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Civil Rights of Ethnic and Religious Minorities in Kurdistan-Iraq

OPEN THINK TANK AND KAS HOLD A CONFERENCE IN ERBIL WITH REPRESENTATIVES OF ETHNIC AND RELIGIOUS MINORITIES

Bordering Syria, Turkey, and Iran, Iraq's North is home to a number of ethnic and religious groups, the majority of which live in the Kurdistan Region in Iraq (KRI). In 2015, the Kurdish parliament passed the Law of Protecting the Rights of Components in Kurdistan-Iraq, which guarantees efficient and full equality to all ethnic and religious minorities (components) living in the Muslim-Kurdish-dominated KRI. On August 30, 2017 Open Think Tank (OTT) and the Konrad Adenauer Foundation's Syria/Iraq Office held a conference in Erbil, KRI, to discuss the applications and limitations of the legal and civil rights of ethnic and religious minorities in the KRI. In three panels, members of parliament, government officials, activists, experts, and religious representatives addressed the extent to which minority rights are respected and applied under the current legal framework of the KRI. Thus, the panels focused on: (1) the legislative history and development of minority rights in the KRI, (2) the participation of minorities in the governmental decision-making process, and (3) the legal situation of the minorities living in the between the Kurdistan Regional Government (KRG) and Iraq's central government in Baghdad.

The majority of the panellists acknowledged that minority rights were recognized early on in the Kurdistan; during regional elections in 1992, seats were added to the regional parliament to account for the Christian minority in the Kurdistan Region. Over the years, seats were added in consideration of other minority groups. With the passing of Law No. 5 for the year 2015, the Law of Protecting the Rights of Components

in Kurdistan-Iraq, all ethnic and religious minorities were granted equal rights to the Muslim-Kurdish majority population. Nevertheless, the panellists also acknowledged that a discussion is needed to determine to which extent these legal and civil rights are respected and taken into consideration in the decision-making process.

While the Law of Protecting the Rights of Components in Kurdistan-Iraq from 2015 acknowledges equal rights of minorities, concern was raised that not all the minority groups living in the KRI are specifically named by the law. Although Article 1 of the law offers a overarching general clause, extending the law not just to the minority groups specified therein, but also to „other groups“, some conference participants pointed out that the Baha'i, for instance, are not among the religious groups specifically named by the law, but fall under this general category of „others“. As such, it was argued that the law ought to recognize and mention each ethnic and religious minority group in order to grant efficient protection.

To address this and other issues, the first panel, chaired by Hoshyar Malo of Kurdistan Human Rights Watch, advocated a revision of this law and other laws affecting ethnic and religious minorities. The experts stressed that such a revision must not just be conducted in due consideration of the conference's findings, but that the laws must be revised in cooperation with the affected minority groups. Taking part in the panel discussion were Shamo Shekho Namo, Yazidi Member of Kurdistan Parliament, Mohammed Sa'daddine, Member of Kurdistan Parliament form the Turkmen List, Kamal Yalda, Chaldean-Assyrian Member of Kurdistan Parliament, and Yerwant Ameni-

an, Armenian Member of Kurdistan Parliament.

Following the discussion of the legislative process, the second panel discussed the involvement of ethnic and religious minorities in the executive branch. The four panellists, all of whom members of the Kurdish Regional Government and themselves part of an ethnic or religious minority, started by acknowledging the fact that the Kurdish Government already provides important positions to minorities. The panellists themselves are the best example for that: Khalid Alber is Director General for Christian Affairs at the Ministry for Endowment and Religious Affairs and Nadir Moshi Murad is the ministry's Education Inspector for Assyrian Language.

Nevertheless, the panellists also identified certain shortcomings and identified room for improvement in terms of efficient implementation due to party politics interfering with administrative functions. For instance, it was reported that some documents were not signed because they concerned Yazidis. Thus, the question was raised as to why the Minister of Endowment and Religious Affairs has always been a Kurdish-Muslim when this position could just as well be carried out by a Christian or Yezidi. The deciding factor, however, should not be the ethnic or religious affiliation of the Minister or his Deputy, but whether or not the position is filled by a person that advocates religious coexistence.

The first two panel discussions showed that, aside from the needed improvements, minority rights are largely protected in the KRI. This, however, is not the case in areas outside of the KRI. The way in which ethnic and religious minority rights can be ensured was discussed during the third panel.

The discussion, chaired by Dr. Abdulhakeem Khosro from Institute for Research and Development-Kurdistan, featured Viyan Dakhil, the sole Yazidi Member of Iraqi Parliament, Dr. Vala Fareed, Member of Kurdistan Parliament and Head of The Committee of Legal Affairs, as well as Dr. Mohammad Ihsan, former KRI Minister of Human Rights. Their

discussion examined the rights of the ethnic and religious minorities living in the areas bordering the KRI, whose affiliation is disputed between the Kurdish Regional Government and the Iraqi Central Government. The minorities living there have suffered tremendously under Saddam Hussein's Baath regime, which ran an arabization campaign, which intended to strip the minorities of their ethnic heritage.

Thus, the main focus of the third panel was the fate of the Yazidis outside of the KRI, who have been remarkably affected by the crimes of the so-called Islamic State. Viyan Dakhil pointed out that the areas northwest and south of the KRI border the crucial neighbouring states of Syria and Iran, which are of massive strategic importance for Iraq. This alone constitutes a reason to incorporate the ethnic and religious minorities living in these areas into the wider population and ensure the protection of their rights. The panellists agreed that efficient minority protection should not be dependent on whether one lives within the borders of the KRI or not.

In conclusion, the panellists appreciated the existing minority rights provided by the KRI. To improve these, the majority of the panellists advocated further participation of ethnic and religious minorities in the decision-making process. The KRI and the disputed areas do not only belong to the majority group, but to all of its components, as this diversity shall be a source of enrichment for the KRI and its people.