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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the International Educational Development, Inc., a non-governmental organization on the roster

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

[13 February 2012]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Minorities in transitional governments**

International Educational Development, Inc. and the Association of Humanitarian lawyers have followed closely the situation of minority groups on transitional governments for some time.¹ “Regime-change” in recent history (especially during the Arab Spring) has largely been considered a positive step for citizens because it comes with aspirations for democracy and greater freedoms. Nevertheless, there has been a pattern of an increase in violence and discrimination against minorities under some transitional governments, contradicting the values upon which change was premised.

Large-scale violence against minorities is a feature of post-Hussein Iraq. For example, prior to 2003, there were 800,000 to 1.4 million Christians in Iraq. Today, the number is estimated to be around 500,000, the huge displacement as a result of human rights violations such as murder, kidnapping, armed robbery, destruction of personal and cultural property, forced conversion, forced marriage of Christian women, and rape.² Christians and other minorities (such as Yezidis and Sabeen Mandean) have been targeted because they are considered to be associated with Western forces, and because of the rise in certain forms of extremism following the vacuum in power in 2003. It is important to note that although Iraq now has a permanent government, violence against minorities continues. Indeed, one of the worst attacks against Christians occurred on October 31, 2010 when gunmen killed 58 worshippers and injured others inside Our Lady of Salvation Church in Baghdad.³

An increase in violence directed towards minorities has also occurred in post-Mubarak Egypt. Though Coptic Christians encountered hostility before the revolution, there has been a recent increase in tension and violent incidents, such as beatings and destruction of churches.⁴ One of the worst incidents occurred during a peaceful protest by Coptic demonstrators in front of Maspero TV headquarters in Cairo. Force was used against the protestors by the military and security forces, resulting in at least 24 civilian deaths and over 200 injuries.⁵ Overall, this increase in sectarian violence is caused by extremists taking advantage of the gap in power to pursue their agenda without being held accountable.

In both Iraq and Egypt, there has been little or no attention given towards protection of minorities, nor has there been significant accountability for violations of minority rights. We urge both the governments of Iraq and Egypt to take steps to protect minorities and to seek justice for violations of their rights. As the previous Independent Expert on Minority Issues Gay McDougall stated “respect for minority rights, dialogue between minorities and majorities within societies, and the constructive development of practices and institutional arrangements to accommodate diversity within society” are essential to prevent conflicts.⁶ States must be pro-active and develop a strategic plan to ensure the economic, political, and cultural equality of minorities, and institutions must be in place to ensure that the plan is

** The Association of Humanitarian Lawyers, an NGO without consultative status, also shares the views expressed in this statement.

¹ Association of Humanitarian Lawyers’ researcher Diya Malani assisted in the preparation of this statement.

² Annual Report of the United States Commission on International Religious Freedom (May 2011), p. 89, available at: <http://www.uscifr.gov/images/book%20with%20cover%20for%20web.pdf>

³ <http://www.nytimes.com/2010/11/02/world/middleeast/02iraq.html>

⁴ http://www.nytimes.com/2011/05/16/world/middleeast/16egypt.html?_r=1&ref=middleeast

⁵ <http://www.bbc.co.uk/news/world-middle-east-15235212>

⁶ Report of the independent expert on minority issues, Gay McDougall (Dec 16 2010), available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/178/14/PDF/G1017814.pdf?OpenElement>

followed. Moreover, if any violation of minority rights occurs, the perpetrators must be brought to justice so that the State does not appear to be tacitly approving or encouraging violations of minority rights. In this regard, we maintain that transitional governments are also bound by the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.⁷

We request that the Independent Expert on Minority Issues call attention to the issue of minorities and transitional governments, especially in the context of the Arab Spring. We further recommend that the Independent Expert:

- Urge States in transition to focus on the issue of violations against the rights of minorities by educating and reminding States of the benefits of protecting minorities, such as fostering stability for the entire State.
- Make available experts on minorities for consultation by States, so that States can utilize them to anticipate possible sectarian violence and learn how to better prevent or control violations against the rights of minorities.
- Urge the Forum on Minority Issues to focus their next annual meeting and recommendations on the theme of “Minorities in Transitional Governments.” Additionally, we urge the Forum to create a guidebook transitional governments focusing on general problems that can arise for minorities during transition, early-warning indicators of problems, and methods by which to prevent or curb violations of minority rights prior to the establishment of the permanent State.
- Facilitate a meeting between transitional governments and minority leaders in the Arab world to discuss current and anticipated violations against minority rights, solutions, and incentives to achieve proposed solutions.
- Urge donor states and international financial institutions to condition aid on greater commitments (or on the basis of a strategic plan) to protect human rights, including the rights of minorities.
- Coordinate with UNHCR to call attention to the refugee crisis caused by the rise of violations against minorities during transitional governments, and to develop durable solutions for minority refugee populations in general.
- If possible, conduct a country visit to Iraq. Global attention in the Middle East has largely shifted away from Iraq and onto the Arab Spring countries, but minorities in Iraq are still facing massive levels of violence and displacement. The situation is progressively getting worse and the minority populations in Iraq are on the verge of disappearing.⁸ Attention and a fresh consideration of solutions (such as the Iraq Sustainable Democracy Project’s Nineveh Plain Province Solution) would be extremely welcome.⁹

Next, we urge that the Special Rapporteur on contemporary forms of racism investigate allegations relating to murders, beatings, arbitrary detention, and rapes of the black minority in Libya. Though black minorities faced violations in the Gaddafi era, there has actually been an increase in brutality following the 2011 revolution. On the surface, blacks

⁷ Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, available at: <http://www2.ohchr.org/english/law/minorities.htm>

⁸ E.g. Sabeen Mandeans reported that almost 90 percent of their small community either has fled Iraq or been killed, leaving some 3,500 to 5,000 Mandeans in the country, compared to 50,000 to 60,000 in 2003 (Supra N. 1)

⁹ [http://www.iraqdemocracyproject.org/pdf/Nineveh%20Plain%20Province%20Solution%20\(legislative%20proposal%20-%20final\).pdf](http://www.iraqdemocracyproject.org/pdf/Nineveh%20Plain%20Province%20Solution%20(legislative%20proposal%20-%20final).pdf)

have been targeted because there is a perception that they were Gaddafi loyalists or mercenaries, but there are definite overtones of racism. For example, it was reported that the Misrata Brigade painted a slogan on the road to Tewargha—whose citizens are descendants of slaves and who are darker-skinned than most Libyans—in which it calls itself "the brigade for purging slaves [and] black skin".¹⁰ Tewargha was completely destroyed by the Misrata. The TNC should publicly condemn abuses against the black minority and clarify that black Libyans will not be collectively punished. Skirting the issue is not a viable solution for the TNC because it will lead to further instability in Libya. We recommend that the Special Rapporteur work with the TNC to develop a strategic plan for Misrata and other cities that focuses on toning down the anger towards black Libyans and redressing violations.

Finally, we would like to recommend action now regarding the situation of human rights in the Syrian Arab Republic call attention to the circumstances of the Christian, Druze, Alawite and other minorities in Syria who are living in a fragile and confused state during the current crisis. Chiefly, there are fears of a rise in extremism in an as yet hypothetical post-Assad transitional government or a restructured one, leading to violations of minority rights.¹¹ There is also a fear of reprisals and collective punishment for those minorities considered to be "Assad-loyalists."¹² Addressing the future outlook for minorities now is crucial because it may prevent sectarian violence in the future. More specifically, as the Commission of Inquiry finished its work, we recommend that the Special Rapporteur to be appointed work with the Independent Expert on Minority Issues, the Syrian National Council, and Syrian minority leaders to create a plan that anticipates the negative effects the current situation will have on Syrian minorities in the near future and how to prevent those from occurring. In our view, sectarian violence is avoidable, and creating meaningful dialogue between these parties as soon as possible will hopefully prevent it in Syria.

Ultimately, it is imperative that transitional governments address violations of minority rights and bring to justice the perpetrators of such violations: if such actions do not take place, there can be no genuine stability or moves towards democracy. When transitional governments become permanent ones, the State can greatly benefit from efforts made by transitional governments. Further, when communities can interact with one another without fear or distrust, it is more difficult for extremists to either take over or drive their agendas forward. In the context of the Arab Spring, this means that transitional governments must actively pursue an agenda of equality for minorities in order to strengthen the State and transition into permanent government. We urge all relevant the Special Procedures mandate holders to assist States in achieving this goal. Finally, we urge the High Commissioner to undertake action at her national and regional offices in these areas as a matter of urgency.

¹⁰ <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8754375/Gaddafis-ghost-town-after-the-loyalists-retreat.html>

¹¹ <http://www.aljazeera.com/indepth/opinion/2011/09/2011912135213927196.html>

¹² <http://pulitzercenter.org/reporting/syria-bashar-al-assad-alawite-opposition-religion>