



The role of national and religious minorities in the 2021 Iraqi elections

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ABSTRACT

The issue of minorities occupies great importance in the countries of the world, especially the countries whose population consists of multiple nationalities, and this issue has become of dimension that touches the core of the security and stability of countries. The issue of minorities being subjected to oppression has become a matter of reality, which made the protection of minorities one of the important issues. The danger of restrictions on the minority appears, in that it doubles its affiliation with the country in which it lives and resorts to the neighboring countries with the geographical extension of the minority, which feeds its separatist tendency. Many minorities have relations and extensions that go beyond the internal scope of the state due to their national, linguistic or religious connection to other countries with similar characteristics. The importance of the issue also shows that the failure to protect minorities in the state would open the way for external interventions under the pretext of defending minorities. Iraq is one of the countries in which there are multiple nationalities, religions, and sects, which necessitates us to study this issue with great care, as the judiciary is described as a safe haven for individuals, and it is the real weapon through which individuals can protect their rights and freedoms by holding accountable and prosecuting the various state bodies, as the constitutional texts have approved Many of the rights of minorities, and violating these texts, requires challenging them before the Federal Supreme Court, as the Iraqi Constitution of 2005 came into force and stipulated the composition of the court and its competencies in Articles (92-93-94) and after its formation under Law No. (30) In the year 2005, and began The Federal Supreme Court functions as the highest judicial body in Iraq, so we will shed light on our research on the role played by the Federal Supreme Court in protecting minorities.

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Introduction.

There is a constitutional problem in Article II A, which says (Islam is the source of legislation) and legal issues that prevent justice for many of the rights of minorities, even though Iraq has signed all international

treaties on human and minority rights. But the problem is in the local law, because the law does not agree with the constitution or with the treaties signed by Iraq

"This article is supposed to be amended and not to include Islam as a standard for legal articles while preserving the possibility of resorting as a source of law, but it is not permissible in any way to make the provisions of Islam a standard for the constitutionality of laws because there are many rights and freedoms that conflict with the provisions of Islam, such as the rights of women and minorities and others," according to the journalist. The legal Delovan Barwari.

Legal protection to curb hate speech towards minorities

Applying the principle of the rule of law to everyone, regardless of their entity, as well as applying all provisions related to inciting sedition and sectarian strife and enacting a law that prohibits terms inciting hatred.. These are among the most important things that must be implemented to curb hate speech, according to Berwari.

Social media is a fertile environment for hate speech to grow

The Internet provides a space for expression of opinion, but the absence of clear policies based on specific criteria to combat "hate speech" as stated in international human rights law. All this made hate speech one of the biggest challenges facing everyone, and this leads us to search for the roots of this speech and its repercussions that Its impact is clear on the ground, whether in the workplace or in residence.

According to the UNESCO Bulletin dated November 11, 2020, hate speech is confronted on the Internet through the following:

1- Media Ethics Education: Combating tribal hate speech begins with the realization that while freedom of expression is a fundamental human right, the emergence of social media has created multiple platforms for the production, mobilization and dissemination of hate speech. Media ethics education should focus on the rights and freedoms of journalists and their role in creating and promoting peaceful societies.

2- Awareness of the political, social and cultural rights of individuals and groups must be raised, including freedom of expression, and the social responsibilities and effects that come with the freedom of the press. Journalists must be equipped with the knowledge and skills to identify and counter hate speech messages.

3. Encourage Sensitive Conflict Reporting and Multicultural Awareness Campaigns Conflict sensitive reporting will help dispel "us" against the "them" fallacy. Journalists must be taught conflict-sensitive reporting skills. Multicultural awareness campaigns should focus on knowledge and respect for the diversity of cultures and traditions. Journalists have to practice professional standards in this and can write articles, air shows, and even talk to people without taking sides.

4- Regulating Social Media: I know that many of you who are reading this article will ask how to regulate social media without taking away the right to freedom of the press. Freedom of the press can be promoted through education about media laws and ethics.

5- Encourage victims and witnesses to report crimes related to hate speech: Hate speech remains largely invisible simply because many victims do not know where to report cases or even understand that they are victims of hate speech.

6- Ending impunity for hate crimes: Impunity for hate crimes can be tackled by establishing monitoring and evaluation units in newsrooms. These units will then be tasked with monitoring hate speech trends, compiling reports and bringing them to the attention of key institutions and civil society.

Ola Khalil Freedom of the Press. Journalists must be equipped with the knowledge and skills to identify and counter hate speech messages.

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The first topic. The status quo and the mechanism of political consolidation.

If Iraq's ethnic and religious minorities want to enjoy equal political rights and participate in decision-making, they must first address their sense of political marginalization. Inclusion through meaningful, not just symbolic political participation supports their sense of belonging and is essential to sustaining the country's rich mosaic of diversity and sustaining peace in the long term.¹

The outcome of the Iraqi parliamentary elections in October 2021 re-ignited the controversy over the distribution of quota seats allocated to minorities in the country. With affirmative action followed by the quota system, it is believed that issues related to the electoral law and the interference of the main influential parties obstruct the independence and effectiveness of minority representation. The elections were largely considered "good and competitive", with low turnout, equal opportunity concerns, and some aspects of the legal framework. The elections (the fifth since 2003) were held under a new electoral law - a key demand of the 2019 protests - that divided the previous eighteen (83) electoral districts in an effort to improve voter representation².

In addition to the women's quota, which is a quarter of the total seats, there are nine seats allocated to minorities (5 for Christians and one each for Yazidis, Shabaks, Sabeen Mandaeans, and Faili Kurds)(.³

The Babylon Movement, the political wing of the Babylon Brigades, a Christian armed faction formed in 2014 as part of the Popular Mobilization Forces, won four of the five seats allotted to Christians. The result prompted other Christian parties and personalities to express their reservations about the legitimacy of the vote, and Babylon's representation of Iraq's Christians for the role of a bloc outside the component in its victory.⁴

Quotas for minorities and gaps in political participation As for minorities in Iraq, the allocation of legislative "quota" seats means recognition of their communities through representation commensurate with the size of their population. They have strong objections about how to compete for these seats. Voters of all ethnic and sectarian backgrounds can vote for quota seats under the current election law, as was the case in previous laws, with repeated calls for minorities to limit the right to elect quota seats to voters from their communities only. Thus, minorities have come to view the current quota system as a form of political manipulation that enables powerful non-minority blocs to wrest the quota seats that were ostensibly offered to give them political representation. As for Yonadam Kanna, a veteran Assyrian politician who was the only Christian member of the National Transitional Council, which was established in the wake of the US-led invasion in

¹ - Iraq's Constitution has not recognized Kakai as a religion and are registered as Muslims in official documents, see Saad Salloum, 'Who are Iraq's Kakai', Al Monitor, 10 Feb. 2016. <https://www.al-monitor.com/originals/2016/02/iraq-kakai-religious-minority-kurdistan-quota.html>

² - United States Commission on International Religious Freedom. 'Wilting in the Kurdish Sun: The Hopes and Fears of Religious Minorities in Northern Iraq', May 2017. <https://www.uscirf.gov/sites/default/files/Kurdistan%20report.%20Long.pdf>

³ - Costantini I, O'Driscoll D. Practices of exclusion, narratives of inclusion: Violence, population movements and identity politics in post-2014 northern Iraq. *Ethnicities*. 2020;20(3):481-500. doi:10.1177/1468796819858712.

⁴ - Waldman, N. 'Iraq's reparations law for Yazidi survivors is a positive step', Al Jazeera, 18 Jun. 2021. <https://www.aljazeera.com/opinions/2021/6/28/iraqs-reparations-law-for-yezidi-survivors-is-a-positive-step>

2003, “the current mechanism is equivalent to confiscating the will of Christians by collective voting by other parties.”⁵.

Even worse, the mainstream parties include candidates from minority backgrounds in their electoral lists, to secure minority votes, or nominate their members as candidates in minority coalitions in an effort to secure quota seats. These candidates are seen as representing the political interests of their parties, not the aspirations and demands of their communities. For example, for the first time, two members of "Yarsani", also known as "Kaka'is" or "Yarsan" - a religious minority that is ethnically Kurdish. They were nominated by the Patriotic Union of Kurdistan and the Kurdistan Democratic Party for Nineveh and Kirkuk, and were elected to the Iraqi parliament. While this can be interpreted as a positive development for the minority community that has been excluded for long periods, the rejection has been the reaction within the “Kaka’i” society, as “Kakai represent their parties” – a prominent Kaka’i activist, Rajab Kaka’i – emphasized wistfully.

1-Quotas for minorities and gaps in political participation

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Even worse, the mainstream parties include candidates from minority backgrounds in their electoral lists, to secure minority votes, or nominate their members as candidates in minority coalitions in an effort to secure quota seats. These candidates are seen as leaning on the most important political interests of their parties, not the aspirations and demands of their communities. For example, for the first time, two members of "Yarsani", also known as "Kaka's" or "Yarsan" - a religious minority that is ethnically Kurdish. Peha by the Patriotic Union of Kurdistan and the Kurdistan Democratic Party of Nineveh and Kirkuk, and the thunder for membership in the Iraqi Council of Representatives. While this can be interpreted as a positive development for the minority community that has been excluded for long periods, the rejection was the reaction within the “Kaua’i” society, as “Rajab Kaka’i” - a prominent Kaka’i activist - sadly emphasized “the most important Kakai representing their parties.”⁷

regretted it; Because “independent and emerging leaders face rigid institutions, influential parties with influence, and far greater resources to mobilize voters.« .⁸

⁵ - Migration is seen by community leaders of minority groups, prone to risk due to Iraq’s political divide and breakdown of security, as the only solution to their community’s survival from extinction. See ‘From Crisis to Catastrophe: the situation of minorities in Iraq’, https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/IRQ/INT_CESCR_ICO_IRQ_19803_E.pdf

⁶ - Erica Gaston and Andras Derzsi-Horvath, ‘Iraq After ISIL Sub-State Actors, Local Forces, and the Micro-Politics of Control’, Global Public Policy Institute, 21 Mar. 2018. <https://www.gppi.net/2018/03/21/iraq-after-isil-sub-state-actors-local-forces-and-the-micro-politics-of-control>

⁷ - Farhad Abdullah and Hawre Hasan Hama, ‘Minority Representation and Reserved Legislative Seats in Iraqi Kurdistan’, Contemporary Review of the Reserved Legislative Seats in Iraqi Kurdistan’, Contemporary Review of the Middle East. 2020;74(381-402. doi:10.1177/2347798920939821

⁸ - Mina Aldroubi, ‘Iraqi Christians see little prospect of returning to former homes’, The National News, 16 Aug. 2021. <https://www.thenationalnews.com/mena/iraq/2021/08/16/iraqi-christians-see-little-prospect-of-returning-to-former-homes/>; Kristina Schlick, ‘Yazidis still displaced in their own country’, DW, 6 Nov. 2021. <https://www.dw.com/en/yazidis-still-displaced-in-their-own-country/a-59725928>.

The Kurdistan Region of Iraq follows the same path; Minority participation remains ineffective due to the dominance of the ruling parties. Although the seemingly favorable environment is for religious freedoms, eleven legislative seats have been set quotas for minorities (five for Christians and Turkmen and one for Armenians). He criticizes the politicians who occupy the quota seats; Glory to their support for the policies of the ruling Kurdistan Democratic Party, which deprives minorities of realistic representation. However, political participation and representation (or lack thereof) are part of broader practices and narratives of inclusion and exclusion in Iraq (including the KRI). In the aftermath of the conflict with the Islamic State, the Kurdish authorities have developed political narratives that appeal to different audiences, both domestic and external—emphasizing their tolerance and their role as protectors of ethnic and religious minorities to distinguish the Kurdistan Region from the rest of Iraq and other countries in Region 14. Likewise, the Iraqi federal authorities have repeatedly failed to deliver on their promises. With regard to upholding justice, restoring status, and integrating minorities to discourage immigration 1. It is therefore no wonder that minorities have lost faith in national institutions and protection measures that failed them in the past. However, whether they are subordinate to the government of Iraq or the Kurdistan Regional Government, minorities face exclusionary practices based on language, history, religious teachings, and citizenship in education curricula that ignore the rich mosaic of ethnic and religious diversity.

.The UN Special Rapporteur on Minority Issues stresses that apart from insufficient political participation, minorities in Iraq also face discrimination and exclusion in the labor market, including government, judicial, and public sector employment .⁹

2 Conflicts between Baghdad and Erbil.

The elections are just one dimension of the plight of Iraq's minorities. Their marginalization is also closely linked to the politics of the disputed areas, which include the governors of Nineveh, Kirkuk, Diyala, and Salah al-Din. In 2014, ISIS targeted the minorities living in the Nineveh Governorate in northern Iraq, such as: (Christians, Yazidis, Shabaks, Kakais, and others). The Nineveh Plains have been home to many cultural groups living side by side throughout history, and represent an important part of Iraq as a multicultural society. However, it is also a contested area, as the Iraqi government and the Kurdistan Regional Government, have competed since 2002 for administrative authority in the region. This competition was partly responsible for the failure to meet the needs of the region's population, and the gradual increase in insecurity and tension, including among minority communities .itself.

⁹ - UN., 'Report of the Special Rapporteur on minority issues on her mission to Iraq', 9 Jan. 2017. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/002/44/PDF/G1700244.pdf?OpenElement>



Baghdad and Erbil vied for influence and the political loyalty of minorities by courting minority community leaders to support their policies in disputed areas, thus undermining cohesion.

Within local communities. The two governments also sought to co-opt and assuage security concerns for these groups by creating security units (the Popular Mobilization Forces and the Peshmerga), composed of minorities in the name of communal self-defense. Tensions and the resulting insecurity still prevail in these areas. This is also why the scars left by the extremist group's three-and-a-half years of rule in northern Iraq remain deep, with thousands still returning home. ¹⁰

-Christian worshipers gather around a fire outside the Syriac Catholic Church in the majority-Christian town of Qaraqosh (Baghdida) in Nineveh Governorate, on December 24, 2021, due to the lack of action to address minorities' feelings of political marginalization and the widely held view that the ruling ethno-sectarian blocs are indifferent. By the pressure and suffering of minorities, and they pay tribute to preserve Iraq's rich mosaic of ethnic and religious diversity as a word, not a deed. I made many pledges and proposals to address the political marginalization of minorities, but successive governments failed to implement them. As Christians celebrate the one-year anniversary of the Pope's historic visit, Iraqi political blocs have a chance to fulfill their pledges to support minorities, starting with amending the quota system in line with international standards to ensure effective and meaningful political participation ¹¹- not just tokenism: Hussam Abdullah - said of Coalition of Iraqi Minorities, an advocacy group for minority rights. "The

¹⁰ - . Author interview in December 2021 on Zoom

¹¹ -Yolande Knell, 'Iraq's minorities fear for their future', BBC, 23 Sep. 2017.
<https://www.bbc.com/news/world-middle-east-41277880>

appropriate mechanism to ensure effective participation is to reserve seats for minority quotas for voters from these communities” 24, after which the “quota” will reflect the aspirations of minorities that support their sense of belonging in Iraq as well. Such a move would represent a fundamental test of the mainstream parties' commitment to helping minorities not only to keep them alive but to ensure that they thrive in their ancestral homeland. It is also important to reverse the migration trend of these minority groups, whose numbers decreased with the escalation of targeted attacks against them after 2003, as well as in 2014 as a result of deep-rooted issues including discrimination and social, economic, and political marginalization, and the atrocities committed by ISIS against them²⁵. These communities reverse these trends to prove that they have a real place in Iraq¹².

Conclusion:

The issue of democracy and its development at the level of political systems in the world is one of the most important vital issues that present themselves, especially at the level of research and political circles. The shift towards democracy in the government formed one of the major waves that the contemporary world witnessed in the nineties of the last century, as many countries turned to democracy and pluralism. Concerning Iraq, the democratic transition came as a direct result of the occupation of Iraq by the United States of America and the overthrow of its totalitarian regime without providing an integrated alternative and without the maturity of the objective conditions for such a transformation, because of years of oppression and authoritarianism can only result in a democratic system. Democracy is a historical project that is built in temporal and spatial conditions and within certain social and cultural conditions so that it cannot be transferred from one experience to another and directly because it is a living necessity and linked to a movement of forces that have their historical conditions and political culture. In addition, for the democratic model to succeed in Iraq, it must provide a set of guarantees, the first of which are: cultural guarantees related to building a contributing political culture capable of dialogue with the other, legal and political guarantees represented by the rule of law and the principle of separation of powers, as well as social guarantees represented in limiting sectarian and clan values. And the establishment of the principle of citizenship and the protection of minorities, and without these guarantees, democracy will be a seed planted outside its land. Hence, through a reading of the reality of Iraqi society today, we see that the state does not enjoy a framed and integrated legal system and lacks a stable legal system despite the issuance of the permanent constitution of 2005, which included many points of disagreement and objection, which necessitates review and it includes many fundamental constitutional rules. On the one hand, and on the other hand, we see how the Iraqi society suffers from the pressure of contradictions in thinking, moderate and extremist ideologies, political, cultural, economic, and other programs. In all cases, the strength of the state must derive its sources from the desire to change for the better. The principle of the transfer of power is not limited to opening avenues for political action. The project is only before the political organizations, but rather to ensure the organization of a transition process Political power is between political forces, and partisan pluralism and open political action authorized parties to have no value without the ability of these parties to reach power. The authority is not a legal and political mechanism that complements the principle of freedom of political action. At the time when these rules determine the legal and political procedures for the process of succession of political forces over power, they work to transform political authority into legal authority. These rules are nothing but a technique that makes authority open to all political forces and therefore Its ability to reach positions of power, through it, the institutions of political authority become legal centers that can be occupied by political forces and take over the process of governance. Opposition forces, through elections and obtaining the votes of the voters.

. Sky News Arabic, 8 octobre 2021. . Yolande Knell, 'Iraq's minorities fear for their future', BBC, 23 Sep. 2017.
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