

The Honourable Robert D. Nault, P.C., M.P.  
Chair  
House of Commons Standing Committee on  
Foreign Affairs and International Development  
House of Commons  
Ottawa ON K1A 0A6

Dear Mr. Chair,

On behalf of the Government of Canada, I am pleased to respond to the Report of the Standing Committee on Foreign Affairs and International Development and the Subcommittee on International Human Rights entitled *The Day After: Planning for the Protection of Religious and Ethnic Minorities in a Post-Daesh Iraq*, tabled in the House of Commons on April 10, 2017. The Government would like to thank the Committee and its Subcommittee for its efforts in preparing the report and for the opportunity to participate in the hearings.

Canada supports a united, stable, and diverse Iraq. We support the Iraqi government's efforts to confront Daesh, mend ethnic and sectarian divisions, and improve governance. Solutions to Iraq's problems must be Iraqi-led and implemented. This is why Canada's engagement in Iraq and the region focuses on building local capacity at all levels, including for Iraq's security forces and governance structures.

The promotion and protection of peaceful pluralism, respect for diversity, and all human rights, including freedom of religion or belief, is an integral part of Canada's constructive engagement in Iraq. As a multiethnic, multi-faith and inclusive society, Canada is well-positioned to champion these values internationally by sharing Canadian experience and expertise. As a country we are well-aware that diversity is a fact, whereas inclusion is a conscious decision to embrace that diversity.

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The promotion and protection of human rights is also at the core of Canada's international policies and engagement. Canada promotes respect for human rights by engaging with countries and civil society, through multilateral efforts and support for multi-stakeholder initiatives, by opening our human rights record up to international scrutiny, by providing international assistance, and through trade-related activities.

The protection of women and girls in conflict situations and other emergencies underpins Canada's activities in situations and areas of conflict and fragility. The UN Security Council's Women, Peace and Security agenda calls on the international community to enhance the protection of women and girls in these contexts, to promote women's meaningful participation in decision-making to respect the human rights of women and girls and the prevention of sexual violence in conflict. Canada's National Action Plan on Women, Peace and Security (2010-2016) emphasizes strengthening efforts to increase the participation of women and girls in all peace and security efforts, protect their human rights, including freedom from sexual and gender-based violence (SGBV), and ensure their equal access to humanitarian and development assistance. On 8 March 2016, the Government of Canada announced the renewal of the Action Plan, which sunset on 31 March 2016.

States carry the primary responsibility for protecting their populations from genocide, war crimes, crimes against humanity and ethnic cleansing, and their incitement. Strengthening international compliance with international humanitarian law and accountability for violations thereof is a critical and fundamental component of Canada's approach to international peace and security. Canada is concerned by the prevalence with which violations of international humanitarian law are becoming the hallmark of conflicts around the world. Canada consistently calls on all parties to international and non-international armed conflicts, both state and non-state actors, to comply fully with their obligations under international humanitarian law.

Canada is appalled by the acts of violence perpetrated by Daesh in Iraq and Syria. The atrocities have affected all communities in these countries, be they Shi'a or Sunni Muslims, Yazidis, Christians, Kurds, or others – as well as women, the LGBTQ community, and anyone who opposes Daesh's ideology. Daesh's actions are an affront to human dignity, international law, and to Canadian values of peaceful pluralism and respect for diversity.

In February 2016, the Government announced a comprehensive and integrated “Strategy for Support to the Coalition Against Daesh and Broader Engagement in Iraq, Syria, Jordan and Lebanon (the Strategy). The objectives of the Strategy are grouped under four main pillars: security and stabilization (including military and non-military assistance); humanitarian assistance; development assistance to build resilience; and, political engagement through diplomatic activities. Canada is investing over \$1.6 billion over three years in humanitarian assistance (\$840 million); military assistance (\$305 million); development assistance (\$270 million); and, stabilization and security assistance (\$145 million). Canada will work to help meet the basic needs of the most vulnerable, and enhance the capacity of local actors to foster stable and secure environments and deliver basic services, as well as expand Canada’s diplomatic presence on the ground to support and enhance our engagement and cooperation with local and international partners. The Strategy is also aligned with Canada’s National Action Plan on Women Peace and Security; several components of the Strategy seek explicitly to empower women and girls. (For a complete list of programming supported by grants and contributions under the Strategy please see the last page of this letter).

The Strategy recognizes that Canada is part of a Global Coalition that is committed to degrading Daesh and stabilizing newly-liberated areas. The Coalition includes 68 members whose actions and programs are complementary. While the military mission is a vital part of the global response to Daesh, Canada is one of the few small group members contributing to all five Coalition lines of effort – one military and four civilian: 1) working to stem the flow of foreign fighters; 2) taking steps to stop Daesh’s financing and funding; 3) ensuring Iraq’s lasting stabilization; and 4) undermining Daesh’s narrative. The Strategy also recognizes that Iraq is a sovereign country and a key partner in the fight against Daesh. We work in tandem with the Government of Iraq in developing and implementing initiatives to address and overcome Iraq’s challenges.

The Government is pleased to note that the Committee’s recommendations are consistent with the four pillars in Canada’s Strategy. Our response is organised under the three main areas identified in the report as requiring international support: protecting the most vulnerable and reconciliation between neighbours; a sustainable political solution including minority representation; and, meaningful accountability for perpetrators of atrocities.

### **Conclusion A – Protecting the most vulnerable and reconciliation between neighbours**

*Recommendation 1: That the Government of Canada, in the development of its three-year strategic plan for engagement in Iraq and Syria, be mindful of measures for immediate action to protect the most vulnerable, particularly ethnic and religious minorities.*

*Recommendation 3: Prioritize the identification of groups that may be at risk of future violence and, in cooperation with international partners, develop post-conflict strategies to protect these groups.*

*Recommendation 5 (partial): ...supporting peaceful dispute resolution between communities returning to liberated territories, including through truth and reconciliation initiatives addressing atrocities committed by local Daesh fighters, and the use of local mediators to resolve other grievances likely to disrupt intercommunal relations...*

1. Under the Strategy's political engagement pillar, our expanded local diplomatic presence has helped us prioritize minority protection and reconciliation efforts in Iraq. The creation of 18 new positions – both Canadian and locally engaged staff – at our missions in Baghdad and Erbil allows for regular engagement with representatives from a wide range of minority groups, NGOs and civil society, and government officials, and a greater ability to conduct consultations that inform Canadian programming priorities for the region. The current Yazidi-focused resettlement program from Immigration Refugees and Citizenship Canada, for example, was widely consulted with local authorities and with representatives from the Yazidi community in Northern Iraq and in Baghdad, in order to ensure our actions contributed to protecting vulnerable persons without inadvertently creating new tensions with local communities in Northern Iraq.

Our diplomatic missions in Baghdad and Erbil also regularly reach out to representatives from minority communities to solicit their views and ideas on stabilization, reconciliation, and legislative and policy initiatives in Iraq. The Canadian Embassy in Baghdad participates in Iraq-led reconciliation dialogues that bring together representatives from a wide spectrum of communities from across the country, and has chaired reconciliation programming coordination meetings with the diplomatic community in Iraq. Our diplomatic mission serves as the Gender Focal Point for the Coalition's Stabilization Working Group in Baghdad. As such, our diplomats help other members of the Coalition ensure they take into consideration the particular needs and roles of women, girls and boys when supporting stabilization activities in Iraq. The Embassy has also funded several local initiatives which support protection and reconciliation, including initiatives promoting: 1) the inclusion of women and minorities in reconstruction decision-making bodies in Sinjar, 2) press freedom, 3) livelihoods for rural women, and 4) training for law enforcement personnel on human rights.

2. Under the Strategy's development assistance pillar, GAC is promoting social cohesion in communities hosting Internally Displaced Persons (IDPs). A project implemented by the NGO Mercy Corps bridges social divides and strengthens cohesion between groups by combining community mobilization activities with conflict management and mediation training, enabling leaders to resolve disputes and provide opportunities for groups to interact through social activities. The project works with IDPs and host communities to foster mutual decision-making on infrastructure and other social projects that address public services under strain from the influx of IDPs. The initiative also promotes the participation of women in the areas of community leadership and decision-making.

3. Through Canada's stabilization programming, Canada is also supporting formal and informal mechanisms for dispute resolution in order to address current grievances and enable peaceful co-existence. An initiative being implemented by Canadian-funded NGO Development Transformations will support a grassroots anti-retribution campaign to prevent revenge attacks and protect the most vulnerable groups in liberated areas. This will be accomplished by coordinating anti-violence narratives among civil society, tribal leaders, representatives from ethnic minorities, women's groups, organizations representative of urban and rural communities, and others. The campaign will be supported through digital and traditional media as well as through a framework that will allow civil society, including minorities in Nineveh, to voice their concerns and seek solutions with the support of the Iraqi authorities. This project recognizes that Sunni Muslims may in fact be one minority group in Iraq that is at risk of future violence in the form of revenge attacks for crimes committed by Daesh.

Canada is helping returnees in liberated areas of Anbar and Nineveh – two of the most affected areas of the country, with the latter being home to many minority groups – to more effectively resolve housing, land and property disputes and access essential civil documentation. A project with the Norwegian Refugee Council will ensure more effective resolution of housing, land and property disputes by ethno-religious and tribal leaders, in conformity with Iraqi and international law and through participation in formal legal processes. This project will improve sustainable access to civil documentation, housing, land, and property by returnees, including members of minority groups. It will also focus on the unique needs of displaced women.

In Nineveh these projects are implemented in areas where various ethnic minorities including Yazidis, Assyrians, Chaldeans and Shabakis are present, or are returning as a result of Daesh's defeat. To ensure a safe return to these areas, Canada has committed \$6 million to Improvised Explosive Device (IED) clearance operations in both Nineveh and Anbar to facilitate the return of displaced Iraqis to their homes, including members of minority groups. It is worth noting that the majority of Canadian-funded stabilization efforts aim to employ and engage members of local communities, including minority groups, ensuring that Iraqis are not only the beneficiaries of Canadian programming but also agents of positive change in areas liberated from Daesh. Canada will continue to support reconciliation initiatives in Nineveh and Anbar for the foreseeable future to complement other Canadian-funded stabilization efforts and respond to ongoing needs on the ground.

The deployment of Canadian police under the International Police Peacekeeping and Peace Operations Program is another way through which Canada is establishing a more secure environment for civilians in Iraq, including vulnerable populations. Before deploying, Canadian police officers receive extensive training on the political and social context in Iraq and working in fragile and conflict affected states, including instruction on United Nations Security Council Resolution 1325 on Women, Peace and Security. The aims of these deployments are to strengthen the Iraqi security institutions that underpin local policing and to support transitions in policing methods for areas liberated from Daesh. One key element of this work, which is being carried out in collaboration with several partners led by Italy, is advancing the adoption of community policing principles to help local police protect, serve and rebuild trust with the diverse members of their communities. Canada will continue to explore additional opportunities to support policing needs in Iraq.

Canadian Armed Forces (CAF) members deployed to Iraq have undergone rigorous training on International Humanitarian Law and associated responsibilities, including how to prevent and report violations of International Humanitarian Law (violations would include the use of child soldiers, torture, inhuman treatment, and sexual assault upon children and other vulnerable populations such as women, religious minorities and persons with disabilities). During their mission in Iraq, one of the main areas of focus of the CAF has been to advise and assist Iraqi security forces, including with a program of instruction regarding International Humanitarian Law. This training has been reinforced during the CAF's ongoing 'advise and assist' role with members of the Iraqi security forces.

4. Protection of the most vulnerable, including members of minority groups disproportionately affected by Daesh's violence, is also at the heart of Canada's humanitarian efforts in Iraq. Canada has already allocated \$730 million in funding under the humanitarian assistance pillar of the Strategy, to the UN, the Red Cross Red Crescent and non-governmental organization partners, with the remaining \$110 million to be allocated in 2017 and 2018 to respond to new and emerging humanitarian needs across the region. In Iraq, this funding is supporting a wide range of protection assistance including legal assistance, access to safe spaces, mental health services, shelter and advocacy with government authorities, to name a few. It also provides a comprehensive range of services including medical, psychological, psychiatric, and legal assistance to women and girls who are victims of Daesh violence. This multi-year approach means that we are committed to continuing to provide humanitarian assistance and protection to the most vulnerable crisis-affected people in the region. Canada's multi-year humanitarian funding has been extremely well received by our partners who have praised Canada for following through on this key commitment from the World Humanitarian Summit. Longer term funding allows partners to plan, to achieve efficiencies, and provides them with greater flexibility to respond to the evolving needs on the ground.

5. In addition to the Strategy, the Government of Canada has committed to provide protection to approximately 1,200 vulnerable Yazidi women and girls and other survivors of Daesh by the end of 2017. Immigration, Refugees and Citizenship Canada (IRCC) is working closely with the United Nations Refugee Agency, International Organization for Migration and other key partners to identify, process and transport individuals under this commitment. IRCC is coordinating efforts with Global Affairs Canada and has engaged with Iraqi officials and the Kurdish Regional Government to ensure ongoing support for this initiative. The Government of Canada has allocated \$28 million in funding for this commitment to support overseas processing, transportation and settlement initiatives.

Through its Office of Human Rights, Freedoms and Inclusion (OHRFI), Global Affairs Canada engages in two-way dialogue with Iraqi religious minority communities, both in Iraq and in Canada. Representatives from Iraq's religious minority communities have been able to use these discussions to voice their concerns and share their valuable knowledge of the situation on the ground. Through the OHRFI, a diverse cross-section of faith and belief communities in Canada, including those that are in direct contact with their communities on the ground in Iraq, also provide information on the challenges being faced, including information on violations to religious freedom, and what can be done by Canada to assist affected individuals and communities safely and effectively.

Canada also leads the International Contact Group (ICG) on Freedom of Religion or Belief. Established in June 2015, the ICG encourages multilateral action beyond traditional regional blocs, and deepens coordination between like-minded countries on promoting freedom of religion or belief.

**Conclusion B – A sustainable political solution including minority representation**

*Recommendation 2: That the Government of Canada continue to work with its international partners to support efforts to establish local consensus regarding protection and security for Yazidis, Chaldo-Assyrian Christians, and other religious and ethnic minorities in Nineveh.*

*Recommendation 5: ...encouraging minority representation in the administration of their home territories, including in respect of security and law-enforcement, and taking advantage of opportunities to share Canadian best practices regarding decentralized governance...*

Similar to Canada, Iraq is a parliamentary democracy with a federal system of government. Inclusive federalism can offer a combination of unity and diversity in multicultural societies, providing a means for recognition and acceptance of different languages, religions and cultures. Inclusive federal and devolved models can also be an important tool in conflict resolution and stabilization efforts. While Iraqi authorities and security forces are responsible for the safety and security of the Iraqi people, including of minorities, Canada supports the efforts of Iraqis to strengthen federalism and develop inclusive political and security arrangements, especially in the diverse Northern part of the country. Such arrangements should reflect Iraq's diversity and address the needs of individuals and communities for justice and security, while respecting Iraq's sovereignty and territorial integrity.

The Government of Canada agrees with the report's recommendation that Canada continue to support inclusive governance and security structures. Canada is engaging with minority communities in Iraq to seek their views on the matter of how best to ensure their protection and security, and with the Government of Iraq on its responsibilities regarding the provision of protection and security to all of its citizens.

1. Under the political engagement pillar of the Strategy, our expanded diplomatic presence in Baghdad has allowed us to advocate with key Iraqi and international representatives for inclusive governance arrangements that bring minority and other voices to the table. At the most recent Global Coalition meeting, Minister Freeland reiterated Canada's commitment to the Coalition's efforts and emphasized the need to continue support for the Government of Iraq's efforts to govern inclusively, regardless of religion or ethnicity, and to achieve genuine political reconciliation among Iraqi communities.



2. When it comes to sharing Canadian best practices regarding federalism, Canada, through the development assistance pillar of the Strategy, is funding the Fiscal Decentralization and Resilience Building for Iraq Project, implemented by the Institute on Governance (IoG), a Canadian non-governmental organization. This project provides professional development and skills and knowledge training to high-level government officials from the federal and provincial governments of Iraq. The project aims to promote the use of institutions and relationships by different tiers of Iraqi governments to overcome political tensions.

IoG is working with the Iraqi government and provinces on how to better interact together on budget allocations – a very sensitive issue in Iraq, which is at the heart of tensions between the central government and the Kurdistan Regional Government. It brings together representatives from different areas of government who have not previously been in contact, promoting the building of networks across communities. It raises new awareness within the groups on how to collaborate on important public decisions. These leaders are also working together on defining the appropriate roles and responsibilities for the Iraqi government and provinces on service delivery. These Iraqi officials are also brought to Canada for interactive sessions with a range of Government of Canada departments, as well as with government representatives such as Members of Parliament.

IoG works with women's groups and other members of civil society on all aspects of the project, including fiscal federalism and decentralization, and resiliency building. A focus on inclusive governance promotes the voice of minorities, whether in the retaken governorates or in Baghdad, and the project includes work with the regional Shura Councils, which are made up of tribal elders and serve as intermediaries between communities and the governments.

### **Conclusion C – Meaningful accountability for perpetrators of atrocities**

*Recommendation 4: in an effort to deter further Daesh-inspired terrorism, support the capacity of judicial bodies to prosecute guilty parties under criminal offences such as murder, theft, rape and destruction of property and not under terrorism charges. Further, the Government of Canada should assist in the establishment of a “specialized war crimes chamber” within the existing local Iraqi court system to prosecute cases involving genocide, crimes against humanity, or war crimes*

*Recommendation 5 (partial): ...continuing its support for the collection and preservation of evidence of serious crimes of international concern, including by advocating for the establishment of international investigative mechanisms and providing capacity-building assistance to the Government of Iraq and the Kurdish Regional Government, either directly or through partners such as the Commission for International Justice and Accountability.*

*Recommendation 5 (partial): ...supporting local tribunals or other institutions through which Daesh fighters will be brought to justice, including through efforts to refine the existing legislative frameworks, enhance judicial capacity, and promote due process.*

The Government of Canada believes that accountability is crucial to deterring mass atrocity crimes, promoting reconciliation and providing justice for victims. Perpetrators of egregious violations of international humanitarian law (IHL) and violations or abuses of international human rights law (IHRL) must be held to account. Survivors deserve acknowledgement and avenues for justice. The Government agrees with the Committee's findings that accountability not only provides redress for the victims but is also an important symbol that will assist in creating a sense of security for minority communities. The investigation and prosecution of international crimes are fundamental to transitional justice and lay the foundation for a future reconciliation process in Iraq. We have learnt from previous conflicts, such as Rwanda and the former Yugoslavia, that if we invest too late in the accountability process, justice for the survivors can be delayed or denied. Demonstrating that impunity for such crimes will not be tolerated also contributes to the strengthening of the rule of law.

As pointed out in the Committee's report, Daesh must be held accountable for its perpetration of international crimes, notably against ethnic and religious minorities. We believe it is increasingly urgent that the international community address these grave and ongoing violations of international law, and put an end to impunity to deter the recurrence of further violations. This is consistent with Canada's approach to other countries within the Strategy. In Syria, Canada is actively supporting efforts on accountability by funding evidence collection and documentation of international crimes, including through support to the UN-mandated International, Impartial and Independent Mechanism (IIIM) to Assist in the Investigation and Prosecution of Those Responsible for the Most Serious Crimes under International Law Committed in Syria since March 2011.

As the Government of Iraq and Coalition partners work toward the common goal of defeating Daesh, it remains essential that all parties to the conflict respect and ensure respect for the protection of civilians and adhere at all times to their obligations under international humanitarian law. In this regard, the Government of Iraq has committed to giving priority to the protection of civilians in its efforts to defeat Daesh. We also remain vigilant and bring to the attention of the Coalition and the Government of Iraq any allegations of IHL and IHRL violations that we become aware of in order to ensure that appropriate investigations are undertaken by the authorities.

1. Under the political engagement pillar of the Strategy, the Government of Canada has made seeking accountability for Daesh atrocities a priority, and has been at the forefront of international action on this issue. In May and June 2016, former Minister Dion sent letters to members of the UN Security Council formally requesting an investigation into violations of international law by Daesh in Iraq and Syria and measures to ensure accountability for those crimes. In September 2016, Minister Dion participated in the launch of a UK-led global campaign to bring Daesh to justice on the margins of the UN General Assembly. The event brought together Foreign Ministers, UN Commissioners, survivors of Daesh violence, and non-governmental organisations, drawing international attention to the issue while demonstrating collective solidarity with survivors. Canada further supported the campaign by co-hosting a panel discussion on the same issue in New York in March 2017. The campaign was launched in close cooperation with the Government of Iraq, and in late March 2017, the Prime Minister of Iraq called on the UN Security Council to pass a resolution to prosecute crimes against civilians committed by Daesh.

The Government of Iraq and the international community have not yet made a decision as to the type of legal mechanism that could be used to investigate and prosecute perpetrators. While Iraq is not a party to the International Criminal Court (ICC), the UN Security Council could refer the situation in Iraq to the ICC. The Security Council could also set up an ad hoc tribunal, similar to the International Criminal Tribunal for the Former Yugoslavia (ICTY) or the International Criminal Tribunal for Rwanda (ICTR). As noted by the Committee, another way of holding perpetrators to account could be setting up a specialized chamber within the existing Iraqi judicial system. Such a chamber could have an international component, making it a hybrid court, or it could be purely domestic. A hybrid court would normally consist of a mix of local and international staff. The addition of foreign judges, prosecutors and lawyers may bring with it a certain degree of impartiality, in which religious and ethnic minorities may have greater confidence.

Canada is working with the Government of Iraq and the international community to determine which mechanism would be most appropriate or most effective in ensuring accountability for the atrocities committed by Daesh. Currently, Daesh members are prosecuted under the 2005 Iraqi Anti-Terrorism Law, which carries a death sentence for those convicted of committing terrorist acts or assisting terrorists. Canada is opposed to the use of the death penalty and has encouraged the Government of Iraq to place a moratorium on its use.

2. Under the Strategy's security and stabilization pillar, Canada is supporting the documentation of Daesh's crimes and providing justice capacity-building in Iraq to respond to immediate stabilisation needs. Canada's support focuses on evidence collection - a necessary starting point for the eventual adjudication of crimes committed by Daesh. The Committee's report highlights the urgent need to protect and preserve evidence of war crimes and crimes against humanity. As part of Canada's stabilisation programming, Canada is supporting a three-year project with the Commission for International Justice and Accountability (CIJA) to investigate violations of international humanitarian and criminal law in Iraq, including sexual and gender-based crimes, in order to prepare case files that can be used for future prosecution. The CIJA conducts criminal investigations and collects evidence, including documents and witness statements, to a standard suitable for criminal proceedings. It develops full case briefs that will be provided to a court, once one with applicable jurisdiction for the crimes is created.

In particular, the CIJA has collected a body of evidence on the enslavement of thousands of Yazidi women and children who were subjected to forced conversion, forced marriage, sexual slavery, rape and other acts of sexual violence. Evidence collected supports a case file alleging crimes against humanity and acts of genocide, and identifies several dozen high-level Daesh perpetrators. This file will help to reduce impunity for these crimes. CIJA will also conduct investigations concerning crimes committed against members of the various minority groups currently residing in the Nineveh plains, including Assyrians, Chaldeans and Shabakis.

Canada also supports the International Commission of Missing Persons (ICMP) to develop the capacity of local authorities to protect mass gravesites and recover vulnerable surface-lying human remains. ICMP also assists authorities in identifying victims and safeguarding evidence that will be essential for the future prosecution of perpetrators. This project builds trust between Iraqi authorities and affected populations, begins to re-establish the rule of law, and mitigates the impact of atrocities committed by Daesh, especially in minority populated areas of Nineveh.

The Government of Canada thanks the Committee for their recommendation to support longer-term justice capacity building, particularly in the areas of legislative frameworks and due process. The Government agrees that Iraq has considerable needs. Canada had considered assistance in this area but has chosen, with respect to its commitments under the Strategy, to focus resources on immediate justice needs in newly-liberated areas, in an effort to help address tensions and grievances as displaced populations return home, thereby preventing further conflict and violence. Other international partners, including the United Nations and the European Union, are currently working in the area of justice reform. The Committee's recommendations could be considered in the context of future programming.

Yours sincerely,

The Honourable Chrystia Freeland P.C., M.P.