



# General Assembly

Distr.: General  
2 June 2022

English and French only

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## Human Rights Council

### Fiftieth session

13 June–8 July 2022

Agenda item 2

**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General**

### **Written statement\* submitted by Centre Zagros pour les Droits de l'Homme, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 May 2022]

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\* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



## **Disrespect for the constitution and its impact on human rights violations in Iraq**

Respect for the rights of ethnic and religious minorities is a fundamental issue in the 2005 Iraqi Constitution. The Iraqi people are defined by their diversity in the preamble and the basic principles properly name this diversity: Christians, Yazidis, Mandais, Turkmen and Kurds have official status in the areas where they are spoken. Article 7 strictly prohibits any justification or promotion of ethnic cleansing, Article 14 recognizes equality before the law without discrimination on account of religion or nationality. Article 125 emphasizes the guarantees that Turkmen, Assyrians and any other constituent of the Iraqi people have in the exercise of their educational, cultural, political and administrative rights.

Constitutional recognition in 2005 of Iraq's ethnic and religious diversity was possible after the 2003 military defeat of the government of the Socialist Arab Revival Party (Baath). In the case of Iraq, Ba'ath hegemony meant domination of society by the Sunni component of Saddam Hussein's ally country, with severe repression of all other ethnic and religious actors. This repression took the form of ethnic cleansing against the Kurdish people with Operation Anfal and the Halabja massacre (1988). These two facts were recognized in the preamble to the 2005 constitution. Unfortunately, the Sunnis were treated as a defeated enemy rather than an essential part of the Iraqi people, and with the old Sunni hegemony was replaced by a new Shia hegemony. This political situation has led to a violation of the multicultural spirit of the 2005 Constitution and as a result, Iraq suffers from constant violations of its constitution. A major consequence of the marginalization of the Sunnis in the life of the country was the consolidation of the Islamic State, which knew how to use the religious exclusion supported by the ruling Shiites to its advantage.

This unconstitutional situation is worrying. Many articles of the Iraqi constitution are not applicable. The problems between the Iraqi central government and the Kurdistan Regional Government remain unresolved. The Iranian government's interference and Turkey's attacks on the Iraqi Kurdistan Region and the Sinjar region have complicated the situation in Iraq. Iraq needs international support to advance dialogue between representatives of Iraq's different religious and ethnic actors and uphold the constitution and minority rights.

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Solidarité Internationale pour la Paix - ASIP, NGO(s) without consultative status, also share the views expressed in this statement.