody is harmed by this measure".

⁶⁶ Ibid.

⁶⁷ Interview with (Dhiya Putrus).

⁶⁸ Interview with (Dr. Muna Yaqo)

⁶⁹ Interview with (Dr Sarhang Salih) university professor at college of Law – Salaheddin University and head of (ROEP) NGO, 22nd June 2023.

The provisions in the Iraqi Personal Status Law regarding dowery are also more favourable than the religious laws and traditions of several religious minority groups in Iraq. Sanar Fransis, a Christian lawyer, noted that “The approval letter from a Church for a newly married Christian couple does not include [mention of a] dowery for the wife, since in Christianity there is no dowery. I believe dowery serves as a financial guarantee for the wife in the event of a dispute with her husband and the need to divorce”. However, the case will be decided by whether a judge of the Personal Matter Court decides to refer the case to the religious institution or proceed with a ruling independently.⁷⁰

5.1.4. Inheritance

Inheritance rights are enumerated in the Personal Status Law in accordance with Islamic Shari’a. The law is written in favour of male heir; Article 89, states that a male child may “get a portion equal to that of two females”. Regardless of the laws and traditions of religious minority communities, they are required to follow the Personal Status Law and divide inheritance in alignment with this provision. This can cause family and community tensions when an inheritance is divided in a way that goes against religious traditions.⁷¹

Based on his experience working with Christian clients in the Ankawa Personal Matters Court in Erbil, Hazhar Mala Ahmed noted that, after obtaining an inheritance division notice for a deceased person from the Court which does not comply with their traditions and beliefs, non-Muslim families usually agree to divide the inheritance based on their religious beliefs, not according to what the inheritance division certificate determines.

For other, the inheritance procedure causes social disputes for some non-Muslim families. For example, Dhiya Putrus said “According to Christianity, men and women are equally entitled to inherit. The inheritance division certificate may not be followed by all Christians, and they divide their inheritance equally. However, there may be Christians who do not follow what Christianity states and divide their inheritance according to the inheritance division certificate, resulting in social and family disputes. I witnessed many cases like that among Christian people”.⁷² He also mentioned another important concern on inheritance issue: According to Iraqi law, a non-Muslim woman who converts to Islam can receive all her inheritance rights from her non-Muslim family. But if a Muslim woman converts to a minority religion, she does not have a right to claim any of her inheritance from her Muslim family.⁷³

Some non-Muslims also see this article as discrimination against women from religious minority communities. Muna Yaqo said that “applying the provisions of Islamic Shari’a contained in the Iraqi Personal Status Law to non-Muslims, regarding inheritance (two by one for the males), is a prejudice against religious minority rights, as it does not comply with their beliefs”.

5.1.5. Separate Personal Status Law for non-Muslim minorities in Iraq

For the above-mentioned reasons, most of the key informants interviewed for these exercises expressed their belief that non-Muslims in Iraq need their own Personal Status Laws to arrange their family matters according to their beliefs. Despite the provisions of Article 41 of the Iraqi Constitution which guarantee the right of Iraqis to attend to personal status issues according to their religious, sects, beliefs and choices as regulated by law, this is

⁷⁰ Interview with Hazhar Mala Ahmed.

⁷¹ Interview with Saud Musto.

⁷² Layla Taher, who is a teacher, Kaka’i activist and member of the Alliance of Iraqi Minorities, also mentioned that, although for obtaining official inheritance division certificate, Kaka’i persons must follow the steps and procedures determined by Iraqi Personal Status Law as they have no other choice. However, they end up, distributing the inheritance equally; only for those who are greedy and do not adhere to Kaka’i beliefs distribute it according to the official inheritance division certificate.

⁷³ Interview with Dhiya Putrus.

not a reality in practice. Muna Yago believes that if each ethnic or religious minority group was allowed to have its own Personal Status Law there would be too many conflicts, between sects of Islam as well as between different faith traditions, which would become too complicated.

Due to this, the article is somewhat inconsistent with the reality of Iraqi society, but political parties have decided to keep the law as is until the Federal Court decides otherwise, or the Constitution is amended.⁷⁴ Saud Musto, the Director of Ezidi Religious Affairs in the KR-I Ministry of Endowment, stated that the Ezidi community has developed a draft bill for an Ezidi Personal Status Law that has been approved by the Ezidi Spiritual Council and the religious men in Lalish, the holiest temple of the Ezidis, located in Sheikhan district in Duhok governorate.. The draft has been sent to the Kurdistan Council of Ministers who sent it on to the Shura Council in the Ministry of Justice, but it has been stuck there for more than one year. It is worth noting that even if this bill becomes a law, it will apply to Ezidis in the KR-I, not Iraq as a whole.⁷⁵

Some key informants stated that it was the responsibility of minority representative and legislators to advocate for separate Personal Status Laws for their communities. Dr. Hadi Sinjari said “The lack of a separate law for minorities to regulate their family matters is considered a shortcoming, but I believe that the representatives of these minorities are directly responsible for this shortcoming. They can prepare and submit bills and advocate for it with the legislative authorities in KRI and Iraq. They should not wait or expect from the Muslims to prepare such draft law for them, no one will be able to develop such a bill better than the minorities themselves.”⁷⁶ Sanar Fransis criticized the weak positions of Christian legal representatives in KR-I and Federal Iraq, noting that they rarely publicly oppose laws that discriminate against Christians, such as the Iraqi National Unified ID Card Law and the Personal Status Law.

5.2. Participation in Political and public affairs

Representatives of religious and ethnic minorities communities interviewed for their exercise expressed three main concerns regarding the rights of minority communities to access the full scope of their political rights: the number of quota seats in the Federal and KR-I Parliaments, election mechanisms, and participation in public affairs.

5.1.1. Number of quota seats

As previously noted, the KR-I election law allocates 11 seats to representatives from ethnic minority groups under a quota system, on ethnicity basis: five seats for Turkmen, five seats for Chaldeans, Assyrians, and Syriacs, and one seat for Armenians. The law of the Federal Iraqi Parliament allocates nine seats for religious minority groups: five seats for Christians, and one seat each for Ezidis, Sabeans, Fayli Kurds and Shabak).⁷⁷

Whilst Turkmen are a significant ethnic minority population in Federal Iraq, they do not have any seats allocated in the quota system in the Fedeal Iraqi Parliament. Additionally, the religious minority communities concentrated in KR-I, (Ezidis, Kaka’i, Faylis, Shabak, Sabean and Zardashti) have not been granted any quota seats in the KR-I Parliament. Muna Kahveci, Secretary of the KR-I parliament and a leader of one of the Turkmen political parties, said “Turkmen in KR-I have not been able to send even one representative to the Federal Iraqi parliament,

⁷⁴ Interview with Muna Yago.

⁷⁵ Interview with Saud Musto.

⁷⁶ Interview with Hadi Sinjari

⁷⁷ Regarding the five allocated seats to Turkmen in KRI, Kan’an Shagr, President of Independent Turkmen Movement Party said, “No accurate census has been conducted recently. Most of the censuses that have been done by Iraqi governments were influenced by the government and not accurate. The most accurate one is that of 1957, when Turkmen constituted about ten percent of Iraqi population. Minorities cannot be granted their actual rights under quota, without an accurate census, but for now, we believe that Turkmen constitute approximately eight percent of Federal Iraqi and about 15 percent of the of KR-I population”.

because Turkmen have not been given any seats under the quota system in Federal Iraq, and this is a violation of the rights of Turkmen”.⁷⁸

Another Turkman political leader, Kan’an Shagr, said “Turkmen were allocated five seats in the Iraqi parliament elections before, however, one of the main Turkmen parties outside of KR-I rejected the idea of a Turkmen quota. This decision negatively affected the rights of the Turkmen, especially in the Kurdistan Region, because the Turkmen candidates in KR-I cannot obtain the 8,000-10,000 votes needed to compete with the candidates of the majority. As a result, we see that KR-I Turkmen do not have any representatives in Iraqi parliament”. Shagr believes that quota seats are important not only for Turkmen in KR-I but outside KR-I as well: “It is difficult for Turkmen candidates to compete with candidates of Arab and Kurdish outside KR-I. Consequently, only two Turkmen candidates were able to obtain enough votes to reach Parliament in the last Iraqi election”.⁷⁹

Hogr Chato, Chairman of the Board of Trustees of PAO NGO, believes that, despite the fact that Turkmen are concentrated in specific geographic areas, they still reject the idea of quotas because they consider themselves to be one of Iraq's main ethnic groups and not a minority, and that they believe they can elect their representatives to parliament without having to rely on quotas. “But I believe that, in Iraq, the constitution is based on two main components, namely Arabs and Kurds,” Chato said, “and the remaining ethnicities are minorities, and under a quota system, they should be allocated a certain number of seats.”⁸⁰ This was echoed by Ayden Maruf, Minister of Minorities Affairs in KR-I, who is also president of the Turkmen Front Party. He said “I believe that the Iraqi quota system is generally not effective, because minorities are not actually represented under quota system, as the dominant political parties interfere in the process of electing minorities and do not permit them to select their representatives on their own. Therefore, minorities do not receive actual representation through the quota system. As an example, none of the five quota seats allocated to Christians in the Iraqi Parliament have been won by Christians themselves. Four of the seats have been won by Hash-Alshab (PMF), and the last one has been taken by the Iraqi Communist Party.”⁸¹

In contrast, key informants representing the Christian community were somewhat satisfied with the number of the allocated quota seats in both KR-I and Iraq and are more concerned with election mechanisms. ⁸²

Saud Musto, Director of Ezidi Religious Affairs in KR-I Ministry of Endowment, criticized the current quota system, noting that “Ezidis have the right to have more than one representative in both the KR-I parliament and the Duhok Governorate Council”. At the Federal Iraq level, he described the situation as “marginalization of Ezidis”, because there is only one Ezidi seat in the Iraqi Parliament and one in the Ninewa Governorate Council.⁸³

According to Dr. Aram Namajdin, unofficial censuses indicate that the number of Ezidis now in Iraq is more than Christians, but they have only one allocated seat in the Iraqi parliament under quota, while Christians have five seats. In 2021, the Iraqi Federal Court has reached a decision stating that Ezidis deserve more than one seat

⁷⁸ Interview with Muna Kahveci, Secretary of the KR-I parliament and one of the Turkmen Reform Party Leaders, 21st May 2023.

⁷⁹ Interview with Kan’an Shagr, President of Independent Turkmen Movement Party, 25th May 2023.

⁸⁰ Interview with Hogr Chato.

⁸¹ Interview with Ayden Maruf, Minister of Minorities Affairs in KRI, and President of Turkmen Front Party, 13th June 2023.

⁸² Most of the interviewed Christian key informants believe that 5 seats for them in KRI as a number is good, but they have comment on election mechanism, including (Dhya Puturs, Faryd Yao, and Nawzad Pols).

⁸³ Interview with (Saud Musto). Additionally, Haji Kndor, a former Ezidi member of Iraqi parliament and head of The Ezidi Movement for Reform and Progress, noted that one quota seat for Ezidis in Iraq does not reflect the actual number of Ezidis living in Iraq.

based on their population, and the Iraqi election law should be amended based on that verdict. However, Namajdin believes this must be accomplished after conducting an official census.⁸⁴

Other religious minorities also have expressed concerns regarding the lack of quota seats at KRI and Iraq. Azhar Hamad Alyas, Head of Rasti NGO for Human and a member of the Alliance of Iraqi Minorities noted that “one seat under quota for the Shabak minority group in the Iraqi Parliament does not reflect the population of the Shabak minority, which is estimated to be greater than 300,000 people.”⁸⁵

According to Hogr Chato, the Iraqi Minority Alliance has advocated with the KRG to increase the number of quota seats for minorities from 11 to 15, with additional seats allocated each for Ezidi, Kaka’l, Fayli and Zardashti representatives. He explained that the Iraqi Minority Alliance proposal did not include other minority communities (such as Shabak, Baha’l and Sabeen) given their small numbers and limited political participation.⁸⁶

5.1.2. Election Mechanisms

Many of the key informants interviewed for this exercise support one electoral constituency and believe that election mechanisms should be modified so that only members of a particular minority the election mechanism for minorities representatives should be changed and controlled in a way to ensure that only minority members can vote for their representatives, without interference.

Secretary of KRI Parliament Muna Kahveci said that they clearly informed UNAMI that minorities support one constituency, and they would participate in the election on the condition they decide how to participate, not how the dominant political parties want them to.⁸⁷ Kan’an Shagr the Turkmen political leader also supports one electoral constituency and demanded from KR-I dominant political parties, to guarantee their rights to elect their representatives freely, without interference, although he said that “it is very difficult to ensure that only Turkmen vote for Turkmen representatives, since there is no accurate census and electoral registers for the Iraqi components, and ethnicity is not included in the civil identity”.⁸⁸

Right holders and representatives of the minorities among the key informants, are concerned that, with this election mechanism, dominant political parties will easily manipulate minorities' elections and steal their seats. Fryad Yaqub the member of KRI parliament from Christians, provided an example “With the assistance of the Shia militias, a Christian politician, was able to win four seats allocated to Christians under the quota system in the last election for Iraqi Parliament, and It is well known to all Christians in Iraq that they are not representing Christian community. Although there are no Christians in the areas where their candidates received most of the votes. There is a candidate who has won the Duhok quota seat for Christians in the Iraqi parliament who is not originally from of Duhok, and I bet she has not visited Duhok twice in her lifetime”.⁸⁹

Fryad Yaqub also said that the situation in KRI is the same and gave another example “Among the five parliamentarians of Christian minorities in KRI, three are members of the Kurdistan Democratic Party, one of the

⁸⁴ Interview with Dr. Aram Namajdin. Iraqi Federal Supreme Court’s verdict on the number of allocated seats to Yazidis, number (11/The Federal/2010) of 14th June 2021, is available at:

https://www.iraqidewelopers.com/iraqfsc/sites/default/files/file_upload/11_fed_2010.pdf#overlay-context=ar/node/452

⁸⁵ Interview with (Azhar Hamad Alyas, Head of (Rasti) NGO for Human Rights, and member of Alliance of Iraqi Minorities (AIM), 19th June 2023.

⁸⁶ Interview with Hogr Chato.

⁸⁷ Interview with (Muna Kahveci).

⁸⁸ Interview with (Kan’an Shagr).

⁸⁹ About this issue, (Fedl) the Christian lawyer mentioned the same example about the same candidate and asked, “In the absence of minorities being able to elect their own representatives in parliament, what is the value of the seats allocated to minorities in parliament”?

main political parties. The Al-Rafidayin Caucus in the KRI parliament has submitted an official request to amend the election law to allow only members of religious minorities to vote for their candidates, because only this amendment will guarantee actual representation of minorities in the legislative branch”.⁹⁰

Dr. Muna Yaqo, shared the same opinion on the election mechanism “The election mechanism is very problematic. Minority candidates cannot compete with the other candidates of the dominant political parties. I believe that not having any representatives in the legislative branch, is better than having representatives in form, but they are belonging to other political parties, not Christians”.⁹¹

Regarding the electoral constituencies, like the Turkmen, the Christians also support one electoral constituency, to avoid losing votes.⁹² The General Director of KRI Independent High Elections Commission Dr. Aram Najmaddin supports the same idea and said “One constituency is closer to achieving true and fair representation for minorities, because in terms of population, minorities are not evenly distributed throughout the country, in addition to that, there is no accurate census about the minorities’ population”. And about the most appropriate mechanism for minorities’ election said “Minorities must have a separate electoral register to ensure that they can vote for their representatives. This idea is to some extent applicable to religious minorities, as their religion is registered in their civil records. However, this is not possible at present for ethnic minorities such as Turkmen”.⁹³

5.1.3. Participation in Civic and Political Affairs

Although the participation of minority communities in the legislative branch in KR-I has been guaranteed through the quota system, many of the key informants interviewed for their exercise expressed the need for additional representation in the executive and judicial branches is not at the required level.

Regarding Turkmen, Ayden Maruf, KR-I Minister of Minorities Affairs, noted that “since the establishment of the Iraqi state over 100 years ago, no Turkmen has held a governor position in Iraq up to now, even in the governorates that Turkmen are the second-largest population group”. Muna Kehvaci noted that “Turkmen have five seats in the KR-I parliament (out of 111), which is about four percent of the Parliament, but have not been given the opportunity to participate in the executive branch equally”. Kan’an Shagr stated that “an appropriate level of participation in the executive branch has not been available to Turkmen in KR-I. In this cabinet, out of hundreds of General Directorates in all the ministries, only two General Directors are Turkmen. The situation in [Federal] Iraq is much worse”.

⁹⁰ Interview with (Fryad Yaqub), member of KRI Parliament, Christian representative, 31st May 2023.

⁹¹ Interview with (Muna Yaqo).

(Hogr Chato) criticized the election mechanism of minorities by saying that “The quotas system in Iraq is controlled by the dominant ethnic groups and main parties. The state does not act neutrally, but helps minorities that have loyalty to it, and as a result, it influences who wins elections. This is a form of discrimination. In addition to that, since the right to vote for minorities is not restricted to minorities, the majority can interfere with the process of electing minorities and influence their election”.

⁹² (Fryad Yaqub) and (Fedl Boya) about this matter said “Christians are not evenly distributed throughout the KRI. For example, in Sulaymaniyah governorate, there are only about 86 Christian families, therefore, we as Christians always requested one electoral constituency to avoid losing votes, in Iraqi and KRI”. And about dividing the quota seats of Christians to more than one constituency, Nawzad Pals, head of Suraya Civil Society NGO, also said “Christians have always supported one-electoral constituency to avoid losing votes, however, in Iraqi parliament election law, Iraq has been divided into two constituencies, Duhok and Erbil one constituency, and other parts of Iraq another constituency. The Christians consider it a political agreement between KRI and Baghdad to distribute quota seats between Kurd and Shia”.

In contrast (Khalid Alber), the General Director of Christians Religious Affairs at KRI Ministry of Endowment has different opinion. He believes that “There is no harm in having more than one electoral constituency in the Kurdistan Region, and the allocated seats for Christian under quota, to be distributed among three governorates, two seats for each of Dohuk, Erbil, and one for Sulaymaniyah”.

⁹³ Interview with (Dr. Aram Najmaddin)

Dr. Soran Salahaddin, Legal Consultant at Ministry of Trade and Industry from Turkmen talked about the proposed solution “Regarding limiting the interference of the main parties in the elections of minorities representatives, many proposals have been discussed. At present, the most appropriate solution is to prevent voting for representatives of religious and ethnic minorities on the special voting day of the security forces and the Peshmerga, since most of the interventions occurred on that day”.

Regarding the judicial branch, Dr. Soran explained that those nominated to be judges must attend a judicial institute, and those who are chosen to attend the institute must have the support of the parties in power. People from minority communities are seldom able to receive this support, so it is not surprising that in Federal Iraq and the Kurdistan Region there are very few judges who are members of religious and ethnic minorities, and their numbers are not proportionate to their population. He noted that “approximately one percent of the judges in KR-I are Turkmen”.

Azhar Hamd, a Shabak activist, stated that members of the Shabak minority have the same concern “Shabak have not been given the chance to participate in the executive branch in Iraq. They do not have a minister, deputy minister, or a general director in Iraq”.⁹⁴

Representatives of the Christian community who were interviewed for this exercise expressed their perspective on discrimination against the Christian community with respect to public sector employment opportunities. Fryad Yaqub noted that “it is not possible for people, especially from minorities, to obtain employment opportunities if they are not members of the dominant political parties. Many Christians who had been working for the Government as employees left the country when Da’esh emerged and immigrated abroad. Instead of Christians, other people have taken their places. In KR-I we have about 100 cases like this. We have submitted an official request to the KR-I Parliament, Government, and Regional Presidency, requesting to fill their vacancies with Christians, but we have not heard any positive response”.⁹⁵

Members of the Christian community who have returned to the Ninewa Plains expressed the same concern. According to Christian activist Ra’eeda Salm, because of the lack of employment opportunities, livelihood, and job opportunities in their areas of origin, Christians who had returned after liberating Ninewa from Da’esh are now leaving their areas of origin again, heading either to KR-I, or leaving Iraq.⁹⁶

5.2. Freedom of Belief issue

Some of the interviewees detailed personal experiences of discrimination due to their belonging to an ethnic or religious minority. Layla Taher, a Kaka’i activist, recounted being called an infidel and noted that some Kaka’i individuals may say they are “Muslim, Sunni, or Shia” but that “they only claim this to protect themselves from hatred and discrimination. They are truly afraid of revealing their true beliefs. Regarding discriminations against her minority based on religion, Taher noted “I witnessed a marriage case of a Kaka’i couple. When they revealed that they were not Muslims but Kaka’i, the Personal Status judge informed them that he would not provide them with the marriage certificate until they indicate that they are Muslims.”⁹⁷

Additionally, practicing the Baha’i faith has been prohibited in Iraq since 1970 through by Resolution No. 105 of the Revolutionary Command Council of the (dissolved) Baath Party. Article 1 of the Resolution stipulates that “there is a prohibition on endorsing or promoting the Baha’i faith or being affiliated with any forum or body working to promote or indoctrinate the Baha’i faith”. Article 6 states that any person who violates the provisions of this law shall be punished by imprisonment for a period of not less than ten years and a fine, or a combination

⁹⁴ Interview with Azhar Hamd Alyas, Head of Rasti NGO for Human Rights, from Shabak minority.

⁹⁵ Interview with Fryad Yaqub.

⁹⁶ Interview with Ra’eeda Salm, a Christian activist at IRI and representative of Suraya Civil Society Organization in Ninewa, 31st May 2023.

⁹⁷ Interview with (Lalya Taher), Kaka’i activist and member of Alliance of Iraqi Minorities (AIM).

of these two penalties".⁹⁸ After more than 53 years and the dissolution of the Baath Party, this decision remains effective in Iraq.⁹⁹

5.3. Demographic Changes

Key informants for various ethnic and religious minority groups discussed issues related to the dispute over land and property in the KR-I and the demographic changes in their place of origin in the disputed areas.

5.3.1. Disputes over land and property tenure in KRI

Land and property issues are one of the major concerns for Christians in several different areas, especially in Duhok governorate. According to Fryad Yaqub, Christians' property has been encroached upon in 54 villages.¹⁰⁰ Christian politician Dhiya Putrus explained the historical roots of these disputes and stated that they have several disputes over land and property with the Kurdish clans, some of which are political, while others are social or legal in nature. The historical perspective is that large number of Christians lived in many villages in Dohuk Governorate before the Kurdish revolution against the Iraqi government in 1961. They were farmers and they had their own lands. As a result of the start of the revolution, battles, and attacks by the Iraqi army in these areas, as well as the burning and destruction of villages, Christians living in these villages fled to Baghdad. When Christians left their lands, Kurdish clans occupied and used them for whole this period, from 1961 to 2003. Article 1158 of the Iraqi Civil Code stipulates that, if a person possesses a movable or an immovable which is not registered in the Land Registration Department for 15 years uninterruptedly, no ownership claims will be heard against him.¹⁰¹

In 2003, Christians who had fled from the area since 1961 because of continuous fighting between the Kurdish revolution and the Iraqi government returned to their villages of origin and tried to claim ownership of their lands after about 42 years, which resulted in a legal dispute between some Kurdish clans and the Christians, especially after it was determined that some of these lands contained oil and the KRG began to compensate landowners.¹⁰²

Regarding to the land and property disputes in their area, Ninos Odisho, a Christian member of the Legal Committee of the Duhok Provincial Council, stated that in the Wadi Al-Nahla area, ten Christian villages have been completely usurped by some people of the area. Abraham Toma Yaqo, the *mukhtar* of Kashkawa village, explained that the neighboring villages usurped 1059 dunums of land in their area. Khoury Andrews Mikhael, Bishop of Rozhlat Church in Wadi Al-Nahla, stated that "we have been residing in this area since 1925, and we have documented ownership of our lands. However, we have been displaced and many of our properties encroached and usurped upon. Although we have the court's decision that was issued in our advantage, but it has not been enforced."¹⁰³

There have been many attempts to resolve these disputes over time. Christian communities continued to raise their concerns and in 1995, the Governate of Duhok formed a committee to address some of these issues, and a report was issued stating that Christians are the legal owners of these lands. In 2015, the representatives of the

⁹⁸ Resolution no (105) of 1970 – Revolutionary Command Council of the Baath Party. Available at: <http://wiki.dorar-aliraq.net/iraqilaws/law/5080.html>

⁹⁹ Interview with Hogr Chato.

¹⁰⁰ Interview with Fryad Yaqub.

¹⁰¹ Article (1158) of Iraqi Civil Code No. 40 of 1951.

¹⁰² Interview with Dhiya Putrus.

¹⁰³ minorities and land dispute, KRI Christians as a case study), a joint field report about land dispute in (Nahla) valley by Freedom and Peace Organization and (PXX) NGO, July 2015. Available at: <https://www.pfo-ku.org/index.php/wtar-drasat/79-2017-05-28-18-28-41>

Chaldean, Assyrian, and Syriac communities in the KR-I Parliament submitted a report to the KR-I Parliament Presidency regarding demographic changes in the Christian areas in Dohuk. In response to this request, the Kurdistan Regional Government, the Ministry of Interior, and the Ministry of Justice intervened. After that, the Minority Rights Protection Law No. 5 of 2015 was passed, which stipulates on normalization of demographic changes in the minorities area of origin.¹⁰⁴ However, some disputes persist.

Dhiya Putrus stated that “although there are many reasons why these land-related disputes remain pending, including some Christian parties, the government remains primarily responsible for not resolving these disputes”.¹⁰⁵

5.3.2. Demographic Changes due to Persecution and Conflict

Christians

Issues with housing, land and property, combined with hostility and threats against ethnic and religious minority communities has resulted in significant demographic changes, particularly in areas where ownership is disputed between Federal Iraq and KR-I. Khalid Aber spoke about threats against Christians currently ongoing in Ninewa and Kirkuk: “Some groups, supported by Shia Popular Mobilization militias (Hashd – Alshabi), are conducting a systematic campaign in Bartla sub-district area to purchase Christian homes, land and property at high prices.”¹⁰⁶ Regarding the systematic attempts for changing the demography of the same area (Bartla), Dhiya Putrus said “After 2003, Shia Militias began to change the demography of Bartla sub-district in Ninewa Governorate, through purchasing Christian properties at attractive prices. Lands that worthy of USD 20,000, they were purchasing it with USD 40,000. Then they began to build residential complexes between two other Christian towns (Qarqush and Kremless) for their members”. Additionally, Tikof was a predominantly Christian district, but now, according to unofficial statistics, only about 30 Christian families remain there.¹⁰⁷

Yazidis (Ezidis)

Areas historically inhabited by Ezidis have also been exposed to the demographic changes, according to their representative and activists. Saud Musto, Director of Ezidi Religious Affairs stated that currently, there is a systematic campaign to buy Ezidi lands and properties in Ezidi areas to alter the demographics of these areas by taking advantage of their inability to return to their areas of origin for different reasons. It is anticipated that this campaign will have very negative effects on Ezidi presence in these areas.¹⁰⁸ Another reasons Ezidis cannot return to Sinjar yet is that their homes were destroyed and have not yet been rebuilt.¹⁰⁹

Part of the demographic change issue is related to the fact that most of the religious minorities in the disputed areas have been displaced to KRI and some of them immigrated to outside Iraq, and they cannot return to their area of origin for variety reasons. Dr. Hadi Sinjari believes that “It is considered a form of negative ethnic cleansing to fail to create conditions for displaced minorities to return to their areas of origin. Since I am originally from Sinjar, I know people who are IDPs in Duhok, some of them are my relatives, but they are preparing to stay permanently there, and do not consider returning to Sinjar, because of the current situation”.¹¹⁰

¹⁰⁴ Ibid.

¹⁰⁵ Interview with Dhiya Putrus.

¹⁰⁶ Interview with (Khalid Alber).

¹⁰⁷ Interview with Horg Chato.

¹⁰⁸ Interview with Saud Musto

¹⁰⁹ Interview with Fars Saleem Ali, Ezidi lawyer and legal team leader with (INTEROS), 7th June 2023.

¹¹⁰ Interview with Dr. Hadi Sinjari

Yazidis living in the Sinjar district have legal needs related to the ownership documentation of their land and property. Despite living in their own houses, their properties are not registered in their names. Although Iraqi Prime Minister Sudani approved a decree in December 2022 to provide a permanent solution to the Yazidi land ownership problem in Sinjar by granting them ownership of residential lands and homes¹¹¹, the decision has not yet been implemented allegedly due to the security situation. Members of the Ezidi community hope that this decision will have a rapid positive impact and that it will be implemented as soon as possible.¹¹²

Hasan Jameel is a lawyer works with Harikar NGO as a legal team leader. Regarding the Yazidi returnee families that had departed IDP camps in Duok lately, Jameel said “As a result of the recent tensions in Sinjar, as well as the wave of hate speech directed at them by some Islamic religious men, many Yazidis who had previously been returned to their areas of origin have returned to the IDP camps in Duhok”.¹¹³

The key informants representing the Ezidi community stated that Ezidis still fear recurrence of this the violent crimes committed against them because those involved have not been prosecuted. There are still about 2,800 members of the Ezidi community who are considered missing.¹¹⁴ However, they see the greatest threat to the Ezidi community is the mass emigration of Ezidis out of Iraq in the wake of the atrocities.¹¹⁵

Turkmens

Many Turkmen were displaced from their areas of origin due to the invasion of Da'esh. According to Dr. Soran Salahaddin, a member of the Turkmen community, “When Da'esh attacked the northwest of Iraq, including one of the largest Turkman cities, Tal Afar, all the Turkmen were displaced. Shia Turkmens were displaced to the south of Iraq, while Sunni Turkmens was displaced to KR-I and many of them also went to Turkey. Shia Turkmens have since returned to their area of origin after liberating their area with the support from Shia militias, however, the Sunni Turkmen have not returned”.¹¹⁶

5.4. Compensation Schemes for Survivors from Ethnic and Religious Minority Communities

There are two important laws have been enacted by Federal Iraqi parliament that affect minorities. The first one is the Law on Compensation of Victims of War, Military Operations and Terrorist Operations, No. 20 of 2009. This law aims to compensate every person affected by the military operations and terrorist acts and to determine the damages, their gravity, standards for compensation and means of claiming.

¹¹¹ Over a quarter of a million Iraqi Yazidis in Sinjar district, Nineveh governorate, have been denied the right to own their homes and residential lands since 1975 because of discriminatory policies. The Iraqi Council of Ministers approved a decree on 12th December 2022 (Number 320), providing a comprehensive and permanent solution for the Yazidis in Sinjar. The decree grants ownership of residential lands and homes in 11 residential complexes to their residents.

(A joint statement of The Iraqi Prime Minister and the United Nations regarding the Yazidis' decision to return to Sinjar after 47 years of exile), available at:

<https://iraq.un.org/en/214088-joint-statement-iraq%E2%80%99s-prime-minister-and-un-decision-grant-yazidis-ownership-their-lands>

¹¹² Interview with Saud Musto.

¹¹³ Interview with Hasan Jameel, legal team leader, Duhok Legal Task Force Coordinator, Harikar NGO, 15th June 2023.

¹¹⁴ “Among the most important decisions issued in support of the Yazidis is UN Security Council Resolution No. 2397, which established UNITAD. This team still works on collecting evidence, and they did not pass the transitional justice stage. Yazidis are waiting impatiently for the post-evidence-gathering stage to be completed to bring those responsible for the crimes of genocide to justice”. Interview with Saud Musto.

¹¹⁵ Interview with Saud Musto.

¹¹⁶ Interview with Dr. Soran Salahaddin.

The second law is the Yazidi Survivors Law, No. 8 of 2021, which establishes compensation schemes for Ezidi, Shabak Turkmen and Christian women survivors of crimes perpetrated by Da'esh and to secure a decent life for them.

Most of the minorities that have been affected by terrorist acts and military operations are originated from Ninewa governorate and disputed area. Both laws are now in effect, and the affected individuals are eligible to apply for compensation, including minorities, and particularly IDP minorities, but they are not satisfied with the compensation process, and they have different challenges.

5.4.1. Compensation of affected minorities by military operation and terror acts

Most of the key informants that we interviewed, confirmed that the compensation process for the affected people by the military operations and terror acts, is very slow and time-consuming and challenging. These are the main challenges affected minorities face when apply for compensation:

1. Boring routine and lengthy procedures

Ra'eeda Salm, a Christian woman activist, explained that the covered Christians by these laws are frustrated with the amount of routine and the length of time it takes to process claims. There are issues with *wasta* (nepotism, and bribery involved in this process, therefore, large number of them didn't apply.¹¹⁷ Fars Saleem, a Ezidi lawyer also said many affected Ezidi haven't applied for compensation because the procedures of their land and property ownership are very complicated and time-consuming.

Azhar Hamd a Shabak activist, and head of Rasti NGO said, "There are people who applied about three years ago, but still they haven't received any compensation. We followed up with the compensation committees, who stated that some cases would be delayed due to the compensation amount. Compensations of less than 30 million Iraqi Dinars will be processed faster, while compensations of more than 30 million Iraqi Dinars will be processed slower. I personally submitted my application in 2017 and up to now there is no response from the compensation committees."¹¹⁸ Dakhil Rasho, an Ezidi lawyer in Sinjar, also said "I know people that abandoned their cases and requests because of these lengthy procedures".

2. Security clearance

Some security procedures were involved in the process, which made it more time-consuming. For example, addressing intelligence authorities and the Office of Accountability and Justice to determine whether the applicant person is affiliated with ISIS or with the previous Baath Regime or not. For Ezidis, this lengthy procedure prejudices their right to compensation because it takes more than six months, which has effected some survivors' decisions to apply for compensation schemes under the existing laws. About this procedure, Fars Saleem said "Even if the applicants for the compensation are women and children, this security procedure remains in place, which is illogical! It is hard to imagine that Yazidi women and children could be affiliated with ISIS or with the previous Baath Regime?"¹¹⁹

3. Assessment committee

One of the procedures is a visit of the Assessment Committee who usually come from outside Sinjar, from Tlekf and Mosul. The problem is the applicants should pay for the transportation of the committee. It approximately costs (100-150) thousand IQD, which is too much for the vulnerable applicant families.¹²⁰

¹¹⁷ Interview with Ra'eeda Salm

¹¹⁸ Interview with Azhar Hamd is a Shabak activist, and head of Rasti NGO, 19th June 2023.

Also, Khayri Ali, Ezidi activist, said that "Approximately half of the affected Yazidi families in Sinjar have not yet applied for compensation, due to the boring routine, lengthy and costly procedure".

¹¹⁹ Interview with Fars Saleem.

¹²⁰ Interview with Khayri Ali) Ezidi activist, Director of Petrichor NGO, Sinjar. 3rd July 2023.

4. Costs and difficulty of transportation for IDP minorities.

Many of the affected minorities who are covered by these laws still are IDPs and reside in area of displacement in KR-I, mainly Duhok. Therefore, the compensation process for them is very costly, as frequent trips to the area of origin are required to complete the process. Many affected Yazidi IDPs haven't applied yet, due to the challenges they have.¹²¹ Dakhil Rasho believes that according to their calculation, it is estimated that the cost of submitting a compensation request for someone living in Duhok IDP camps is at least 500,000 IQD until he is able to finalize the request submission, which is too much for the vulnerable families.

5. The Shortage of employees

Compensation offices have a small number of employees. They are unable to handle the huge number of applications they receive and process.¹²² Therefore, minorities demand that the number of employees in compensation offices should be increased to speed up the procedure and to receive a larger number of requests from survivor women.¹²³

6. The Shortage of the legal aid providers

A further challenge that affected people, including minorities face regarding the compensation process is the shortage of legal aid providers in the area, which can assist in raising awareness and assisting affected people to proceed with their application. According to key informants who are familiar with the challenges in the field, the number of legal aid providers and their capacity in the areas is less than the legal needs of vulnerable people.¹²⁴

7. The Need for awareness raising.

There is a need for a campaign of awareness among Yazidi Communities, particularly inside the IDP camps in Duhok, regarding the compensation process for the affected people. There are covered Yazidis by the law, but they either are not aware about the compensation, or about the procedures and required documents.¹²⁵

8. Lack of proof of ownership

One of the challenges facing those covered by the compensation law is that they do not have proof of ownership of their houses, as most Sinjar residents do not have such proof. A proof of ownership of the destroyed houses is one of the requirements for compensation, therefore, those who do not possess this proof must follow additional procedures, which extends the process even further, as the process of proving ownership of their land and property is complicated and time-consuming, someone must be able to follow up on the case continuously.¹²⁶ Farhad Barakat said, "I personally own a house in Sinjar, and I have lived there since the nineties, but I do not possess any ownership documentation which would prove that it was mine".

5.4.2. Compensation of Yazidi survivors

Yazidi Survivor Law has been implemented and has led to the completion of compensation procedures for 600 Yazidi Survivor women, however, about 2000 cases remain open. Like the compensation of affected people, the process of compensation under this law also has different challenges, including:

1. It is difficult for the IDP survivor women (in KRI) to apply for compensation, since they must visit their area of origin frequently and follow up on lengthy procedures, which is costly for them, as there is no alternative

¹²¹ Interview with Hasan Jameel.

¹²² Interview with Haji Kndor

¹²³ Interview with Farhad Barakat, Ezidi activist and Co-Founder of Peace Progress Organization, 8th June 2023.

¹²⁴ Interview with Fars Saleem.

¹²⁵ Interview with Farhad Barakat.

¹²⁶ Interview with Fars Saleem.

office in Duhok for the compensation offices in their area of origin. Thus, these cases cannot be applied in KRI.¹²⁷

2. As it relates to the Yazidi Survivor Law, in practice no one obtained all the compensation and financial privileges determined by the law. For example, the law stipulates on compensating the survivors with a piece of land, however the Sinjar municipal and Mayor state that no separate piece of land has been designated for this purpose. In other words, the survivors will not receive land even after the cases have been settled and achieved. Furthermore, the survivors' smart cards, with which they receive their monthly salaries, will also be delayed¹²⁸.
3. There are insufficient NGOs in the survivors' areas of origin and displacement to support them with their cases and to work on awareness raising.¹²⁹
4. Yazidi women survivors, who have not approached NGOs before to document their cases and evidence, now find it difficult to apply due to the complexity of the procedure and the length of time it takes in the courts and police stations, particularly for those who live in IDP camps in Duhok.¹³⁰
5. "There are many files pertaining to the Yazidi survivors in KRI, and they have been previously investigated. Although the Iraqi government has requested the KRI hand over the files, so as to deal with them in accordance with the rules and that victims will be compensated, but that is not yet being done by the KRI authorities, because the Yazidi survivors do not want to hand over their personal files to a national court or entity; they are seeking an international court to resolve the matter".¹³¹
6. There are only two offices that handle survivors' compensation applications, one in Sinjar and one in Mosul, which cannot handle the volume of compensation requests submitted by survivors. In addition to that, the offices do not have sufficient staff and suffer from shortage of employees.¹³²
7. Survivor women who live outside of Iraq now have difficulty applying for compensation, since the directorate of compensation was supposed to provide an online link or application for them, but this has not been done yet.¹³³
8. For social reasons, some women victims of survivors do not wish to submit compensation transactions because compensation procedures do not take the privacy and sensitivity of these cases into account. They do not take confidentiality into consideration. They refer the cases to the courts, police station, intelligence authorities and accountability and justice offices.¹³⁴

5.6. IDP minorities main legal aid need in KRI.

Despite providing thousands of IDPs, including minorities, with civil documentation through MOI mission project, many IDP minorities still lack National Cards and Housing Cards, which are two of the most important civil documents in Iraq - especially the National Card, a new electronic document based on National Card Law

¹²⁷ Interview with Hasan Jameel

¹²⁸ Interview with Dakhil Rasho.

¹²⁹ Interview with Farhad Barakat.

¹³⁰ Interview with Khayri Ali

¹³¹ Interview with Hogr Chato.

¹³² Interview with Farhad Barakat.

¹³³ Interview with (Khayri Ali).

¹³⁴ Interview with (Azhar Hamd).

In respect to this point, (Saud Musto) General Director Of Yazidis Religious Affairs in KRI Ministry of Endowment said "As for Yazidi women survivors, the Yazidi Spiritual Council has made a brave decision by recommending that the Yazidi community hug the survivors of ISIS as a means of mitigating the social impact of the disaster. As a result, Yazidi survivor women are not hampered by applying for compensation under the Yazidi Survivors law, but I believe that Christians and Turkman women have this fear of stigma, as a result very few of them submitted their files for the purpose of compensation".

number (3) of 2016, which is supposed to replace three main Iraqi civil documents(Civil ID, Nationality Certificate and Housing Card)¹³⁵.

The Yazidi IDPs at the Duhok camps approach the nearest court to follow up on their personal status legal cases with the assistance of the legal aid providers, but they have faced four main challenges in this regard:

- The cost of transportation, although there are legal actors that provide some of the vulnerable families with transportation.
 - There are certain procedures required to obtain a Marriage Certificate and Birth Certificate at the court. Some of these procedures require them to return to their place of origin to be completed. This is time consuming as well as costly due to transportation. This concern affects all IDP minorities in KRI.
 - The KRI courts that they approach are overcrowded, which causes delay in the process.
 - New IDP Yazidi couples (in Duhok camps) are required to provide an approval letter from the Yazidi Spiritual Council, which has an office in Sharia, and the process is also costly for them due to transportation requirements.¹³⁶ There are Christian citizens that want to transfer their civil registration (Civil ID) from their area of origin to KRI, since they intend to settle in KRI permanently. But because their area of origin lies within the disputed areas, they cannot transfer their civil registration due to the issue of disputed areas.¹³⁷
1. The children of Yazidi women survivors with unknown fathers do not possess any legal documentation.¹³⁸
 2. IDP minorities covered by both the Yazidi Survivors Law and the Law on Compensation of Victims of War Operations, Military Mistakes and Terrorist Operations may have difficulty applying for compensation because they are required to do so in their area of origin, which is quite costly, because of transportation.

5.7. The enforcement issue of Iraqi laws in KRI

As a region in a federal country, Kurdistan Region has a special status. Beside the legislation that the KRI parliament enacts, its parliament also enforces some Iraqi laws in KRI and denies others. It is not clear what is the legal and constitutional basis that KRI rely on, for selecting some of the federal laws to enforce them and neglecting some others!

KRI (Shura Council) in Ministry of Justice, issued an advisory opinion in 2010, and differentiated between three phases:

1. All the Iraqi laws that were enacted before KRI's national uprising in 1991, should be automatically enforced in KRI, except for those that were rejected by the KRI parliament.
2. All the Iraqi laws that have been enacted during (1991-2003) are not enforceable in KRI, except for those that KRI parliament decides to enforce them.
3. All the Iraqi laws that have been and will be issued after 2003, should be automatically enforced in KRI.

Regarding this situation in KRI, Dr. Hadi Sinjari Member (counselor) of KRI Shura Council and head of Legislation Committee in the Council – Ministry of Justice said “The issue of enforcing Iraqi laws in KRI has become a matter of jurisprudence. Some departments and ministries implement these laws and amendments, while other departments do not. It has become a kind of decentralization in dealing with the legislations enacted by the Iraqi parliament”¹³⁹

¹³⁵ In practice, the Housing Card has not yet been replaced by the Unified ID and is required as a separate document.

¹³⁶ Interview with (Hasan Jameel).

¹³⁷ Interview with (Fedl Boya).

¹³⁸ Interview with (Saud Musto)

¹³⁹ Interview with Dr. Hadi Sinjari.

(Dr Sarhang Salih) university professor at college of Law – Salaheddin University about the same issue explained that in the federal system, the federal constitution is the highest legal document, followed by the federal laws, followed by the constitutions of the regions, and finally by the regional laws. So, it is not clear what criteria Kurdistan Region relies on for enforcing or not enforcing the laws enacted by the Iraqi parliament? This issue must be regulated by law at the national level in Iraq. “I believe that having the Iraqi Parliament's laws not enforced in the Kurdistan Region is incompatible with the principles of a federal system”.¹⁴⁰

Dr. Hadi listed four reasons behind this situation in KRI:

1. The decision number 11 of the KRI parliament stipulates that all the legislation, decisions, and instructions issued and to be issued by Iraqi parliament and government (after 22/20/1991) will not be enforced in KRI, unless the KRI parliament decides on their enforcement.
2. The Iraqi parliament used to enact legislations through majority inside parliament, without taking KRI representatives' perspective, or KRI interests into consideration, or even in the absence of KRI parliamentarians. In addition to that, the Iraqi Parliament has begun enacting laws that bypass Kurdistan's constitutional authorities.
3. As relations between the region and Iraq deteriorated, confusion arose, and attempts were made by Iraqi government to impose central authority and to return from a federal state to a central one. After that, KRI parliament decided to deal with the enacted legislations by Iraqi government like that. The issue is more political than to be legal.
4. In response to these issues, the KRI Shura Council changed its opinion and issued a second advisory opinion, which states that the KRI parliament has the right to decide on enforcement of the enacted laws by Iraq parliament.¹⁴¹

Dr. Sarhang believes that the laws that are legislated by the Iraqi Parliament and the financial burdens are borne by the Iraqi government, must be implemented in the Kurdistan Region directly, for example, the Yazidi Survivors Law and the Law on Compensation for those Affected military operation and terror acts. Enforcing these laws in KRI means providing access to justice and legal procedures for the minorities that live in KRI, and the laws cover them, and it is one of the principles of human rights. IDPs from the KRI camps should be able to submit their compensation requests as victims by being facilitated by the Iraqi government to the courts in their areas of origin.¹⁴²

There is a bill in Iraqi parliament on (Free Legal Aid) which is very important for Iraqi vulnerable groups, including minorities, to obtain free legal assistance at the government's expense, however, based on how KRI deals with Iraq parliament laws, the law will not be enforced in KRI, even if it is passed by the Iraqi parliament. Regarding this point, (Dr. Hadi) said “Having the fear that the legal aid law will not be implemented in Kurdistan, is a logical and reasonable concern. It is possible that this bill will not be implemented in the KRI once it becomes a law. At that time, civil society organizations should move and put pressure on KRI Parliament to adopt the law. If the legal aid bill is not enforced in KRI after being enacted by the Iraqi parliament, I believe that this violates a very important constitutional principle, which is equality before the law. It is illegal and unfair to have people of KRI not be able to benefit from this law while people from other parts of Iraq are.”¹⁴³

Dr. Soran Salahaddin, Legal consultant in the KRI Ministry of Industry Trade, stated that they have concern regarding the duality of the KRI legal system and they discuss this issue with KRI parliament continuously. He said “KRI has approximately 70 representatives in the Iraqi parliament, so based on the Iraqi constitution, any

¹⁴⁰ Interview with Dr. Sarhang Salih

¹⁴¹ Interview with Dr. Hadi Sinjari

¹⁴² Interview with Dr. Sarhang Salih.

¹⁴³ Interview with (Dr. Hadi Sinjari).

legislation passed by the Iraqi parliament should be enforced in KRI, except those laws that conflict with KRI's effective laws. In that case, the KRI parliament can amend the law, or decide not to enforce it. However, the KRI parliament insists that no legislation enacted by the Iraqi parliament will be effective in KRI, unless it is enforced by the KRI parliament. I believe that this opinion is incorrect and illegal, and the issue is political more than legal".¹⁴⁴

5.8. Lack of a Regional Constitution in KR-I

KRI is a Federal Region without a constitution. Some of the key informants that we interviewed discussed the vacuum resulted in the lack of a constitution regarding rights and freedoms in the region.

Pervious head of KRI High Commission of Human Rights Dhiya Putrus said "lack of constitution in KRI represents an impressive legal vacuum. A constitution is necessary for the protection of public rights and freedoms, as well as for religious and ethnic minorities to feel secure".¹⁴⁵

The current head of KIR High Commission of Human Rights Dr. Muna Yaqo believe that in the rule of law, the constitution is of primary importance. The lack of a constitution in the Kurdistan Region is a major issue. The KRI authorities must resolve this issue prior to engaging in legal dispute with the Iraqi Federal Court. Many of the problems which have now reached the Federal Supreme Court would not have occurred if the Kurdistan Region had a constitution.¹⁴⁶

From his side Dr. Hadi Sinjari about the lack of constitution stated "The lack of a constitution in the Kurdistan Region negatively affected even its interests. Having a constitution in Kurdistan Region and establishing a constitutional court based on this constitution would have enabled many of the lawsuits that are now filed before the Federal Court in Baghdad, to be heard by the Kurdistan Constitutional Court. In addition to that having a constitution in KRI is very important for guaranteeing and protecting rights and freedoms. in general, the absence of a constitution has led to a state of paralysis in the Kurdistan Region".¹⁴⁷

Conclusions

In 2022, the Rudaw Research Centre conducted a study on access to rights for ethnic and religious minority communities in KR-I.¹⁴⁸ Respondents represented the majority of ethnic and religious minority groups present in KR-I, including Christians (37.5 percent), Kaka'i (25 percent), Ezidis (15 percent), Sunni Muslims (12.5 percent), Sabeansm Baha'is, Jews, and Zardashtis (2.5 percent each). Half of the respondents identified as ethnically Kurdish, 24 percent Turkmen, 21 percent Chaldean-Assyrian and five percent Armenian.

More than half of the respondents reported that the situation for ethnic and religious minority groups in KR-I was positive; only 12 percent saw it negative. However, many respondents were not convinced that the existing political and legal frameworks could adequately protect their rights. Among the respondents, 70 percent believed that their rights were not adequately protected as members of ethnic and religious minorities. There were many reports of discrimination as well – some 60 percent of the respondents reported that they had faced

¹⁴⁴ Interview with (Dr. Soran Salahaddin)

¹⁴⁵ Interview with (Dhiya Puturs)

¹⁴⁶ Interview with (Dr. Muna Yaqo)

¹⁴⁷ Interview with (Dr. Hadi Sinjari)

¹⁴⁸ (Perspectives of ethnic and religious minorities on their status and rights in the Kurdistan Region), Ali Kurdistan & Mahmud Baban, Rudaw Research Center, Erbil, First Edition, 2022, P 135-161.

discrimination at some point due to their ethnic or religious identity. Some 38 percent of respondents reported having difficulty accessing the courts system and 25 percent reported trouble accessing government services.

The findings of the Rudaw survey echo some of the key themes of this report regarding the access to legal rights, including legal aid, for religious and ethnic minority communities in the KR-I. Many respondents noted weaknesses in the current legal framework which do not afford adequate protections for the rights of minority communities. The added complexity of the relationship between the Federal Iraqi and KR-I legal frameworks, and the occasional passage of contradictory laws, has created gaps in the legal framework for protection of these groups.

Below is a summary of the key findings of the LAAF exercise in Iraq:

1. KR-I Law No. 5 recognizes five ethnic minority groups (Turkmen, Chaldean, Assyrian, Syriac and Armenian) and seven religious minority groups (Christian, Yazidi, Christian, Yazidi, Sabeen, Kaka'i, Shabak, Fayli, Zardashti).
2. Kaka'i, Zardashti, and Bahai communities are not recognized officially as religions in legal framework of Federal Iraq. The practice of the Baha'i faith has been prohibited in Iraq for more than fifty years.
3. Most of the key informants interviewed for this exercise described the situation for ethnic and religious minority communities in KR-I as being better than in Federal Iraq.
4. Both legal frameworks could be strengthened. Federal Iraq has no specific law on the protection of minority communities, but KR-I does not implement the Federal Iraqi laws on compensation for survivors from ethnic and religious minority groups.
5. There is no specific law regulating the provision of free-of-charge legal aid system in Iraq; certain provisions exist but largely in relation to defendants in criminal cases only.
6. Currently, there is a legal aid bill pending in the Federal Iraqi parliament. If passed, this bill would establish a comprehensive scheme for the provision of legal aid for a wide range of vulnerable communities. Measures should be taken to ensure that such a law is enacted in KR-I as well.
7. According to the survey conducted for this exercises among 92 legal experts, the majority of respondents believe that the main challenges for the legal aid system in Iraq include the lack of knowledge and professionalism of court-appointed legal aid lawyers, a lack of a monitoring or feedback mechanism for the provision of court-appointed legal aid, the lack of awareness among Iraqi citizens regarding access to legal aid, as well as discrimination against ethnic and religious communities and a lack of legal protections for them.
8. Non-Muslim minorities are concerned about the lack of their own Personal Status Law, which has its foundation in Islamic Shari'a, especially in relation to family issues such as marriage, divorce, custody, and inheritance.
9. The automatic conversion of children to Islam when a parent converts, as stipulated in Iraqi law is another point that non-Muslims are very concerned about, and they consider it to be violation of the right of children, and of the right to freedom of belief as well.
10. Iraqi election law allocated 9 quota seats (out of the 325) for minorities on religious basis, while KRI election law allocated 11 seats (out of 111) for them on ethnicity basis.
11. The quota is not granted to (Turkmens) under Iraq, and to (Yazidi, Kaka'i, and Zardashtis) in the KRI, and they consider it marginalization and demand for having quota for their communities.
12. All the ethnical and religious minorities support one election constituency and state that they are not satisfied with the current election mechanism. They demand a mechanism that can guarantee integrity of the election and prevents the dominant political parties (in Iraq and KRI) to interfere in the election process of minorities.
13. There is a perception among minorities that they have been marginalized in terms of participation in public affairs, particularly in Iraq.

14. Religious and ethnic minorities claim that their areas of origin in Iraq, especially in Ninewa are subjected to a systematic change in demography.
15. Since 1990s, there have been many land and property disputes between Christians and some Kurdish clans, in KRI, particularly in Duhok, which have not yet been resolved.
16. The compensation process for both Ezidi Survivors) and (affected people by military operations and terror acts) is very slow and time-consuming. Minorities covered by both processes, particularly those who are IDPs, have many challenges.
17. IDP minorities in KRI, particularly in Duhok, have many legal aids needs pertaining to civil documentation and some court case procedures.
18. The legal experts among the interview key informants, believe that the enforcement issue of Iraqi laws in KRI is political more than legal, and describe it to be unconstitutional.
19. According to legal experts, KRI's lack of a constitution has led to a state of paralysis, adversely affected even KRI's interests, because a constitution would have enabled many of the lawsuits that are now being filed at the Federal Court in Baghdad against KRI to be filed, in addition to its significance as the highest law in the country that ensures the rights and freedoms of all citizens, as well as the safety and security of religious and ethnic minorities.

Recommendations

1. Lawmakers should consider enacting a separate Personal Status Law for non-Muslim minorities so members of those community can regulate their personal matters in accordance with the laws and traditions of their own ethnic and religious communities, specifically in relation to issues of marriage, divorce, custody and Inheritance.
2. Article 26(2) of the National Unified ID Card Law No. 3 of 2016, which provides for the automatic conversion of children to Islam when a parent converts should be amended to better protection the rights of the child and freedom of expression.
3. Judges in the KR-I Personal Matter Courts should be informed about the customs and traditional laws of all ethnic and religious minority communities in Iraq so that their cases may be processed with due respect to their religious beliefs and those of their religious authorities.
4. The existing legal aid system needs to be improved, either through enacting a new law, or amending existing laws, to expand the eligibility criteria for vulnerable individuals and to provide free-of-charge legal services.
5. It is essential for members of ethnic and minority communities to have quota seats in the Kurdistan Regional Parliament to ensure that they are represented in the legislative authority and feel that they are not marginalized by that authority.
6. The long and complex procedures for receiving compensation under the Yazidi Survivors Law and the Law of Persons Affected by Military Operations and Terrorist Acts should be simplified and expedited to ensure greater access to all who are eligible for such schemes.
7. More awareness raising should be conducted by humanitarian and legal actors for the remaining IDP minority communities in camps in Duhok camps, particularly regarding eligibility for compensation schemes.
8. There is a need to de-conflict laws between Federal Iraq and KR-I where their provisions are contradictory. Additionally, ethnic and religious minority communities in KR-I should be able to benefit from Federal Iraqi laws that provide for economic compensation for minority survivors, such as the Ezidi Survivors Law and the Law of those Affected by Military Operations and Terrorist Acts).
9. KR-I Law No. 5 of 2015 on the Protection of Minority Rights should be amended to increase the effectiveness of the law. Amendments should be carried out through direct consultation with members of ethnic and religious minority communities.

List of Key Informants Interviewed for the LAAF Exercise

The LAAF Iraq team is grateful to the following individuals for offering their time and expertise in support of the LAAF Iraq exercise. All individuals listed below have consented to have their full names, titles and quotations from their interviews included in this report.

	Name	Position
1	Ayden Ma’ruf Salim Ahmed	Minister of Minorities’ Affairs – KRG Previous member of KR-I Parliament President of Turkmen Front Party
2	Muna Nabi Qadir Qehvachi	Secretary of KR-I Parliament Political leader in Turkmen Reform Party
3	Dr. Muna Hanna Yaqo	Head of KR-I High Commission for Human Rights PhD in International Humanitarian Law University Professor – College of Law – Erbil Head of KR-I Board of Minorities
4	Faryd Yaqub Elya Gorgis	Member of KR-I Parliament (Christian)
5	Kan’aan Shakr Aziz	President of Independent Turkmen Movement Party
6	Nawzad Pols Hanna	Head of Suraya Civil Society NGO Editor-in-Chief of <i>Suraya</i> , a political weekly newspaper
7	Ra’eeda Salm Mekha	Women’s and civil rights activist at International Republican Institute -IRI Suraya Civil Society NGO representative in Ninewa
8	Sa’ud Mastu	Director of the General Directorate of Yazidi Affairs/ Ministry of Endowment and Religious Affairs - KRG
9	Khalid Jamal Alber	Director of the General Directorate of Christian Affairs/ Ministry of Endowment and Religious Affairs - KRG
10	Hazhar Mala Ahmed	Judge of the Personal Status Court – Erbil Governorate
11	Dhiya Butrus Slwea	General Secretary of the Chaldean National Council Former President of KR-I independent Commission of Human Rights Director of Civil Rights Organization
12	Khalil Fathulla	Judge of Soran First Instance and Misdemeanor Courts
13	Fras Salim Ali	Legal Team Leader at INTERSOS NGO
14	Hogr Chato	Chairman of the Board of Trustees of People Aid Organization (PAO) NGO Board Member, Alliance of Iraqi Minorities Network
15	Sanar Zaki Fransis	Freelance lawyer (Christian)

16	Dr. Aram Namjadin	PhD in Constitutional and International law General Directorate of Erbil Office, Independent High Election and Referendum Commission
17	Farhad Barakat Ali	Co-Founder of Peace Progress Organization
18	Dakhil Rasho Alyas	Lawyer, International Organization for Migration (IOM)
19	Haji Gndor Sheikh	Former Iraqi Parliament member (Ezidi) Head of the Ezidi Movement for Reform and Progress
20	Dr. Hadi Snjari	PhD in Law Member of KR-I Shura Council - Ministry of Justice Head of Legal Committee
21	Fedl Majd Boya	Freelance lawyer (Christian)
22	Dr. Soran Salahaddin Shukr	PHD in Law Legal Consultant at Ministry of Industry and Trade
23	Hassan Jameel Khalid	Legal Adviser at Harikar NGO Duhok Legal Task Force Coordinator
24	Layla Taher	Kaka'i activist Former member of Alliance of Iraqi Minorities (AIM)
25	Azhar Hamd Alyas	Head of Rasti NGO for Human Rights Former member of Alliance of Iraqi Minorities (AIM)
26	Dr. Sarhang Salih Barzinji	PhD in Constitutional and General Law University Professor, Salahaddin University - College of Law Head of (Regional Organization for Election and Peace – ROEP)
27	Khayri Ali Ibrahim	Director of Petrchor NGO for Human Rights, working in Sinjar