

Background

1. The Mandaean Human Rights Group (MHRG) represents the Mandaean community, an ethno-religious, linguistic minority and an indigenous people from Iraq and Iran, numbering approximately 60,000 individuals with our own independent 2,000-year-old religion and our own language, a dialect of Aramaic. Since 2003, over 90% of Mandaeans have left Iraq having suffered persecution from religious fundamentalists, ethnic supremacists and from criminals. The MHRG continues to advocate on behalf of Mandaeans still in Iraq and Mandaean refugees, most of whom are Iraqi citizens, around the world.
2. The persecution of the Mandaean community was mentioned in the Compilation Prepared by the Office of the High Commissioner for Human Rights for the Universal Periodic Review of Iraq in 2010, paras. 45–46.¹
3. During the Universal Periodic Review of Iraq in 2010, the delegation from Armenia recommended that Iraq “introduce, within its overall security policy, further measures to secure life of confessional groups and indigenous people, and further pursue its policy of involving the representatives of the latter in new political and social structure of Iraq,” specifically mentioning the Mandaeans in its questions.²
4. In advance of the Universal Periodic Review of Iraq in 2010, Denmark submitted a question to Iraq referring to the situation of the Mandaeans as “deeply worrisome”.³
5. The Mandaean community has been of continuing concern for the United Nations Mission of Assistance to Iraq (UNAMI).⁴

Crimes committed against Mandaeans in Iraq

6. The right of Mandaeans to freedom of religious belief and practice is recognised in the Iraqi Constitution Art. 2(2), and they are allocated a specific seat in the Iraqi Parliament, but they continue to face discrimination and persecution in Iraq.
7. The Mandaean community within Iraq now numbers approximately 5,000 people. Many of these are internally displaced.
8. In relation to the previous cycle of the Universal Periodic Review, the Office of the High Commissioner for Human Rights produced a summary of human rights issues in Iraq on 1 December 2009, including references to crimes against Mandaeans. Since that time the Mandaean Human Rights Group has documented the following crimes committed against the Mandaean community in Iraq:⁵
 - a) Police intimidation and brutality committed against groups of Mandaeans.
 - b) Ongoing hate speech involving *fatwas* and general intimidation of Mandaeans in Iraq.
 - c) General persecution involving the burning of places of worship, and forcing children to learn the Qu’ran or take part in Muslim rituals.
 - d) Murders (7 in 2010, 3 in 2011, 3 in 2012, 2 before March in 2014). Many of these murders were clearly motivated by hatred as they were directed against individuals with very few possessions, or their possessions were not stolen when they were easily accessible.
 - e) Many cases of kidnappings, extortion and other attacks against the Mandaean community, especially against community leaders and those who are working for the Iraqi state.
9. It is clear from the above that the Mandaean community who remain in Iraq continue to face grave threats. The response of the authorities has been inadequate and in some cases persecutory. In particular:
 - a) In the vast majority of cases, crimes with Mandaean victims have not been prosecuted.
 - b) No compensation has been given to Mandaean victims of crimes.
 - c) In one case the authorities failed to intervene to extinguish a fire set in a place of worship, in

1 (1 December 2009) UN Doc. A/HRC/WG.6/7/IRQ/2.

2 *Report of the Working Group on the Universal Periodic Review* (2010) UN Doc. A/HRC/14/14, paras. 58 & 91.

3 Denmark, *Advance Questions to Iraq*, at <http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/IQ/Iraq.pdf>

4 UNAMI & OHCHCR, *Report on Human Rights in Iraq: 2011* (Baghdad, May 2012), pp. vi, 4 & 32.

5 Individual Mandaeans have been reluctant to be named in this submission, but the Mandaean Human Rights Group has a documented a comprehensive list of crimes. The persecution of Mandaeans is described in Human Rights Watch, *At a Crossroads: Human Rights in Iraq Eight Years after the US-Led Invasion* (USA: 2010), pp. 66–68.

- violation of Iraq's stated intention to protect them.⁶
 d) Police brutality has been carried out against Mandaean.

Mandaean Refugees around the world

10. In 2003, Madaeans numbered approximately 50,000 in Iraq.⁷

11. The number of Madaeans around the world has been calculated as follows by the Mandaean Associations' Union:

Country	Mandaean Population ⁸	Mandaean Priests ⁸
Iraq	6,000 (could be substantially higher)	12 priests
Iran	2,500 or higher	5 priests
Syria	1,000	1 priest
Jordan	400	None
Australia	8,000	10 priests
USA	7,000	2 priests
Canada	1,000	None
Sweden	9,000	9 priests
Netherlands	3,600	2 priests
Germany	2,200	1 <i>tarmida</i>
Denmark	1,200	1 priest
Elsewhere in Europe ⁹	1,300	None
Elsewhere in the World ¹⁰	100	None

12. The majority of the Mandaean population originated in Iraq, with the exception of the Iranian Madaeans. This means that 20,000 or 40% of Iraqi Madaeans from 2003 are unaccounted for, indicating the grave threat to the Mandaean people's existence and identity.
13. At least 2,500 Madaeans live in a state with no Mandaean priests. Many thousands of others live in regions within states where there are no Mandaean priests. For example, the Mandaean community in USA is dispersed between California, Idaho, Illinois, Massachusetts, Michigan and Texas. The priesthood is very important in the practice of the Mandaean religion, and those without access to a priest cannot practise their religion or bring their children up in their religion.
14. The Mandaic language has been classified by UNESCO as "critically endangered".¹¹ Its use is primarily through ritual, and therefore the decline of religious practice is further endangering the language.
15. The dispersal of Madaeans is also preventing them from carrying out social rituals, traditions and customs, and thus from maintaining their integrity as a distinct people, their cultural values and ethnic identity, protected under the Declaration on Indigenous Rights.
16. The dispersal of Madaeans has meant that they are no longer able to educate their children with their history, traditions and religion.

The Rights of Madaeans and of the Mandaean People

17. The majority of Madaeans around the world retain their Iraqi citizenship. Those who become citizens of the states in which they now live do not lose their Iraqi citizenship except where required to do so by the laws of the state in question. Of the states with more than 1,000 Mandaean residents, only Germany normally requires new citizens to renounce their existing citizenship.¹²
18. The survival of the Mandaean people will require collaboration between many different states.

⁶ National report submitted for Iraq (18 Jan 2010), UN Doc. A/HRC/WG.6/7/IRQ/1, para. 57.

⁷ MHRG, *Mandaean Human Rights Annual Report* (2011), p. 4.

⁸ Data from the MHRG. and the Mandaean Associations' Union.

⁹ Principally Finland, France, Italy, Norway and the United Kingdom.

¹⁰ Including Indonesia, Malaysia and Turkey.

¹¹ UNESCO, Atlas of Endangered Languages (<http://www.unesco.org/culture/languages-atlas/en/atlasmap.html>).

¹² Henley & Partners, *Dual (or Multiple) Citizenship* (<https://www.henleyglobal.com/citizenship/dual-citizenship/>).

While the Netherlands normally requires applicants to renounce their previous citizenship, this does not apply to refugees: Government of Netherlands, *Becoming a Dutch National* (<http://www.government.nl/issues/nationality/becoming-a-dutch-national>).

- However, as the Mandaean people is an indigenous people of Iraq,¹³ and the majority of Mandaeans are Iraqi citizens, Iraq has a particular responsibility to promote the protection of the Mandaean people. This responsibility is based on the following rights:
19. Mandaeans have the right to practise their religion. This right is enshrined in the International Covenant on Civil & Political Rights (ICCPR), arts. 18.1 & 27, Convention on the Rights of the Child (CRC), art. 4.3, and the Convention relating to the Status of Refugees (the Refugee Convention), art. 4.¹⁴
 20. Mandaeans have the right to bring their children up according to their religious convictions. This right is similarly enshrined in the ICCPR, art. 18.4, CRC, art. 4.2.2 and the Refugee Convention, art. 4.1.
 21. The Mandaean People have a right not to be forcibly moved from their territories under the ILO Tribal Populations Convention, art. 12,¹⁵ and not to be subjected to forced assimilation or destruction of their culture under the Declaration on the Rights of Indigenous Peoples, art. 8.1.¹⁶ Under the latter, states must provide redress for:
 - a) "Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;"
 - b) "Any action which has the aim or effect of dispossessing them of their lands, territories or resources;"
 - c) "Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;"
 - d) "Any form of forced assimilation or integration;"
 - e) "Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them."
 22. All states which have jurisdiction over Mandaeans must "take steps, individually and through international assistance and co-operation" to enable Mandaeans to realise their right to "take part in cultural life" under the International Covenant on Economic, Social and Cultural Rights (ICESCR), arts. 2.1 & 15.1(a). This has been interpreted by the Committee on Economic, Social and Cultural Rights as a right "to conserve, promote and develop their own culture".¹⁷ This right is also protected under the ICCPR, art. 27, and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, art. 1 under which the state must adopt measures to "protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity".¹⁸
 23. Those whose rights have been violated are entitled to effective remedies under the ICCPR, art. 2.3, and those who cannot realise their rights are entitled to states taking "all available means" to progress these rights under the ICESCR, art. 2.1.
 24. The UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions enables states to identify "cultural expressions on its territory are at risk of extinction, under serious threat, or otherwise in need of urgent safeguarding," and request assistance from other state parties to preserve such culture.¹⁹
 25. UNESCO maintains a List of Intangible Cultural Heritage in Need of Urgent Safeguarding under the Convention for the Safeguarding of the Intangible Cultural Heritage, which may also be used to

¹³ The Mandaean community's status as an indigenous people has no consequences for the indigenous identity of other Iraqi peoples and the Iraqi people as a whole.

¹⁴ ICCPR, Adopted 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976); CRC, adopted 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990); Convention relating to the Status of Refugees, adopted 28 July 1951, 189 UNTS 150 (entered into force 22 April 1954), as amended by the Protocol 606 UNTS 267 (entered into force 4 October 1967).

¹⁵ (adopted 26 June 1957; entered into force 2 June 1959) ILO C107.

¹⁶ 13 September 2007 (A/RES/61/295).

¹⁷ CESCR, *General comment No. 21: Right of everyone to take part in cultural life* (2009) UN Doc. E/C.12/GC/21, para. 32.

¹⁸ (18 December 1992) UN Doc. A/RES/47/135, adopted without a vote.

¹⁹ (adopted 20 October 2005; entered into force 18 March 2007) UNTS I-43977, accession by Iraq 22 July 2013, arts. 8 & 17.

attract international resources for the protection of such vulnerable culture.²⁰

With regard to Mandaeans resident in Iraq, the MHRG calls on the UN to urge the Iraqi State to investigate, prosecute, and punish crimes and hate speech against minorities and in so doing:

26. to guarantee the rights of minorities and indigenous peoples within Iraq;
27. to establish a “Minorities Security Council” in Iraq including representatives of all minorities, and representatives from the UN agencies, directly linked to the government to guarantee a fast response in cases of emergency, proper investigations, and follow-up plans of action to restore confidence;
28. to improve the justice system, to ensure that crimes against religious minorities are investigated, prosecuted and punished.
29. to prosecute hate speech, particularly from religious leaders;
30. to prohibit religious discrimination and promote religious tolerance by actively educating society about religious co-existence through the media and schools.

With regard to Iraqi Mandaeans throughout the world, the MHRG calls upon the UN to urge the Iraqi State to prioritise the protection of the cultural identity of the Mandaean People and in so doing:

31. to enable Mandaeans maintain their religious institutions and places of worship in Iraq;
32. to take measures, as redress for the crimes which have been committed against the Mandaean people since 1959, to ensure Mandaeans and the Mandaean people are compensated for their past suffering;
33. to ensure that adequate resources are available, including through preserving cultural heritage within Iraq, and availing of international co-operation including through UNESCO Conventions,²¹ to ensure that Mandaeans can realise their rights to culture and to practise their religion, and that the Mandaean people can maintain its religion, language and identity, thus preserving an important part of Iraqi heritage;
34. to co-ordinate international efforts to preserve the Mandaean people through the voluntary repatriation of isolated Mandaeans to states and regions where they can integrate into established Mandaean communities.

We recommend that the international community:

35. research, assess and develop a system through the UNHCR, and negotiated with the Mandaean people, to give Mandaeans the right to relocate to join the established Mandaean communities in one or two countries with protection of their current rights where they are living.
36. analyse and promote the right of the Mandaeans to be compensated for their losses and suffering over the years since 1922.

²⁰ (adopted 17 October 2003; entered into force 20 April 2006) UNESCO Doc. MISC/2003/CLT/CH/14, ratified by Iraq 6 Jan 2010, art. 17.

²¹ The Convention for the Safeguarding of the Intangible Cultural Heritage and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, detailed in paras. 24 & 25 of this submission.