

International Protection Considerations with Regards to People Fleeing **Iraq**

January 2024

HCR/EG/IRQ/2024/01

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Map of Iraq



IRAQ
Country Map
January 2024



List of Abbreviations

ACLED	The Armed Conflict Location & Event Data Project
AFP	Agence France-Presse
AGSIW	Arab Gulf States Institute in Washington
AOAV	Action on Armed Violence
AP	Associated Press
BBC	British Broadcasting Corporation
CAT	United Nations Committee Against Torture
CCCM	Camp Coordination and Camp Management
CED	Committee on Enforced Disappearances
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CEIP	Carnegie Endowment for International Peace
CFRI	French Research Center on Iraq (Centre Français de Recherche sur l'Irak)
CIVIC	Center for Civilians in Conflict
CoR	Council of Representatives
CPJ	Committee to Protect Journalists
CTP-ISW	Critical Threats Project – Institute for the Study of War
CREID	Coalition for Religious Equality and Inclusive Development
CSID	Civil Status ID card
CSIS	Center for Strategic and International Studies
CSO	Central Statistical Organization (Iraq)
DTM	Displacement Tracking Matrix
DRC	Danish Refugee Council
DW	Deutsche Welle
ECFR	European Council on Foreign Relations
EER	European Eye on Radicalization
EPC	Emirates Policy Center
EPIC	Enabling Peace in Iraq Center
ERW	Explosive Remnants of War
FAO	Food and Agriculture Organization
FGM	Female Genital Mutilation
GANHRI	Global Alliance of National Human Rights Institutions
GBV	Gender-Based Violence
GCHR	Gulf Centre for Human Rights
GDCVAW	General Directorate of Combatting Violence against Women and Families
GI-TOC	Global Initiative Against Transnational Organized Crime
HLP	Housing, Land and Property
HRW	Human Rights Watch
IBA	International Bar Association
IBC	Iraq Body Count
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IED	Improvised Explosive Device
IFA/IRA	Internal Flight Alternative / Internal Relocation Alternative
IHCHR	Iraqi High Commission for Human Rights
IILHR	Institute for International Law and Human Rights
ILGA	International Lesbian, Gay, Bisexual, Trans and Intersex Association
ILO	International Labour Organization
IMF	International Monetary Fund
INSO	International NGO Safety Organisation

IOHR	Iraqi Observatory for Human Rights
IOM	International Organization for Migration
IQD	Iraqi Dinar
IRC	International Rescue Committee
IRGC	Iranian Islamic Revolutionary Guard Corps
ISF	Iraqi Security Forces
ISHM	Iraq Security and Humanitarian Monitor
IS	“Islamic State” (Da’esh)
ISIS	Islamic State of Iraq and Al-Sham (Da’esh)
ISIL	Islamic State of Iraq and the Levant (Da’esh)
ISPI	Italian Institute for International Political Studies
ITIC	Meir Amit Intelligence and Terrorism Information Center
JISRA	Joint Initiative for Strategic Religious Action
KAS	Konrad Adenauer Foundation (Konrad-Adenauer-Stiftung)
KCIL	Kurdistan Center for International Law
KDP	Kurdistan Democratic Party
KRG	Kurdistan Regional Government
KR-I	Kurdistan Region of Iraq
KRSO	Kurdistan Region Statistics Office
LGBTIQ+	Lesbian, Gay, Bisexual, Transgender, Intersex and Queer
LSE	London School of Economics and Political Science
MCNA	Multi-Cluster Needs Assessment
MEE	Middle East Eye
MEI	Middle East Institute
MRGI	Minority Rights Group International
MERIP	Middle East Research and Information Project
MSF	Médecins Sans Frontières
NGO	Non-Governmental Organization
NINA	National Iraqi News Agency
NPR	National Public Radio
NRC	Norwegian Refugee Council
NRT	Nalia Radio & Television
NSS	National Security Service
OAU	Organization of African Unity
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the High Commissioner for Human Rights
OWFI	Organization of Women’s Freedom in Iraq
PC-MoI	Permanent Committee for Refugee Affairs of the Ministry of Interior
PDS	Public Distribution System
PFFA	Press Freedom Advocacy Association in Iraq
PKK	Kurdistan Workers’ Party (Partîya Karkerên Kurdistanê)
PMF / PMU	Popular Mobilization Forces / Units (<i>Al-Hashd Al-Sha’abi</i>)
PUK	Patriotic Union of Kurdistan
RSF	Reporters Sans Frontières (Reporters Without Borders)
RULAC	Rule of Law in Armed Conflicts Project of the Geneva Academy of International Humanitarian Law and Human Rights
SIPRI	Stockholm International Peace Research Institute
SOGIE(SC)	(Individuals with diverse) sexual orientations, gender identities, gender expressions (and/or sex characteristics)
SRSG	Special Representative of the Secretary-General
SWP	German Institute for International and Security Affairs (Stiftung Wissenschaft und Politik)
TNH	The New Humanitarian
UNAMI	United Nations Assistance Mission for Iraq

UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNID	Unified ID card
UNIDIR	United Nations Institute for Disarmament Research
UNITAD	United Nations Investigative Team to Promote Accountability for Crimes Committed by Daesh/ISIL
UNMAS	United Nations Mine Action Service
UNU	United Nations University
US	United States
USCIRF	US Commission on International Religious Freedom
USIP	United States Institute of Peace
YBŞ	Sinjar Resistance Units (Yekîneyên Berxwedana Şengalê)

I. Executive Summary

This document supersedes the May 2019 UNHCR International Protection Considerations with Regard to People Fleeing the Republic of Iraq.¹ It is issued against a background of continuing insecurity in parts of Iraq, fragmentation of State control, and human rights violations and abuses committed with impunity. These International Protection Considerations contain information on particular profiles of persons for whom international protection needs may arise in the current context in Iraq.

These International Protection Considerations include the most up-to-date information available at the time of writing, from a wide variety of sources.² The analysis contained in these International Protection Considerations is informed by publicly available information as well as by information collected and obtained by UNHCR in the course of its operations in Iraq.

All claims lodged by asylum-seekers need to be considered on their own merits according to fair and efficient status determination procedures and up-to-date and relevant country of origin information. This applies whether the claims are analysed on the basis of the refugee criteria contained in the 1951 Convention relating to the Status of Refugees (“1951 Convention”)³ and its 1967 Protocol,⁴ UNHCR’s mandate, regional refugee instruments, or on the basis of broader international protection criteria, including complementary forms of protection.

A. Refugee Protection under the 1951 Convention

UNHCR considers that individuals falling in one or more of the following risk profiles may be in need of international refugee protection, depending on the particular circumstances of the case.

- 1) Individuals suspected of supporting Da’esh;⁵
- 2) Individuals opposing, or perceived to be opposing, the Government, influential officials or politicians, or the Iraqi Security Forces (ISF),⁶ including Popular Mobilization Forces (PMF)⁷ factions operating outside State control;
- 3) Individuals opposing, or perceived to be opposing, the Kurdistan Regional Government (KRG) or those affiliated with the KRG;
- 4) Individuals opposing or perceived to be opposing Da’esh;
- 5) Members of religious and minority ethnic groups and individuals perceived as contravening strict Islamic rules;
- 6) Journalists and other media professionals who engage in critical reporting on political or other sensitive issues;
- 7) Humanitarian workers;

¹ UNHCR, *International Protection Considerations with Regard to People Fleeing the Republic of Iraq*, May 2019, HCR/PC/IRQ/2019/05_Rev.2, www.refworld.org/docid/5cc9b20c4.html.

² These International Protection Considerations are based on information available to UNHCR as of 28 January 2024, unless otherwise stated.

³ UN General Assembly, *Convention relating to the Status of Refugees*, 28 July 1951, U.N.T.S. 189, www.refworld.org/docid/3be01b964.html, p. 137.

⁴ UN General Assembly, *Protocol relating to the Status of Refugees*, 31 January 1967, U.N.T.S. 606, www.refworld.org/docid/3ae6b3ae4.html, p. 267.

⁵ Da’esh is also known as “Islamic State of Iraq and the Levant” (ISIL) and “Islamic State of Iraq and Al-Sham” (ISIS). In line with UN General Assembly Resolution 75/291 of 2 July 2021, this document refers to the organization as “Da’esh”; UN General Assembly, *Resolution Adopted by the General Assembly on 30 June 2022, A/RES/75/291*, 2 July 2021, <https://undocs.org/en/A/RES/75/291>, para. 75. Da’esh (listed as Al-Qa’eda) has been designated as a terrorist entity by UN Security Council Resolution 2170 (2014); UN Security Council, *Security Council Resolution 2170 (2014) [on Threats to International Peace and Security Caused by Terrorist Acts by Al-Qaida]*, S/RES/2170 (2014), 15 August 2014, www.refworld.org/docid/53f729b84.html.

⁶ The Prime Minister is the commander-in-chief of the ISF. The ISF consist of the formal military and law enforcement forces that report to the Ministry of Defense (including Ground Forces, Air Force, Naval Force), the Ministry of Interior (including Federal Police, Emergency Response Division, Facilities Protection Service, Department of Border Enforcement, local police) and those that fall directly under the Office of the Prime Minister, including the Counterterrorism Service / CTS, the Iraqi National Intelligence Service / INIS, and the Popular Mobilization Commission (with the Popular Mobilization Forces / PMF and the Tribal Mobilization Forces); US Department of State, *Country Report on Terrorism 2022: Iraq*, 30 November 2023, www.ecoi.net/en/document/2101564.html; Kurdistan 24, *Iraq’s Premier Takes Over Iraqi National Intelligence Service*, 6 November 2022, <https://bit.ly/3kSXMPj>; US Department of Defense, *Operation Inherent Resolve: Lead Inspector General Report to the United States Congress: October 1, 2021 – December 31, 2021*, 8 February 2022, <https://bit.ly/3NlrTZl>, p. 30. “(...) most security institutions are highly politicized, since their leadership is appointed by ruling political parties as per the electoral balance of political blocs in the Iraqi Council of Representatives”; Washington Institute for Near East Policy (Washington Institute), *Restructuring Iraqi National Security Institutions in Sudani’s Government*, 25 January 2023, <https://bit.ly/3F2FZDt>. See also, US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html.

⁷ Also known as Popular Mobilization Units / PMU, in Arabic: *Hashd Al-Shaabi*.

- 8) Women and girls;
- 9) Children;
- 10) Individuals with psychosocial or intellectual disabilities;
- 11) Individuals with diverse sexual orientations, gender identities, gender expressions and/or sex characteristics (SOGIESC);
- 12) Individuals targeted as part of tribal conflict resolution, including blood feuds;
- 13) Palestinian refugees.

This list is not necessarily exhaustive and profiles may overlap. A claim should not automatically be considered as without merit simply because it does not fall within any of the profiles identified here. Depending on the particular circumstances of the case, family members or individuals otherwise closely associated with persons of these profiles may also be in need of international protection on the basis of their association with individuals at risk.

The status of recognized refugees should be reviewed only if there are indications, in an individual case, that there are grounds for:

- i. Cancellation of refugee status which was wrongly granted in the first instance;
- ii. Revocation of refugee status on the grounds of Article 1F(a) or 1F(c) of the 1951 Convention; or
- iii. Cessation of refugee status on the basis of Article 1C(1-4) of the 1951 Convention.

UNHCR considers that the current situation in Iraq does not warrant cessation of refugee status on the basis of Articles 1C(5) and 1C(6) of the 1951 Convention.

B. Broader UNHCR Mandate Criteria, Regional Instruments and Complementary Forms of Protection

The 1951 Convention forms the cornerstone of the international refugee protection regime. The criteria for refugee status in the 1951 Convention need to be interpreted in such a manner that individuals or groups of persons who meet these criteria are duly recognized and protected under that instrument. Only when an asylum-seeker is found not to meet the refugee criteria in the 1951 Convention, for example because the feared persecution is found not to be for reason of a Convention ground, or if otherwise the threshold for applying the 1951 Convention definition is not met, should broader international protection criteria as contained in UNHCR's mandate and regional instruments be examined, including subsidiary protection.

Individuals who flee situations of violence where there is no nexus with a 1951 Convention ground would not ordinarily come within the scope of the 1951 Convention. Such individuals may nevertheless come within the terms of UNHCR's broader mandate criteria, or the criteria set out in regional instruments.

UNHCR's mandate encompasses individuals who meet the refugee criteria under the 1951 Convention and its 1967 Protocol, but has been broadened through successive UN General Assembly and ECOSOC resolutions to a variety of other situations of forced displacement resulting from indiscriminate violence or public disorder.⁸ In light of this evolution, UNHCR's competence to provide international protection to refugees extends to individuals who are outside their country of origin or of habitual residence and who are unable or unwilling to return there owing to serious threats to life, physical integrity or freedom resulting from generalized violence or events seriously disturbing public order.⁹

⁸ UN General Assembly, *Note on International Protection*, 7 September 1994, A/AC.96/830, www.refworld.org/docid/3f0a935f2.html; UNHCR, *Providing International Protection Including Through Complementary Forms of Protection*, 2 June 2005, EC/55/SC/CRP.16, www.refworld.org/docid/47fd49d.html.

⁹ See, for example, UNHCR, *Note on the Mandate of the High Commissioner for Refugees and His Office*, October 2013, www.refworld.org/docid/5268c9474.html, p. 3; UNHCR, *MM (Iran) v. Secretary of State for the Home Department: Written Submission on Behalf of the United Nations High Commissioner for Refugees*, 3 August 2010, C5/2009/2479, www.refworld.org/docid/4c6aa7db2.html, para. 10.

Iraq has been involved in a non-international armed conflict with Da'esh since January 2014,¹⁰ mostly in rural areas of Al-Anbar, Babel, Baghdad, Diyala, Erbil (Makhmour), Kirkuk, Ninewa and Salah Al-Din Governorates.¹¹ Iraq is also involved in an international armed conflict with Türkiye due to the latter's use of force against the Kurdistan Workers' Party (PKK) in northern Iraq without the consent of Iraq.¹² Indicators to assess the threat to life, physical integrity or freedom resulting from generalized violence as a result of these conflicts include: (i) the number of civilian casualties as a result of indiscriminate acts of violence, including airstrikes, shelling, improvised explosive device (IED) explosions and Explosive Remnants of War (ERW), see Sections II.B and II.C; (ii) the number of conflict-related security incidents (see Section II.B); and (iii) the number of people who have been forcibly displaced due to conflict (while noting that the number of displaced people who have not been able to return to a given area would be an additional indicator for a continued threat to life, physical integrity or freedom) (see Section II.F).

Such considerations are not, however, limited to the direct impact of the violence. They also encompass the longer-term, more indirect consequences of conflict-related violence that, either alone or on a cumulative basis, give rise to threats to life, physical integrity or freedom. In this respect, relevant elements include the information presented in Sections II.B, II.D and II.E relating to (i) State and non-State actors' ability to threaten, intimidate, extort, kidnap and kill civilians and restrict their freedom of movement; (ii) the high level of fragmentation of security actors, the prevalence of corruption and the ability of security actors to commit human rights violations regularly with impunity; (iii) the impact of violence and insecurity on the humanitarian situation as manifested by poverty, food insecurity, the destruction of homes, livelihoods and the loss of assets; and (iv) constraints on women's participation in public life.

Iraqis and others originating from Iraq who seek international protection in countries that are States parties to the Convention Governing the Specific Aspects of Refugee Problems in Africa ("1969 OAU Convention"),¹³ and who have been found not to meet the criteria of the 1951 Convention, may qualify for refugee status under Article I(2) of the 1969 OAU Convention. In particular, UNHCR considers that individuals originating from areas impacted by either Iraq's non-international armed conflict with Da'esh or the international armed conflict with Türkiye and who have been found not to meet the criteria of the 1951 Convention may be in need of international protection under the terms of Article I(2) of the 1969 OAU Convention, on the grounds that they were compelled to leave their place of habitual residence owing to threats to their lives, freedom or security as a result of events seriously disturbing public order.¹⁴

Iraqi asylum-seekers who seek international protection in any of the countries that have incorporated the 1984 Cartagena Declaration on Refugees ("1984 Cartagena Declaration")¹⁵ into their national legislation

¹⁰ "On account of the frequency of armed attacks and armed confrontations, the number of casualties, the number of people forced to flee ongoing hostilities, and the types of weapons and military equipment utilized, the required degree of intensity has been reached since January 2014. The fighting has continued unabated and hence there is a non-international conflict between the Iraqi government and the Islamic State group"; Geneva Academy of International Humanitarian Law and Human Rights / Rule of Law in Armed Conflict Project (RULAC), *Non-International Armed Conflicts in Iraq*, 18 May 2023, <https://bit.ly/43qaiO9>.

¹¹ See Sections II.B.1.b and II.B.2.c.

¹² "Due to the ongoing airstrikes by Türkiye against PKK targets in northern Iraq without the consent of the Iraqi government, there is an international armed conflict between Türkiye and Iraq"; RULAC, *International Armed Conflict in Iraq*, updated 19 May 2023, <https://bit.ly/41X9oax>.

¹³ Article I(2) of the 1969 Convention extends the refugee definition to "every person, who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality" (emphasis added). The same considerations apply to individuals coming within the refugee definition as contained in Article I(2) of the Bangkok Principles, which is identical to the refugee definition of the 1969 OAU Convention; Organization of African Unity, *Convention Governing the Specific Aspects of Refugee Problems in Africa* ("OAU Convention"), 10 September 1969, 1001 U.N.T.S. 45, www.refworld.org/docid/3ae6b36018.html; Asian-African Legal Consultative Organization (AALCO), *Bangkok Principles on the Status and Treatment of Refugees* (Final Text of the AALCO's 1966 Bangkok Principles on Status and Treatment of Refugees, as adopted on 24 June 2001 at the AALCO's 40th Session, New Delhi), www.refworld.org/docid/3de5f2d52.html.

¹⁴ On the meaning of the phrase "events seriously disturbing public order" in the 1969 OAU Convention, see Marina Sharpe, *The 1969 OAU Refugee Convention and the Protection of People Fleeing Armed Conflict and Other Situations of Violence in the Context of Individual Refugee Status Determination*, January 2013, www.refworld.org/docid/50fd3ed2.html; A. Edwards, *Refugee Status Determination in Africa*, *African Journal of International and Comparative Law* Vol. 14 (2006), <https://bit.ly/3Ys70bL>, pp. 204-233; UNHCR, *Extending the Limits or Narrowing the Scope? Deconstructing the OAU Refugee Definition Thirty Years On*, April 2005, www.refworld.org/docid/4ff168782.html.

¹⁵ *Cartagena Declaration on Refugees*, *Colloquium on the International Protection of Refugees in Central America, Mexico and Panama*, 22 November 1984, www.refworld.org/docid/3ae6b36ec.html. Although the 1984 Cartagena Declaration is a non-binding regional instrument, the Cartagena refugee definition has attained a particular standing in the region, not least through its incorporation into 15 national laws and State practice. For guidance on the interpretation of the refugee definition in the 1984 Cartagena Declaration, see UNHCR, *Guidelines on International Protection No. 12: Claims for Refugee Status Related to Situations of Armed Conflict and Violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees and the Regional Refugee Definitions*, 2 December 2016, www.refworld.org/docid/583595ff4.html, paras 61-85.

may qualify for refugee status under the terms of the 1984 Cartagena Declaration. In particular, UNHCR considers that individuals originating from areas impacted by either Iraq's non-international armed conflict with Da'esh or the international armed conflict with Türkiye, and who have been found not to meet the criteria of the 1951 Convention, may be in need of international protection under the terms of the 1984 Cartagena Declaration, on the grounds that their lives, safety or freedom were threatened by circumstances that have seriously disturbed public order.

Iraqis who seek international protection in Member States of the European Union (EU) and who are found not to be refugees under the 1951 Convention may qualify for subsidiary protection under Article 15 of EU Directive 2011/95/EU (Qualification Directive), if there are substantial grounds for believing that they would face a real risk of serious harm in Iraq.¹⁶ In light of the information presented in Section II.E, applicants may, depending on the particular circumstances of the case, be in need of subsidiary protection under Article 15(a) or Article 15(b) on the grounds of a real risk of the relevant forms of serious harm (death penalty or execution;¹⁷ or torture or inhuman or degrading treatment or punishment),¹⁸ either at the hands of the State or its agents, or at the hands of non-State agents.¹⁹ Equally, in light of the fact that certain areas continue to be affected by Iraq's non-international armed conflict with Da'esh and the international armed conflict with Türkiye and in light of the information presented in Sections II.B, II.C, II.D and II.F, applicants originating from or previously residing in conflict-affected areas may, depending on the particular circumstances of the case, be in need of subsidiary protection under Article 15(c) on the grounds of a serious and individual threat to their life or person by reason of indiscriminate violence.

Given the fluid nature of the situation in Iraq, applications by Iraqis for international protection under UNHCR's mandate or under the definitions contained in regional instruments should each be assessed carefully in light of the evidence presented by the applicant and other current and reliable information about the situation in the country, giving due weight to the future-oriented nature of assessments of protection needs.

C. Internal Flight or Relocation Alternative (IFA/IRA)

UNHCR considers that an IFA/IRA is not available in areas formerly controlled by Da'esh or otherwise affected by conflict in light of continued human rights violations and abuses by State and non-State actors, continued Da'esh presence and ongoing anti-Da'esh military operations in these areas.

UNHCR further considers that an IFA/IRA is not available in the disputed territories for which the Federal Government and the KRG both claim authority²⁰ due to these areas' sensitive security, political and demographic dynamics and the risk of further destabilizing the situation through population movements.

UNHCR considers that an IFA/IRA is also not available in areas of northern Iraq affected by Turkish or Iranian military operations.

¹⁶ Serious harm for the purposes of the European Union (EU) Qualification Directive is defined as (a) the death penalty or execution; or (b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or (c) serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict; EU, *Directive 2011/95/EU of the European Parliament and of the Council on Standards for the Qualification of Third Country Nationals or Stateless Persons as Beneficiaries of International Protection, for a Uniform Status for Refugees or for Persons Eligible for Subsidiary Protection, and for the Content of the Protection Granted (Recast)*, 13 December 2011, www.refworld.org/docid/4f197df02.html (hereafter: EU, *Qualification Directive*, 2011, www.refworld.org/docid/4f197df02.html), arts. 2(f), 15.

¹⁷ "The death penalty is as such, and under any circumstances, considered as a serious harm under Article 15(a) QD [Qualification Directive]. The sentence does not need to have already been imposed. The mere existence of a real risk that a death penalty may be imposed on the applicant upon return could be considered sufficient to substantiate the need of subsidiary protection. As the addition of the term 'execution' suggests, Article 15(a) QD also encompasses the intentional killing of a person by non-State actors exercising some kind of authority. It may also include extrajudicial killings, if an element of intentional and formalised punishment is present"; EUAA, *Country Guidance: Explained*, 24 January 2023, <https://bit.ly/3WvWvDx>. For information on the legal basis, use and implementation of the death penalty by the Federal Government and the Kurdistan Regional Government (KRG), see Section II.D.1.

¹⁸ See Section II.D.

¹⁹ It should be noted that where applicants face a real risk of such treatment for reason of a 1951 Convention ground, they should be accorded refugee status under the Convention (unless they are to be excluded from the benefit of protection under the 1951 Convention under Article 1.F). Only where there is no nexus between the risk of serious harm and one of the Convention grounds should the applicant be accorded subsidiary protection.

²⁰ On the disputed territories, see Section II.A.5.

For detailed guidance for the assessment of the availability of an IFA/IRA in other parts of Iraq, see Sections [III.C.3](#) (relevance analysis) and [III.C.4](#) (reasonableness analysis).

D. Exclusion Considerations

In light of the serious human rights abuses and violations of international humanitarian law reported during Iraq's long history of conflicts and repression, exclusion considerations under Article 1F of the 1951 Convention may arise in individual claims by asylum-seekers from Iraq. In the context of Iraq, careful consideration needs to be given in particular to the following profiles:

- i. (Former) members of Da'esh (since 2013);
- ii. (Former) members of predecessor groups of Da'esh, including the former Islamic State in Iraq (ISI) and the former Al-Qa'eda in Iraq (AQI) (until 2013);
- iii. (Former) members of the ISF, the security/intelligence apparatus, and the judiciary (since 2003);
- iv. (Former) members of the KRG armed forces, the security/intelligence apparatus, and the judiciary (since 2003);
- v. (Former) members of other non-State armed groups (since 2003);
- vi. (Former) members of groups and networks engaged in organized crime (since 2003).
- vii. Former members of the Iraqi military, paramilitary, police and security/intelligence services, as well as high-ranking government officials (1979-2003);
- viii. Former members of armed groups opposing the former Government of Saddam Hussein (1979-2003).
- ix. Members of tribes involved in tribal justice and/or violence.

E. Position on Forced Returns

In light of continued human rights violations and abuses, the weak rule of law, ongoing community tensions and localized insecurity, the contamination of homes and lands with ERW, as well as limited rehabilitation of homes and basic infrastructure and constraints on access to livelihoods and basic services, UNHCR urges States to refrain from forcibly returning persons who originate from areas previously or currently impacted by the conflict with Da'esh to their areas of origin. UNHCR also advises against the forcible return of these persons to other parts of Iraq if there is a risk that they may not be able to access and/or reside in these areas, or that they will otherwise end up in a situation where they have no choice but to return to their area of origin.

Furthermore, UNHCR advises against the forcible return of persons originating from areas impacted by the ongoing regional conflict in northern Iraq in light of the conflict's impact on civilians and civilian infrastructure and livelihoods.

II. Main Developments since 2019

A. Main Political Developments

1) Popular Protests

a) Protests in Federal Iraq

In October 2019, a mass popular movement engulfed Baghdad and southern Iraq,²¹ which became known as the *Tishreen* (October) uprising.²² Largely led by unaffiliated youth,²³ the protesters called for broad political reforms,²⁴ complaining against “widespread corruption, unemployment and poor public services”.²⁵ Between 29 October and 4 November 2019, the number of protestors reached an estimated one million in Baghdad alone.²⁶

The ISF, including PMF factions operating outside State control,²⁷ responded with force to the protests, including by using stun grenades, tear gas and live ammunition, as well as harassment, arbitrary arrest and detention, abduction, torture, and extrajudicial killing of protestors, activists and others seen as supporting the protest movement.²⁸ At least 600 protestors died and many more were injured in the first few months

²¹ “(...) while these protests occurred primarily in the Shi’ite southern parts of Iraq, in the Sunni areas people refrained from protest out of fear of retaliation from the PMF or for being accused of terrorism, as occurred in the past”; Bertelsmann Foundation, *Iraq Country Report 2022*, 2022, www.ecoi.net/en/document/2069660.html, p. 15. See also, UN Assistance Mission for Iraq (UNAMI), *Demonstrations in Iraq, Update, 25 October – 4 November 2019*, November 2019, www.ecoi.net/en/document/2019890.html, p. 2; Middle East Eye (MEE), *Iraqi Youth Protesters: Who they Are, what they Want, and what’s Next*, 14 October 2019, <http://bit.ly/3ugEE68>.

²² Wilson Center, *Women and Social Media: Key Drivers of Protest in Iraq*, 22 December 2021, <http://bit.ly/3ic2z0E>.

²³ Arab Reform Initiative, *The Rising Tide of Change in Iraq: An Assessment of the 2018 and 2019 Protests*, 25 November 2022, <http://bit.ly/3OQOJQy>. See also, Middle East Institute (MEI), *Iraqi Youth Protesters: Who They Are, What They Want, and What’s Next*, 14 October 2019, <http://bit.ly/3ugEE68>.

²⁴ One of the protest movement’s central demands was an end of the *muhasasa ta’iffa*, the political system of ethno-sectarian power sharing, which protestors considered to be driving the country into dysfunction and economic ruin. “Under *Muhasasa Ta’iffa*, government posts, sinecures and departments are shared out among the Kurdish, Shia and Sunni political elites after an election – often after a lot of fraught inter-factional horse-trading. Voters are offered a choice of parties within a given ethno-sectarian bloc, but no choice of policy platforms. There is no parliamentary opposition to hold the government accountable;” Stockholm International Peace Research Institute (SIPRI), *Iraq in 2023: Challenges and Prospects for Peace and Human Security*, 17 March 2023, <https://bit.ly/3lkdcKh>. See also, International Crisis Group (ICG), *Watch List 2023 Iraq: Staving Off Instability in the Near and Distant Futures*, 6 February 2023, www.ecoi.net/en/document/2086447.html (hereafter: ICG, *Staving Off Instability in the Near and Distant Futures*, 6 February 2023, www.ecoi.net/en/document/2086447.html); Enabling Peace in Iraq Center (EPIC), *The Long Game: Iraq’s ‘Tishreen’ Movement and the Struggle for Reform*, October 2021, www.ecoi.net/en/document/2061265.html (hereafter: EPIC, *Iraq’s ‘Tishreen’ Movement and the Struggle for Reform*, October 2021, www.ecoi.net/en/document/2061265.html), pp. 3, 7, 15, 36. On the *muhasasa* system, see also, London School of Economics and Political Science (LSE) Middle East Centre, *Corruption Is the Lifeblood of Politics in Iraq*, October 2023, <https://bit.ly/3uHTK8a>, p. 8; Chatham House, *Rethinking Political Settlements in the Middle East and North Africa*, 20 September 2023, <https://bit.ly/3u8JFRJ>; Emirates Policy Center (EPC), *Iraq’s New Government and the Persistence of ‘Muhasasa’*, 20 October 2022, <https://bit.ly/3ziLoTH>.

²⁵ ICG, *Iraq’s Tishreen Uprising: From Barricades to Ballot Box*, 26 July 2021, www.ecoi.net/en/document/2056850.html (hereafter: ICG, *Iraq’s Tishreen Uprising*, 26 July 2021, www.ecoi.net/en/document/2056850.html), p. i. “The demonstrations blasted the government’s shortcomings in dealing with public services, electricity shortages, rising unemployment rates, corruption, sectarian politics, and the security crises deriving from activities by paramilitary groups affiliated with certain political parties and regional powers. Although the protests were mainly in Baghdad and the southern provinces, they represented a cross-sectarian and nationwide upheaval”; Arab Center Washington DC, *Iraq’s Tishreen Protest Movement: The Exceptional Domestic Pressure Tool*, 10 November 2021, <http://bit.ly/3wlevE3>. See also, Gulf Centre for Human Rights (GCHR), *They Will not Shoot Down Our Dream: Challenges Faced by Human Rights Defenders in Iraq Following the ‘October Popular Movement’*, 5 May 2022, <https://bit.ly/3OAYdmi> (hereafter: GCHR, *Challenges Faced by Human Rights Defenders in Iraq Following the ‘October Popular Movement’*, 5 May 2022, <https://bit.ly/3OAYdmi>), pp. 4, 5; Deutsche Welle (DW), *What’s Behind the Protests in Iraq?*, 10 May 2019, <http://bit.ly/3H1h9Wd>. See also Section II.E.

²⁶ UNAMI, *Demonstrations in Iraq, Update, 25 October – 4 November 2019*, November 2019, www.ecoi.net/en/document/2019890.html, p. 4.

²⁷ See Sections II.B.1.a and III.A.2. UNAMI has referred to “unidentified armed elements” as being responsible for the suppression of the protests and the targeting of protestors and activists. UNAMI defined these as “armed actors not clearly identifiable as regular state security forces. This does not preclude the possibility that these ‘elements’ have various links to the state and/or political parties”; UNAMI / Office of the High Commissioner for Human Rights (OHCHR), *Update on Accountability in Iraq: Limited Progress Towards Justice for Human Rights Violations and Abuses by ‘Unidentified Armed Elements’*, June 2022, www.ecoi.net/en/document/2075658.html (hereafter: UNAMI/OHCHR, *Update on Accountability in Iraq*, June 2022, www.ecoi.net/en/document/2075658.html), p. 3. UNAMI/OHCHR said that victims frequently referred to these “unidentified armed elements” as “militia”, i.e. “terminology commonly used in Iraq to describe armed groups operating outside state control”; UNAMI/OHCHR, *Update on Demonstrations in Iraq: Accountability for Human Rights Violations and Abuses by Unidentified Armed Elements*, 15 May 2021, www.ecoi.net/en/document/2054109.html, p. 4.

²⁸ “Security forces responded to the protests with vicious and unrelenting violence. (...) The culprits were an array of Iraqi state security forces, including federal police and military, as well as armed groups that help make up the Popular Mobilization Forces (al-hashd al-sha’bi) (...) As Human Rights Watch documented at the time, unidentified armed forces and state security forces seemingly worked in cooperation to kill protesters”; Human Rights Watch (HRW), *To Sleep the Law: Violence Against Protesters and Unaccountable Perpetrators in Iraq*, 29 November 2022, <https://bit.ly/41Nc8IG>. See also, ICG, *Iraq’s Tishreen Uprising*, 26 July 2021, www.ecoi.net/en/document/2056850.html, pp. 12-17; EPIC, *Iraq’s ‘Tishreen’ Movement and the Struggle for Reform*, October 2021, www.ecoi.net/en/document/2061265.html, p. 6; UNAMI/OHCHR, *Human Rights Violations and Abuses in the Context of Demonstrations in Iraq, October 2019 – April 2020*, August 2020, www.ecoi.net/en/document/2036637.html, p. 13; Amnesty International, *Iraq: Protest Death Toll Surges as Security Forces Resume Brutal Repression*, 23 January 2020, www.ecoi.net/de/dokument/2023297.html. See also Sections II.D.3.a and III.A.2.

of the protests.²⁹ In some cases, protestors reportedly used force against members of security forces and militias, and burned and destroyed government and political party offices.³⁰ The growing unrest forced the resignation of Prime Minister Adel Abdul Mahdi and his cabinet in late November 2019.³¹

Protests continued into March 2020, but increasingly weakened for various reasons, including divisions over the response to a targeted US drone strike, which killed General Qassem Soleimani, head of the Iranian Islamic Revolutionary Guard Corps (IRGC), and Abu Mahdi Al-Muhandis, deputy chief of the Popular Mobilization Committee on 3 January 2020;³² the COVID-19 pandemic and related lockdown measures; as well as the severe repression of the protest movement.³³ Yet, violence against protestors and activists continued.³⁴ Protests commemorating the third anniversary of the Tishreen protests in October 2022 were met with tear gas and rubber bullets, leaving dozens of civilians injured.³⁵

Mustafa Al-Kadhimi, who was appointed as Prime Minister in May 2020, ordered the release of detained protestors,³⁶ financial compensation for the victims' families³⁷ and the establishment of a fact-finding commission on the government's response.³⁸ However, there has been limited progress towards accountability for violations perpetrated during the Tishreen protests.³⁹

²⁹ "In the Tishreen protests which began in October 2019, Iraqi security forces, including riot police, counterterrorism forces, and factions of the Popular Mobilization Units, executed a deadly crackdown on protesters, activists, journalists, human rights defenders and anyone vocally supportive of the protest movement. At least 600 people were killed due to violent dispersal within the first few months, and many were the subject of targeted killings and enforced disappearances"; Amnesty International, HRW, et al., *Joint Statement: Iraqi Authorities Must Cease Chilling Crackdown on Free Speech*, 3 March 2023, www.ecoi.net/en/document/2088313.html, p. 2. "Between 1 October 2019 and 30 April 2020, UNAMI/OHCHR documented the death of at least 487 protestors and the injury of 7,715 others during protests in Iraq due to violence by security forces and incidents attributed to 'unidentified armed elements'." UNAMI/OHCHR, *Update on Accountability in Iraq*, June 2022, www.ecoi.net/en/document/2075658.html, p. 3.

³⁰ "Citizens conducted targeted attacks on offices of political parties and militia of Shia political parties, by looting, damaging, and setting them on fire, especially as anger increased after the violent response by government security forces (leading to many casualties)"; Water, Peace and Security, *Water Challenges and Conflict Dynamics in Southern Iraq: An In-Depth Analysis of an Under-Researched Crisis*, 17 February 2022, <https://bit.ly/3fNe2Wf> (hereafter: Water, Peace and Security, *Water Challenges and Conflict Dynamics in Southern Iraq*, 17 February 2022, <https://bit.ly/3fNe2Wf>), p. 22. "Public outrage was expressed during the riots in the execution of several operatives and commanders of the militias by the demonstrators on account of their attacks against civilians whose only desire was to protest against the conduct of the government and against Iran's involvement in the country"; Meir Amit Intelligence and Terrorism Information Center (ITIC), *The Pro-Iranian Militias in Iraq: The Current Situation*, 15 November 2022, <https://bit.ly/3ELGTnz>. See also, UNAMI/OHCHR, *Human Rights Violations and Abuses in the Context of Demonstrations in Iraq, October 2019 to April 2020*, August 2020, www.ecoi.net/en/document/2036637.html, pp. 15-16, 19; Al-Monitor, *Iranian Consulates Torched in Najaf and Karbala*, 3 December 2019, <https://bit.ly/3Fd2ENI>; Associated Press (AP), *Protesters Burn Down Iranian Consulate in Southern Iraq*, 27 November 2019, <https://bit.ly/440CKGd>.

³¹ British Broadcasting Corporation (BBC), *Iraq Unrest: Parliament Approves PM Abdul Mahdi's Resignation*, 1 December 2019, <https://bbc.in/3IVviDx>. After nearly six months of political negotiations, the Council of Representatives (CoR) confirmed Mustafa Al-Kadhimi as Prime Minister of Iraq on 6 May 2020. Al-Kadhimi announced that early elections would be held in June 2021. However, the Independent High Election Commission (IHEC) requested more time to prepare for the elections, which were then held on 10 October 2021; National Public Radio (NPR), *State Media: Iraq to Postpone General Elections by Four Months*, 19 January 2021, <https://bit.ly/41Sqi2i>; Al Jazeera, *Iraq Prime Minister Calls Early Elections for June 2021*, 31 July 2020, <https://aje.io/kq9u2>. See also Section II.A.2.

³² ICG, *Iraq's Tishreen Uprising*, 26 July 2021, www.ecoi.net/en/document/2056850.html, p. 8. See also, EPIC, *Iraq's 'Tishreen' Movement and the Struggle for Reform*, October 2021, www.ecoi.net/en/document/2061265.html, p. 62; Washington Institute, *Iraqi Reactions to Soleimani's Assassination*, 3 January 2020, <http://bit.ly/3F0yDmO>. For more information on the PMF, see Section II.B.1.a.

³³ "Demonstrations continued into March 2020, before activists were forced into their homes due to the onset of the Covid-19 pandemic. This taming of protest activity did not mean that the most important demands of demonstrators were fully met – nor that the violence directed at them would stop"; HRW, *To Sleep the Law: Violence Against Protesters and Unaccountable Perpetrators in Iraq*, 29 November 2022, <https://bit.ly/41Nc8IG>. "The October Movement (...) has now lost much of its momentum as a result of being a main target for disinformation and physical attacks from militias and pro-Iranian forces in Iraq. Ideological conflicts and leadership disputes within the Movement as well as clashes with the Sadrist also led to the splintering of these forces and further loss of momentum"; Washington Institute, *Forming a New Government in Iraq: Possible Scenarios*, 18 October 2022, <https://bit.ly/3h2GnJ8>. See also, Wilson Center, *Third Anniversary of Tishreen Protests: Young Iraqis Take to the Streets Again*, 3 October 2022, <https://bit.ly/3Yxp9DK>; EPIC, *Iraq's 'Tishreen' Movement and the Struggle for Reform*, October 2021, www.ecoi.net/en/document/2061265.html, p. 62; ICG, *Iraq's Tishreen Uprising*, 26 July 2021, www.ecoi.net/en/document/2056850.html, p. 9.

³⁴ "Violence against protestors continued even after the slow dispersal of protestors over those early-pandemic weeks, and after the formation of a new government in May 2020 under the premiership of Mustafa al-Kadhimi. Unidentified armed groups continued to threaten prominent activists across Iraq and ultimately disappeared or assassinated many"; HRW, *To Sleep the Law: Violence Against Protesters and Unaccountable Perpetrators in Iraq*, 29 November 2022, <https://bit.ly/41Nc8IG>. See also, UNAMI/OHCHR, *Update on Accountability in Iraq*, June 2022, www.ecoi.net/en/document/2075658.html, pp. 3-4; GCHR, *Challenges Faced by Human Rights Defenders in Iraq Following the 'October Popular Movement'*, 5 May 2022, <https://bit.ly/3OAYdmi>, p. 7; EPIC, *Iraq's 'Tishreen' Movement and the Struggle for Reform*, October 2021, www.ecoi.net/en/document/2061265.html, pp. 62-63; MEI, *Iraqi Protesters' Perilous Journey to the Ballot Box*, 22 March 2021, <http://bit.ly/3FI0k6m>. On the continued violence against government critics, see Section III.A.2.

³⁵ Wilson Center, *Third Anniversary of Tishreen Protests: Young Iraqis Take to the Streets Again*, 3 October 2022, <https://bit.ly/3SCBmVW>; Reuters, *Tear Gas Fired, Scores Wounded in Baghdad Protest Marking 2019 Unrest*, 1 October 2022, <https://reut.rs/3lZg5tp>.

³⁶ Arab Weekly, *Kadhimi Embodies Iraqis' Hope for Change even if Challenges Abound*, 11 May 2020, <http://bit.ly/3FjT7Vv>; The National, *Iraqi Prime Minister Mustafa Al-Kadhimi Vows to Release Detained Protesters*, 10 May 2020, <http://bit.ly/3XP085E>.

³⁷ See Section II.D.3.a.

³⁸ HRW, *To Sleep the Law: Violence Against Protesters and Unaccountable Perpetrators in Iraq*, 29 November 2022, <https://bit.ly/41Nc8IG>; UNAMI/OHCHR, *Update on Accountability in Iraq*, June 2022, www.ecoi.net/en/document/2075658.html, p. 6.

³⁹ *Ibid.* See also Section II.D.3.a.

b) Protests in the Kurdistan Region of Iraq⁴⁰

Discontent over corruption, worsening economic conditions, as well as constant delays in payments of and cuts to salaries of public employees resulted in popular protests across the Kurdistan Region of Iraq (KR-I) in August 2020 and August 2022, as well as some smaller, more localized protests.⁴¹ These were met with excessive force by the Kurdish security forces.⁴² Protestors, activists, human rights defenders, journalists and others critical of the KRG authorities, the dominant ruling parties or others with political influence have been subjected to harassment, arbitrary arrest, detention and politically motivated prosecutions.⁴³

2) Parliamentary Elections and Government Formation

In response to the Tishreen protests, a provisional government was formed in May 2020 under Prime Minister Mustafa Al-Kadhimi, and early elections for the Iraq Council of Representatives (CoR) were held in October 2021.⁴⁴ The elections saw the lowest turnout (43 per cent) since the fall of former President Saddam Hussein in 2003, which was described by observers as signaling widespread public disillusionment with the political system.⁴⁵ The UN Assistance Mission for Iraq (UNAMI) documented some election-related violence, primarily “in the forms of threats and intimidation against candidates and their campaign teams”.⁴⁶

Partly as a result of a new electoral system introduced in November 2020,⁴⁷ political forces affiliated with Shi’ite cleric Muqtada Al-Sadr (the Sadrist Movement)⁴⁸ gained the highest number of seats at the expense of the *Fatah* Alliance, upsetting the previous balance among the Iraqi political elite and in the Shi’ite camp

⁴⁰ The Kurdistan Region of Iraq (KR-I) consists of the Governorates of Dohuk, Erbil, Sulaymaniyah and Halabja. The KRG administratively separated Halabja from Sulaymaniyah Governorate in 2014. In March 2023, the Federal Council of Ministers recognized Halabja as Iraq’s 19th Governorate. At the time of writing, the decision still requires the approval from the CoR; Shafaq News, *Halabja Governorate Push: Local Leader Renews Call for Official Recognition*, 24 November 2023, <https://bit.ly/3sVTDFm>; Kurdistan 24, *Iraqi Parliament Will Convene on Sunday to Discuss the Recognition of the Halabja Province*, 31 March 2023, <https://bit.ly/3KsbMAJ>.

⁴¹ Major protests over economic and political grievances took place across the KR-I in August 2020 and August 2022; EPIC, *Iraq Security and Humanitarian Monitor* [ISHM]: August 4-11, 2022, 11 August 2022, [www.ecoi.net/en/document/2077281.html](http://bit.ly/3DcZIEH); Kirkuk Now, *Kirkuk Activists Share Concerns with UN Representative*, 5 June 2022, <https://bit.ly/3jp4SRR>; The New Arab, *Iraqi Kurdistan Doctors, Teachers, and Garbage Collectors Go on Strike over Unpaid Salaries*, 7 March 2022, <http://bit.ly/3JhabNS>; Kirkuk Now, *Public Employees Protest Delay of Salaries*, 6 March 2022, <http://bit.ly/3kERRnD>; MEI, *Simmering Frustration and a Demand for Change: Public Service Protests in the Kurdistan Region*, 10 November 2021, <https://bit.ly/3JUFTRh>; Amnesty International, *Kurdistan Region of Iraq: Authorities Must End Protests-Related Repression*, 15 June 2021, www.ecoi.net/en/document/2053869.html; UN Security Council, *Report of the Secretary-General: Implementation of Resolution 2522 (2020)*, S/2021/120, 8 February 2021, www.ecoi.net/en/document/2045546.html, para. 14.

⁴² EPIC, *ISHM: August 4-11, 2022*, 11 August 2022, [www.ecoi.net/en/document/2077281.html](http://bit.ly/3DcZIEH); Arab News, *Six Protesters Killed amid Unrest in Iraq’s Kurdistan Region*, 8 December 2020, <http://bit.ly/3XReQKx>; Rudaw, *Police Forces Crackdown on Sulaimani Protestors with Tear Gas, Arrests*, 3 December 2020, <http://bit.ly/3DcZIEH>; Euro-Med Human Rights Monitor, *Cracking Down on Protestors in Iraqi Kurdistan Legitimizes Corruption*, 25 August 2020, <https://bit.ly/3ZgCINJ>. See also, UN Security Council, *Report of the Secretary-General: Implementation of Resolution 2522 (2020)*, S/2021/120, 8 February 2021, www.ecoi.net/en/document/2045546.html, para. 14; and Section III.A.3.

⁴³ See Sections II.D.1.b, III.A.3 and III.A.6.b.

⁴⁴ United States Institute of Peace (USIP), *A Year after Elections, Iraq May Finally Be Set to Form a Government*, 20 October 2022, <https://bit.ly/3In07Jk>; Middle East Policy Council, *Timeline: Iraqi Political Crisis*, October 2022, <https://bit.ly/3JRdJXD>.

⁴⁵ UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, pp. 31-32 (publication date not yet known at the time of writing); ICG, *Iraq’s Surprise Election Results*, 16 November 2021, www.ecoi.net/en/document/2064070.html; Konrad Adenauer Foundation (KAS), *Iraqi Elections 2021: Independents and New Political Parties*, January 2022, <https://bit.ly/3UjzJlQ>, p. 1.

⁴⁶ UN Security Council, *Report of the Secretary-General: Implementation of Resolution 2576 (2021)*, S/2021/946, 11 November 2021, www.ecoi.net/en/document/2064735.html, para. 51; GCHR, *Iraq: GCHR’s 19th Periodic Report on Human Rights Violations in Iraq*, 21 October 2021, <https://bit.ly/3QKqHp>. See also Sections III.A.2, III.A.4 and III.A.8.b.

⁴⁷ “Through the adoption of district-based constituencies and the single non-transferable vote (SNTV) system, the new law aims to address calls from the electorate for greater transparency and to counter sectarian divisions of power that have worsened with the political bloc system. (...) The law creates district-based, as opposed to province-based, constituencies, with a total of 329 seats. (...) Under the law, provinces will be divided into multi-seat districts, with one seat per 100,000 residents, which is in line with the earlier 2007 Supreme Court ruling”; Chatham House, *Iraq’s Electoral System*, 6 October 2021, <http://bit.ly/3XtMwOp>. See also, ICG, *Iraq’s Surprise Election Results*, 16 November 2021, www.ecoi.net/en/document/2064070.html.

⁴⁸ For more information on Al-Sadr and the Sadrist Movement, see e.g., Chatham House, *The Sadrist Movement in Iraq*, 28 October 2022, <http://bit.ly/3XZiKWS>; Carnegie Middle East Center, *Muqtada al-Sadr and the Struggle for Religious Authority*, 14 September 2022, <http://bit.ly/3EWP8wa>. See also Section II.B.1.a.

in particular.⁴⁹ Fatah is closely associated with the PMF⁵⁰ and includes the political wings of armed factions such as *Asaib Ahl Al-Haq* and *Kataib Hezbollah*, which are closely affiliated with Iran's IRGC.⁵¹

Two political blocs emerged from the elections:

- 1) The Tripartite Alliance (rebranded later as the "Saving the Homeland Alliance"), a cross-sectarian coalition that included the Sadrist Movement led by Muqtada Al-Sadr; the Sunni Sovereignty Alliance, headed by Muhammad Al-Halbousi of the *Taqaddum* Party (Progress Party); and the Kurdistan Democratic Party (KDP) led by Masoud Barzani;⁵² and,
- 2) The Coordination Framework, including the Fatah Alliance headed by Hadi Al-Amiri of the Badr Organization; Ammar Al-Hakim's *Hikma* bloc; former Prime Minister Nouri Al-Maliki's State of Law coalition; and former Prime Minister Haider Al-Abadi's *Nasr* coalition. The Patriotic Union of Kurdistan (PUK) is also part of the CF.⁵³

In response to their electoral defeat, Fatah called for a recount over alleged fraud,⁵⁴ while some PMF factions escalated political violence.⁵⁵ Final results confirmed the Sadrists' lead,⁵⁶ and were ratified by the Federal Supreme Court in December 2021.⁵⁷

The Saving the Homeland Alliance's inability to form a majority coalition and disagreements between the two Kurdish parties, the KDP and the PUK, over appointing a presidential candidate led to a prolonged political stalemate.⁵⁸ On 12 June 2022, 73 legislators from Al-Sadr's bloc resigned *en masse* in an

⁴⁹ "(...) Muqtada al-Sadr won a plurality of the vote in Iraq's parliamentary elections. He defeated his main rival(s) by chalking up 73 Council of Representative seats versus 17 for the Fateh Alliance and 33 for Nouri al-Maliki's State of Law Coalition (out of 329). Even though the Fateh Alliance obtained a higher absolute number of votes, the Sadrists used the district structure of Iraq's new electoral law to far greater advantage"; Clingendael, *Al-Sudani's First 100 Days*, 28 February 2023, <https://bit.ly/3IV7lwq>, p. 3. Although established parties took most seats, smaller parties also gained ground, including *Imtidad*, a party with roots in the Tishreen protest movement, and the Kurdish New Generation Movement, which gained votes on account of voters' dissatisfaction with the traditional parties (9 seats each). "The Tishreen movement received less than 30 seats due to poor organisation, although they received over a million votes. Pro-Iran Shiite parties underperformed partly due to voters defecting for independent Tishreen candidates"; Al Jazeera, *Iraq Must Compromise Between Majoritarianism and Consensus Government Formation*, 3 July 2022, <https://bit.ly/3nXUTiz>. See also, Amwaj.media, *Iraq's Opposition Movement Moves from Protest to Politics*, 3 November 2022, <https://bit.ly/3IW5Q0X>. The Kurdistan Democratic Party (KDP) received 31 seats, and the Patriotic Union of Kurdistan (PUK) 18. The gender quota of a minimum 25% of women was achieved (95 women were elected, representing 29%); UNAMI, *Gender Analysis of Iraq's October 2021 National Elections*, 7 March 2022, www.ecoi.net/de/dokument/2069057.html, p. 4. For the full election results, see UN Security Council, *Report of the Secretary-General: Implementation of Resolution 2576 (2021)*, S/2022/103, 10 February 2022, www.ecoi.net/en/document/2068387.html, paras 2-3.

⁵⁰ See Section II.B.1.a.

⁵¹ Many factions in Iraq are a combination of political party, patronage network, business community and armed group. "Like the Sadrist Movement, the parties in the CF [Coordination Framework, which includes Fatah] combine an armed wing with a political party"; Al Jazeera, *Iraq Must Compromise Between Majoritarianism and Consensus Government Formation*, 3 July 2022, <https://bit.ly/3nXUTiz>. "Technically, PMF members cannot participate in politics, [Prime Minister] Abadi declared in Executive Order 91 in February 2016. (...) But more than 500 militia members or politicians affiliated with militias – many with Iranian connections – registered to run for parliament in 2018"; USIP, *Profiles: Pro-Iran Militias in Iraq*, 10 November 2021, <https://bit.ly/3J1Vqy5>. See also Reuters, *Factbox: Iraq's Competing Shi'ite Groups*, 1 August 2022, <https://bit.ly/3ZgWlb9>; and Section II.B.1.a.

⁵² UN Security Council, *Report of the Secretary-General: Implementation of Resolution 2576 (2021)*, S/2022/368, 29 April 2022, www.ecoi.net/en/document/2073322.html, paras 7-8; Kurdistan 24, *President Barzani Congratulates Formation of 'Saving the Homeland' Alliance*, 24 March 2022, <https://bit.ly/3juzZMf>.

⁵³ France 24, *Who are the Shiite Politicians Vying to Rule Iraq amid its Political Impasse?*, 14 August 2022, <https://bit.ly/40ZlmkQ>; Al-Monitor, *Cross-Sectarian Bloc Emerges in Iraq*, 28 March 2022, <http://bit.ly/3GWIJDw>.

⁵⁴ ICG, *Iraq's Surprise Election Results*, 16 November 2021, www.ecoi.net/en/document/2064070.html.

⁵⁵ "While the CF's political and legal maneuvers unfolded throughout 2022, the militias that make up the group's backbone rocketed and intimidated the main Sunni and Kurdish seat-winners, who had initially aligned themselves with Muqtada al-Sadr, to force them to cooperate"; MEI, *Taking Stock of the First 100 Days of Iraq's New Government*, 31 January 2023, <https://bit.ly/3JMzu8G>. See also Sections II.B.1.a and III.A.2.

⁵⁶ Al Jazeera, *Iraq Announces Final Results of October Parliament Election*, 30 November 2021, <https://aje.io/yak43v>.

⁵⁷ Reuters, *Iraqi Court Ratifies Election Result, Rejects Appeal*, 27 December 2021, <https://reut.rs/3OXjoKQ>.

⁵⁸ In line with the informal power-sharing arrangement among the Kurdish parties, the PUK chooses the federal president while the KDP chooses the president and prime minister of the KRG. The PUK nominated incumbent President Barham Salih as Federal President for a second term in early February 2022. The KDP, however, defying convention, nominated its own candidate, initially Hoshiyar Zebari, who was however disqualified by the Federal Supreme Court over corruption charges, and then Rebar Ahmed; Security Council Report, *Iraq: Briefing and Consultations*, 23 February 2022, <http://bit.ly/3hJ1OPz>; Rudaw, *KDP Nominates KRG's Interior Minister for Iraq's Presidency*, 14 February 2022, <http://bit.ly/3EyiExu>. In March 2022, the CoR attempted unsuccessfully three times to vote on a new president, which in turn made it impossible for the CoR to appoint a new prime minister; Washington Institute, *Forming a New Government in Iraq: Possible Scenarios*, 18 October 2022, <https://bit.ly/3F3UAh3>; Arab Gulf States Institute in Washington (AGSIW), *Pressure Mounts to Form Iraqi Government*, 27 April 2022, <http://bit.ly/3iubCxl>.

unsuccessful bid to break the deadlock,⁵⁹ enabling the rival Coordination Framework to obtain the majority with 138 seats through redistribution.⁶⁰

Disagreements between political factions throughout mid-2022 resulted in protests, the occupation of government buildings and violent clashes in Baghdad and southern Iraq.⁶¹ On 13 October 2022, the CoR elected Abdul Latif Rashid, the PUK's candidate, as President of Iraq, who then named Al-Sudani as Prime Minister-designate.⁶² On 27 October 2022, more than one year after the elections, the CoR swore in Prime Minister Al-Sudani and his new cabinet.⁶³

While Prime Minister Al-Sudani has embarked on an ambitious reform programme,⁶⁴ his government faces challenges such as: continued intra-Shi'ite competition, including with the popular Sadrist Movement, which remains excluded from the new government;⁶⁵ unresolved differences between the Federal Government and the KRG;⁶⁶ continued political and military interference by regional powers;⁶⁷ endemic corruption;⁶⁸

⁵⁹ Washington Institute, *Why Did the Sadrists Withdraw from the Iraqi Political Process?* 23 June 2022, <http://bit.ly/3V2oUjB>; Reuters, *Iraqi Shia Sadrist Lawmakers Resign from Parliament*, 12 June 2022, <https://bit.ly/3P12cnV>. For a list of the replacements, see EPIC, *ISHM: June 9-16, 2022*, 16 June 2022, www.ecoi.net/en/document/2074983.html.

⁶⁰ European Council on Foreign Relations (ECFR), *Climate of Opportunity: Iraq's New Government as Regional Conciliator*, 4 November 2022, <https://bit.ly/3WgOWz7>; UN Security Council, *Report of the Secretary-General: Implementation of Resolution 2631 (2022)*, S/2022/714, 26 September 2022, www.ecoi.net/en/document/2079424.html, para. 6; AP, *Iraq Parliament Swears in New Members after Walkout of 73*, 23 June 2022, <https://bit.ly/3AnL1J7>.

⁶¹ UN Security Council, *Report of the Secretary-General: Implementation of Resolution 2631 (2022)*, S/2022/714, 26 September 2022, www.ecoi.net/en/document/2079424.html, paras 4-19. See also, MEI, *Fear, a Fatwa, and Bloodshed: Inside the Battle for Iraq's Green Zone*, 7 September 2022, <http://bit.ly/3GqVoyC>; and Section II.B.1.a.

⁶² UN Security Council, *Report of the Secretary-General: Implementation of Resolution 2631 (2022)*, S/2023/58, 25 January 2023, www.ecoi.net/en/document/2086294.html, paras 2, 4. "Nine rockets hit the vicinity of the parliament and other parts of Baghdad as the voting [of the president] occurred, but it did not stop the process"; USIP, *A Year after Elections, Iraq May Finally Be Set to Form a Government*, 20 October 2022, <https://bit.ly/3hn4Tow>. See also, The Century Foundation, *Can a New Government Save Iraq?*, 14 October 2022, <http://bit.ly/3EcWJXc>.

⁶³ Clingendael, *Al-Sudani's First 100 Days*, 28 February 2023, <https://bit.ly/3IV7lwq>, p. 2; UN Security Council, *Report of the Secretary-General: Implementation of Resolution 2631 (2022)*, S/2023/58, 25 January 2023, www.ecoi.net/en/document/2086294.html, para. 7; Rudaw, *Iraqi Parliament Approves Two Kurdish Ministers, Completing Sudani's Cabinet*, 3 December 2022, <https://bit.ly/3F21DaX>. "[M]ilitia leaders have gained more prominence in the new government, with members of the Kata'ib Jund al-Imam and the U.S.-designated foreign terrorist organization Asa'ib Ahl al-Haq serving as cabinet-level officials including as the ministers of Higher Education, Labor, and Social Affairs"; US Department of Defense, *Operation Inherent Resolve: Lead Inspector General Report to the United States Congress: October 1, 2022 – December 31, 2022*, 7 February 2023, <https://bit.ly/3F0ecDy> (hereafter: US Department of Defense, *Lead Inspector General Report*, 7 February 2023, <https://bit.ly/3F0ecDy>), p. 33. See also, The Century Foundation, *Can a New Government Save Iraq?*, 14 October 2022, <http://bit.ly/3EcWJXc>; and Section II.B.1.a.

⁶⁴ "One year into PM Sudani's tenure, significant socio-economic reforms (...) have emerged. Central to this agenda are (...) tackling unemployment and creating job opportunities for young people; supporting vulnerable and low-income groups; reforming the economy and supporting the private sector; improving and developing services that affect the lives of citizens." Key achievements include: banking and finance reforms; private sector growth; enhanced social protection; infrastructure development; energy sector advancement; counteracting drug proliferation; climate action and water management; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 13. See also, Clingendael, *Al-Sudani's First 100 Days*, 28 February 2023, <https://bit.ly/3IV7lwq>; UN Security Council, *Report of the Secretary-General: Implementation of Resolution 2631 (2022)*, S/2023/58, 25 January 2023, www.ecoi.net/en/document/2086294.html, para. 8.

⁶⁵ "Tensions between Sadr and his Shiite counterparts could easily flare again. (...) Disputes within the Shiite house (...) continue to fester, and Sadr may simply be waiting for the government to fail or for people to take to the streets again before he ventures back onto the political scene and tries to form a majority-based government that excludes some of his main Shiite rivals"; ICG, *Staving Off Instability in the Near and Distant Futures*, 6 February 2023, www.ecoi.net/en/document/2086447.html. See also, Clingendael, *Al-Sudani's First 100 Days*, 28 February 2023, <https://bit.ly/3IV7lwq>, pp. 4, 7; MEI, *Taking Stock of the First 100 Days of Iraq's New Government*, 31 January 2023, <https://bit.ly/3IMzu8G>; Washington Institute, *The Formation of Iraq's New Government is a Major Victory for Iran and Its Allies*, 8 November 2022, <http://bit.ly/3X2BiAP>; ECFR, *Climate of Opportunity: Iraq's New Government as Regional Conciliator*, 4 November 2022, <https://bit.ly/3NXnPgq>. See also Section II.B.1.a.

⁶⁶ UN Security Council, *Report of the Secretary-General: Implementation of Resolution 2631 (2022)*, S/2023/58, 25 January 2023, www.ecoi.net/en/document/2086294.html, para. 16. See also Section II.A.5.

⁶⁷ See Section II.B.

⁶⁸ See Section II.A.6.

environmental degradation;⁶⁹ unmet demands of the 2019 protests;⁷⁰ and frustration over surging unemployment and difficult living conditions.⁷¹

On 27 March 2023, the CoR passed controversial amendments to the election law that will favour established parties over smaller parties and independent candidates, who emerged following the Tishreen protests, in future parliamentary and provincial elections.⁷²

On 12 June 2023, Iraq passed a multi-year budget (2023 to 2025). It is the largest budget in its history and relies almost exclusively on oil revenues.⁷³

On 14 November 2023, Iraq's Federal Supreme Court ruled to terminate the tenure of CoR Speaker Muhammad Al-Halbousi.⁷⁴ At the time of writing, the CoR had not elected a new speaker.⁷⁵

Early parliamentary elections, as initially foreseen in Al-Sudani's government programme, are unlikely and new elections are expected to be held in October 2025.⁷⁶

⁶⁹ The US Department of State assessed that "Iraq's growing water insecurity threatens its political and economic security and stability"; US Department of Defense, *Lead Inspector General Report*, 9 November 2023, <https://bit.ly/3OhVdJo>, p. 48. "The serious environmental degradation here is the result of a toxic mix of violence, oil industry excesses, global warming, reduced rainfall, and lack of effective water management and regulation"; OHCHR, UN High Commissioner for Human Rights Volker Türk Concludes his Official Visit to Iraq, 9 August 2023, <https://shar.es/afNSGx>. See also Section II.E.

⁷⁰ In 2023, Iraq "remained fragile and deeply divided as grievances over widespread corruption, unemployment, and poor public services, which drove mass protests in 2019 remained unresolved"; HRW, *Iraq: Reforms Needed to Entrench Stability*, 11 January 2024, <https://bit.ly/3Ucc0RV>. Decades of conflict "have eroded public confidence in state institutions, a sentiment underscored by the recent mass youth protests culminating in governmental change. Such demonstrations attest to an underlying fragility in Iraq's social contract and the pressing need for systemic reforms"; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 12. "Challenges to the ethno-sectarian system – which allocates power and resources among Iraq's Shiites, Sunnis and Kurds – also persist. It was that system's inability to provide effective governance that sparked the 2019 Tishreen protests, which in turn precipitated the early elections of 2021. The return of politics as usual with the advent of Sudani's government represents the system's triumph over the protests. Yet the gap between citizens and elites has only widened since 2019, as rampant corruption continues to prevent the state from providing adequate public services"; ICG, *Staving Off Instability in the Near and Distant Futures*, 6 February 2023, www.ecoi.net/en/document/2086447.html. See also, Musings on Iraq, *Iraq's Youth Hit Hardest by Unemployment and Poverty*, 22 January 2024, <https://bit.ly/492vZSm>; and Section II.A.1.

⁷¹ See Section II.E.

⁷² The amendments increased the size of electoral districts. They also redrew the electoral map to have Iraq return to one electoral district per governorate, thereby reversing a key amendment made ahead of the 2021 parliamentary election. Small-scale protests against the amendments took place in Baghdad and southern Iraq; UN Security Council, *Implementation of Resolution 2631 (2022): Report of the Secretary-General*, S/2023/340, 11 May 2023, www.ecoi.net/en/file/local/2092084/N2312267.pdf, para. 7; The Armed Conflict Location & Event Data Project (ACLED), *Regional Overview: Middle East, March 2023*, 6 April 2023, <https://bit.ly/3Im0oVC>; Al Jazeera, *Iraqi Parliament Passes Controversial Vote Law Amendments*, 27 March 2023, <https://aje.io/t38xqo>; Washington Institute, *Electoral Law: Signaling a Short-Lived Run for Iraq's Independent MPs?*, 16 March 2023, <https://bit.ly/3IkZBnP>; The New Arab, *Fresh Protests in Iraq over New Election Bill*, 6 March 2023, <https://bit.ly/41odOaN>.

⁷³ Due to political paralysis in 2022, Iraq did not pass a budget in 2022. "Iraq's parliament belatedly approved a record \$152 billion budget for 2023 (...) after months of wrangling over the sharing of oil revenue between the central government in Baghdad and the semi-autonomous Iraqi Kurdish region in the north. The process was also hampered by infighting between different Iraqi Kurdish parties"; AP News, *Iraq's Parliament Approves Budget, Ending Dispute over Oil Revenue Sharing with Kurdish Region*, 12 June 2023, <https://bit.ly/3CtmL88>. "The new Iraqi budget is 'excessively expansionary,' funding public sector growth without addressing non-oil growth potential. Iraq's 3-year budget plan includes large annual deficits and threatens to consume Iraq's large oil revenue surplus should oil prices decline significantly"; US Department of Defense, *Lead Inspector General Report*, 9 November 2023, <https://bit.ly/3OhVdJo>, pp. 45, 47. A large share of the budget, nearly 40%, is allocated to the payment of public sector salaries: "In the 2023 budget, public sector wages and pensions witnessed a significant augmentation of 15%, amounting to USD 57.4 billion [up from USD 49.8 billion in 2021]. This allocation represents 37% of the total expenditures (...). The government payroll expenditure is very high, having swelled to an estimated 24 per cent of GDP in 2020 – one of the highest in the world – contributing to a budget deficit of about 20 per cent of GDP in 2020"; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 15. See also, EPC, *Iraq Passes New Budget, but Old Problems Persist*, 18 July 2023, <https://bit.ly/45jQoEM>; Al Jazeera, *Analysis: Iraq's New Budget May Hamper more than it Helps*, 26 June 2023, <https://aje.io/l3e2eq>; Reuters, *Iraq Approves Record \$153 Billion Budget Including Big Public Hiring*, 12 June 2023, <https://bit.ly/42A4mkB>. On the budget dispute between the Federal Government and the KRG, see also Section II.A.5.

⁷⁴ The ruling was "prompted by allegations of forgery, abuse of power, and violating his oath of office (...)." The decision "bears significant consequences for the fragile Iraqi political process, which sits on a delicate ethno-sectarian balance"; Atlantic Council, *Iraq's Parliamentary Speaker Was Removed. What's Next for the Country?*, 17 November 2023, <https://bit.ly/47Dfy9S>. Three ministers (for Planning, Industry, and Culture), all from Al-Halbousi's Taqaddum Party, resigned in protest; however, Prime Minister Al-Sudani rejected their resignations; Agence France-Presse (AFP), *Iraq PM Rejects Resignation of Three Cabinet Ministers*, 20 November 2023, <https://shar.es/agbZe7>. Al-Halbousi called the ruling "blatantly unconstitutional"; AP, *Iraq's Top Court Rules to Oust the Speaker and a Rival Lawmaker from Parliament*, 14 November 2023, <https://bit.ly/3N8ypeo>; Reuters, *Three Iraqi Government Ministers Resign over House Speaker's Ouster*, 14 November 2023, <https://bit.ly/3RviiAM>.

⁷⁵ The CoR "voted for a new speaker on January 13 [2024], but no candidate won the 165 votes required"; Critical Threats Project – Institute for the Study of War (CTP-ISW), *Iran Update*, January 15, 2024, 15 January 2024, <https://bit.ly/499EP5H>. See also, Bas News, *Iraqi Parliament Postpones Vote on New Speaker*, 27 January 2024, <https://bit.ly/3udD4Wk>.

⁷⁶ "The government was formed on the premise that it was another stopgap whose main task was to get Iraq past the anomalous legislative and political situation created by the departure of 73 Sadrist lawmakers from parliament. Within weeks, though, it became clear that Sudani's main backers – Maliki and the Fatah Coalition – were not interested in holding early elections and were determined to remain in power by keeping Sudani in office for a full four-year term"; MEI, *Taking Stock of the First 100 Days of Iraq's New Government*, 31 January 2023, <https://bit.ly/3IMzu8G>. See also, AFP, *Pro-Iran Parties Secure Majority in Iraq's Provincial Elections*, 29 December 2023, <https://ara.tv/5rrpj>.

3) Kurdistan Region Parliamentary Elections

Despite the unified administration under the KRG,⁷⁷ politics in the KR-I are characterized by the historic rivalry between two political parties with distinct geographic regions of influence:⁷⁸ the KDP, controlled by the Barzani family, and the PUK, controlled by the Talabani family.⁷⁹ The parties are frequently at odds over the distribution of political power and resources.⁸⁰ While relations between the two parties deteriorated in the context of internal power struggles in late 2022, tensions eased in May 2023, when the PUK agreed to return to KRG cabinet meetings after a six-month boycott.⁸¹

Parliamentary elections were initially scheduled for 1 October 2022; however, the Regional Parliament postponed the elections for one year due to disagreements among the political parties over a new election law and electoral procedures.⁸² Amid these disagreements, and against a backdrop of a wider national political crisis,⁸³ the Kurdistan Parliament voted to extend its term by a year until the end of 2023.⁸⁴ On 30 May 2023, Iraq's Federal Supreme Court ruled that the Kurdistan Parliament's decision to extend its term was "unconstitutional", resulting in the dissolution of the Parliament.⁸⁵ The elections were rescheduled for 18 November 2023, yet had to be further delayed to 25 February 2024.⁸⁶ In early January 2024, the

⁷⁷ In January 2006, Jalal Talabani (PUK) and Masud Barzani (KDP) signed the KRG Unification Agreement, bringing together the formerly separate administrations (PUK administration in the Governorate of Sulaymaniyah and KDP administration in the Governorates of Dohuk and Erbil). The first joint government was seated in May 2006. Under the Agreement, administrative and government posts are distributed between both parties; Republic of Iraq, *Kurdistan Regional Government Unification Agreement*, 21 January 2006, www.refworld.org/docid/469cdd7a2.html. At the time of writing, the KRG is headed by Prime Minister Masrour Barzani and Deputy Prime Minister Qubad Talabani; KRG, *Government*, accessed 28 January 2024, <https://gov.krd/english/government>. A major challenge remains the unification of the Peshmerga forces under a single command, a process that has not been completed to date, see footnote 448.

⁷⁸ In the KR-I, "(...) the biggest worry at present is a quarrel between the so-called yellow (KDP) and green (PUK) zones of party control. These geographic zones, which have no set boundaries, are roughly based on linguistic differences among the Kurds, with the KDP overseeing Badinani-speaking areas hugging the Turkish border and the PUK controlling Surani-speaking provinces neighbouring Iran"; ICG, *Staving Off Instability in the Near and Distant Futures*, 6 February 2023, www.ecoi.net/en/document/2086447.html. See also, Amwaj.media, *Shock Survey Reflects Frustration with Ruling Parties among Iraqi Kurds*, 9 February 2023, <http://bit.ly/3kbsnOL>; LSE, *The Kurdish Duopoly: The Political Economy of Two-Party Rule*, 28 August 2019, <http://bit.ly/3XdtS6V>.

⁷⁹ "The KDP was founded in 1946 by the late Mustafa Barzani and is currently led by his son, Massoud Barzani. The PUK was co-founded by the late Jalal Talabani in 1975 and is currently led by his son, Bafel Talabani. The KRG is led by KDP deputy chief, President Nechirvan Barzani, who is the nephew of Massoud Barzani and grandson of party founder Mustafa Barzani"; France 24, *Is Iraq's Political Chaos Spreading to the Kurdistan Region?*, 12 July 2022, <http://bit.ly/3iKM1k7>. "In the nearly thirty years since it obtained greater autonomy from Baghdad, the fundamental problem for the KRI has been the dual-party political system, under which different Peshmerga, intelligence, security and governing units are controlled by varying party and family-affiliated factions"; Washington Institute, *A Family Affair: Rifts in the Talabani Family Highlight the Kurdistan Region of Iraq's Political Weaknesses*, 25 August 2021, <http://bit.ly/3iO9VG5>. See also, Farhan Hassan Abdullah Mamshai, *Party Corruption in the Kurdistan Region of Iraq: Context and Implications*, Digest of Middle East Studies Vol. 31(1), January 2022, <https://bit.ly/3i9JLgE> (hereafter: F. Mamshai, *Party Corruption in the Kurdistan Region of Iraq*, January 2022, <https://bit.ly/3i9JLgE>, p. 26; and Section II.D.3.b.

⁸⁰ Foreign Policy, *Iraqi Kurdistan's House of Cards Is Collapsing*, 22 March 2023, <https://bit.ly/3Jdvm2O>; The New Arab, *Conflict Deepens Between KDP and PUK in Northern Iraq*, 2 November 2022, <http://bit.ly/3XuO6PS>; Amwaj.media, *Will UNAMI-Brokered Talks Break the Ice Between KDP, PUK?*, 28 July 2022, <http://bit.ly/3CQNX0>.

⁸¹ "The precipitating factor in the inter-party dispute was a succession battle within the PUK following the death of party leader (and former Iraqi President) Jalal Talabani in 2017. The KDP has used PUK defectors to further split the latter party and degrade it to a junior partner in the regional government"; ICG, *Staving Off Instability in the Near and Distant Futures*, 6 February 2023, www.ecoi.net/en/document/2086447.html. Tensions had escalated following the assassination of a counter-terrorism officer in Erbil on 7 October 2022, which the KDP blamed on the PUK. Between December 2022 and May 2023, the PUK boycotted KRG cabinet meetings; Al Jazeera, *PUK Returns to Kurdish Regional Government Meetings after Boycott*, 14 May 2023, <https://bit.ly/3NDsSgN>; Rudaw, *Washington Commends KDP, PUK Reconciliation*, 18 May 2023, <https://bit.ly/3P8dKcj>. For further background on the divisions between the KDP and the PUK as well as party-internal power struggles related to succession, see Bilal Wahab, *The Rise and Fall of Kurdish Power in Iraq*, in: Middle East Report (306 Spring 2023), April 2023, <https://bit.ly/40YQUO6>; Amwaj.media, *Intra-Kurdish Tensions in Iraq Fade Dreams of Independence*, 27 January 2023, <https://bit.ly/3N8QTdP>; Reuters, *An Assassination: a Feud and the Fight for Power in Iraq's Kurdistan*, 5 December 2022, <http://bit.ly/3ka8580>; The New Arab, *Conflict Deepens Between KDP and PUK in Northern Iraq*, 2 November 2022, <http://bit.ly/3XuO6PS>.

⁸² UN Security Council, *Report of the Secretary-General: Implementation of Resolution 2631 (2022)*, S/2023/58, 25 January 2023, www.ecoi.net/en/document/2086294.html, para. 15; Amwaj.media, *Will UNAMI-Brokered Talks Break the Ice Between KDP, PUK?*, 28 July 2022, <http://bit.ly/3CQNX0>; Kurdistan 24, *Kurdistan Region Parties Discuss New Proposal for Regional Parliamentary Elections*, 11 July 2022, <https://bit.ly/3PajmQw>. Kurdistan 24, *Kurdistan Region Parties Discuss New Proposal for Regional Parliamentary Elections*, 28 June 2022, <http://bit.ly/3EGweuK>. Previous parliamentary elections in the KR-I were also delayed repeatedly; Kirkuk Now, *No Elections Held on Time in Three-Decade Old Iraqi Kurdistan Region*, 26 March 2023, <https://bit.ly/3ZrxftC>.

⁸³ An intra-Kurdish split emerged between the KDP and the PUK over the Iraqi federal presidency; see Section II.A.2.

⁸⁴ UN Security Council, *Report of the Secretary-General: Implementation of Resolution 2631 (2022)*, S/2023/58, 25 January 2023, www.ecoi.net/en/document/2086294.html, para. 15; Al Arabiya, *Iraqi Kurdistan Lawmakers Delay Polls and Extend Term*, 9 October 2022, <http://bit.ly/3EdvU5n>.

⁸⁵ Reuters, *Iraqi Kurdistan 2022 Parliament Extension Unconstitutional, Supreme Court Rules*, 30 May 2023, <https://bit.ly/442bBDj>. In response to the ruling, over 50 members of the 111-member Kurdistan Regional Parliament resigned in late June 2023; AP, *More than 50 MPs Resign from Iraqi Kurdistan Region's Parliament to Protest Court Ruling*, 27 June 2023, <https://bit.ly/44OG6wS>.

⁸⁶ Iraq's Independent High Electoral Commission said that it could not hold parliamentary elections in the KR-I on the same day as Iraq's provincial elections set to be held on 18 December 2023; Rudaw, *Kurdish Parliamentary Elections Must not Be Delayed Further, Says UN Official*, 6 September 2023, <https://bit.ly/3sP2OY5>; Bas News, *Kurdistan President Sets February 25 as Date for Parliamentary Election*, 3 July 2023, <https://bit.ly/45Lzz6R>; The New Arab, *Iraq's Election Committee Say Cannot Hold Parliamentary Elections in IKR in November*, 21 July 2023, <https://bit.ly/4632C5v>.

Independent High Election Commission (IHEC) indicated that more time was needed to prepare for the elections.⁸⁷

4) Provincial Council Elections

After years of delays,⁸⁸ provincial council⁸⁹ elections were held in Federal Iraq on 18 December 2023.⁹⁰ Shi'ite Parties affiliated with the ruling Coordination Framework further consolidated their power.⁹¹ Muqtada Al-Sadr boycotted the elections,⁹² and voter turnout was reported to be the lowest in any election in Iraq since 2005.⁹³ Limited election-related violence was reported.⁹⁴

In the KR-I, provincial council elections were last held in 2014.⁹⁵ On 24 September 2023, Iraq's Federal Supreme Court dissolved the provincial councils in the KR-I declaring that the extension of their term, which expired in June 2018, was "unconstitutional".⁹⁶ A date for provincial council elections in the KR-I has not been announced at the time of writing.

⁸⁷ National Iraqi News Agency (NINA), *The IHEC Proposes to Postpone the Date of the Kurdistan Regional Parliament Elections*, 4 January 2024, <https://bit.ly/3OaBLxR>; Rudaw, *Iraq's Electoral Body Informs Erbil of its Inability to Hold Kurdish Elections: Official*, 4 January 2024, <https://bit.ly/3u746P0>.

⁸⁸ No provincial elections had been held since 2013. Kirkuk Governorate, which is at the centre of an ongoing dispute between the Federal Government and the KRG (see Section II.A.5), has not held provincial council elections since 2005; Kirkuk Now, *Kirkuk Activities Share Concerns with UN Representative*, 5 June 2022, <http://bit.ly/3TICVAP>. In 2019, provincial councils were suspended "as a concession to massive anti-government protests. But Sudan's government subsequently re-established them, with Monday's elections the first since 2013"; AFP, *Iraqis Vote in First Provincial Elections in a Decade*, 18 December 2023, <https://bit.ly/3OfcsLs>. See also, ICG, *Staving Off Instability in the Near and Distant Futures*, 6 February 2023, www.ecoi.net/en/document/2086447.html.

⁸⁹ "Command over the provincial councils holds significant weight, granting them the power to shape the selection of the provincial governor and oversee the allocation of budgets for sectors such as health, transportation, education, and the overall infrastructure of the province"; French Research Center on Iraq (CFRI), *Special Feature: The 2023 Provincial Elections in Iraq*, 22 December 2023, <https://bit.ly/3OeSb8E>. "Provincial councils play a key role as the sub-national legislative and oversight authority; they elect and can replace provincial governors, confirm senior special appointees, and are meant to play a significant role in provincial development plans"; Washington Institute, *Electoral Law: Signaling a Short-Lived Run for Iraq's Independent MPs?*, 16 March 2023, <https://bit.ly/3kZBnPe>.

⁹⁰ AFP, *Iraqis Vote in First Provincial Elections in a Decade*, 18 December 2023, <https://bit.ly/3OfcsLs>. "On December 12 [2023], Iraq's Federal Supreme Court dismissed a case filed by Arab and Turkmen politicians from Kirkuk in which they called for postponing provincial elections in the province until the voter registry has been audited"; EPIC, ISHM: December 14 – 28, 2023, 28 December 2023, www.ecoi.net/en/document/2102728.html.

⁹¹ Candidates competed for a total of 285 seats, of which 75 were allocated by quota for women and 10 seats for members of ethnic and religious minority groups. "An electoral list bringing together several Iran-aligned military-political groups including the Badr Organization and Asaib Ahl al-Haq came first, with 43 seats, followed by former prime minister Nouri al-Maliki's list with 35 seats. A list bringing together moderate Shi'ite cleric Ammar al-Hakim and former prime minister Haider al-Abadi got 23 seats. (...) Separately, ousted Sunni parliament speaker Mohammed Halbousi, who took the most votes in Baghdad and Anbar province, won 22 seats, and Sunni business mogul Khamees Khanjar took 14. A host of local lists and smaller groups took the remaining seats"; Reuters, *Iraq's Shi'ite Ruling Alliance Wins more than 100 Local Council Seats*, 20 December 2023, <http://tinyurl.com/45awy797>. "It was only because of the Sadrist's boycott that the Iranian-allied Coordination Framework Forces obtained the largest number of seats. This means that in all central and southern governorates, with the exception of Basra, Wasit, and Karbala, the Coordination Framework Forces will completely monopolise local governments, which gives them great potential to strengthen their position in preparation for the council Representatives elections in the year 2025"; CFRI, *Special Feature: The 2023 Provincial Elections in Iraq*, 22 December 2023, <https://bit.ly/3OeSb8E>. The final election results are available at: *Musings on Iraq, Final Results for Iraq's Provincial Elections*, 4 January 2024, <https://bit.ly/3u4etTE>. See also, Kirkuk Now, *17 Women Made it to Provincial Councils Without Need for Quota*, 1 January 2024, <https://bit.ly/3UcKsf3>; The National, *Iran-Backed Shiite Parties Strengthen Grip on Power in Provincial Elections*, 29 December 2023, <https://bit.ly/3vVQxQn>.

⁹² AP, *A Boycott Call and Security Concerns Mar Iraq's First Provincial Elections in a Decade*, 18 December 2023, <https://bit.ly/3OfcsLs>; The New Arab, *Iraqi Cleric Muqtada Al-Sadr Calls for Provincial Elections Boycott*, 13 November 2023, <https://bit.ly/3vUuBHL>. See also, NINA, *The Peace Brigades Expel 10 of its Members for Disobeying Al-Sadr's Orders*, 14 December 2023, <https://bit.ly/3Ud5daG>; NINA, *Saraya Al-Salam Expels a New Group of its Fighters due to Campaigning for Election Candidates*, 13 December 2023, <https://bit.ly/3SvFSaD>.

⁹³ "Approximately 6.6 million voters participated in the Iraqi provincial council elections, 41% of those eligible to vote. However, with a total of more than 26 million voters, this election and its results represent approximately 25% of all eligible voters [i.e., those who hold a biometric election card]. This represents the lowest voter turnout in all Iraqi elections since 2005. According to Yahya al-Kubaisi of the Iraqi Center for Strategic Studies (ICSS), "[T]his great reluctance from participating in the elections was not due to the Sadrist's boycott, but rather to the reluctance of voters in the first place, not only to vote, but also to receive biometric election cards, as more than a third of them did not receive them"; CFRI, *Special Feature: The 2023 Provincial Elections in Iraq*, 22 December 2023, <https://bit.ly/3OeSb8E>. See also, EPIC, ISHM: December 14 – 28, 2023, 28 December 2023, www.ecoi.net/en/document/2102728.html.

⁹⁴ Shafaq News, *Two Electoral Centers Targeted with Improvised Explosive Devices in Najaf*, 18 December 2023, <http://tinyurl.com/v6hm3ct>; Shafaq News, *Unknown Gunmen Attack Election Candidate's Residence in Baghdad*, 18 December 2023, <https://bit.ly/4b6jJa2>; Shafaq News, *Assailants Target Polling Centers with Stun Grenades in Sadr City, Baghdad*, 18 December 2023, <https://bit.ly/3OezkKJ>.

⁹⁵ Kirkuk Now, *No Elections Held on Time in Three-Decade Old Kurdistan Region of Iraq*, 7 October 2022, <http://bit.ly/3Omji6v7>.

⁹⁶ EPIC, ISHM: September 21 – 28, 2023, 28 September 2023, www.ecoi.net/en/document/2098069.html; Rudaw, *Iraq's Top Court Dissolves Kurdish Provincial Councils*, 24 September 2023, <https://bit.ly/46hwc7X>.

5) Relations Between Baghdad and Erbil

Relations between the Federal Government and the KRG remain complex.⁹⁷ A key disagreement relates to the status of the “disputed territories” in parts of Diyala, Erbil, Kirkuk, Ninewa and Salah Al-Din Governorates for which the Federal Government and the KRG both claim authority.⁹⁸ In September 2023, Kirkuk’s unresolved status exacerbated ethnic tensions between Kurdish, Arab, and Turkmen populations.⁹⁹ Furthermore, the implementation of the October 2020 Sinjar Agreement, concluded between the Federal Government and the KRG under UN auspices to address the security and administrative vacuum in the disputed Sinjar District (Ninewa), remains deadlocked.¹⁰⁰

Another long-running disagreement concerns the ownership and management of oil and gas in the KR-I, and linked to it, the KR-I’s share of the federal budget.¹⁰¹ The KR-I, which previously sold its crude oil independently from Baghdad, was ordered to give control of its oil sector to the Federal Government after a February 2022 ruling by the FSC which declared the 2007 KR-I oil and gas law unconstitutional.¹⁰² Baghdad immediately challenged the validity of the oil production contracts signed by the KR-I and took legal action against oil companies working in the region.¹⁰³ The KRG declared the Supreme Court’s ruling

⁹⁷ The KRG authorities exercise *de jure* control over the KR-I; Republic of Iraq, *Constitution of the Republic of Iraq*, 15 October 2005, www.refworld.org/docid/454f50804.html, arts. 117(1), 120, 121(1) and (2). “The dynamics between Baghdad and Erbil have consistently been marked by tensions, especially following the Kurdistan Region’s independence referendum in 2017. Despite shared history and interests, fundamental issues remain unresolved, hampering the potential for a cohesive future”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 13.

⁹⁸ “The Disputed Internal Boundaries (DIBs) in Iraq, as outlined in Article 140 of the 2005 Iraqi Constitution, were intended to be settled through “normalization, census, and referendum”. However, their status remains a significant point of contention between Baghdad and Erbil. These boundaries encompass fifteen administrative districts across four governorates. While the Kurdistan Regional Government (KRG) lays claim to these territories, they are nominally under the jurisdiction of the federal government. (...) These disputed territories are not only rich in oil and gas reserves but also house a diverse mix of ethnic and religious communities, adding layers to the existing disagreements. The complexities surrounding the DIBs are further intensified by the varied interests of Iraq’s political factions, the presence of multiple security entities, including non-state armed groups, and the strategic interests of regional and international players, notably Iran and Turkey.” As at the time of writing, “the implementation of Article 140 of the Iraqi Constitution, which aims to address the disputed internal boundaries (DIBs) issue, has not been effectively executed”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, pp. 10, 36. While the KR-I exercised *de facto* control of the disputed territories after 2003, a unilateral decision to hold an independence referendum in the KR-I and the disputed territories in September 2017 led to the Federal Government retaking control of Kirkuk and most of the other disputed territories. The loss of Kirkuk in particular caused a significant decrease in monthly income for the KRG from USD 565.5 million to USD 337.4 million; Italian Institute for International Political Studies (ISPI), *A New Era in Baghdad-Erbil Relations*, 18 October 2021, <https://bit.ly/3BX0rmu>. See also, See: *Draft Constitution of the Kurdistan Region*, 23 June 2009, <https://bit.ly/3lx1hdi>; *Constitution of the Republic of Iraq*, 15 October 2005, www.refworld.org/docid/454f50804.htm.

⁹⁹ “(...) hostilities have recently escalated following a shock decision last month [September 2023] by Iraqi prime minister Mohammed Shia al-Sudani to allow the KDP to resume control of their political offices and military base in Kirkuk city. Sudani’s decision sparked protests from Arab and Turkmen residents, which, in turn, led to counter-protests by Kurdish residents. Four people were killed in the unrest, prompting the Federal Supreme Court to pause its implementation. These events underscore the risks of Kirkuk’s unresolved status, which could be exacerbated by upcoming provincial elections in December [2023] and spread tensions to neighbouring Turkey and Iran – who have Kurdish populations – further heightening regional instability”; ECFR, *Iraq’s Persistent Fault Line: The Dangers of Escalating Tensions in Kirkuk*, 2 October 2023, <https://bit.ly/46Bs4i6>. See also, Al Jazeera Centre for Studies, *A War over the City: Exploring Kirkuk’s Multi-Layered Conflict*, 10 September 2023, <https://bit.ly/48Jtvqx>; HRW, *Iraq: Security Forces Open Fire on Kirkuk Protesters*, 8 September 2023, www.ecoi.net/en/document/2097091.html.

¹⁰⁰ “But thus far, only parts of the agreement are in effect, since it failed to take into account the perspectives of the actors in control on the ground – the YBS [Sinjar Resistance Units] and the various Hashd groups.” And further: “Limiting the number of views at the negotiating table certainly helped make it possible to reach a deal, but the exclusion of those who will feel the greatest impact from the agreement, namely the population of Sinjar, has made it very difficult to fulfil”; ICG, *Iraq: Stabilising the Contested District of Sinjar*, 31 May 2022, www.ecoi.net/en/document/2073832.html, pp. ii, 15. “Until the KDP attempted its independence referendum in September 2017, the district [Sinjar] largely remained under the control of KDP peshmerga forces, while the PKK [Kurdistan Workers’ Party] maintained a presence. Following the referendum’s failure, Iraqi federal forces pushed the peshmerga back from ‘disputed territories’ (...) including Sinjar. Since then, the KDP has not been able to return to Sinjar. Instead, the district has become a PKK sanctuary, governed by an administrative set-up led by the YBS, which has links to the PKK as well as Iran-backed Iraqi paramilitaries”; ICG, *Turkey’s PKK Conflict: A Regional Battleground in Flux*, 18 February 2022, www.ecoi.net/en/document/2070165.html (hereafter: ICG, *Turkey’s PKK Conflict*, 18 February 2022, www.ecoi.net/en/document/2070165.html). See also Section II.B.1.c.

¹⁰¹ “The management and distribution of oil resources have been a primary source of contention. (...) Revenue sharing, pivotal for the economic stability of the Kurdistan Region, is directly tied to hydrocarbon management”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 13. “Efforts to draft a comprehensive oil and gas law that would govern the KRG’s crude sales have long been stalled, with no prospect of resolution”; S&P Global Commodity Insight, *New Iraqi Budget Law Strengthens Baghdad’s Hand over Kurdistan Region’s Oil Sector*, 15 June 2023, <https://bit.ly/45idf3M>. See also, Iraq Oil Report, Q&A: Ali al-Mashkoor, Member of the Parliament Oil Committee, 20 July 2023, <https://bit.ly/3OnSoa8>; UN Security Council, *Report of the Secretary-General: Implementation of Resolution 2631 (2022)*, S/2022/714, 26 September 2022, www.ecoi.net/en/document/2079424.html, paras 22-25.

¹⁰² Orient XXI, *Petroleum. Turkey vs. Iraq, but the Kurds Are Collateral Victims*, 20 September 2023, <https://bit.ly/3rxsSGS>; Reuters, *Iraqi Federal Court Deems Kurdish Oil and Gas Law Unconstitutional*, 15 February 2022, <https://bit.ly/3VEZUO7>.

¹⁰³ Al-Monitor, *Oil Services Companies Stop Work in Iraqi Kurdistan after Court Ruling*, 6 July 2022, <https://bit.ly/3k0L33C>; Reuters, *U.S. Oilfield Services Trio to Exit Kurdistan Region, Iraqi Ministry Says*, 4 July 2022, <https://bit.ly/3hMqDB8>; Argus Media, *Iraq Threatens Legal Action Against KRG Crude Buyers*, 25 August 2022, <https://bit.ly/3jsqT2d>.

unlawful, calling it a political decision.¹⁰⁴ Furthermore, an international arbitration ruling in March 2023 said that sales via direct oil exports from the KR-I to Türkiye violated a bilateral agreement between Türkiye and Iraq, resulting in the halt of all such exports. At the time of writing, exports have yet to resume.¹⁰⁵ The halt in oil exports to Türkiye and related loss in revenues increased fiscal pressures on the KRG, which struggles, among other things, to pay public sector salaries and provide public services.¹⁰⁶ It also increased the KRG's dependency on its share of the federal budget. Budget transfers, which are contingent on the KR-I handing over oil or oil revenues to Baghdad, have been inconsistent over the past years and have been a recurrent point of tensions.¹⁰⁷ Under the 2023 budget law, the KRG is required to provide 400,000 barrels of crude oil per day to Federal Iraq in order to receive its agreed 12.67% of federal funding.¹⁰⁸ Since the approval of the budget in June 2023, negotiations over budget transfers have been ongoing between Baghdad and Erbil, with the KRG saying that payments made were well below its allocated share.¹⁰⁹ The loss in oil revenues coupled with the lower than expected revenue-sharing payments worsened the KRG's financial challenges, including its ability to pay salaries to government employees.¹¹⁰ In mid-September 2023, the Federal Government authorized a three-months funding deal to support the KRG with the payment of salaries.¹¹¹ On 14 January 2024, the Iraqi Cabinet approved the transfer of nearly 619 billion Iraqi Dinars (IQD, approximately USD 472 million) to the KR-I as part of its January 2024 budget share,

¹⁰⁴ Rudaw, *KRG Says 'No Court' Authorized to Invalidate Oil, Gas Law*, 13 June 2022, <https://bit.ly/3WGC8IE>; Rudaw, *Federal Court Decision on Kurdish Oil, Gas Industry 'Unconstitutional': KRG*, 16 February 2022, <https://bit.ly/3jsr8dd>. The KDP "believes that the FSC's decision on a matter filed ten years ago is politically motivated – namely, an attempt to punish the Kurds for joining up with Muqtada al-Sadr, who aspires to lead a majoritarian government that would sideline his main Shia Muslim rivals"; Washington Institute, *The Death of Oil Federalism? Implications of a New Iraqi Court Ruling*, 18 February 2022, <https://bit.ly/3BXGs8t>. See also, MEI, *Kurdistan Gas and Diversification*, 20 January 2023, <https://bit.ly/3xpgsJn>; UN Security Council, *Report of the Secretary-General: Implementation of Resolution 2576 (2021)*, S/2022/368, 29 April 2022, www.ecoi.net/en/document/2073322.html, para. 18.

¹⁰⁵ Rudaw, *Erbil, Baghdad on 'Right Path' to Solve Stalled KRG Oil Exports: President Barzani*, 14 January 2024, <https://bit.ly/3vNCGy3>.

¹⁰⁶ "(...) financial constraints imposed by Baghdad have led to a dire situation in which millions of public servants have gone without salaries for months, intensifying public dissatisfaction and fueling resentment against the Kurdish leadership"; Washington Institute, *Renewing the KRG's Opposition Parties for 2024 Parliamentary Elections*, 8 January 2024, <https://bit.ly/3OfbtKY>. "The stoppage [of oil exports] has had serious consequences in the region, including layoffs and salary cuts, as producers have been forced to cut output, while the regional government has been unable to dispense full salaries and social service payments"; The National, *Iraq Export Pipeline Closure Wreaks Havoc on Kurdish Region Economy*, 21 September 2023, <https://bit.ly/3F340JV>. See also, Orient XXI, *Petroleum. Turkey vs. Iraq, but the Kurds Are Collateral Victims*, 20 September 2023, <https://bit.ly/3rxsSGS>; World Bank, *Iraq Economic Monitor Spring/Summer 2023: Reemerging Pressures – Iraq's Recovery at Risk*, 31 July 2023, www.ecoi.net/en/document/2095989.html (hereafter: World Bank, *Iraq's Recovery at Risk*, 31 July 2023, www.ecoi.net/en/document/2095989.html), p. 5.

¹⁰⁷ "Under the Iraqi constitution, the Kurdish region is entitled to a portion of the national budget. But the arrangement collapsed in 2014 when the Kurds began selling crude independently from Kurdistan. In 2017, Iraqi forces retook disputed territories including the oil city of Kirkuk. Baghdad resumed some budget payments, but they have been sporadic"; Reuters, *Exclusive: Iraqi Kurdistan's Oil Output Could Halve Without Investment – Documents*, 31 August 2022, <https://reut.rs/3lVKdW>. See also, Rudaw, *Iraqi MP Blames KRG for Failing to Handover Oil Quota to Baghdad*, 28 January 2023, <https://bit.ly/3lD6ZdF>; UN Security Council, *Report of the Secretary-General: Implementation of Resolution 2631 (2022)*, S/2023/58, 25 January 2023, www.ecoi.net/en/document/2086294.html, para. 19.

¹⁰⁸ "The approved budget for 2023-2025 has allocated a 12.67% share to the Kurdistan Region, unchanged from the 2021 allocation. However, the recent stipulation under article 13 [of the budget law] mandates an increase in oil provisions by the KRG from 250,000 bpd (2021) to 400,000 bpd. These provisions, intended to ensure economic cooperation, come with the assurance from the Iraqi government to meet the region's financial entitlements"; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 14. See also, UN Security Council, *Implementation of Resolution 2682 (2023): Report of the Secretary-General*, S/2023/700, 26 September 2023, www.ecoi.net/en/document/2099191.html, para. 21. The KRG can market its oil independently, but revenues made from independent oil sales will be deducted from its share of the federal budget. World Bank, *Iraq's Recovery at Risk*, 31 July 2023, www.ecoi.net/en/document/2095989.html, p. 8; AP, *Iraq's Parliament Approves Budget, Ending Dispute over Oil Revenue Sharing with Kurdish Region*, 12 June 2023, <https://bit.ly/3Rko5wg>.

¹⁰⁹ "Baghdad has sent just one payment of 598 billion Iraqi dinars (\$460 million) since the beginning of August [2023], leaving the KRG far short of the revenue needed to pay a public sector wage bill of more than 900 billion dinars per month. Several groups of public employees throughout Sulaimaniya province have already announced strikes and protests against unpaid salaries"; Iraq Oil Report, *Budget Stalemate Threatens Kurdistan's Solvency and Stability*, 12 September 2023, <https://bit.ly/45lCM3>. See also, Kurdistan 24, *KRG to Discuss Latest Developments on Public Servants' Salaries*, 6 December 2023, <https://bit.ly/3Swiz4k>.

¹¹⁰ "Due to the financial situation in the Kurdistan region of Iraq, which has been made worse by the government's months-long inability to pay civil servants, many businesses have closed throughout Erbil"; Iraqi News, *Iraqi Kurdistan on the Verge of Economic Collapse*, 8 January 2024, <https://bit.ly/3SdYq6B>. "The lost oil revenue, coupled with Baghdad's reductions in its revenue-sharing payments to the KRG, has caused financial distress in Erbil, the seat of the KRG, and aggravated tensions between the two main Kurdish parties [the KDP and the PUK]"; Soufan Center, *IntelBrief: Iraq Faces a Myriad of External and Internal Pressures*, 5 September 2023, <https://bit.ly/469m2pX>. On the divisions between the KDP and the PUK, see Section II.A.3.

¹¹¹ As at mid-January 2024, "[T]he KRG is three months behind on paying its public servants, including teachers, as part of larger budget disagreements with Iraq's federal government. Although the disbursement for September salaries was made in mid-December, government employees are still missing payments for October, November and December [2023]. It is unclear when they will be paid next"; Al-Monitor, *In Iraq's Kurdistan Region, Teacher Strikes Highlight Schooling Crisis*, 15 January 2024, <https://bit.ly/4b10wXc>. "Public servants in the Kurdistan Region went unpaid for around 90 days before a deal was struck between Baghdad and Erbil in mid-September [2023], in which the federal government agreed to loan the KRG 2.1 trillion Iraqi dinars to cover three months of payroll."; Rudaw, *Iraqi Top Court to Hear Against Loaning Salaries for Kurdistan Region Employees*, 7 January 2024, <https://bit.ly/492SV8Q>. See also, Iraq Oil Report, *Baghdad Approves 3-Month Stop-Gap Funding for KRG*, 19 September 2023, <https://bit.ly/3PJLYSb>; Reuters, *Iraq Increases Financial Support for Kurdish Autonomous Region*, 18 September 2023, <https://aie.io/f9s4f1>. The KRG's inability to pay salaries has resulted in recurrent protests by civil servants, including teachers and medical staff; The New Arab, *Iraqi Kurdistan Teachers' Strike Continues Amidst Unresolved Salary Issues*, 12 January 2024, <https://bit.ly/3S338Lg>; Rudaw, *Striking Teachers Plan Protest Despite Government Promises*, 8 January 2024, <https://bit.ly/3vQ6mL1>. See also Section II.E.6 and III.A.3.

providing temporary relief to the KR-I's financial problems and enabling it to pay public sector salaries. Discussions over an amendment of the federal budget law to cover KRG salaries were ongoing at the time of writing.¹¹²

Both sides seek to address ongoing security and administrative issues,¹¹³ including military cooperation against Da'esh in the disputed territories.¹¹⁴

6) Fight Against Corruption

Corruption is endemic in Iraq¹¹⁵ and includes “[b]ribery, money laundering, nepotism, and misappropriation of public funds (...) at all levels and across all branches of government.”¹¹⁶ Corruption has slowed down reconstruction and economic growth and undermines the delivery of services.¹¹⁷ According to the UN Development Programme (UNDP), weak government institutions and widespread corruption at all levels also create “fertile ground” for violent extremism.¹¹⁸

While the Federal Government has created multiple anti-corruption measures and institutions, they are reported to be ineffective and weak.¹¹⁹ According to different estimates, up to USD 320 billion of public funds have been misappropriated since 2003.¹²⁰ Prime Minister Al-Sudani has emphasized the fight against

¹¹² The deal was described as an “(...) apparent breakthrough that promises temporary financial relief for Erbil and could signal growing political support for amending the national budget law to ease future transfers.” However, “unresolved oil issues hang over a potential budget law amendment to unlock more reliable financial transfers”; Iraqi Oil Report, *Progress on Kurdistan Budget Deal, but Obstacles Remain*, 16 January 2024, <https://bit.ly/4b8WV9t>. See also, Rudaw, *Baghdad to Pay 618 Billion Dinars for KRG Salaries*, 14 January 2024, <https://bit.ly/48FLJj8>.

¹¹³ “The federal and Kurdistan Regional Governments continued to engage in dialogue on outstanding issues, including revenue-sharing and the draft federal hydrocarbon law”; UN Security Council, *Implementation of Resolution 2682 (2023): Report of the Secretary-General*, S/2023/700, 26 September 2023, www.ecoi.net/en/document/2099191.html (and earlier reports), para. 17.

¹¹⁴ See Section II.B.1.b.

¹¹⁵ “Corruption in Iraq is an established system. It is essential to frame it as precisely that: a system, rather than a collection of individual crimes or a series of events”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 32. Iraq has been ranked 157th (out of 180 countries) in the global Corruption Perceptions Index for 2022; Transparency International, *Corruption Perceptions Index 2022*, 31 January 2023, <https://bit.ly/3kgRxlV>. “Pervasive and systemic corruption is one of the biggest challenges facing Iraq. Its economic cost and negative impact on stability and prosperity are enormous. It undermines progress, deprives citizens of their rights, discourages international investment and robs the State of the resources needed to deliver to its people better schools, hospitals, roads, and countless other public services”; UNAMI, *Message from Jeanine Hennis-Plasschaert, UN SRSG for Iraq on international Anti-Corruption Day 9 December 2022*, 9 December 2022, <https://bit.ly/3venExl>. See also, LSE Middle East Centre, *Corruption Is the Lifeblood of Politics in Iraq*, October 2023, <https://bit.ly/3uHTK8a>; World Bank, *Iraq's Recovery at Risk*, 31 July 2023, www.ecoi.net/en/document/2095989.html, p. x.

¹¹⁶ US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. “There is both high-level corruption that diverts vast resources as well as low-level corruption that citizens experience every day”; ECFR, *From Shock and Awe to Stability and Flaws: Iraq's Post-Invasion Journey*, 25 May 2023, <https://bit.ly/43wePvu>. “Corruption is so entrenched in the current political system that it has become the system. Whether in health care, education, financial services, construction, or any other sector, the political elite use intermediaries to inflate costs, eliminate competition, increase hiring, extort, blackmail, extract kickbacks and concessions, defraud, steal, and embezzle to make billions of dollars per year”; The Century Foundation, *Corruption Is Strangling Iraq*, 14 December 2022, <https://bit.ly/3BWSnDk>. See also, LSE Middle East Centre, *Corruption Is the Lifeblood of Politics in Iraq*, October 2023, <https://bit.ly/3uHTK8a>, p. 9.

¹¹⁷ “Iraq has become one of the most corrupt countries in the world, and this corruption kills. In the health sector, the ruling elites have diverted government contracts for their own profit, resulting in the majority of medicine being fake or expired, harming and killing the public every day”; Chatham House, *Iraq Shows a Political Settlement Without Accountability Cannot Deliver Peace*, 7 November 2023, <https://bit.ly/47InqUd>. “(...) pervasive corruption is a major root cause of Iraqi dysfunctionality”; UNAMI, *Briefing to the UN Security Council, SRSG Jeanine Hennis-Plasschaert*, 2 February 2023, <https://bit.ly/3EKuJvj>, p. 2. See also, UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 16; Bas News, *No Turning Back from Fight on Corruption: PM Sudani*, 3 April 2023, <https://bit.ly/3mded0U>; and Section II.E.

¹¹⁸ “The role of weak governance, indicated by corruption at the central and local levels or by security actors, creates a fertile ground for violent extremism and recruitment into terrorist groups and should be more widely recognized”; UN Development Programme (UNDP), *Affiliated with ISIS: Challenges for the Return and Reintegration of Women and Children*, October 2022, www.ecoi.net/en/document/2082671.html (hereafter: UNDP, *Affiliated with ISIS*, October 2022, www.ecoi.net/en/document/2082671.html), p. 32.

¹¹⁹ “(...) accountability mechanisms are compromised because of the political control exerted by the parties over independent commissions, the security services, and the judiciary”; LSE Middle East Centre, *Corruption Is the Lifeblood of Politics in Iraq*, October 2023, <https://bit.ly/3uHTK8a>, p. 7, see also pp. 14-15. “Anticorruption efforts were hampered by a lack of agreement concerning institutional roles, political will, political influence, lack of transparency, and unclear governing legislation and regulatory processes. The existence of armed militias, which were directly involved in corruption and provided protection for corrupt officials, made serious and sustainable anticorruption efforts difficult to enforce”; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also, Chatham House, *Tackling Iraq's Unaccountable State: A Networked Approach to Mobilizing Reformers*, December 2023, <https://bit.ly/3SrSFL0> (hereafter: Chatham House, *Tackling Iraq's Unaccountable State*, December 2023, <https://bit.ly/3SrSFL0>), pp. 6, 23-24, 26; Freedom House, *Freedom in the World 2023: Iraq*, May 2023, <https://bit.ly/3gej1V3>; UN Iraq, *Iraq Common Country Analysis 2021*, 26 April 2022, www.ecoi.net/en/document/2073112.html, p. 52.

¹²⁰ “Iraq has lost more than \$320 billion to corruption since 2003, according to estimates by the country's Parliamentary Transparency Commission”; Washington Post, *A U.S. Ally in Iraq Vowed to Tackle Corruption. Torture and Extortion Followed*, 21 December 2022, <https://bit.ly/3vdqnyv>. See also, The Century Foundation, *Corruption Is Strangling Iraq*, 14 December 2022, <https://bit.ly/3BWSnDk>; The Guardian, *‘Heist of the Century’: How \$2.5 bn Was Plundered from Iraqi State Funds*, 20 November 2022, <https://bit.ly/3FT3z4Y>; UN Iraq, *Iraq Common Country Analysis 2021*, 26 April 2022, www.ecoi.net/en/document/2073112.html, p. 52; Chatham House, *Politically Sanctioned Corruption and Barriers to Reform in Iraq*, 17 June 2021, <https://bit.ly/3Wj51od>; CNN, *Iraq Estimates that \$150 Billion of its Oil Money Has Been Stolen from the Country since the US-Led Invasion of 2003*, 23 May 2021, <https://bit.ly/3VmU045>.

corruption and pledged to create additional anti-corruption institutions.¹²¹ Past government administrations have reportedly violated human rights in their efforts to fight corruption.¹²²

Corruption is also a major issue in the KRG, where two parties control not only politics but the granting of government positions, contracts and much of the private sector.¹²³ The KRG has its own Commission of Integrity,¹²⁴ and in December 2022 set up a dedicated hotline in an effort to tackle corruption.¹²⁵

Corruption was a major trigger for the Tishreen protests, as well as renewed protests in 2020 and 2021, including in the KR-I.¹²⁶ According to a nation-wide survey from June 2021, 82.6 per cent of Iraqis named corruption as one of Iraq's main problems.¹²⁷

Across Iraq, those who investigate or report on corruption cases, including law enforcement personnel and judicial officials, as well as members of civil society and media face harassment, arbitrary arrest and detention, and politically motivated prosecution.¹²⁸

B. Main Security Developments

Six years after the conclusion of large-scale military operations against Da'esh in 2017,¹²⁹ the overall security environment has improved.¹³⁰ Yet, in areas under control of the Federal Government and in the disputed territories, the security situation remains fragile and unpredictable.¹³¹

- ¹²¹ "Upon assuming office, Sudani, like his predecessors, promised to vigorously fight corruption, but so far there have been no signs of progress"; MEI, *Taking Stock of the First 100 Days of Iraq's New Government*, 31 January 2023, <https://bit.ly/3IMzu8G>. Upon assuming office, Prime Minister Al-Sudani was faced with a major corruption scandal with the Integrity Commission announcing on 16 October 2022 that USD 2.5 billion had been stolen from tax revenues between September 2021 and August 2022; Clingendael, *Al-Sudani's First 100 Days*, 28 February 2023, <https://bit.ly/3IV7lwq>, p. 4. UN Security Council, *Report of the Secretary-General: Implementation of Resolution 2631 (2022)*, S/2023/58, 25 January 2023, www.ecoi.net/en/document/2086294.html, para. 10. See also, UN News, *Iraqi Prime Minister Highlights National Priorities Focused on People*, 22 September 2023, <https://bit.ly/3RyDWOH>; USIP, *Fighting Corruption Harder than Fighting ISIS, Says Iraq's Deputy Prime Minister*, 14 February 2023, <http://bit.ly/414TueZ>; The National, *Iraq Recovers \$2.6 Billion in Stolen Public Funds*, 4 January 2023, <https://bit.ly/3JcMrU5>; Chatham House, *Can Iraq's New Government Reform the Corrupt System?*, 30 November 2022, <https://bit.ly/3PQ7154>.
- ¹²² "(...) families of those detained by the anti-corruption committee say that they were sometimes unable to trace their relatives for several weeks while the bulk of the alleged abuses took place. Former detainees say they were often held in small cells inside a facility at the Baghdad airport run by the U.S.-trained Iraqi Counter Terrorism Service, usually used for the interrogation and detention of terrorism suspects"; The Washington Post, *A U.S. Ally in Iraq Vowed to Tackle Corruption. Torture and Extortion Followed*, 21 December 2022, <https://bit.ly/3vdbgny>. "Sudani is not the first Iraqi prime minister to attempt [to fight corruption]. (...) These initiatives did little to fight corruption. Instead, they were used to target political opponents, and some are even accused of human rights violations"; Chatham House, *Can Iraq's New Government Reform the Corrupt System?*, 30 November 2022, <https://bit.ly/3PQ7154>. See also, UN Human Rights Council, *Opinions Adopted by the Working Group on Arbitrary Detention at its Ninety-Seventh Session*, 28 August – 1 September 2023, A/HRC/WGAD/2023/34, 26 September 2023, <https://bit.ly/3RqGtA>. On the reported targeting of critics on corruption charges, see also Section III.A.2.
- ¹²³ 1001 Iraqi Thoughts, *The Illusion of Reform in Iraqi Kurdistan*, 26 July 2022, <https://bit.ly/3WiHe7k>; F. Mamshai, *Party Corruption in the Kurdistan Region of Iraq*, January 2022, <https://bit.ly/3I9JLgE>, p. 30. See also, Amwaj.media, *Shock Survey Reflects Frustration with Ruling Parties among Iraqi Kurds*, 9 February 2023, <http://bit.ly/3kbsnQL>. See also Section II.D.3.b.
- ¹²⁴ UNDP, *KRI's Anti-Corruption Agenda Strengthened under New Agreement with Commission of Integrity*, 19 June 2022, <http://bit.ly/3vcxaBz>.
- ¹²⁵ UN Iraq, *Ahead of Anti-Corruption Day, the Kurdistan Region of Iraq Launches a New Hotline*, 2 December 2022, <https://bit.ly/3hHag9I>.
- ¹²⁶ "Corruption, mismanagement, and nepotism are rife in Iraq where they have caused widespread public anger"; AFP, *Iraq Sets Up Top Body to Tackle 'Major' Corruption Cases*, 16 November 2022, <https://bit.ly/3PPSDcT>. "As the demonstrations that dominated Baghdad and the towns and cities of southern Iraq from October 2019 onwards showed, politically sanctioned corruption is one of the major drivers of popular alienation in Iraq. Until meaningful constraints are placed on such corruption, Iraq's ruling elite will find it difficult to re-establish any form of popular legitimacy or stabilize the country"; Chatham House, *Politically Sanctioned Corruption and Barriers to Reform in Iraq*, 27 June 2021, <https://bit.ly/3vdfH2G>. See also, BBC, *Iraqis Fear Another False Dawn after Politicians Break Year-Long Deadlock*, 13 October 2022, <https://bit.ly/3WkeWtX>; HRW, *Kurdistan Region of Iraq: Arrests to Deter Protest*, 28 August 2022, www.ecoi.net/en/document/2077997.html; UNDP, *Reimagining the Social Contract in Iraq*, 12 June 2022, <https://bit.ly/3xVbZ8V>, p. 19; Washington Institute, *Pushing for Reforms from Iraqi Kurdish Ruling Parties*, 9 June 2021, <https://bit.ly/3ISBPgk>; and Section II.A.1.
- ¹²⁷ EPIC, *Iraq's 'Tishreen' Movement and the Struggle for Reform*, October 2021, www.ecoi.net/en/document/2061265.html, pp. 5, 34, 36.
- ¹²⁸ See Sections III.A.2, III.A.4 and III.A.6.
- ¹²⁹ "Faced with an overwhelming military campaign waged by an array of local and international actors, ISIL lost its last territorial foothold in Iraq in 2017 and Syria in early 2019. In both countries, it has survived by shifting from semi-conventional warfare to hit-and-run insurgency"; UNDP, *Community-Based Reconciliation & Reintegration in Iraq (C2RI): Conflict Analysis 2022*, 28 June 2022, <https://bit.ly/3fLpEJs> (hereafter: UNDP, *Community-Based Reconciliation & Reintegration in Iraq*, 28 June 2022, <https://bit.ly/3fLpEJs>), p. 10.
- ¹³⁰ "After decades of armed conflict, Iraq has enjoyed its most stable period since before the US-led invasion of 2003"; HRW, *Iraq: Reforms Needed to Entrench Stability*, 11 January 2024, <https://bit.ly/3Ucc0RV>. UN Secretary-General António Guterres said in early March 2023 that he hoped that Iraq "can break cycles of instability and fragility" and called for "systemic reform, stronger institutions, greater accountability and better governance at all levels"; UN News, *Guterres Stresses UN Commitment to Iraq During First Visit in 6 Years*, 1 March 2023, <https://bit.ly/3ZeJEpm>. See also, SIPRI, *Iraq in 2023: Challenges and Prospects for Peace and Human Security*, 17 March 2023, <https://bit.ly/3lkdCKh>.
- ¹³¹ "Although there has been a decrease in armed conflicts with the establishment of a new government, this progress remains fragile, facing numerous challenges that could potentially undermine these advancements. (...) The presence of multiple armed entities not only challenges the government's

The PMF (at times operating outside State control) as well as Da'esh are reported to be the key actors responsible for security-related incidents in their respective areas of presence or influence.¹³² In 2023, the Armed Conflict Location & Event Data Project (ACLED) recorded 4,479 security events, including explosions/remote violence (2,885 incidents), battles (1,154), violence against civilians (381) and riots (59).¹³³ In 2023, the UN Department for Safety and Security (UNDSS) recorded 2,056 “terrorist” incidents by and against armed actors in 2023. The majority of these incidents were recorded in Baghdad, Al-Anbar, Ninewa, Kirkuk, Salah Al-Din, Diyala, and Missan.¹³⁴ The blog Musings on Iraq recorded a total of 215 security incidents which were attributed to either Da'esh or pro-Iran Shi'ite militias.¹³⁵ Incidents involving Shi'ite militias increased significantly following the outbreak of conflict in Gaza in October 2023,¹³⁶ and there are concerns about Iraq being drawn into a wider regional conflagration.¹³⁷

Security is further undermined by the fragmentation of State power,¹³⁸ political and military interference by regional powers,¹³⁹ the weak rule of law and use of informal justice,¹⁴⁰ and the proliferation of arms.¹⁴¹

efforts at security reform but also threatens the safety and rights of the Iraqi people”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, pp. 10, 49. “Armed violence persists in different forms, but it is sporadic, fragmented and localized. However, the country remains fragile and divided, and its people face an array of deepening challenges that the state is struggling to address”; SIPRI, *Iraq in 2023: Challenges and Prospects for Peace and Human Security*, 17 March 2023, <https://bit.ly/3lkdCKh>. See also, UN News, *Despite Gains, Iraq Has not yet ‘Turned the Corner’*, Security Council Hears, 18 May 2023, <https://bit.ly/3StOmPi>.

¹³² “The primary terrorist threats within Iraq are the remnants of ISIS’s Iraq province and Iran-aligned militia groups (IAMGs), which include U.S.-designated Kata’ib Hezbollah, Asa’ib Ahl al-Haq, and Harakat al-Nujaba”; US Department of State, *Country Report on Terrorism 2022: Iraq*, 30 November 2023, www.ecoi.net/en/document/2101564.html. “PMF militias have become the country’s primary source of instability”; Washington Institute, *Buying Time in Baghdad? What to Expect from Sudan’s Government*, 3 November 2022, <https://bit.ly/3AAJ1wy>. See also Sections II.B.1.a and II.B.1.b.

¹³³ This compares to 5,843 events in 2022, including explosions/remote violence (3,329), battles (1,890), violence against civilians (492) and riots (132); ACLED, *ACLED Dashboard*, accessed 28 January 2024, <https://acleddata.com/dashboard>.

¹³⁴ Actors involved in these incidents include, inter alia, the ISF, PMF, Islamic Revolutionary Guard Corps (IRGC), Da’esh, Türkiye and PKK. Incidents recorded relate to arrests/detentions, IEDs, abductions, small arms fire, intimidation, mortars, rocket and drone attacks, military operations and clashes. Incidents recorded by Governorate in 2023: Baghdad: 582; Al-Anbar: 273; Ninewa: 246; Kirkuk: 216; Salah Al-Din: 177; Diyala: 103; Missan: 99; Sulaymaniyah: 87; Thi-Qar: 74; Erbil: 49; Babel: 42; Basra: 28; Najef: 22; Wasit: 16; Qadisiyah: 15; Dohuk: 11; Kerbala: 10; and Muthanna: 6. This compares to 2,714 “terrorist” incidents in 2022 and 2,477 incidents in 2021; UNDSS, January 2024.

¹³⁵ These incidents were attributed to either Da’esh (135) or pro-Iran Shi’ite militias (80). This compares to a total of 624 security incidents in 2022; Musings on Iraq, *Violence in Iraq Jan 8-14, 2024*, 15 January 2024, <https://bit.ly/48M1iG1>.

¹³⁶ *Ibid.* See also Section II.B.1.a.

¹³⁷ “Iraq is at risk of being drawn even further into this conflict. Despite the Government’s efforts to prevent the escalation of tensions, continued attacks – originating from within and outside of Iraq’s borders – stand to undo the hard-won stability of the country and the achievements it has made in recent years”; UNAMI, *Statement by the Special Representative of the United Nations Secretary-General for Iraq*, 20 January 2024, 20 January 2024, <https://bit.ly/3u1NzMi>. See also Sections II.B.1.a and II.B.2.b.

¹³⁸ Since 2003, “the Iraqi security sector has resembled a field of power centres competing against each other to exert their influence over institutions and play a crucial role in the internal and external dynamics of the ‘land of the two rivers’. Although the constitution approved in 2005 entrusted the protection of the country to the Iraqi Security Forces (ISF), they had to cope with a complex security scenario from the very beginning, one deeply influenced by the presence of armed groups not entirely under the federal government’s authority”; ISPI, *Iraq’s Multi-Layered Security Sector: Structure and Funding*, 2 August 2022, <https://bit.ly/3ktmFbg>. See also, UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 49; Middle East Research and Information Project (MERIP), *The Political Logic Behind Iraq’s Fragmented Armed Forces*, April 2023, <https://bit.ly/3pRBh77>; Ceasefire Centre for Civilian Rights, “They Are in Control”: The Rise of Paramilitary Forces and the Security of Minorities in Iraq’s Disputed Territories, January 2022, <https://bit.ly/3SZT3iN> (hereafter: Ceasefire Centre for Civilian Rights, *The Rise of Paramilitary Forces and the Security of Minorities in Iraq’s Disputed Territories*, January 2022, <https://bit.ly/3SZT3iN>), p. 6.

¹³⁹ “Another source of instability in Iraq are the foreign incursions taking place regularly in Iraqi Kurdistan, a region once considered the safest in Iraq. Turkey has launched air strikes into Iraqi Kurdistan, targeting the PKK, an EU-listed terrorist group that Turkey believes Iraq cannot or will not suppress”; ECFR, *From Shock and Awe to Stability and Flaws: Iraq’s Post-Invasion Journey*, 25 May 2023, <https://bit.ly/43wePvu>. “Iraq’s political system remains distorted by interference from foreign powers, most notably Iran; Iranian authorities physically and politically threaten or buy the support of Iraqi policymakers”; Freedom House, *Freedom in the World 2023: Iraq*, May 2023, <https://bit.ly/3qei1V3>. According to Jeanine Hennis-Plasschaert, UN Special Representative of the Secretary-General (SRSG) for Iraq and Head of UNAMI, “Iraq continues to face repeated and destabilising violations of its sovereignty and territorial integrity”; UN Iraq, *Briefing to the UN Security Council*, SRSG Jeanine Hennis-Plasschaert, 2 February 2023, <https://bit.ly/3iV6ATZ>. Furthermore, “(...) in recent years, Israel has been suspected of undertaking air strikes against the IRGC and pro-Iran groups in Iraq”; Council on Foreign Relations, *Twenty Years After the War to Oust Saddam, Iraq Is a Shaky Democracy*, 17 March 2023, <https://on.cfr.org/40aGwvy>; MEI, *Taking Stock of the First 100 Days of Iraq’s New Government*, 31 January 2023, <https://bit.ly/3iMzu8G>. See also, UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, pp. 50-51; US Department of Defense, *Lead Inspector General Report*, 9 November 2023, <https://bit.ly/3OhVdJo>, pp. 37-38, 52-53; Chatham House, *Iraq Shows a Political Settlement Without Accountability Cannot Deliver Peace*, 7 November 2023, <https://bit.ly/47iNgUd>; and Sections II.B.1.a and II.B.2.

¹⁴⁰ “The path to sustainable peace and development in Iraq hinges on restoring public confidence in the rule of law and justice systems”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 10. “The US-led invasion and occupation in 2003 brought to Iraq some of the trappings of a liberal democracy (...) but it did not ensure the rule of law. Instead, a new ethno-sectarian power-sharing system provided opportunities for members of the country’s elite to capture the state and plunder its wealth, in many cases with impunity. Their ability to do this was aided by substantial control of the legal system, which was not only rendered less able to fulfil its role of ensuring accountability but also provided a means for some leaders to acquire greater power and repress political opponents”; Chatham House, *Tackling Iraq’s Unaccountable State*, December 2023, <https://bit.ly/3SrSFL0>, pp. 5-6. On the reinforcement of informal justice, see Section II.D.3.

¹⁴¹ “The unchecked proliferation of arms outside of state control weakens the government’s influence, especially at the grassroots level. This has resulted in a rise in the informal justice system and economic fragmentation, further undermining state legitimacy”; UN Iraq, *Iraq Common Country Analysis 2023*,

The Global Peace Index for 2023, which covers 163 independent states and territories, ranked Iraq among the least peaceful countries in world (rank 154, up from rank 157 in 2022).¹⁴²

1) Security in Federal Iraq and the Disputed Territories¹⁴³

Security in Federal Iraq is provided, and at the same time undermined, by a multitude of security actors, including PMF factions operating outside of State control.¹⁴⁴ Power struggles between armed factions affiliated with political parties intensified during the prolonged government formation process as these groups used violence to exert political pressure.¹⁴⁵ Rivalries between these groups remain a destabilizing factor.¹⁴⁶

Security conditions in the disputed territories remain particularly precarious due to a lack of cooperation or outright competition between different security actors,¹⁴⁷ which in Sinjar District (Ninewa) is exacerbated by military operations by Türkiye against the PKK.¹⁴⁸ Da'esh's ability to impact security has vastly decreased and attacks are largely limited to rural areas, primarily in the disputed territories.¹⁴⁹

Feuds between tribes are another security risk affecting civilians,¹⁵⁰ especially in southern Iraq.¹⁵¹ The security situation is further impacted by high levels of criminality as various actors, including criminal gangs, security actors, Da'esh and tribes exploit the weak state of the rule of law. Violent crime such as armed robberies, killings and abduction for ransom,¹⁵² the trafficking of drugs, weapons, and oil,¹⁵³ as well as clashes and targeted killings over political influence and illicit economic interests, are rife.¹⁵⁴

January 2024, p. 49. "Iraq is home to one of the fastest-growing arms market in the world, a concerning share of which is falling into the hands of organized crime groups, driven by conflict as well as fuelling it. (...) In Iraq where the authorities have failed to reduce robbery and clan disputes over the past years, so-called 'house guns' are becoming increasingly popular. According to the Small Arms Survey, nearly 20 per cent of Iraq's population owned a gun in 2021"; Shafaq News, *Iraq Cracks Down on Unlicensed Weapons with 'Buyback' Scheme*, 17 January 2024, <https://bit.ly/3vLA6sz>. "Weapons from past conflicts continue to circulate, and the combination of weak border security and corruption allows the market to flourish. (...) An increasing number of Iraqi and Kurdish citizens possess firearms, mainly for perceived self-defence against theft and clan-based violence. Popular weapons include pistols, mortars, rockets and heavy machine guns (...)" ; Global Initiative Against Transnational Organized Crime (GI-TOC), *2023 Global Organized Crime Index: Iraq*, September 2023, <https://bit.ly/42cXCL4>, p. 3. In the KR-I, some 70% of the population are estimated to possess weapons. In June 2022, KRG Prime Minister Barzani ordered the confiscation of unlicensed firearms; Rudaw, *Man Arrested for Allegedly Killing Wife, Daughters in Erbil's Koya*, 17 May 2023, <https://bit.ly/432Jxiz>. On the correlation between the proliferation of firearms and violence against women, see also Section III.A.8.

In 2023, Iraq scored low across all three domains used to measure the state of peace, including societal safety and security; ongoing domestic and international conflict; and the degree of militarization; Institute for Economics and Peace, *Global Peace Index 2023*, 28 June 2023, <https://bit.ly/3OaBcUL>. Following the KRG's failed independence referendum in 2017, most parts of the disputed territories are de facto administered by the Federal Government. The final status of Kirkuk and surrounding areas remains unresolved. Describing the conditions in areas of Federal Iraq and in the Disputed Territories in the same chapter does not reflect an official position of UNHCR with regards to the legal status of the disputed territories, nor does it imply the expression of any opinion on the part of UNHCR. See also Section II.A.5.

See Section II.B.1.a.

See Section II.A.2.

See Section II.B.1.a.

See Section II.B.1.b.

See Section II.B.1.c.

See Section II.B.1.b.

See Section II.B.1.d.

This document refers to the Governorates of Babel, Basra, Thi-Qar, Qadisiyah (Diwaniyah), Kerbala, Missan, Muthanna, Najef, and Wasit as "southern Iraq".

GI-TOC's 2023 Index ranked the degree of crime in Iraq higher than in 2021, placing it at 8th out of 193 countries. "The expansion of organized crime in Iraq can be largely attributed to the growing influence of state-embedded criminal actors, particularly Shi'ite militias affiliated with Iran"; GI-TOC, *2023 Global Organized Crime Index: Iraq*, September 2023, <https://bit.ly/42cXCL4>, pp. 1, 4. "Basra today has one of the worst crime rates in the world, with a dramatic rise in hijackings, vehicles thefts, armed robberies, kidnappings for ransoms, racketeering, and every trans-national trafficking"; EPC, *Tribes of Basra: The Political, Social, and Security Issues*, 29 March 2022, <https://bit.ly/3LCz9oH>. "Iraq has a thriving criminal market including the trafficking and smuggling of illicit goods, such as drugs, weapons, and oil resources that have expanded since the United States' invasion of Iraq in 2003. Iraq ranks among the top ten countries with the highest criminality scores combined with low levels of resilience, according to the Global Organized Crime Index"; Water, Peace and Security, *Water Challenges and Conflict Dynamics in Southern Iraq*, 17 February 2022, <https://bit.ly/3fNe2Wf>, p. 30. See also, New Lines Magazine, *The Disappeared Children of Iraq*, 8 January 2024, <https://bit.ly/3u8lHpN>; Bas News, *Concerns Mount as Unidentified Bodies Resurface in Baghdad*, 4 June 2023, <https://bit.ly/3J42Xft>; NINA, *Human Rights Center: The Murders this Year Are the Highest in 5 Years*, 25 October 2022, <https://bit.ly/3OG9OPm>.

See Sections II.B.1.a, II.B.1.b and II.B.1.d.

"A safe daily life exists within a violent environment that is marked by a high visibility of firearms among the civilian population, so-called 'tribal conflicts' pertaining to social disputes and increasingly political ones as various tribes, security actors, political parties, and criminal networks overlap and compete for power, and relatedly, an emerging drug trade"; International Organization for Migration (IOM), *A Climate of Fragility: Household Profiling in the South of Iraq: Basra, Thi-Qar and Missan*, 24 August 2022, <https://bit.ly/3CqxB5u>, p. 5. "What is becoming worrying is the new tendency of some 'grey actors,' militias, mafias, or criminalized tribal gangs, to plan targeted killings of high-profile officials involved in the fight against drug smuggling"; EPC, *Tribes of Basra: The Political, Social, and Security Issues*, 29 March 2022, <https://bit.ly/3LCz9oH>. See also, EPC, *Maysan and the Cycle of Violence in Southern Iraq*, 23 March 2022, <https://bit.ly/3LILF9Q>; AGSIW, *Iraq's Corruption and Rule of Law Deficits Nourish a Worsening Drug Problem*, 17 March 2022, <https://bit.ly/36FWDdl>; AFP, *Drugs, Tribes, Politics a Deadly Mix in Iraq Border Province*, 23 February 2022, <https://bit.ly/3tZAYoW>.

a) The PMF as a Source of Instability

The PMF, an umbrella organization consisting primarily of Shi'ite armed factions, were established in 2014 as a parallel security apparatus to fight Da'esh.¹⁵⁵ Since November 2016, they have been nominally integrated into the ISF under the Popular Mobilization Commission in the Prime Minister's Office.¹⁵⁶ While legally a part of the State security apparatus with access to State budget,¹⁵⁷ the PMF are not a coherent organization and its factions maintain varying degrees of administrative and operational independence,¹⁵⁸ with some closely affiliated with the IRGC.¹⁵⁹ PMF factions maintain ties to political parties represented in the government and hold considerable power in the economy.¹⁶⁰ There are allegations of some PMF

¹⁵⁵ "The umbrella organization, overseeing a patchwork of militia groups with varying ties to the Iraqi state, politicians, and Iran, constitutes a politically effective and formidable force, with combat experience, robust military capabilities, wide-ranging geographic presence, and access to local resources across Iraq as well as multifaceted support from Iran. The precise number of PMF fighters is unknown; at its peak, the organization claimed to command 160,000. Those numbers included a) fighters from pre-existing, mostly pro-Iran, militias like the Badr Brigade, Kataib Hezbollah, and Asaib Ahl al-Haq; b) so-called 'shrine militias,' i.e., Shia volunteers who responded to Grand Ayatollah Ali al-Sistani's fatwa to defend Iraq from IS; and c) various Sunni, Yazidi, Christian, and other minority self-defense groups"; Hudson Institute, *Post-Election Iraq and Intra-Shiite War*, 26 September 2022, <https://bit.ly/3YUuoQc>. The so-called "shrine militias" affiliated with Ayatollah Ali Al-Sistani (Abbas Combat Division, Imam Ali Combat Division, Ali Akbar Brigade and Ansar Al-Marja'iya Brigade) withdrew from the PMF in March 2020 in response to Iran's growing influence and placed themselves directly under the command of the Prime Minister; Al-Monitor, *Pro-Sistani 'Popular Mobilization Units' Break with pro-Iran Militias in Iraq*, 29 April 2020, <https://bit.ly/3KfKZg1>. The Washington Institute said that Saraya Al-Salam (Peace Companies), the military wing of the Sadrist Movement, had a "tenuous association with the PMF" and was never operationally incorporated into the PMF. "The PMF leadership at various times claimed and rejected the affiliation of Saraya al-Salam, the large and powerful militia loyal to Sadr, which has influence in Basra and other parts of Iraq's south as well as a strong presence in Baghdad. (...) Iraqis call the Sadrist movement's Peace Brigades 'rebellious' because of their refusal to submit to the federal government and religious establishment as well as their refusal to submit to Iran"; Hudson Institute, *Post-Election Iraq and Intra-Shiite War*, 26 September 2022, <https://bit.ly/3YUuoQc>. See also, ISPI, *Iraq's Multi-Layered Security Sector: Structure and Funding*, 2 August 2022, <https://bit.ly/3ktmFbg>; ICG, *Iraq: Stabilising the Contested District of Sinjar*, 31 May 2022, www.ecoi.net/en/document/2073832.html, p. 5. In this document, Saraya Al-Salam is included in references to the PMF, unless otherwise specified. Minority self-defence groups are "generally operating within or near their home regions"; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also Sections II.B.1.c and III.A.5.a.

¹⁵⁶ "Efforts since 2014 have been made to regulate the PMF, transitioning them from a diverse mix of armed entities, some with international ties, to an organization firmly under Iraqi state control"; UN Iraq, *Iraq Common Country Analysis* 2023, January 2024, p. 49. "This incorporation of the PMF into the security forces makes the country's prime minister ultimately responsible for the actions and decisions of the PMF and the parties that comprise it, though the prime minister's control over these groups is more de jure than de facto"; HRW, *To Sleep the Law: Violence Against Protesters and Unaccountable Perpetrators in Iraq*, 29 November 2022, <https://bit.ly/41Nc8IG>.

¹⁵⁷ In March 2018, the Government issued a decree which put the PMF on a par with members of military forces under Ministry of Defense control, including in terms of salary; Reuters, *Iraq's Shi'ite Militias Formally Inducted into Security Forces*, 8 March 2018, <https://reut.rs/2laz9MS>. The budget law for 2023-2025, "approves a major expansion of the PMU's authorized personnel and almost 9B USD in funding for the entity over the next three years"; Amwaj.media, *Inside Story: The Abduction of an Israeli-Russian Researcher in Iraq*, 6 July 2023, <https://bit.ly/3OmYyH7>. See also, Bas News, *Hashd Al-Shaabi Militias Expand by 116,000 in Two Years, Budget Concerns Arise*, 3 January 2024, <https://bit.ly/427eBYt>; US Department of Defense, *Lead Inspector General Report*, 9 November 2023, <https://bit.ly/3OhVdJo>, p. 14.

¹⁵⁸ "While all PMF are required by law to operate as part of the ISF, many PMF groups continued to defy central government command and control (...)"; US Department of State, *Country Reports on Terrorism 2022: Iraq*, 30 November 2023, www.ecoi.net/de/dokument/2101564.html. "The Hashd institution formally falls under the prime minister's supervision in his capacity as commander-in-chief, but he exercises minimal oversight of its operational and financial management. The groups constituting the Hashd (...) have repeatedly rejected any notion of strengthening the premier's prerogatives as a threat to their existence"; ICG, *Staving Off Instability in the Near and Distant Futures*, 6 February 2023, www.ecoi.net/en/document/2086447.html. The PMF "is an umbrella of 50 militias with different ideological leanings and an incoherent leadership"; AGSIW, *By Violent Means: Iraq's PMF Descent from Popularity to Corruption and Repression*, 11 August 2022, <https://bit.ly/3m7LMkc>. See also, US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html; Reuters, *Factbox: Iraq's Competing Shi'ite Groups*, 1 August 2022, <https://bit.ly/3ZqWlB9>.

¹⁵⁹ "The PMF consists of more than 50 armed factions, some of the largest of which are aligned with Iran"; US Department of Defense, *Lead Inspector General Report*, 3 August 2023, <https://bit.ly/3OhbBU7>, p. 14; UN Iraq, *Iraq Common Country Analysis* 2021, 26 April 2022, www.ecoi.net/en/document/2073112.html, p. 14. "There are Shi'a armed groups that benefit from a close relationship with Iran. They include groups such as Asaib Ahl al-Haq, the Badr Organization, and Kata'ib Hezbollah." And further: "(...) the Iran-affiliated Hashd groups increasingly asserted control over the PMF Commission, including key administrative functions such as fighter registration, salary payments and deployment planning"; Clingendael, *Coercive Organisations, War and State Development in the Levant*, 29 March 2022, <https://bit.ly/3J5LW4l>. Two of the most powerful militias, Kataib Hezbollah (KH) and Asaib Ahl Al-Haq, were designated by the US as Foreign Terrorist Organizations in 2009 and 2020, respectively, on account of their close relationship with the IRGC; US Department of State, *Foreign Terrorist Organizations*, accessed 28 January 2024, <https://bit.ly/2Wt7aSH>. See also chapters on Kataib Hezbollah (KH) and Asaib Ahl Al-Haq, in: US Department of State, *Country Report on Terrorism 2022*, 4 December 2023, www.ecoi.net/en/document/2101679.html and www.ecoi.net/en/document/2101676.html; and Washington Institute, *OFAC Designates Iraqi Militiamen (Part 1): Kataib Hezbollah Commanders*, 17 November 2023, <https://bit.ly/3S5DWnl>; ITIC, *Kata'ib Hezbollah: A Dominant Iraqi Pro-Iranian Militia*, 2 January 2023, <https://bit.ly/3Nf9m8Q>; ITIC, *The Pro-Iranian Militias in Iraq: The Current Situation*, 15 November 2022, <https://bit.ly/3ELGTnz>; ISPI, *Iraq's Multi-Layered Security Sector: Structure and Funding*, 2 August 2022, <https://bit.ly/3ktmFbg>; profiles by the Counter Extremism Project, *Asaib Ahl al-Haq*, accessed 28 January 2024, <https://bit.ly/3ZkkHIW>; and *Kata'ib Hezbollah*, accessed 28 January 2024, <https://bit.ly/3KSkeKn>; profiles by the Washington Institute, *Profile: Asaib Ahl al-Haq*, updated 21 October 2023, <https://bit.ly/3B6scKN>; and *Profile: Kataib Hezbollah*, updated 21 October 2023, <https://bit.ly/3cyHw8U>.

¹⁶⁰ In November 2022, "the Council of Ministers had approved a request to establish a public company ["Al-Muhandis"] affiliated with the PMC with a primary capital of 100 billion IQD (about \$67 million)." Although "Iraqi law does not allow security institutions to form companies [Prime Minister Al-Sudani] officially granted the PMC the right to engage in economic activities and potentially create its investment. (...) By further asserting its status as an extra-legal entity not subject to normal auditing processes or legal accountability, the PMC can employ its coercive power to intimidate competitors or state officials who are not complicit"; EPC, *Is Iraq's PMC on its Way to Replicate the IRGC Model?*, 14 December 2022, <https://bit.ly/3lleZ5s>. "PMF networks enjoy a

factions' involvement in criminal activities, including the trafficking of drugs, weapons, and oil, and the extortion at checkpoints under their control.¹⁶¹ At times, rival factions are reported to clash over political and economic influence.¹⁶²

Between 2014 and 2017, the PMF were at the forefront in the fight against Da'esh. They were implicated in numerous human rights violations, mostly against the Sunni Arab population, which was broadly perceived to be supporting Da'esh.¹⁶³ Since Da'esh's territorial defeat in 2017, the PMF has continued to carry out security operations, sometimes jointly with the Iraqi armed forces, in areas where Da'esh remains active.¹⁶⁴ The PMF are reported to employ oppressive practices against local populations, including Sunni Arabs in formerly Da'esh-held areas¹⁶⁵ and members of minority communities in ethnically and religiously mixed areas.¹⁶⁶ IRGC-linked factions are also reported to target those seen as critical of their political affiliations and human rights violations, including journalists, protestors and activists.¹⁶⁷ Government efforts to reign in and hold these factions accountable have been limited to date.¹⁶⁸

symbiotic relationship with Iraq's security services, political parties and economy. Their members include not only fighters, but also parliamentarians, cabinet ministers, local governors, provincial council members, business figures in both public and private companies, senior civil servants, humanitarian organizations and civilians"; Chatham House, *Networks of Power: The Popular Mobilization Forces and the State in Iraq*, February 2021, <https://bit.ly/3RhDD7V>, p. 2. See also, Foreign Affairs, *Iraq Is Quietly Falling Apart*, 5 June 2023, <https://fam.ag/46xEo3u>; The National, *Iraq's Militias Set to Benefit as Government Creates Company for State-Backed Groups*, 22 November 2022, <https://bit.ly/3JYL3vs>. See also Section II.A.2.

¹⁶¹ "Iranian-backed militias in Iraq (...) generate millions of dollars from criminal activities such as arms trafficking, drug trafficking and the illicit oil trade"; GI-TOC, 2023 *Global Organized Crime Index: Iraq*, September 2023, <https://bit.ly/42cXCL4>, p. 5. "Both the PMF and Saraya al-Salam entrenched themselves in and took over Iraq's many formal and illegal economies, from the construction contracts that followed the devastation of war; the service sector; and the scrap metal trade to generalized extortion; customs evasion; and oil, drug, and other contraband trafficking. Diverted customs revenues alone generate vast income for PMF militias, while Iraq loses some \$10 billion annually. As with Saraya al-Salam, the PMF's monopolization of economic markets and job opportunities endows the organization with political capital"; Hudson Institute, *Post-Election Iraq and Intra-Shiite War*, 26 September 2022, <https://bit.ly/3YWuoOc>. The PMF is also reported to make money from illegal checkpoints, customs at border crossings, from oil fields and by extorting "protection money" from local businesses; AGSIW, *By Violent Means: Iraq's PMF Descent from Popularity to Corruption and Repression*, 11 August 2022, <https://bit.ly/3m7LMkc>. See also, Arab News, *Daesh and the Hashd Enable each Other's War to Dominate Iraq*, 27 February 2023, <https://arab.news/jugam>; GI-TOC, *Smuggling, Subsidies and Shortages: Iraq's Latest Oil Troubles*, 10 February 2023, <https://bit.ly/3Sxyxpb> (hereafter: GI-TOC, *Iraq's Latest Oil Troubles*, 10 February 2023, <https://bit.ly/3Sxyxpb>); Syndicate Bureau, *To Stem Iraq's Drug Trade, Rein in the Militias*, 24 May 2022, <https://bit.ly/3sv7bO6>; UN Iraq, *Iraq Common Country Analysis 2021*, 26 April 2022, www.ecoi.net/en/document/2073112.html, p. 59.

¹⁶² On 26 December 2023, "[V]iolent clashes erupted in Baghdad between Qais al-Khazali's Asaib Ahl al-Haq militia and Moqtada al-Sadr's Saraya Al-Salam (Peace Brigades). Asaib Ahl al-Haq intended to publicly display portraits of Qasem Soleimani and Abu Mahdi al-Muhandis, commemorating their assassination in January 2020. However, the Peace Brigades, aligned with Moqtada al-Sadr, vehemently opposed this move. The conflicting militias engaged in armed confrontation for several hours without government intervention. This event underscores the jeopardy of the government's authority over violence in the Iraqi capital"; CFRI, *Iraq Shaken by Attacks and Political Unrest: What Can we Expect?*, 27 December 2023, <https://bit.ly/3Ohn501>. On 9 November 2023, "security sources in Basra said that at least two people were killed and three were injured, including policemen, when a gunfight erupted between members of the Asaib Ahl al-Haq militia and a rival militia of Moqtada al-Sadr. (...) Other reports said the fighting erupted after a group from Asaib Ahl al-Haq assassinated one of Sadr's followers, triggering a wider conflict"; EPIC, ISHM: November 2-9, 2023, 9 November 2023, www.ecoi.net/en/document/2100386.html. See also, Bas News, *Asaib Ahl al-Haq Attacks Turkish Hospital in Nasirya, Sparks Clashes*, 21 January 2024, <https://bit.ly/48LfmG7>; EPIC, ISHM: December 14 – 28, 2023, 28 December 2023, www.ecoi.net/en/document/2102728.html; News, *Two PMF Factions Engage in Firefight in Kirkuk over a Property Dispute*, 21 May 2023, <https://bit.ly/43zQsIb>; Brookings, *Shiite Rivalries Could Break Iraq's Deceptive Calm in 2023*, 1 March 2023, <https://bit.ly/3SH7DLd>; MEE, *Iraq: Sadrist Attack Rival Factions in Basra to Choke Off their Funds*, 4 October 2022, <https://bit.ly/3FcYN31>.

¹⁶³ Ceasefire Centre for Civilian Rights, *The Rise of Paramilitary Forces and the Security of Minorities in Iraq's Disputed Territories*, January 2022, <https://bit.ly/3SZT3iN>, p. 8, 14; USIP, *Profiles: Pro-Iran Militias in Iraq*, 10 November 2021, <https://bit.ly/3J1Vqy5>; UNHCR, *International Protection Considerations with Regard to People Fleeing the Republic of Iraq*, May 2019, HCR/PC/IRQ/2019/05_Rev.2, www.refworld.org/docid/5cc9b20c4.html, Section III.A.1.a (and sources cited therein).

¹⁶⁴ Since Da'esh's territorial defeat, "a multitude of parties have taken over the land that once made up its domain: the Iraqi army and Popular Mobilisation (al-Hashd al-Shaabi) paramilitary groups in Iraq (...)" ; ICG, *Containing a Resilient ISIS in Central and North-Eastern Syria*, 18 July 2022, <https://bit.ly/3SpUICI>, p. i. See also Section II.B.1.b.

¹⁶⁵ "Even while local populations resent the PMF's human rights abuses and sectarian discrimination against the Sunnis, such as in Ninevah province, they often need to act as supplicants to the PMF to obtain jobs and business opportunities and avoid violent retaliation, such as the burning down of their businesses, kidnapping, and assassination. (...) In interviews in Iraq in November 2021, we found that after the October [2021] elections, pro-Iran PMF militias in Mosul and other parts of Ninevah actually upped their coercion against Sunni and other local populations, acting with greater heavy-handedness in their systematic extortion and political repression"; Brookings, *New Vulnerabilities for Iraq's Resilient Popular Mobilization Forces*, 3 February 2022, <https://brook.gs/36jSluf>. "The PMF continues its oppressive practices in Sunni areas. For example, in the city of Mosul, the 'PMF Babylon' and 'Shabak Hashd' indiscriminately harass, intimidate, and arrest Sunni civilians"; Bertelsmann Foundation, *Iraq Country Report 2022*, 23 February 2022, www.ecoi.net/en/document/2069660.html. See also Sections II.D.1 and III.A.1.

¹⁶⁶ See Section III.A.5.a.

¹⁶⁷ See Sections II.A.1.a, III.A.2 and III.A.6.a.

¹⁶⁸ The Defense Intelligence Agency (DIA) "reported that Iraqi Prime Minister al-Sudani did not take steps to assert control over militias or their umbrella organization, the Popular Mobilization Committee (...)" ; US Department of Defense, *Lead Inspector General Report*, 3 August 2023, <https://bit.ly/3QHbBU7>, p. 41. "One of the goals of successive Iraqi governments has been integrating these forces into the Iraqi security forces, but progress has been slow. (...) many seem to act independently of government and outside institutional jurisdiction"; SIPRI, *Iraq in 2023: Challenges and Prospects for Peace and Human Security*, 17 March 2023, <https://bit.ly/3lkdCKh>. See also, ITIC, *The Pro-Iranian Militias in Iraq: The Current Situation*, 15 November 2022, <https://bit.ly/3ELGTnz>; Hudson Institute, *Post-Election Iraq and Intra-Shiite War*, 26 September 2022, <https://bit.ly/3YWuoOc>; UN Iraq, *Iraq Common Country Analysis 2021*, 26 April 2022, www.ecoi.net/en/document/2073112.html, p. 58; and Section II.D.3.a.

Intra-Shi'ite divisions, primarily between the Sadrist Movement, described as "Iraq's most powerful socio-political movement",¹⁶⁹ and Iran-aligned political parties and armed factions intensified in the aftermath of the October 2021 parliamentary elections.¹⁷⁰ In November 2021, PMF factions were held responsible for the assassination attempt against (then) Prime Minister Mustafa Al-Kadhimi.¹⁷¹ PMF factions engaged in tit-for-tat killings and attacks on rival party offices,¹⁷² and in late August 2022 heavy clashes broke out between fighters and supporters loyal to Al-Sadr and IRGC-linked PMF factions in Baghdad's International Zone that resulted in dozens dead and hundreds injured.¹⁷³ The unrest, which was triggered by Al-Sadr's announcement that he would step back from politics, was considered the most serious crisis since the defeat of Da'esh in 2017.¹⁷⁴ During the parliamentary session that was convened to elect Iraq's new President on 13 October 2022, Sadrists reportedly fired rockets into the International Zone.¹⁷⁵ Following the swearing in of the Government in late October 2022, open intra-Shi'ite antagonism temporarily subsided; however, renewed violence was reported in July 2023 when Sadrists reportedly attacked rival party offices.¹⁷⁶

Popular resentment over the PMF's involvement in human rights violations, poor parliamentary election results and deepening of intra-Shi'ite divisions have increasingly undermined the PMF's legitimacy and various opponents have called for their disarmament.¹⁷⁷

- ¹⁶⁹ Middle East Council on Global Affairs (MECGA), *Iraq's Next War: Implications for the Region*, October 2022, <https://bit.ly/3xWvHR3>, p. 3. "In addition to his millions of followers, he [Al-Sadr] has a thousands-strong militia and wields enormous power within the Iraqi state, where his loyalists control money and power"; Reuters, *Factbox: Iraq's Competing Shi'ite Groups*, 1 August 2022, <https://bit.ly/3ZqWlb9>. See also, Jamestown Foundation, *Is an Iraqi Shia Civil War Looming on the Horizon?*, in: *Terrorism Monitor* Vol. 20 (16), 12 August 2022, www.ecoi.net/en/document/2078331.html; Clingendael, *Coercive Organisations, War and State Development in the Levant*, 29 March 2022, <https://bit.ly/3J5LW4I>.
- ¹⁷⁰ "A stark example is a rivalry between Moqtada al-Sadr, the leader of the Sadrist movement, and Qais al-Khazali, the leader of Asaib Ahl al-Haq. This animosity has been growing over time and has transformed from political differences to violent clashes. The rivalry, though occasionally contained, is on an upward trajectory in intensity. It has also impacted governance and hindered the formation of the Iraqi government"; EPC, *Sadr Versus Khazali: Personal Rivalries and Rising Intra-Shia Tensions in Iraq*, 25 November 2022, <https://bit.ly/3JXq8J3>. The rival Sadrist bloc and the Coordination Framework "have exchanged threats, engaged in political smear campaigns, and committed assassinations (...)"; Washington Institute, *The Popular Mobilization Forces in Iraq: A Political Bargaining Chip?*, 8 April 2022, <https://bit.ly/41myZL7>. The political rivalry "led to bombings of the Kurdistan Democratic Party's offices in Baghdad and the deputy speaker's office in Kirkuk, rockets fired at Speaker Mohammed Halbusi's house in Anbar, a Molotov cocktail thrown at a Sadr building in Baghdad, along with an assassination attempt upon a KDP official in the capital, plus grenades thrown at Taqadam and Azm Alliances' buildings in Baghdad. Finally, two Kurdish banks were bombed in the capital"; Musings on Iraq, *IS Attacks on 5 Month Decline in Iraq*, 7 February 2022, <https://bit.ly/3Agvzec>. See also, AFP, *As Shiite Rivals Jostle in Iraq, Sunni and Kurdish Parties Targeted*, 18 January 2022, <https://f24.my/8J37.T>.
- ¹⁷¹ "Through legal challenges and violent intimidation, the PMF has sought to overturn the election results. In a brazen escalation, it likely sponsored or undertook a drone assassination attempt on Prime Minister Mustafa al-Kadhimi in November, 2021. With U.S. urging, Kadhimi has sought and struggled to limit the PMF's power and curtail attacks by pro-Iran militias against U.S. personnel in Iraq"; Hudson Institute, *Post-Election Iraq and Intra-Shiite War*, 26 September 2022, <https://bit.ly/3YWuoOc>. See also, Washington Institute, *Profile: Asaib Ahl al-Haq*, updated 21 October 2023, <https://bit.ly/3B6scKN>; Royal United Services Institute for Defence and Security Studies (RUSI), *Iraq's Elections: More of the Same*, 11 November 2021, <https://bit.ly/3CKb2Bm>.
- ¹⁷² EPC, *Sadr Versus Khazali: Personal Rivalries and Rising Intra-Shia Tensions in Iraq*, 25 November 2022, <https://bit.ly/3JXq8J3>; Hudson Institute, *Post-Election Iraq and Intra-Shiite War*, 26 September 2022, <https://bit.ly/3YWuoOc>; Al-Mashareq, *Assassinations on the Rise as Rift among Iran-Backed Iraqi Militias Widens*, 14 February 2022, <https://bit.ly/3i6B6DJ>.
- ¹⁷³ Smaller clashes were also reported in Southern Iraq, including in Basra, Thi-Qar, Missan and Muthanna. See also, Brookings, *Shiite Rivalries Could Break Iraq's Deceptive Calm in 2023*, 1 March 2023, <https://bit.ly/3SH7DLD>; ITIC, *The Pro-Iranian Militias in Iraq: The Current Situation*, 15 November 2022, <https://bit.ly/3ELGTnz>; Hudson Institute, *Post-Election Iraq and Intra-Shiite War*, 26 September 2022, <https://bit.ly/3YWuoOc>; UN Security Council, *Report of the Secretary-General: Implementation of Resolution 2631 (2022)*, S/2022/714, 26 September 2022, www.ecoi.net/en/document/2079424.html, paras 18-19; Reuters, *Clashes in Iraq's Basra Kill Four as Crisis Flares in Oil-Rich South*, 1 September 2022, <https://reut.rs/3Su4n69>; AP, *What Caused the Recent Clashes in Baghdad?*, 30 August 2022, <https://to.pbs.org/3Sw0UV0>.
- ¹⁷⁴ "Iraq was pushed to the brink of civil war in August [2022] following a series of tit-for-tat exchanges between Muqtada al-Sadr (...) and a coalition of Iran-aligned parties and militias known as the Shiite Coordination Framework"; Middle East Council on Global Affairs, *Iraq's Next War: Implications for the Region*, October 2022, <https://bit.ly/3SEv7kN>. UNAMI called the developments "an extremely dangerous escalation"; UN News, *'Very Survival' of Iraqi State at Risk, UN Mission Warns, as Guterres Calls for Calm and Restraint*, 29 August 2022, <https://bit.ly/3Z5DFUq>.
- ¹⁷⁵ "Sadrists fired rockets at Baghdad's Green Zone which wounded 10 civilians. This was a protest against the Coordination Framework moving ahead with forming a new government which Moqtada al-Sadr once hoped to control"; Musings on Iraq, *Security in Iraq Oct 8-14, 2022*, 19 October 2022, <https://bit.ly/3SlnQi5>. See also, Al Jazeera, *Rockets Hit Baghdad's Green Zone as Iraq Parliament Meets*, 13 October 2022, <https://aje.io/6b8xki>.
- ¹⁷⁶ On 11 July 2023, "hundreds [of Sadrists] marched on the presidential palace in Basra demanding that Asaib Ahl Al-Haq vacate the complex. Then on July 15th they stormed 20 Dawa and State of Law offices in 10 provinces. The cause was an alleged slight by Dawa against Sadr's father who was a prominent ayatollah [high-ranking Shi'ite clergy]. The real reason is Asaib Ahl Al-Haq and Nouri al-Maliki the leader of State of Law are long time rivals of Sadr"; Musings on Iraq, *Sadr Finally Returns to the Political Scene by Telling his Followers to Protest in the Streets*, 18 July 2023, <https://bit.ly/3NXnPgq>.
- ¹⁷⁷ "The violence used by the pro-Iranian militias greatly weakened their position in the Iraqi public not only among the Sunni and Kurdish population but also among the Shiite population"; ITIC, *The Pro-Iranian Militias in Iraq: The Current Situation*, 15 November 2022, <https://bit.ly/3ELGTnz>. "The PMF is fighting a battle on four fronts: against the Sadrists, the Sistani-aligned militias [who withdrew from the PMF in 2020], the protest movement, and a geopolitical landscape overwhelmingly focused on containing the PMF and Iran. However, it should be noted that these dynamics will only make the PMF and its allies all the more determined to ferociously push back against attempts to suppress their waning influence"; Middle East Council on Global Affairs, *Iraq's Next War: Implications for the Region*, October 2022, <https://bit.ly/3xWvHR3>, p. 6. See also, Brookings, *Shiite Rivalries Could Break Iraq's*

IRGC-linked PMF factions, the so-called *muqawama* or “resistance” factions,¹⁷⁸ have long objected to what they consider a “US occupation in Iraq”.¹⁷⁹ These groups continue to call for the full expulsion of US troops from Iraq,¹⁸⁰ and are held responsible for the use of rockets, drones and IEDs against US forces and personnel,¹⁸¹ as well as against convoys transporting equipment for the International Coalition forces along highways in central and southern Iraq, although the occurrence and intensity of such attacks is linked to prevailing domestic, regional and global developments.¹⁸² Starting in mid-October 2023, IRGC-linked PMF factions intensified drone and rocket attacks against US military and civilian targets in Al-Anbar, Baghdad and Erbil in response to the US Administration’s support of Israel in the conflict in Gaza,¹⁸³ resulting in retaliatory strikes against PMF targets by the US military.¹⁸⁴ The escalation has reignited longstanding calls by Shi’ite factions for the withdrawal of US forces from Iraq, and on 28 December 2023, following US retaliatory strikes against PMF targets, Prime Minister Al-Sudani announced that the Government was preparing for the removal of US forces from Iraq.¹⁸⁵

IRGC-linked PMF factions are also reported to launch attacks against Turkish interests in Federal Iraq and in the KR-I.¹⁸⁶ According to reports, attacks against US and Turkish interests are regularly claimed by

Deceptive Calm in 2023, 1 March 2023, <https://bit.ly/3SH7DLD>; Hudson Institute, *Post-Election Iraq and Intra-Shiite War*, 26 September 2022, <https://bit.ly/3YUuoQc>; Washington Institute, *The Popular Mobilization Forces in Iraq: A Political Bargaining Chip?*, 8 April 2022, <https://bit.ly/41myZL7>.
¹⁷⁸ Al-Muqawama Al-Islamiyah fi Al-Iraq is “[A]n umbrella term used to describe the operations of all Iran-backed militias in Iraq (...)”; Washington Institute, *Profile: The Islamic Resistance in Iraq*, updated 30 October 2023, <https://bit.ly/3UblM5C>. See also, *The Long War Journal*, *Iranian-Backed Groups Tout Operations in Iraq*, 21 April 2021, <https://bit.ly/3DseN0y>.

¹⁷⁹ The US Government ended its combat mission in Iraq on 31 December 2021, shifting the focus of its remaining 2,500 troops to “advise and assist” the ISF and Peshmerga to perform counter-terrorism operations against Da’esh; Reuters, *Baghdad Condemns US Strike on Iraqi Military Positions*, 27 December 2023, <https://bit.ly/47HPGmh>; Al Jazeera, *US-Led Combat Mission in Iraq Ends, Shifting to Advisory Role*, 9 December 2021, <https://aje.io/ymsmaw>.

¹⁸⁰ ACLED, *The Muqawama and its Enemies: Shifting Patterns in Iran-Backed Shiite Militia Activity in Iraq*, 23 May 2023, www.ecoi.net/en/document/2092727.html (hereafter: ACLED, *The Muqawama and its Enemies*, 23 May 2023, www.ecoi.net/en/document/2092727.html); US Department of Defense, *Lead Inspector General Report*, 7 February 2023, <https://bit.ly/3F0ecDy>, p. 31; ITIC, *The Pro-Iranian Militias in Iraq: The Current Situation*, 15 November 2022, <https://bit.ly/3ELGTnz>.

¹⁸¹ “Since mid-2019, ACLED records over 100 incidents involving Iran-backed militia operations against bases hosting US forces”; ACLED, *The Muqawama and its Enemies*, 23 May 2023, www.ecoi.net/en/document/2092727.html. See also, US Department of Defense, *Lead Inspector General Report*, 9 November 2023, <https://bit.ly/3OhVdJo>, p. 37; Washington Institute, *A Survey of the 2023 Terrorism Threat Landscape*, 10 January 2023, <https://bit.ly/3LmEdAN>; ITIC, *The Pro-Iranian Militias in Iraq: The Current Situation*, 15 November 2022, <https://bit.ly/3ELGTnz>. See also Section II.B.2.b.

¹⁸² “ACLED records approximately 330 convoy attacks since 2020, mostly involving IEDs and roadside bombs, which resulted in at least three reported fatalities of Iraqi nationals.” Attacks against US interests are reported to have lessened during the prolonged government formation process and after the inauguration of the new government as “Iran-backed groups shifted their efforts to consolidate their political gains and reoriented their military activity against Turkish forces”; ACLED, *The Muqawama and its Enemies*, 23 May 2023, www.ecoi.net/en/document/2092727.html. See also, UN Security Council, *Implementation of Resolution 2631 (2022): Report of the Secretary-General*, S/2023/340, 11 May 2023, www.ecoi.net/en/file/local/2092084/N2312267.pdf, para. 17; NINA, *A Convoy of Logistical Support for the Int’l Coalition Forces Targeted with an IED in Diwaniyah*, 31 July 2023, <https://bit.ly/43VFZOV>; NINA, *A Convoy of Logistical Support for the Int’l Coalition Targeted in Diwaniyah*, 27 July 2023, <https://bit.ly/3Qi54jZ>; Shafaq News, *Iraqi Militias Escalate Rhetoric Against US, Threatening more Attacks*, 9 April 2023, <https://bit.ly/3UkdbwF>; Musings on Iraq, *Security in Iraq Feb 1-7, 2023*, 12 February 2023, <https://bit.ly/3kwzlyd>.

¹⁸³ The majority of attacks have been attributed to Harakat Hezbollah Al-Nujaba, which has around 11,00 fighters; *The New Arab*, *Explainer: Who Was ‘Abu Taqwa’, the Iraqi Militia Head Assassinated by the US?*, 5 January 2024, <https://bit.ly/48HupKA>; Washington Institute, *Who Are Nujaba and Why Did the U.S. Just Strike Them?*, 4 January 2024, <https://bit.ly/3UetmO4>. See also, Iraqi News, *Armed Factions Target US Base Near Erbil International Airport*, 28 January 2024, <https://bit.ly/3Ujrn1d>; Washington Institute, *Tracking Anti-U.S. Strikes in Iraq and Syria During the Gaza Crisis*, updated 26 January 2024, <https://bit.ly/427ZAfl>; Bas News, *Iraqi Militia Threatens Continued Attacks on US and Israeli Targets*, 10 January 2024, <https://bit.ly/47SeGqS>; Iraqi News, *US Forces in Iraq, Syria Attacked 127 Times since October 17*, 9 January 2024, <https://bit.ly/429qTX4>; Musings on Iraq, *Pro-Iran Groups Continue Their Campaign Against US Forces in Iraq in Dec*, 3 January 2024, <https://bit.ly/3S9BD34>.

¹⁸⁴ BBC, *US Strikes Iran-Backed Militia in Iraq*, 24 January 2024, <https://bit.ly/3ScHy7h>; Reuters, *U.S. Strike Kills Militia Leader Blamed for Iraq Attacks*; U.S. Official, 4 January 2024, <https://bit.ly/42rpUSl>; AFP, *Baghdad Condemns US Airstrikes in Babylon and Wasit Province*, 26 December 2023, <https://bit.ly/3S9BH2Q>; Reuters, *Suspected U.S. Strike in Iraq Kills Five Militia Members*, Sources Say, 4 December 2023, <https://reut.rs/3NbyQou>; Reuters, *Iraq Condemns US Strikes that Killed Iran-Aligned Fighters*, 22 November 2023, <https://reut.rs/3uGi22u>.

¹⁸⁵ AP, *Iraq and US Begin Formal Talks to End Coalition Mission Formed to Fight the Islamic State Group*, 27 January 2024, <https://bit.ly/3OKrUps>; Bas News, *Around 100 Iraqi MPs Call for US-Led Coalition Withdrawal*, 14 January 2024, <https://bit.ly/3u8KSSf>; Reuters, *Exclusive: Iraq Seeks Quick Exit of US Forces but no Deadline Set*, PM Says, 10 January 2024, <https://bit.ly/3S9C0dY>. “An Iraqi decision to expel US forces will very likely create space for ISIS to rapidly resurge in Syria within 12 to 24 months and then threaten Iraq. (...) Sudani did not provide a timeline for removing International Coalition forces or describe the mechanism by which they would be removed”; CTP-ISW, *Iran Update*, December 28, 2023, 28 December 2023, www.ecoi.net/en/document/2102696.html, pp. 1-2.

¹⁸⁶ Türkiye is reported to maintain a permanent military presence in northern Iraq through dozens of military outposts, including the full military base Zilkan in Bashiqa Sub-District (Ninewa). “Between April 2021 and March 2023, ACLED records over 25 rocket and drone attacks against Turkish military bases, mostly aimed at Zilkan base in the northern governorate of Ninawa. Iran-backed militias publicly justify these attacks as a form of defense of Iraq’s sovereignty and opposition to foreign military presence”; ACLED, *The Muqawama and its Enemies*, 23 May 2023, www.ecoi.net/en/document/2092727.html. See also, NINA, *Targeting the Turkish Base Zilkan, East of Nineveh Governorate, with a Number of Missiles*, 11 January 2024, <https://bit.ly/3SPp88d>; Bas News, *Turkish Base in Iraq Attacked with Rockets*, 3 December 2024, <https://bit.ly/3ufkkWw>; US Department of Defense, *Lead Inspector General Report*, 7 February 2023, <https://bit.ly/3F0ecDy>, para. 28; Musings on Iraq, *Violence Slightly up in Iraq as Islamic State Launches Revenge Campaign*, 4 January 2023, <https://bit.ly/3Wvy3GJD>. In some instances, Türkiye responded to such attacks by targeting PMF factions in Ninewa from where these attacks reportedly originated; Washington Institute, *The Muqawama’s Duel with Turkey*, 17 May 2022, <https://bit.ly/3kwfBuD>.

smaller factions such as Liwa Ahrar Al-Iraq and Ashab Al-Kahf, which have been described as “façade groups” of the more powerful IRGC-linked PMF factions.¹⁸⁷

b) Da’esh Insurgency

Since its territorial defeat in Iraq in December 2017, Da’esh’s ability to operate in Iraq has significantly diminished.¹⁸⁸ However, despite territorial losses, ongoing counter-terrorism operations, and leadership attrition,¹⁸⁹ Da’esh has been described as resilient and remains capable of maintaining a low-level insurgency.¹⁹⁰

Since its territorial defeat in late 2017, the intensity of Da’esh attacks is reported to have steadily decreased and fluctuates at a relatively low level, with attacks mostly defensive and opportunistic in nature.¹⁹¹ Suicide attacks and car bombs in urban areas, formerly a hallmark of the group, have become rare,¹⁹² and the last

¹⁸⁷ “Such facade groups are generally assumed to operate on behalf of KH, AAH, and HHN [Haraka Hizbullah al-Nujaba] (...). Since mid-2019 – and increasingly after US forces assassinated Iranian general Qasim Soleimani and PMF Deputy Chairman Abu Mahdi al-Muhandis in January 2020 – Iran-backed militias have engaged in military operations targeted at foreign and domestic objectives inside Iraq. ACLED records over 500 events involving these militias or one of their facade groups between June 2019 and March 2023”; ACLED, *The Muqawama and its Enemies*, 23 May 2023, www.ecoi.net/en/document/2092727.html. See also, Washington Institute, *Profile: Asaib Ahl al-Haq*, updated 21 October 2023, <https://bit.ly/3B6scKN>; Washington Institute, *Profile: Kataib Hezbollah*, updated 21 October 2023, <https://bit.ly/3cyHw8U>; Washington Institute, *Three New Facade Groups Launched in Iraq*, 12 June 2023, <https://bit.ly/3S7phZj>; ITIC, *The Pro-Iranian Militias in Iraq: The Current Situation*, 15 November 2022, <https://bit.ly/3ELGTnz> (with a list of façade groups).

¹⁸⁸ “ISIS capabilities remained degraded and the group operated in survival mode in Iraq and Syria, with an ongoing loss of leadership and revenue. (...) ISIS attack numbers, sophistication, and complexity continued to decline during the quarter [quarter 3 of 2023], as did the group’s ability to employ IEDs, conduct activities in proximity to urban centers, and diversify its targets. ISIS remains unable to make any progress toward its ultimate objective of restoring the territory-controlling ‘caliphate’.” It was further assessed that Da’esh prioritizes “security over conducting frequent attacks”; US Department of Defense, *Lead Inspector General Report*, 9 November 2023, <https://bit.ly/3OhVdJo>, pp. 3, 12.

¹⁸⁹ “Leadership losses continued to disrupt and degrade the group’s ability to plan and carry out complex attacks, though ISIS still aspires to conduct such operations”; US Department of Defense, *Lead Inspector General Report*, 9 November 2023, <https://bit.ly/3OhVdJo>, p. 12. See also, Soufan Center, *IntelBrief: The State of Global Terrorism Twenty-Two Years after September 11*, 11 September 2023, <https://bit.ly/3Ga1KkU>; UN Security Council, *Letter Dated 24 July 2023 from the Chair of the Security Council Committee Pursuant to Resolutions 1267 (1999), 1989 (2011) and 2253 (2015) Concerning Islamic State in Iraq and the Levant (Da’esh), Al-Qaida and Associated Individuals, Groups, Undertakings and Entities Addressed to the President of the Security Council*, S/2023/549, 25 July 2023, www.ecoi.net/en/document/2095654.html (hereafter: UN Security Council, *Letter Dated 24 July 2023*, 25 July 2023, www.ecoi.net/en/document/2095654.html), paras 3, 45.

¹⁹⁰ “Da’esh remains a significant threat, as they persistently target both the civilian population and the security forces”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 49. “(...) ISIS seeks to resurge and recruit from vulnerable communities, particularly through indoctrination and training of youth from al-Hol and other displaced persons camps in Syria, while also seeking to free detainees from detention facilities.” And further: “Though degraded, ISIS remained able to conduct attacks and respond in its own defense”; US Department of Defense, *Lead Inspector General Report*, 9 November 2023, <https://bit.ly/3OhVdJo>, pp. 3, 12. “Despite the decline in ISIS’s ability to carry out large attacks in Iraq, it maintained operational outposts in locations along the border of Syria. During 2022, ISIS continued to conduct operations, but at a smaller scale, particularly in the North and the West of Iraq and in rural areas with limited ISF presence. ISIS sought to reestablish footholds in Anbar, Diyala, Kirkuk, Ninawa, and Salah al-Din provinces, particularly in areas infrequently patrolled by the Kurdistan Regional Government or ISF”; US Department of State, *Country Report on Terrorism 2022: Iraq*, 30 November 2023, www.ecoi.net/en/document/2101564.html. “Despite significant attrition of the ISIL (Da’esh) leadership in Iraq and the Levant, the group remains resilient and the risk of resurgence should counter-terrorist pressure ease is real. (...) ISIL is assessed to remain resilient, commanding between 5,000 to 7,000 members across the two countries [Syria and Iraq], most of whom are fighters. The group deliberately adopts a strategy to reduce attacks and use guerrilla tactics, while reorganizing and recruiting”; UN Security Council, *Letter Dated 24 July 2023*, 25 July 2023, www.ecoi.net/en/document/2095654.html, paras 3, 48. “ISIS retains support zones in Syria that enable it to remain a risk to Iraq’s hard-won stability despite the group’s lowest attack rates in Iraq since 2003”; CTP-ISW, *Salafi-Jihadi Movement Weekly Update*, April 27, 2023, 28 April 2023, www.ecoi.net/en/document/2091745.html.

¹⁹¹ Da’esh “averaged 3.1 incidents per day in 2019, 2.8 per day in 2010, than 2.2 per day in 2021, 1.3 per day in 2022 and only 0.3 per day in 2023.” In 2023, nearly “every attack that did happen was defensive in nature aimed at threatening the security forces and civilians to keep out of the few places IS was still present. Those were all in isolated parts of the country”; Musings on Iraq, *2023 The Death of the Islamic State in Iraq?*, 14 January 2024, <https://bit.ly/3OHWQ1Q>. “In Iraq, IS claimed a total of 141 attacks in 2023, compared to 401 for the same period last year, marking a 65% drop”; BBC, *What Happened to IS in 2023?*, 26 December 2023, <http://tinyurl.com/3ztwxc5f>. In August 2023, “ISIS militants killed a French Special Forces soldier and wounded 8 French and Iraqi soldiers during a counter-ISIS raid in Salah al-Din province. The planned ambush demonstrated that, given notice, ISIS can still respond to raids in Iraq, the ISF assessed”; US Department of Defense, *Lead Inspector General Report*, 9 November 2023, <https://bit.ly/3OhVdJo>, p. 12. “Da’esh continued to conduct asymmetric attacks, primarily in Anbar, Baghdad, Diyala, Kirkuk, Ninawa and Salah al-Din Governorates, while Iraqi security forces continued counter-terrorism operations in response to Da’esh activity. From 18 May to 19 August [2023], 69 attacks were attributed to Da’esh, most of which targeted Iraqi security forces. A total of 178 attacks were attributed to Da’esh during the first half of 2023, compared with 526 attacks during the first half of 2022. That figure was the lowest reported over a six-month period since Iraq declared victory over Da’esh in December 2017, and is indicative of the overall decline in attacks attributed to the group”; UN Security Council, *Implementation of Resolution 2682 (2023): Report of the Secretary-General*, S/2023/700, 26 September 2023, www.ecoi.net/en/document/2099191.html, para. 24. “According to some Member States, the reduced frequency stemmed from a deliberate effort by Da’esh to reduce its visibility in order to rebuild and recover from losses”; UN Security Council, *16th Report of the Secretary-General on the Threat Posed by ISIL (Da’esh)*, 1 February 2023, www.ecoi.net/en/document/2087156.html, para. 28. See also, Institute for Economics & Peace, *Global Terrorism Index 2023*, April 2023, <https://bit.ly/41jYMTc>, pp. 4, 14.

¹⁹² “The group’s ability to employ IEDs, conduct activities near urban centers, and diversify its targets weakened”; US Department of Defense, *Lead Inspector General Report*, 9 November 2023, <https://bit.ly/3OhVdJo>, p. 3. “The Islamic State is increasingly isolated from the population, confined to remote rural backwaters controlled by Iraq’s less effective armed forces and militias, and lacks reach into urban centers”; Combating Terrorism Center at West Point, *The Islamic State at Low Ebb in Iraq: The Insurgent Tide Recedes Again*, in: CTC Sentinel Vol. 15(1), January 2022, <https://bit.ly/407U2zz>, p. 1.

mass casualty attacks in Baghdad were recorded in January and July 2021.¹⁹³ Using insurgent tactics, Da'esh engages in hit-and-run attacks, ambushes, kidnappings, sniper fire, mortars, IEDs and assassinations targeting security personnel and civilians.¹⁹⁴ Da'esh is reported to operate with relative freedom of movement in sparsely populated desert and rural areas,¹⁹⁵ primarily in Salah Al-Din,¹⁹⁶ Diyala¹⁹⁷ and Kirkuk,¹⁹⁸ the so-called "Triangle of Death",¹⁹⁹ where it exploits the lack of coordination among the

- ¹⁹³ "In 2023 there were no car bombs and only 2 suicide bombers"; Musings on Iraq, 2023 *The Death of the Islamic State in Iraq?*, 14 January 2024, <https://bit.ly/3QhWQ1Q>. "Not only are suicide bombers a rare occurrence these days as IS has lost its networks but attacks into the south are just as uncommon. The fact that all the bombers were intercepted shows the increased capabilities of the Iraqi security forces"; Musings on Iraq, *Violence Slightly up in Iraq as Islamic State Launches Revenge Campaign*, 4 January 2023, <https://bit.ly/3WY3GJD>. See also, Institute for Economics & Peace, *Global Terrorism Index 2022*, March 2022, <https://bit.ly/3qSjzt4>, p. 21; UN News, *Iraq: Bomb Attack on Eve of Eid al-Adha, 'Terrorism Knows no Bounds'*, 20 July 2021, <https://shar.es/aWVl6I>; UN News, *Iraq: UN Chief Condemns 'Horrific' Double Suicide Bombing at Baghdad Market*, 21 January 2021, <https://shar.es/aWVlXV>.
- ¹⁹⁴ UN Security Council, *Implementation of Resolution 2631 (2022): Report of the Secretary-General*, S/2023/340, 11 May 2023, www.ecoi.net/en/file/local/2092084/N2312267.pdf, para. 16; CTP-ISW, *Salafi-Jihadi Movement Weekly Update*, April 5, 2023, 8 April 2023, www.ecoi.net/en/document/2090745.html; ITIC, *Summary of ISIS Activity Around the Globe in 2022*, 19 February 2023, <https://bit.ly/3lDAN2p>; and Section III.A.4 (and examples included therein).
- ¹⁹⁵ "ISIS maintained a low-grade insurgency in rural areas"; US Department of Defense, *Lead Inspector General Report*, 9 November 2023, <https://bit.ly/3QhVdJo>, p. 12. "Operations were contained in rural areas while attacks in urban centres were less frequent. ISIL (Da'esh) maintained its presence in its strongholds around Salaheddin, north of Baghdad (Tarmiyah), Diyala and Kirkuk, particularly in the Hamrin mountains where most ISIL (Da'esh) in Iraq branch leaders are present (including Wadi al-Shay) and al-Anbar province, including Wadi Hauran, which is a refuge to reorganize and restructure"; UN Security Council, *Letter Dated 24 July 2023*, 25 July 2023, www.ecoi.net/en/document/2095654.html, para. 50. See also, CTP-ISW, *Salafi-Jihadi Movement Weekly Update*, April 5, 2023, 8 April 2023, www.ecoi.net/en/document/2090745.html; Diyaruna, *ISIS in Iraq: Dwindling, Depleted but with a Sting in its Tail*, 31 March 2023, <https://bit.ly/41jjumb>.
- ¹⁹⁶ In Salah Al-Din, Da'esh activities are mostly reported from its long-time stronghold in Tarmiyah, 30 km north of Baghdad on the main north-south road corridor, from where it seeks to launch attacks in the capital and in eastern Salah Al-Din. Another area described as a Da'esh hotspot is Mutaybijah, located on the border with Diyala and Kirkuk in Dour District. In the first week of 2024: "In Baghdad's north Tarmiya district an IED went off injuring 4 soldiers. That's the last place in the capital the insurgency is still active. There were 3 more incidents in Salaheddin. An IED hit a convoy which killed 1 soldier and 1 Hashd al-Shaabi and wounded 2 more soldiers. Two checkpoints were also attacked in the east leaving 1 policeman and 2 Hashd dead and 3 Hashd wounded. All of these incidents were likely meant to intimidate the security forces and keep them out of areas IS still operates in"; Musings on Iraq, *Violence in Iraq Jan 1-7, 2024*, 9 January 2024, <https://bit.ly/3QbMY1p>. "The northern [Baghdad] Belt, including Tarmiyah, a key Sunni town, remains a permissive environment for ISIS's influence due to the impact of Iranian-backed Shi'a militia calls for sectarian cleansing of Tarmiyah. (...) ISIS cells in Tarmiyah are resourced and resilient, relative to ISIS cells south of Baghdad"; CTP-ISW, *Salafi-Jihadi Movement Weekly Update*, May 24, 2023, 26 May 2023, <https://bit.ly/3vPAeqY>. See e.g., Shafaq News, *Attempted Suicide Attack Thwarted at Popular Mobilization Forces HQ*, 23 January 2024, <http://tinyurl.com/e2drtat>; NINA, *A Terrorist Attempt to Target Military Forces and Civilians Thwarted in Salah Al-Din*, 19 January 2024, <http://tinyurl.com/3itfk546>; Bas News, *Salahaddin: Three Iraqi Soldiers Killed in IS Attack*, 15 January 2024, <http://tinyurl.com/mpkf6apz>; Shafaq News, *ISIS Abducts Sheep Herders and Children in Saladin*, 9 January 2024, <http://tinyurl.com/mw2fy89v>; AFP, *Attack Blamed on Daesh Kills Two Hashd Fighters in Iraq*, 7 January 2024, <https://arab.news/bb6fk>; NINA, *An Officer and Three Members Were Injured when an Explosive Device Exploded North of Baghdad*, 2 January 2024, <http://tinyurl.com/mrv3x2xf>; NINA, *ISIS Attacks North of Baghdad and Kills Security Personnel*, 20 December 2023, <https://bit.ly/3TLbQQZ>.
- ¹⁹⁷ The disputed District of Khanaqin and the District of Muqadiyah in the Hamrin mountains (which extend from Diyala's border with Iran to the Tigris River, and into northern Salah Al-Din and southern Kirkuk), remain Da'esh's main operating bases in Diyala, with attacks against the ISF and civilians also reported in other districts. "Diyala has a diverse population, which has historically allowed ISIS and its predecessors to generate support by cultivating Sunni-Shi'a tension"; CTP-ISW, *Salafi-Jihadi Movement Weekly Update*, May 24, 2023, 26 May 2023, <https://bit.ly/3vPAeqY>. For example, on 30 November 2023, "suspected ISIS militants conducted an attack with improvised explosive devices (IEDs) and sniper fire that killed 11 people and wounded more than a dozen others. The attack, which took place in the village of al-Omraniyah, near the Muqadiyah district [Diyala], began with the detonation of two IEDs against a bus carrying civilians returning from a campaign event for a candidate in the upcoming provincial election. Militants then opened fire on the locals who gathered at the attack site, inflicting further casualties"; EPIC, *ISHM: November 30 - December 7, 2023*, 7 December 2023, www.ecoi.net/en/document/2101954.html. See also, NINA, *An Officer and a Soldier Injured in an Explosive Device Explosion in Diyala*, 9 January 2024, <http://tinyurl.com/4m76d8re>; NINA, *A Double IED Dismantled Northeast of Baquba*, 11 December 2023, <https://bit.ly/3S9BWLg>; NINA, *An Army Officer Was Martyred in an ISIS Attack on a Military Point Near Hawi Al-Adhaim in Diyala*, 30 November 2023, <https://bit.ly/419Ebm0>; NINA, *A Soldier Injured in an ISIS Attack on a Military Point in Diyala*, 14 November 2023, <https://bit.ly/46bNKSS>; Shafaq News, *Explosive Device Injures Senior Iraqi Army Officers in Diyala*, 18 September 2023, <https://bit.ly/3rDXbNj>; NINA, *A Soldier Injured in an ISIS Attack on a Military Point Northeast of Baqubah*, 8 September 2023, <https://bit.ly/3rgqiVg>.
- ¹⁹⁸ Da'esh remains primarily active in the Rashad and Riyadh Sub-Districts in Hawija District, both of which are located on major highways connecting Kirkuk City with Tikrit and Baiji (Salah Al-Din), as well as in Daquq and Dibis Districts. Southern Kirkuk "has always been a safe haven for sleeper cells and resistant pockets of IS who were regrouping in the rural areas of the disputed territories between Baghdad and Erbil where neither ISF nor those of the semi-autonomous Iraqi Kurdistan Region IKR are deployed"; Kirkuk Now, *First since October 2017, Kurdish Commando Force in Joint Security Operation South of Kirkuk*, 8 January 2024, <https://bit.ly/493ov6d>. See e.g., Rudaw, *Police Officer Killed by Unidentified Assailants in Kirkuk*, 28 December 2023, <https://bit.ly/4aJQQZ0>; NINA, *Two Members of the PMF Injured in Daquq*, 8 December 2023, <https://bit.ly/3Sbrblir>; Shafaq News, *Clashes Erupt Between Iraqi Forces and ISIS Remnants in Kirkuk*, 13 November 2023, <https://bit.ly/40zxr0h>; NINA, *A Clash Between Counter-Terrorism Service and ISIS Terrorist Gangs in Kirkuk*, 24 October 2023, <https://bit.ly/3s3Rmnw>; NINA, *5 Soldiers Injured in an IED's Explosion South of Kirkuk*, 17 August 2023, <https://bit.ly/45RHOOD>; NINA, *Four Soldiers Wounded in an IED Explosion in Kirkuk*, 3 August 2023, <https://bit.ly/3Krv2Oy>; Shafaq News, *Body of Farmer Kidnapped by ISIS Found in Kirkuk*, 14 July 2023, <https://bit.ly/3pPRo59>; NINA, *A Soldier Killed and Three ISIS Militants Killed South of Kirkuk*, 25 June 2023, <https://bit.ly/43WyeJG>; NINA, *Two ISIS Elements Storm a Village in Kirkuk*, 17 June 2023, <https://bit.ly/3NoMpir>. See also, Manara Magazine, *The ISIS Threat in 2023*, 22 February 2023, <https://bit.ly/3ZXlID6>.
- ¹⁹⁹ "Da'esh maintained its presence in its strongholds around Salah al-Din, north of Baghdad (Tarmiyah), Diyala and Kirkuk"; UN Security Council, *Seventeenth Report of the Secretary-General on the Threat Posed by ISIL (Da'esh) to International Peace and Security and the Range of United Nations Efforts in Support of Member States in Countering the Threat*, S/2023/568, 31 July 2023, www.ecoi.net/en/document/2095987.html, para. 32. See also CTP-ISW, *Salafi-Jihadi Movement Weekly Update*, April 5, 2023, 8 April 2023, www.ecoi.net/en/document/2090745.html; Musings on Iraq, *Violence Drops in Iraq in January 2023*, 7 February 2023, <https://bit.ly/3xYypFP>.

various security actors operating in the disputed territories.²⁰⁰ The formation of joint ISF-Peshmerga brigades to make counter-Da'esh operations in the disputed territories more effective has been delayed due to a lack of funding and political disputes.²⁰¹ The 2023-2025 federal budget includes funds for two joint ISF-Peshmerga brigades and the first joint operation since October 2017 took place south of Daquq District (Kirkuk Governorate) on 4 January 2024.²⁰²

Da'esh also seeks to single out members of religious and minority ethnic groups with the aim of rekindling sectarian tensions.²⁰³ On a number of occasions, Da'esh attacked villages in Diyala, Kirkuk, Ninewa and Salah Al-Din Governorates with gunfire and mortars, at times temporarily taking control, and killing civilians and burning houses and agricultural fields.²⁰⁴ In some instances, such attacks targeted villages inhabited by religious and minority ethnic groups.²⁰⁵ Attacks, or fear of attacks, have resulted in the displacement of local populations,²⁰⁶ and/or prevented those displaced from returning.²⁰⁷

²⁰⁰ The lack of coordination is particularly evident in the disputed territories following the withdrawal of Kurdish forces and the re-establishment of Federal Government control in 2017, leaving what observers describe as a security vacuum. Da'esh "maintains its low-grade insurgency, exploiting security gaps along the Kurdistan region of Iraq to enable attacks and resupply its cells and elements in desert and mountainous areas"; UN Security Council, *Letter Dated 24 July 2023*, 25 July 2023, www.ecoi.net/en/document/2095654.html, para. 49. "Despite the presence of the Iraqi Army, Kurdistan Workers' Party, Yazidi Sinjar Resistance Units and Peshmerga across these [disputed] territories, their competition for influence and lack of coordination impedes their ability to effectively focus on the ISIS threat"; Manara Magazine, *The ISIS Threat in 2023*, 22 February 2023, <https://bit.ly/3ZXILD6>. See also, Shafaq News, *Kurdish Town at Risk of Becoming ISIS Stronghold due to Security Vacuum*, 21 January 2024, <https://bit.ly/3HwmTGp>; US Department of Defense, *Lead Inspector General Report*, 9 November 2023, <https://bit.ly/3OhVdJo>, p. 12; CTP-ISW, *Salafi-Jihadi Movement Weekly Update*, April 27, 2023, 28 April 2023, www.ecoi.net/en/document/2091745.html.

²⁰¹ In addition, "[T]here is also a historic lack of trust between the two forces." In October 2023, "a misunderstanding between them in the Makhmour area led to a deadly altercation"; Rudaw, *Iraq-Peshmerga Joint Brigades Expected to Start Operations in December*, 18 November 2023, <https://bit.ly/47OLpxo>. See also, Rudaw, *ISIS Attack in Makhmour Kills Iraqi Soldier: Peshmerga*, 2 December 2023, <https://bit.ly/3SczgHt>; US Department of Defense, *Lead Inspector General Report*, 9 November 2023, <https://bit.ly/3OhVdJo>, p. 24; Kirkuk Now, *Qarachugh Clashes: Struggle to Control Strategic, Military and Economic Region*, 30 October 2023, <https://bit.ly/3u4TNea>; Reuters, *Four Killed in Clashes Between Iraqi Army and Kurdish Peshmerga*, *Security Sources Say*, 23 October 2023, <https://bit.ly/47LfzBG>.

²⁰² Kirkuk Now, *First since October 2017, Kurdish Commando Force in Joint Security Operation South of Kirkuk*, 8 January 2024, <https://bit.ly/493ov6d>; US Department of Defense, *Lead Inspector General Report*, 9 November 2023, <https://bit.ly/3OhVdJo>, pp. 24, 26.

²⁰³ However, "Iraqi leaders prevented ISIS from stoking sectarian tensions by resolving sectarian issues quickly"; US Department of Defense, *Lead Inspector General Report*, 9 November 2023, <https://bit.ly/3OhVdJo>, p. 12. In Kirkuk "ISIS sleeper cells remain active in this region, carrying out attacks against Arabs, Kurds and Turkmen. Tensions between Arabs and ethnic minorities have declined since ISIS was defeated in Iraq in 2017, however, they continue to take advantage of the distrust between ethnic groups"; Manara Magazine, *The ISIS Threat in 2023*, 22 February 2023, <https://bit.ly/3ZXILD6>. See also, Arab Weekly, *Five Years after its Defeat, Periodic ISIS Attacks still Claim Lives in Iraq*, 20 January 2023, <https://bit.ly/3ZMeAho>; Clingendael, *A Stubborn Threat: Islamic State in Iraq in Early 2022*, 17 May 2022, <https://bit.ly/3nsdcil>, pp. 2-3, 4-5; European University Institute, *Coming Up Through the Cracks: The Islamic State's Resurgence in Syria and Iraq*, 5 April 2022, <https://bit.ly/3Njenge>, p. 10; and Section III.A.5.a.

²⁰⁴ For example, on 23 May 2022, Da'esh fighter attacked farmers in Taza (Kirkuk), killing six farmers and setting fire to equipment and farms. On the same day, fighters attacked the village of Islah (Diyala), killing and wounding civilians and an Iraqi soldier; EPIC, *ISHM: May 19-26, 2022*, 26 May 2022, www.ecoi.net/en/document/2073854.html. Reported incidents from Diyala, Kirkuk, Ninewa and Salah Al-Din Governorates include: NINA, *Two ISIS Elements Storm a Village in Kirkuk*, 17 June 2023, <https://bit.ly/3NoMgIr>; Shafaq News, *Iraqi Security Forces Repel ISIS Attack on Village Near Baquba*, 18 April 2023, <https://bit.ly/3oM7Pi1>; Bas News, *IS Attacks Village Near Hawija*, 22 January 2023, <https://bit.ly/3k8mmLj>; Shafaq News, *Less than a Week from a Deadly Diyala Attack, Security Forces Thwart an attack on a Village*, 25 December 2022, <https://bit.ly/3CVSeR3>; NINA, *The Death Toll of the Terrorist Attack on a Village in Diyala Has Risen to Eight*, 19 December 2022, <https://bit.ly/3kaRdOr>; NINA, *A Village in Diyala Attacked by Mortar Shells*, 22 October 2022, <https://bit.ly/3smEoBo>; NINA, *Seven Civilians Killed and Wounded in an ISIS Attack on a Village in Diyala*, 25 July 2022, <https://bit.ly/3orKKNu>; NINA, *Repelling an ISIS Attack on Sheikh Najm Village in Diyala Governorate*, 25 May 2022, <https://bit.ly/3GwZcN9>; NINA, *An Infiltration Attempt Thwarted, and a Terrorist Killed in Nineveh*, 25 May 2022, <https://bit.ly/3OC00TS>; NINA, *Five Civilians and Security Personnel Were Killed in an ISIS Attack South of Kirkuk*, 23 May 2022, <https://bit.ly/39V2ddS>; NINA, *Three Civilians Were Killed and Wounded in an ISIS Attack on a Village Near the Border Between Diyala and Salah Al-Din*, 2 May 2022, <https://bit.ly/3liBv1i>; NINA, *Mortar Bombs Fell on a Village in Kirkuk*, 24 April 2022, <https://bit.ly/3NFXaY>; Shafaq News, *One Killed, Three Injured in an ISIS Attack on a Village in Southern Kirkuk*, 9 April 2022, <https://bit.ly/3K9LLmw>; NINA, *Two Brothers Killed in a Terrorist Attack in Diyala*, 8 March 2022, <https://bit.ly/3N54B0h>; NINA, *Repelling an ISIS Attack on a Village East of Salah al-Din*, 27 January 2022, <https://bit.ly/3zoJ2mQ>. See also, Bas News, *Peshmerga Forces Carry Out Fresh Operation after IS Threatened to Attack*, 15 September 2022, <https://bit.ly/3dey4YP>.

²⁰⁵ See Section III.A.5.a.

²⁰⁶ Between 2018 and 2022, "at least 24 villages in Khanaqin district of Diyala province have been evacuated by its Kurdish residents, deserting dozens of farms and orchards. According to local residents, the main reason for the evacuation of the villages was the security situation and lack of confidence in the Iraqi Security Forces ISF to protect them from the hands of the extremist militants of the Islamic State of Iraq and the Levant ISIL"; Kirkuk Now, *24 Villages in Khanaqin Evacuated, Dozens of Farms and Orchards Deserted*, 9 November 2022, <https://bit.ly/3gu54Ov>. See also Section II.F.1.

²⁰⁷ "Officials in Diyala confirmed that about 30 villages between the southwest of the Governorate and the outskirts of Baghdad are uninhabited"; Shafaq News, *ISIS Hotbeds Spread Between Diyala and Baghdad*, 27 August 2022, <https://bit.ly/3QW1k5n>. "A large number of Kurdish inhabited villages situated in Makhmour have remained abandoned for the past five years in fear of Islamic State (ISIS) sleeper cell activities. Villages in the open terrains of Makhmour's Qaraj region and Mosul province are deserted." According to one villager, "[T]here are 38 villages located in the Qaraj area. They are empty. One single Arab inhabited [village] is more populated than all of the Kurdish inhabited villages combined. They are almost entirely empty"; Rudaw, *Kurdish Villages in Makhmour Remain Empty in Fear of ISIS Activities*, 23 May 2022, <https://bit.ly/3Gwfkvj>. See also, Shafaq News, *Saladin: Official Reveals 'Obstacles' to the Return of Residents*, 3 October 2023, <https://bit.ly/48FjPEc>; Kirkuk Now, *24 Villages in Khanaqin Evacuated, Dozens of Farms and Orchards Deserted*, 22 December 2022, <https://bit.ly/3ZF4nF>; and Section II.F.3.

Da'esh also remains active in Al-Anbar,²⁰⁸ Babel,²⁰⁹ Baghdad,²¹⁰ Erbil (Makhmour District),²¹¹ and Ninewa Governorates.²¹² The decrease in attacks in its former strongholds Al-Anbar and Ninewa is linked to Da'esh's strategic decision to use these border areas with Syria as logistics and smuggling hubs.²¹³ Da'esh is reported to lack operational space and support in urban areas and the predominantly Shi'ite South, and its attempts to launch attacks there, particularly during religious celebrations, are regularly intercepted.²¹⁴

- ²⁰⁸ Attacks are mostly targeting the ISF. In July 2023, it was reported that Da'esh was "increasing activities and exploiting the porous border" between Syria and Iraq in Al-Anbar; UN Security Council, *Letter Dated 24 July 2023*, 25 July 2023, www.ecoi.net/en/document/2095654.html, para. 48. In early 2023, Da'esh "conducted three attacks in Iraq near a border crossing in Saudi Arabia, possibly signaling the group's intent to challenge Saudi Arabia's religious legitimacy by threatening Hajj pilgrims"; CTP-ISW, *Salafi-Jihadi Movement Weekly Update*, July 5, 2023, 6 July 2023, www.ecoi.net/en/document/2094748.html (see also Figure 1: ISIS Attacks in Anbar Province, Iraq, Since March 1, 2023). See also, Reuters, *Islamic State Attack Kills Three Soldiers in West Iraq: Military Sources*, 14 January 2024, <http://tinyurl.com/5edmhkjk>; Bas News, *Anbar: Five Iraqi Soldiers Killed, Injured in IS Attack*, 4 November 2023, <https://bit.ly/45Yn47q>; ITIC, *Spotlight on Global Jihad (September 14-20, 2023)*, 21 September 2023, <https://bit.ly/3LN0EyK>; ITIC, *Spotlight on Global Jihad (September 7-13, 2023)*, 14 September 2023, <https://bit.ly/3ZDLW2w>; ITIC, *Spotlight on Global Jihad (June 1-7, 2023)*, 8 June 2023, <https://bit.ly/3Xdhll2>.
- ²⁰⁹ Da'esh maintains a presence predominately in Jurf Al-Sakhr (Jurf Al-Nasr), with most attacks reported to target the PMF. "ISIS cells in the southern Belts suffer from poor resourcing, bad operational security, and a reliance on a long, third-rate supply line through unpopulated and rough desert terrain. Iranian-backed militias and Iraqi Security Forces (ISF) frequently disrupt ISIS attacks in northern Babil province, where ISIS and its predecessor, al Qaeda in Iraq, had historic support zones. The militias' consistent disruption of attacks suggests a lack of ISIS operational security and safe areas from which the group can mount operations"; CTP-ISW, *Salafi-Jihadi Movement Weekly Update*, May 24, 2023, 26 May 2023, <https://bit.ly/3vPAeqY>. See also, NINA, *A Terrorist Arrested in Babylon, and Two Drug Dealers Arrested in Maysan*, 8 January 2024, <http://tinyurl.com/3cskvu8>; NINA, *A Member of the Popular Mobilization Forces Killed, North of Hilla*, 13 July 2023, <http://tinyurl.com/yr2k282x>; NINA, *2 Terrorists, One of whom, the Commander of the So-Called Southern State Detachment, Arrested*, 13 March 2023, <http://tinyurl.com/2iduuyuy>; NINA, *4 Members of the PMF Killed and Wounded when an IED Exploded North of Babylon*, 6 December 2022, <https://bit.ly/3VNqCVU>; Musings on Iraq, *Security in Iraq Oct 1-7, 2022*, 11 October 2022, <https://bit.ly/3sDVI2u>.
- ²¹⁰ "The group is also attempting to reposition itself in urban areas to carry out bombing campaigns. This can be seen in the arrest of numerous cells in or around urban centres, particularly in the Baghdad belt"; European University Institute, *Coming Up Through the Cracks: The Islamic State's Resurgence in Syria and Iraq*, 5 April 2022, <https://bit.ly/3Njenge>, p. 10. See, e.g., NINA, *A Terrorist Attempt to Target Civilians and Security Forces thwarted, South of Baghdad*, 16 May 2023, <https://bit.ly/3MwY2FH>; The National, *Two Iraqi Officers Killed in Raid on ISIS in Baghdad*, 16 February 2023, <https://bit.ly/3Lw7IAz>; Shafaq News, *PMF Foils ISIS Operations in Baghdad, CTS Arrests Terrorists*, 17 January 2023, <https://bit.ly/3Fivufd>.
- ²¹¹ Makhmour is one of the territories disputed between the Federal Government and the KRG. "Qarachough Mountain is located in Makhmour (...) remains a stronghold for the jihadist group. The mountain, known for its intricate network of tunnels, has provided a safe haven for IS militants who continue to pose a significant threat in the area"; Bas News, *Peshmerga Conducts Fresh Anti-IS Operation in Qarachough Mountain*, 15 June 2023, <https://bit.ly/3XiysYX>. See, e.g., Bas News, *IS Militants Attack Iraqi Army in Makhmour, Four Soldiers Injured*, 2 December 2023, <https://bit.ly/47YKOJZ>; Bas News, *Peshmerga, Iraqi Army Conduct Anti-IS Operation Near Makhmour*, 29 November 2023, <https://bit.ly/3uJq0ru>; Rudaw, *Kurdish Security Council Says Arrested ISIS Official in Makhmour*, 16 September 2023, <https://bit.ly/457mNOZ>; ITIC, *Spotlight on Global Jihad (May 11-17, 2023)*, 18 May 2023, <https://bit.ly/3CCNNda>; Rudaw, *Suspected ISIS Gunmen Kill Local Villager in Gwer*, 30 April 2023, <https://bit.ly/3OjDf9X>; Rudaw, *Peshmerga Repel ISIS Attack Near Mt. Qarachogh*, 8 April 2023, <https://bit.ly/3MALb5g>; NINA, *3 Terrorists Arrested in Nineveh and Baghdad*, 20 February 2023, <https://bit.ly/3T32bmj>.
- ²¹² "ISIS rarely attacks in Ninewa but uses the province to move supplies and personnel to eastern Iraq (...). The Iraqi Interior Ministry disrupted a three-person suicide attack near the Yazidi-majority town of Sinjar on January 25 [2023], illustrating ISIS's continued ability to plan attacks targeting minorities in Ninewa province. Iraqi Border Guards regularly arrest likely ISIS fighters transiting the Ninewa-Syria border. This access indicates that ISIS likely has more attack capability inside Ninewa that it chooses to use in the province"; CTP-ISW, *Salafi-Jihadi Movement Weekly Update*, February 1, 2023, 2 February 2023, www.ecoi.net/en/document/2087039.html. For reported incidents in Ninewa, see, e.g., Xinhua, *4 IS Militants, Tribal Fighter Killed in N. Iraq*, 18 January 2024, <https://bit.ly/4baZOGO>; NINA, *Two ISIS Members, Intended to Carry Out Terrorist Attacks on Civilians, Arrested*, 2 January 2024, <https://bit.ly/48Cr121>; NINA, *Clashes Between the Anti-Terrorism Service and ISIS Terrorist Gangs in the Hatra Sector, South of Nineveh Governorate*, 2 August 2023, <https://bit.ly/3YjO9zu>; NINA, *The Popular Mobilization Forces Find a Car Bomb in the Hatra Desert*, 13 July 2023, <https://bit.ly/43A9ZQm>; NINA, *A Member of the Popular Mobilization Forces Killed by an Explosive Device in Wadi Tharthar, South of Mosul*, 23 February 2023, <https://bit.ly/3FchK5y>; NINA, *Eight ISIS Members Arrested in a Security Operation South of Mosul*, 16 February 2023, <https://bit.ly/3T5sxnV>; Shafaq News, *Iraq's Federal Intelligence Agency Thwarts an ISIS Plot Targeting a Court in Nineveh*, 25 January 2023, <https://bit.ly/41LHyzo>.
- ²¹³ "The decrease in the number of attacks in some Iraqi regions can be explained by a strategic choice: the use of these zones as one of transit. The Nineveh province is currently used to transit fighters, weapons and materials to cells at the East of the country"; CFRI, *Daesh: Which Outlook for Iraq in 2023?*, 13 March 2023, <https://bit.ly/3LJiEe6>. Kirkuk, Diyala, Salah Al-Din and northern Baghdad were described as Da'esh's "operational theatre" while Al-Anbar and Ninewa due to their location on the border with Syria constitute the group's "logistical theatre"; UN Security Council, *16th Report of the Secretary-General on the Threat Posed by ISIL (Da'esh)*, 1 February 2023, www.ecoi.net/en/document/2087156.html, para. 29. See also, CTP-ISW, *Salafi-Jihadi Movement Weekly Update*, February 1, 2023, 2 February 2023, www.ecoi.net/en/document/2087039.html. In early 2022, Iraq started to build a fortified wall along its 600-kilometre-long border with Syria to stop Da'esh fighters from infiltrating; Shafaq News, *Interior Minister Inaugurates Concrete Wall on Iraq-Syria Border Strip*, 28 January 2024, <https://bit.ly/3SvYqGs>; The National, *Iraq and Syria Tighten Security along 600km Border*, 19 September 2022, <https://bit.ly/3FoOzMK>.
- ²¹⁴ In May 2023, "an IED in Kirkuk city (...) left 1 policeman dead. This was the first attack within an urban area during the year [2023]. IS has lost all its networks into Iraq's cities which made this a rare occurrence"; Musings on Iraq, *Islamic State Fails to Deliver Ramadan Offensive in Iraq*, 2 May 2023, <https://bit.ly/3Wqasp0>. See also, Musings on Iraq, *The Death of the Islamic State in Iraq?*, 14 January 2024, <http://tinyurl.com/2p8w5ptt>; Bas News, *Terror Network Dismantled in Baghdad: Source*, 17 September 2023, <https://bit.ly/3EF6g6c>; NINA, *The PMF Thwarts a Major Terrorist Operation in Mosul*, 5 June 2023, <https://bit.ly/3qs5HNB>; NINA, *National Security Thwarts a Terrorist Plot to Target Markets and Crowded Areas in Kirkuk*, 24 April 2023, <https://bit.ly/43WTrU2>; NINA, *2 Terrorists, who Were Trying to Target the Nineveh Court of Appeal, Arrested*, 25 January 2023, <https://bit.ly/3JtqCqt>; and Section III.A.5.a.

Da'esh also targets Iraqi electricity, oil and water infrastructure as well as agricultural fields and equipment²¹⁵ as part of its “economic war” aimed at undermining the government’s legitimacy.²¹⁶ Da'esh is reported to fund itself through various criminal activities, including the kidnapping for ransom and extortion of civilians.²¹⁷

Regular counter-terrorism operations against Da'esh continue,²¹⁸ including air and drone strikes,²¹⁹ primarily in Al-Anbar, Diyala, Kirkuk, Ninewa and Salah al-Din Governorates.²²⁰ Security forces report frequent arrests²²¹ and killings of Da'esh suspects,²²² as well the dismantling of explosive devices, and the uncovering of weapons caches, safe houses and underground tunnels.²²³ Those arrested on account of

²¹⁵ “In water-scarce northern Iraq, ISIS captured, controlled, sabotaged and looted water installations – in addition to controlling energy infrastructure – allowing them to ‘recruit’ farmers no longer able to access water and electricity”; Institute for Economics & Peace, *Global Terrorism Index 2023*, April 2023, <https://bit.ly/41YMTc>, p. 76. For example, on 20 May 2022, “ISIS operatives set fire to wheat owned by a mukhtar (village leader) and Tribal Mobilization fighters in the Daquq region. (...) on May 23, 2022, ISIS operatives fired at village farmers in the Taza region, about 10 km south of Kirkuk, whose residents are Turkmen Shiites. Six farmers were killed and the wheat field and the agricultural equipment were set on fire (...). In addition, ISIS’s Iraq Province announced that its operatives had set fire to wheat belonging to Shiite civilians and the Tribal Mobilization in the Daquq region, in south Kirkuk. ISIS also announced that on the same day, its operatives had killed five Shiite farmers in their fields in a village in the Rashad region, about 40 km southwest of Kirkuk, and set fire to five machines used by them”; ITIC, *Spotlight on Global Jihad* (May 19-25, 2022), 26 May 2022, <https://bit.ly/3M20qRm>. See also, Shafaq News, *Haditha Dam Transmission Line-Saladin Reconstructed Following Terrorist Attack*, 12 January 2024, <http://tinyurl.com/yhp28b3d>.

²¹⁶ On 12 September 2023, “a building of a government company engaged in mining east of Rutba, western Iraq, was attacked. ISIS operatives set fire to raw materials and heavy vehicles. When a force arrived, it was attacked by ISIS operatives, who exchanged fire with it and then withdrew (...). This is the most significant attack carried out by ISIS in Iraq recently. It is part of the economic war waged by ISIS against the Iraqi government”; ITIC, *Spotlight on Global Jihad* (September 7-13, 2023), 14 September 2023, <https://bit.ly/3ZDLW2w>. In early August 2023: “Four power towers were blown up and more bombs were discovered at some other towers and dismantled. During the summer the Islamic State has routinely gone after the power network hoping to deprive Iraqis of electricity in an attempt to turn them against the government”; Musings on Iraq, *Security in Iraq Aug 1-7, 2023*, 9 August 2023, <https://bit.ly/3ReZNF6>. Setting fields and agricultural equipment on fire “is an ISIS attempt to step up the economic war against the Iraqi government, especially in light of the wheat crisis and the rising prices around the globe”; ITIC, *Spotlight on Global Jihad* (May 19-25, 2022), 26 May 2022, <https://bit.ly/3M20qRm>. See also Section III.A.4.

²¹⁷ Da'esh “has adopted new tactics to stretch the millions it retains in cash reserves and its leadership continued to emphasize raising funds. (...) To raise funds, the group engages in extortion and kidnapping for ransom, and some soliciting of donations via online platforms”; US Department of Defense, *Lead Inspector General Report*, 9 November 2023, <https://bit.ly/3OhVdJo>, pp. 3, 13. See also, UN Security Council, *Letter Dated 24 July 2023*, 25 July 2023, www.ecoi.net/en/document/2095654.html, para. 85. Civilians, including farmers and shepherds, are regular targets for abduction for the purpose of ransom; Shafaq News, *ISIS Abducts Sheep Herders and Children in Saladin*, 9 January 2024, <http://tinyurl.com/mw2fy89y>; Shafaq News, *ISIS Releases Two Shepherds for a Ransom*, 9 March 2023, <https://bit.ly/3TeUhr1>; Shafaq News, *ISIS Asks for a Ransom to Free a Citizen East of Saladin*, 4 February 2023, <https://bit.ly/3kHkr8b>; ITIC, *Spotlight on Global Jihad* (January 19-25, 2023), 26 January 2023, <https://bit.ly/3kkKzpm>; Musings on Iraq, *Security in Iraq Jan 15-21, 2023*, 23 January 2023, <https://bit.ly/42kOTX1>; Shafaq News, *Sources Reveal to Shafaq News how ISIS Obtains Weapons and Equipment*, 10 July 2022, <https://bit.ly/3z9cFZd>. See also Section III.A.4.

²¹⁸ The ISF increased their capability to conduct unilateral anti-terrorism operations; however, they “still face significant deficiencies in logistics, intelligence, and fire support that inhibit their ability to defeat ISIS alone (i.e., without US-led coalition support)”; CTP-ISW, *Iran Update, December 28, 2023*, 28 December 2023, www.ecoi.net/en/document/2102696.html, p. 2. “Iraqi Security Forces (ISF) continued to improve some capabilities, while key deficits persist, including rotary wing readiness and Kurdish Security Forces (KSF) reform. During the quarter, the ISF continued to experience deficits in mission planning, intelligence, artillery, and logistics capability. Nearly all of the ISF’s Russian-designed helicopters are grounded, with the remaining aircraft, including its entire fleet of medium lift helicopters, expected to be out of service in early 2024. However, the Iraqi operations center successfully integrated tactical air controllers, which should expand the ISF’s ability to independently conduct airstrikes”; US Department of Defense, *Lead Inspector General Report*, 9 November 2023, <https://bit.ly/3OhVdJo>, p. 3; see also pp. 16-21, 24-26. See also, Washington Institute, *Restructuring Iraqi National Security Institutions in Sudan’s Government*, 25 January 2023, <https://bit.ly/3F2FZDT>.

²¹⁹ In quarter 3 of 2023, “ISF aircraft conducted 11 airstrikes targeting ISIS personnel and beddown locations in Salah ad Din, Kirkuk, and Diyala provinces. All airstrikes except one were enabled by Coalition forces”; US Department of Defense, *Lead Inspector General Report*, 9 November 2023, <https://bit.ly/3OhVdJo>, p. 19. See also, Clingendael, *A Stubborn Threat: Islamic State in Iraq in Early 2022*, 17 May 2022, <https://bit.ly/3nsdcil>, p. 8.

²²⁰ UN Security Council, *Implementation of Resolution 2631 (2022): Report of the Secretary-General*, S/2023/340, 11 May 2023, www.ecoi.net/en/file/local/N2312267.pdf, para. 16; Clingendael, *A Stubborn Threat: Islamic State in Iraq in Early 2022*, 17 May 2022, <https://bit.ly/3nsdcil>, pp. 5-6. See, e.g., NINA, *Initiating the Process of Combing the Orchards on the Banks of the Diyala River*, 26 January 2024, <https://bit.ly/498Qqlg>; NINA, *PMF Starts a Security Operation Begins in Northern Kirkuk Governorate*, 22 January 2024, <http://tinyurl.com/298aexaw>; NINA, *The Launch of ‘Waad Al-Haq’ Operations in Diyala*, 20 January 2024, <http://tinyurl.com/5xpf3k4v>.

²²¹ “Among those captured by U.S. coalition and partner forces were prominent ISIS leaders and members to include: fighters, facilitators, and members of attack and sleeper cells plotting to release ISIS prisoners held in local prisons with the intent of replenishing their ranks”; US Central Command (CENTCOM), *September/October 2023 Month in Review: The Defeat ISIS Mission in Iraq and Syria*, 20 November 2023, <http://tinyurl.com/3ekav9s5>. Arrests of Da'esh suspects take place on a daily basis across the country, see, e.g., NINA, *Three Members of ISIS Terrorist Gangs Were Arrested in Baghdad, Anbar, and Kirkuk*, 28 January 2024, <https://bit.ly/3SF3miY>; NINA, *A Terrorist Arrested South of Mosul*, 24 January 2024, <https://bit.ly/3StRs5T>; NINA, *An ISIS Terrorist Member Arrested in Nineveh*, 21 January 2024, <http://tinyurl.com/5n6h4fjp>.

²²² “The group maintained its ability to perpetrate attacks despite Iraqi counter-terrorism efforts that had killed around 150 ISIL operatives this year”; UN Security Council, *Letter Dated 13 February 2023 from the Chair of the Security Council Committee Pursuant to Resolutions 1267 (1999), 1989 (2011) and 2253 (2015) Concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and Associated Individuals, Groups, Undertakings and Entities Addressed to the President of the Security Council*, S/2023/95, 13 February 2023, www.ecoi.net/en/document/2087006.html, para. 50. See also, Shafaq News, *Airstrike Targets ISIS Hideout in Kirkuk, Iraq*, 20 January 2024, <http://tinyurl.com/5escvsvx>; NINA, *Security Media Cell: The So-Called ‘Wali of Al-Jazeera’ Killed in Anbar*, 18 January 2024, <http://tinyurl.com/tfn8nu7s>; Shafaq News, *Iraqi Forces Kill Two Terrorists Northern the Capital*, 11 January 2024, <http://tinyurl.com/myd3hpbj>; Shafaq News, *Iraqi Airstrikes Kill Six ISIS Militants, Including a Leader, in Diyala*, 26 January 2024, <http://tinyurl.com/yc5j9834>; Rudaw, *Over 50 Suspected Terrorists Killed in 2023: Iraqi Counterterrorism*, 27 December 2023, <http://tinyurl.com/5ex3tazr>.

²²³ See, e.g., NINA, *A Cache of Explosives Left Behind by ISIS Was Seized Northeast of Baqubah*, 28 January 2024, <https://bit.ly/3HCnHT>; NINA, *JOC: ISIS Gangs’ Hideouts Destroyed in Three Governorates*, 25 January 2024, <https://bit.ly/3u1TD09>; NINA, *2 Terrorists Arrested and a Cache of Explosive Devices Seized in Nineveh*, 22 January 2024, <http://tinyurl.com/bdfapp43>.

their actual or perceived Da'esh affiliation are reported to be at risk of human rights violations at the hands of State security actors.²²⁴

c) Security Situation in Sinjar

Security conditions in the majority-Yazidi (Ezidi) Sinjar District (Ninewa Governorate),²²⁵ one of the disputed territories,²²⁶ are highly complex and fragile as various domestic actors compete over control. In parallel, the ongoing armed conflict between Türkiye and the PKK has expanded into the area.²²⁷

Since Da'esh's expulsion from Sinjar in November 2015, and given its strategic importance,²²⁸ the District has been controlled by various security actors,²²⁹ including the Iraqi Army, Federal and local Police, IRGC-linked PMF factions, the Yazidi Peshmerga, the KRG Peshmerga and PKK-affiliated Yazidi armed groups, primarily the Sinjar Resistance Units (YBŞ, which is part of the PMF),²³⁰ creating a highly precarious security environment for civilians.²³¹ The District is also politically and administratively divided.²³²

²²⁴ See Sections [II.D.1](#) and [II.A.1](#).

²²⁵ Sinjar "is ethnically and religiously diverse, with communities of Sunni Muslim Arabs, Sunni Kurds, Assyrian Christians and a small number of Shiite Arabs. The majority, however, are Yazidis (...)" ICG, Iraq: Stabilising the Contested District of Sinjar, 31 May 2022, www.ecoi.net/en/document/2073832.html, p. 1.

²²⁶ "Sinjar has historically been under the control of the KDP, but since 2017 [following the KRG's failed independence referendum], the KDP has dominated only the eastern half of Sinjar, while the PKK has established a presence in Sinjar's west with the help of a Yazidi militia known as the Sinjar Resistance Units that maintains close ties to Iran-aligned militias"; US Department of Defense, Lead Inspector General Report, 11 April 2022, <https://bit.ly/3M2AHtN>, p. 50. "Until the KDP attempted its independence referendum in September 2017, the district largely remained under the control of KDP peshmerga forces, while the PKK maintained a presence. Following the referendum's failure, Iraqi federal forces pushed the peshmerga back from 'disputed territories' (...). Since then, the KDP has not been able to return to Sinjar. Instead, the district has become a PKK sanctuary, governed by an administrative set-up led by the YBS, which has links to the PKK as well as Iran-backed Iraqi paramilitaries"; ICG, Turkey's PKK Conflict, 18 February 2022, www.ecoi.net/en/document/2070165.html. On the unresolved status of the disputed territories, see also Section [II.A.5](#).

²²⁷ "Sinjar's instability is attributed to the lack of consistent security measures, the presence of Kurdistan Worker's Party (PKK) affiliates, and disagreements over a unified administrative structure"; UN Iraq, Iraq Common Country Analysis 2023, January 2024, p. 37. "Turkey maintains a firm stance on both the Kurdistan Workers' Party (PKK) and the People's Protection Units (YPG), considering them as terrorist organizations. Ankara views the PKK as a significant security threat due to its decades-long armed insurgency aimed at establishing an independent Kurdish state in southeastern Turkey. The YPG, which operates in Syria, is seen by Turkey as an extension of the PKK due to its ideological and organizational links"; Al Arabiya, 'Terrorist' Facilities in Syria, Iraq Are Legitimate Targets for Turkey: Defense Min, 5 October 2023, <https://bit.ly/3FfPrml>. The PKK is recognized as a terrorist organization by Türkiye, the US and the EU; ICG, Turkey's PKK Conflict: A Visual Explainer, updated 18 December 2023, <https://bit.ly/3AHX5ou>. On the armed conflict between Türkiye and the PKK in northern Iraq, see also Section [II.B.2.a](#).

²²⁸ "The disputed territory has untapped oil, gas, and mineral reserves nearby; agricultural land; and a strategic location near the Syrian and Turkish borders. This has turned the town and wider district into the centre of an often-violent tug of war between various armed groups and their backers"; The New Humanitarian (TNH), Despite Government Promises, Lives in Sinjar Remain on Hold, 30 March 2021, <https://bit.ly/40SWlqR>. On the strategic interests of Türkiye and Iran, see also German Institute for International and Security Affairs (SWP), Turkish and Iranian Involvement in Iraq and Syria, 12 October 2022, <https://bit.ly/3mkmDmL>; ICG, Turkey's PKK Conflict, 18 February 2022, www.ecoi.net/en/document/2070165.html.

²²⁹ "Following the retreat of KRG forces and the fall of Sinjar [to Da'esh in August 2014], militias associated with the PKK (...) became a decisive force in northwestern Iraq. The PKK and its Syrian affiliate, the YPG, organized Yazidi fighters to prevent the consolidation of ISIS positions. Several Yazidi militias were formed and armed to defend the Sinjar region (...). The KRG's independence referendum in 2017 sparked widespread opposition as well as backlash from national and international actors, leading to a subsequent military operation by the Iraqi army and the Popular Mobilization Forces (PMF) to retake control of Kirkuk and Sinjar. KRG forces had to retreat from Sinjar once again, and the region largely fell into the hands of Yazidi militias and the PMF"; Houman Oliaei, Navigating Dispute and Displacement: The Yazidi Experience in Post-ISIS Iraq, in: Middle East Brief No. 151, Brandeis University/Crowne Center for Middle East Studies, March 2023, <https://bit.ly/40TLqND> (hereafter: Houman Oliaei, The Yazidi Experience in Post-ISIS Iraq, March 2023, <https://bit.ly/40TLqND>), p. 4.

²³⁰ "More than 2,000 [YBŞ] fighters who ousted IS and took control of Shingal late 2015 were recruited under the 80th regiment of pro-Iran paramilitary Popular Mobilization Forces PMF after the federal and Kurdistan Regional Governments KRG signed Sinjar agreement"; Kirkuk Now, Two Militants of Anti-Turkey Sinjar Resistance Units Killed in Sinjar, 14 November 2023, <https://kirkuknow.com/en/news/69768>. "The YBŞ derives its current strength from the support it receives from the Hashd. It wants to incorporate as many of its fighters under the Hashd umbrella as possible in order to obtain a steady stream of income. Even partial incorporation will be a financial boost to the whole organisation, as it can split up the salaries and distribute the shares to its other fighters who are not part of the 80th battalion"; ICG, Turkey's PKK Conflict, 18 February 2022, www.ecoi.net/en/document/2070165.html. See also, Ceasefire Centre for Civilian Rights, The Rise of Paramilitary Forces and the Security of Minorities in Iraq's Disputed Territories, January 2022, <https://bit.ly/3SZT3iN>, p. 14. On the PMF's reported plans to create a new brigade in Sinjar, see Kirkuk Now, Shingal: PMF Recruits Locals for New Brigade, 11 April 2023, <https://bit.ly/3JiYfdy>.

²³¹ "Yazidi civilians explain that the resulting proliferation of armed groups invites conflict, as these groups vie with one another over resources rather than provide security for the public"; ICG, Turkey's PKK Conflict, 18 February 2022, www.ecoi.net/en/document/2070165.html.

²³² "The mayor of Sinuni, in northern Sinjar, is temporarily serving as acting mayor of Sinjar, based out of Dohuk, where Sinjaris currently must travel for administrative and civil documentation services. The Sinjar Resistance Units (YBS), a Yazidi-led militia with perceived links to the Kurdistan Workers Party, established a self-governing local administration in Sinjar in 2017 and elected a mayor, who is not officially recognized by the KRG or federal Iraq"; HRW, Iraq: Political Infighting Blocking Reconstruction of Sinjar, 6 June 2023, www.ecoi.net/en/document/2092983.html. "Yazidi militias have been able to establish their own 'self-governance system,' modeled after the YPG's in northern Syria, which includes an administrative branch as well as a self-defense unit made up largely of Yazidis and other local residents. The self-governance system, however, has not been recognized as an official institution by the Iraqi government, forcing Sinjar residents to commute to nearby cities and towns for their administrative needs"; Houman Oliaei, The Yazidi Experience in Post-ISIS Iraq, March 2023, <https://bit.ly/40TLqND>, p. 4. "Shingal [Sinjar] Autonomous Administrative Council was formed years ago by several Ezidi, Arab and other components, and it is considered affiliated to PKK. The council is currently managing Shingal and Sinuny though not recognized by the federal government and the Kurdistan Regional Government KRG. The council is an umbrella for YBS (Yabsha), Ezidkhan Asayish,

In October 2020, the “Sinjar Agreement” was concluded between the Federal Government and the KRG under the auspices of the US and UNAMI. It provides for a framework for the security and political administration of Sinjar District, as well as for the area’s reconstruction.²³³ Under the agreement, security should be “maintained exclusively by the local police, national security and intelligence services” while “all other armed formations” should leave the district. The agreement specifically provides for the removal of the PKK.²³⁴ However, to date, the agreement has not been effectively implemented, and security remains fragmented among the various actors.²³⁵ According to observers, a major weakness of the agreement is the exclusion of key security actors, including the YBŞ.²³⁶ Relations between the Iraqi Army and the YBŞ are reported to be tense.²³⁷ In early May 2022, clashes between the Iraqi Army and the YBŞ caused the displacement of 10,000 Yazidi civilians to the KR-I.²³⁸

As part of its longstanding war against the PKK, Türkiye is increasingly conducting airstrikes and drone attacks against positions and individuals allegedly affiliated with PKK and the YBŞ in Sinjar and other parts

Women Resistance Unites YPZh and several other armed groups close to the Kurdistan Workers' Party PKK (...). In addition, “[T]here are currently two other administrations in Shingal, one of which was established in October 2017 and assumes its duties in the center of the district, and the other was formed after the last elections for the provincial councils and assumes its duties from Duhok”; Kirkuk Now, *Shingal (Sinjar): Seven People Killed in Three Days*, 3 March 2023, <https://bit.ly/3KsDFHK>. The YBŞ-affiliated Sinjar Democratic Autonomous Council is based in Sinjar while a rival, pro-KDP administration works from Dohuk. “The KDP enjoys formal dispensation to govern Sinjar, but it exercises its writ from outside the district, and even outside the Ninewa governorate in which Sinjar lies, in neighbouring Dohuk governorate. Within Sinjar, the Hashd has appointed a substitute mayor and sub-district directors without the federal government’s blessing, while the YBŞ, which consists mostly of Iraqi Yazidis as well as a small number of Arabs who took up arms against ISIS, has set up a governance arm – the ‘Sinjar self-administration’ – that seeks to perform some bureaucratic functions, but lacks the authority and capability to do them well”; ICG, *Iraq: Stabilising the Contested District of Sinjar*, 31 May 2022, www.ecoi.net/en/document/2073832.html, p. ii.

²³³ “The agreement called for the withdrawal of all non-state military forces from the region, the formation of a new security force, and the restoration of administrative functions by selecting a new mayor”; Houman Oliaei, *The Yazidi Experience in Post-ISIS Iraq*, March 2023, <https://bit.ly/40TLqND>, p. 1. The text of the Sinjar Agreement can be found at: ICG, *Iraq: Stabilising the Contested District of Sinjar*, 31 May 2022, www.ecoi.net/en/document/2073832.html, Appendix B.

²³⁴ ICG, *Iraq: Stabilising the Contested District of Sinjar*, 31 May 2022, www.ecoi.net/en/document/2073832.html, Appendix B. “But the definition of ‘armed formations’ – the groups to leave Sinjar – is open to much interpretation, as is who should be part of a local security force. That means that members of the armed groups disagree on who should stay and who should go, and for the most part, things stay the same”; TNH, *Despite Government Promises, Lives in Sinjar Remain on Hold*, 30 March 2021, <https://bit.ly/40SWlqR>. See also, UN News, *New Agreement in Iraq Signals ‘a First and Important Step’ Toward a Better Future*, 9 October 2020, <https://bit.ly/3LzNJ3l>.

²³⁵ “As for the Sinjar Agreement (...) I regret to inform you that no progress has been made. Sadly, instead, we continue to witness different power competitions in which non-state armed actors have the upper hand”; UNAMI, Jeanine Hennis-Plasschaert (UNAMI) on the Situation Concerning Iraq: Security Council, 9432nd Meeting, 10 October 2023, <http://tinyurl.com/3i8352js>. “Twelve armed groups are competing for control of Sinjar, and government attempts to regain administrative control of the area have resulted in violent clashes and further displacement”; HRW, *Iraq: Political Infighting Blocking Reconstruction of Sinjar*, 6 June 2023, www.ecoi.net/en/document/2092983.html. See also, Bas News, *Presence of Militias in Sinjar Prevents Reconstruction: UNAMI Official*, 12 October 2023, <https://bit.ly/46QhkgV>; UN, *Briefing Security Council, Special Representative Urges Iraq’s Parties Prioritize National Interest over Partisan Concerns*, 18 May 2023, <https://bit.ly/44BZsFC>. On the slow reconstruction of the heavily damaged Sinjar District, see Section II.E.

²³⁶ “The October 2020 Sinjar agreement could have provided a way to lessen tensions in the district, stabilise it and launch a reconstruction effort, thereby stimulating the displaced population’s return and the area’s revival. But, by excluding the key parties on the ground, Baghdad and Erbil turned the agreement into a virtual dead letter, particularly as regards governance and security”; ICG, *Iraq: Stabilising the Contested District of Sinjar*, 31 May 2022, www.ecoi.net/en/document/2073832.html, p. 23. The Agreement “excluded the most important perspectives: those of the Yazidi community itself. As written, it would dismantle the YBS entirely, a fate the group has promised to resist. Baked into the agreement was the assumption that Baghdad and Erbil ought to have a greater say in Sinjar’s fate than the region’s residents. This set it up for failure from the outset and reinforced the dynamics that led to Sinjar’s current crisis”; The National Interest, *Iraq in Crisis: Why the Sinjar Agreement Failed*, 5 May 2022, <https://bit.ly/3Gx2TU8>. Furthermore, the agreement “(...) includes no clear timelines, no guaranteed funding, and nobody seems quite sure who is empowered to do what”; TNH, *Despite Government Promises, Lives in Sinjar Remain on Hold*, 30 March 2021, <https://bit.ly/40SWlqR>. In response to the Sinjar Agreement, “Iran-backed Iraqi militias operating under the PMF banner strengthened their positions in Sinjar, practically leading to the establishment of an alliance between the PKK and Iran-affiliated groups”; SWP, *Turkey’s Military Operations in Syria and Iraq*, 30 May 2022, <https://bit.ly/3ACjrrQ>. See also, Houman Oliaei, *The Yazidi Experience in Post-ISIS Iraq*, March 2023, <https://bit.ly/40TLqND>, p. 5.

²³⁷ “For instance, on 12 January, YBŞ supporters tried to erect a statue of a commander killed in a Turkish airstrike in 2020, but federal forces did not let them. In response, YBŞ members attacked an army checkpoint and the national security office in Sinjar town. Such skirmishes have been a regular occurrence for at least a year, especially around Sinjar town and in Sinuni sub-district, where YBŞ members and sympathisers are most active. Security forces have regularly prevented members of the YBŞ-installed self-administration, and even civilians they perceive as YBŞ sympathisers, from passing through army checkpoints”; ICG, *Iraq: Stabilising the Contested District of Sinjar*, 31 May 2022, www.ecoi.net/en/document/2073832.html, p. 17.

²³⁸ See Section II.F.1.

of Ninewa and Kirkuk.²³⁹ Attacks by Türkiye at times result in civilian casualties.²⁴⁰ Turkish attacks against the YBŞ also fuel regional tensions between Türkiye and Iran,²⁴¹ and regularly result in retaliatory attacks by IRGC-linked PMF factions against Turkish interests.²⁴²

d) Tribal Violence

Due to weak rule of law, fragmentation of State control over the law enforcement system and distrust of, or lack of access to the formal justice system, tribes²⁴³ frequently maintain their own conflict resolution mechanisms to resolve disputes.²⁴⁴ Unresolved tribal disputes as well as competition over resources regularly result in clashes between tribes, especially in Baghdad and southern Iraq.²⁴⁵ Due to the frequent overlap of tribal and factional affiliations, tribal conflict can also be the result of, or trigger and escalate, political and factional infighting.²⁴⁶ The loss of livelihoods due to environmental deterioration, especially in the agricultural sector, have led some tribes to engage in illicit activities, including drugs trafficking and

²³⁹ “The presence of the YBS has exposed the area to Turkish airstrikes, including one that struck a hospital in August 2021”; HRW, *Iraq: Political Infighting Blocking Reconstruction of Sinjar*, 6 June 2023, www.ecoi.net/en/document/2092983.html. “In Sinjar (...) Turkish forces conducted nearly 20 airstrikes” in 2022; ACLED, *Conflict Watchlist 2023: Kurdish Regions: High Risk of Violent Escalation and Domestic Turmoil*, January 2023, <https://bit.ly/3Jl24tM> (hereafter: ACLED, *Conflict Watchlist 2023*, January 2023, <https://bit.ly/3Jl24tM>). See, e.g., AFP, *Turkish Drone Strike Kills Several Yazidi Fighters in Iraq*, 23 May 2023, <https://bit.ly/43knEex>; AFP, *Turkish Drone Kills Three PKK-Linked Fighters: Iraqi Kurdish Security*, 16 May 2023, <https://bit.ly/3BA6myu>; NINA, *Turkish Bombing Targets Areas in Nineveh*, 15 April 2023, <https://bit.ly/3L7vqBi>. See also, Houman Oliaei, *The Yazidi Experience in Post-ISIS Iraq*, March 2023, <https://bit.ly/40TLqND>, p. 4; ICG, *Turkey’s PKK Conflict*, 18 February 2022, www.ecoi.net/en/document/2070165.html.

²⁴⁰ The National, *Young Boy Killed in Turkish Air Strike in Northern Iraq*, 15 June 2022, <https://bit.ly/3oLLezs>; TNH, *In Iraq’s Sinjar, Yazidi Returns Crawl to a Halt amid Fears of Turkish Airstrikes*, 10 February 2022, www.ecoi.net/en/document/2067920.html; Rudaw, *Turkey Launches New Air Operation in Makhmour, Shingal*, 2 February 2022, <https://bit.ly/41yfv5>. Turkish airstrikes, the presence of multiple security actors and unresolved governance issues are key obstacles to the return of IDPs to Sinjar, see Section II.F.3.b.

²⁴¹ “In 2017, Iran-linked PMF units ousted Kurdistan Regional Government (KRG) forces from Sinjar district, entering a tactical alliance with the Sinjar Resistance Units (YBS) and the PKK. This move pitted Turkey – which backs the KRG and considers the PKK a ‘terrorist organization’ – against the Iran-backed militias”; ACLED, *The Muqawama and its Enemies*, 23 May 2023, www.ecoi.net/en/document/2092727.html. “(...) Turkey’s airstrikes targeting Ninawa governorate, where both Iraqi federal troops and pro-Iran militias operate, could lead to an escalation of violence between Ankara and Iran’s affiliates”; ACLED, *Conflict Watchlist 2023*, January 2023, <https://bit.ly/3Jl24tM>. According to observers and Iraqi officials, “Turkish military operations in and around Sinjar targeting the PKK Kurdish militant group and its local Iranian-backed allies have intensified the tension in the area and may lead to the outbreak of fighting between Iran and Turkey’s proxies”; MEE, *How Iraq’s Sinjar Became a Battleground Between Turkey and Iran*, 8 June 2022, <https://bit.ly/3GtWSHW>. See also, ICG, *Turkey’s PKK Conflict*, 18 February 2022, www.ecoi.net/en/document/2070165.html.

²⁴² “In return, several retaliatory attacks were launched on Turkish positions in Ninawa, which analysts attributed to façade groups linked to ‘Shiite pro-Iran resistance factions’”; ACLED, *Conflict Watchlist 2023*, January 2023, <https://bit.ly/3Jl24tM>. See also Section II.B.1.a.

²⁴³ Tribes transcend geographic and ethnic divisions and by some estimates, the large majority of Iraq’s population belongs to one of the country’s many tribes, or, at a minimum, maintains kinship ties with a tribe. Tribes are traditionally ordered on multiple levels: Confederation (*Qabila*), tribe (*Ashira*), clan (*Fakhdh*), house (*Beit*), and extended family (*Khamsa*). “Iraqis, in their majority, have, to a certain degree, tribal kinship connections. The country counts around 60 confederations of tribes, 200 tribes composed of thousands of smaller clans. Some provinces are more ‘tribalized’ than others. That means they control more or less the public space. The most socially impacted provinces are (in increasing order of tribal influence): Maysan, Anbar, Qadisiya, Dhi Qar, Salaheddin, Dohuk, Kirkuk, Ninawa, Basra, Wasit, Muthanna, Erbil, Diyala, and Sulaymaniyah. In other provinces, tribalism has been lessened by religion, state-institutionalization, and the solidity of the urban social fabric in some historic towns, like Basra”; EPC, *Tribes of Basra: The Political, Social, and Security Issues*, 29 March 2022, <https://bit.ly/3LCz9oH>. See also, Fanack, *Tribalism in Iraqi Politics: Between Nationalism and the Sect*, 7 August 2023, <http://tinyurl.com/26weusa8>; Amwaj.media, *Are New Housing Projects Curbing Tribal Violence in Iraq?*, 7 July 2022, <https://bit.ly/3q0GVhV>; and Sections II.D.3.a and III.A.12.

²⁴⁴ “Where government institutions leave gaps and/or tribes do not trust the Iraqi government, the police, or the army, citizens rely on their tribe to resolve conflicts and ascertain appropriate punishment and financial compensation for damages or losses. The support for tribal practices among the population and its ability to overtake formal justice systems and procedures has in many cases resulted in de facto judicial autonomy”; Water, Peace and Security, *Water Challenges and Conflict Dynamics in Southern Iraq*, 17 February 2022, <https://bit.ly/3fNe2Wf>, p. 28. For example, in Al-Qurna and Al-Dair Districts (Basra), the “absence of any kind of formal rule of law and transparent governance coupled with lack of meaningful economic opportunity has fuelled the near complete tribal dominance of these districts and [a] general turn toward criminality”; World Food Programme (WFP), *Prospects for Resilience amid Fragility: Conflict Analysis of Al-Qurna and Al-Dair Districts in Basra Governorate*, 17 March 2022, www.ecoi.net/en/document/2069845.html (hereafter: WFP, *Analysis of Al-Qurna and Al-Dair Districts in Basra Governorate*, 17 March 2022, www.ecoi.net/en/document/2069845.html), p. 9, see also pp. 10–16. See also, WFP, *Improving Prospects for Peace and Stability in Vulnerable Communities in Southern Iraq*, 13 March 2022, www.ecoi.net/en/document/2072008.html, pp. 14–17. On the use of tribal justice, see also Sections II.D.3.a and III.A.12.

²⁴⁵ “Common sources of tribal conflict in Iraq include land and trade disputes, marriage proposals, so-called ‘family honor’ cases, football matches, and on occasion, the ownership of a buffalo. While this broad category of ‘social disputes’ is cited by clashing tribes as the main cause of conflict, Basra Governorate Council member Ali Shaddad Al-Faris stated in Sept. 2019 that ‘drug trade and smuggling through the ports’ are ‘two reasons’ for the eruption of such violence”; Amwaj.media, *Tribal Disputes Cripple Iraq’s Oil-Rich Basra*, 27 March 2021, <https://bit.ly/3VpVFXV>. The government seeks to contain tribal violence through security measures (imposing curfews and deploying military forces in affected areas) and by holding talks with tribal leaders; ACLED, *ACLED Regional Overview: Middle East (19–25 March 2022)*, 31 March 2022, www.ecoi.net/en/document/2071698.html, p. 3.

²⁴⁶ Tit-for-tat killings between the Sadrists and Asaib Ahl Al-Haq in Missan Governorate “have tribalized the conflict” between the two factions; EPC, *Sadr Versus Khazali: Personal Rivalries and Rising Intra-Shia Tensions in Iraq*, 25 November 2022, <https://bit.ly/3JXq8J3>. “Several tribes have joined armed factions to get employment in the Popular Mobilization Forces (PMF). This ensures protection or ‘cover’ for their illegal activities. It also gets them status through clientelism related to factions with massive influence in Baghdad.” And further: “The overlapping tribal and factional factors behind assassinations make controlling these developments even more complicated, considering tribal revenge traditions in the region”; EPC, *Maysan and the Cycle of Violence in Southern Iraq*, 23 March 2022, <https://bit.ly/3LILF90>. See also, Carnegie Endowment for International Peace (CEIP), *The Growing Tribal Role in Iraq’s Post-Election Shia Politics*, 17 May 2022, <https://bit.ly/3sLr624>; Amwaj.media, *Tribal Disputes Cripple Iraq’s Oil-Rich Basra*, 27 March 2021, <https://bit.ly/3VpVFXV>.

extortion.²⁴⁷ Furthermore, recurring droughts and water scarcity in southern Iraq are reported to exacerbate tribal conflicts over scarce resources.²⁴⁸ Most tribes are reported to have large caches of arms,²⁴⁹ with inter-tribal conflict frequently resulting in casualties among tribe members and bystanders.²⁵⁰

2) Security in the Kurdistan Region of Iraq

The security situation in the KR-I is volatile and complex due to the interference of various domestic and regional armed actors,²⁵¹ and continued political and security divisions within the KRG²⁵² and between the KRG and the Federal Government.²⁵³

a) Regional Conflict

For decades, the PKK has been present in the mountainous area in the triangle between Iraq, Iran, and Türkiye.²⁵⁴ While rural parts of the KR-I have been the scene of air and artillery attacks for years, there has been a notable increase in military cross-border operations since April 2021.²⁵⁵ Türkiye is reported to maintain a permanent military presence in northern Iraq through dozens of military outposts, including the full military base *Zilkan* in Bashiqa Sub-District east of Mosul (Ninewa, under control of Federal Iraq).²⁵⁶

²⁴⁷ "Tribal structures are also increasingly intertwined with criminal networks (...). The criminal activities of these networks are varied, ranging from drug trafficking to robberies, hired killings and human trafficking"; GI-TOC, 2023 Global Organized Crime Index: Iraq, September 2023, <https://bit.ly/42cXCL4>, p. 5. "As a consequence of the environmental deterioration, some tribal groups that collectively migrated from the marshlands and settled on the outskirts of the city of Basra and other districts have developed highly dubious means of securing revenues. Some of these tribes have engaged in armed conflict with other groups to control territory or gain access to water resources. They have even threatened oil companies in order to secure jobs or contracts for members of their tribe, a practice also embraced by powerful paramilitary groups. New modes of extortionist practices have been evolving, expanding the informal and illicit economy. At the heart of the illegal activities carried out by armed groups has been smuggling"; Carnegie Middle East Center, *Breaking Bad in Basra*, 3 May 2022, <https://bit.ly/3P89YqE>. See also, AP, *Corruption, Deep Disparity Mark Iraq's Oil Legacy post-2003*, 24 March 2023, <https://bit.ly/42GivbR>; EPC, *Tribes of Basra: The Political, Social, and Security Issues*, 29 March 2022, <https://bit.ly/3LCz9oH>; EPC, *Maysan and the Cycle of Violence in Southern Iraq*, 23 March 2022, <https://bit.ly/3LILF9Q>.

²⁴⁸ ECFR, *Early Warning: How Iraq Can Adapt to Climate Change*, 19 July 2022, <https://bit.ly/3Cmlwr3>; Norwegian Institute for International Affairs / SIPRI, *Climate, Peace and Security Fact Sheet: Iraq*, April 2022, <https://bit.ly/40uIcHP>, p. 2; Water, Peace and Security, *Water Challenges and Conflict Dynamics in Southern Iraq*, 17 February 2022, <https://bit.ly/3fNe2Wf>, p. 31.

²⁴⁹ In southern Iraq, "law enforcement bodies do not have the monopoly of weapons and tribal elements are frequently well armed"; IOM, *A Climate of Fragility: Household Profiling in the South of Iraq: Basra, Thi-Qar and Missan*, 24 August 2022, <https://bit.ly/3cqxB5u>, p. 29. "Most of the tribes possess large caches of weapons, in many cases more and better weapons than what the local police and law enforcement agencies have. (...) Tribes in the south repeatedly used drones and other advanced weapons in their clashes with each other"; MEI, *The Smell of the Revolution: The Prospects for Reform under the Next Iraqi Government*, 24 February 2022, <https://bit.ly/3Vlqr3U>. See also, Shafaq News, *How Does Political Conflict Fuel Tribal Disputes in Iraq?*, 25 April 2023, <https://bit.ly/43ZKxDZ>.

²⁵⁰ For example, on 11 December 2023, "security sources in Najaf said that a violent armed clash erupted between two tribes in al-Haydariyah subdistrict, in the northern parts of the province. The fighting, which the sources said involved the use of small and medium weapons, injured a young girl who was struck in the neck with a bullet"; EPIC, ISHM: December 7 – 14, 2023, 14 December 2023, www.ecoi.net/en/document/2102258.html. "(...) deadly clan or 'tribal' conflicts have more than doubled in frequency over the last six months of the year [2022], with 14 in October, 25 in November and 23 in December, all but two of the latter in Baghdad"; Iraq Body Count (IBC), *Iraq's Residual War*, 1 January 2023, <https://bit.ly/41qXu9f>. "Tribal disputes can run for months, at times, years, and usually leave several people dead, often residents of the area who get caught in the middle of the fights"; Rudaw, *Senior Iraqi Officer Killed while Mediating Tribal Dispute in Dhi Qar*, 20 April 2022, <https://bit.ly/386x1rl>. Some survey respondents in Basra, Thi-Qar and Missan Governorates indicated that "they did not send their children to school alone for fear of them being entangled in a tribal dispute or shooting that could take place unexpectedly"; IOM, *A Climate of Fragility: Household Profiling in the South of Iraq: Basra, Thi-Qar and Missan*, 24 August 2022, <https://bit.ly/3cqxB5u>, p. 29.

²⁵¹ See Sections [II.B.2.a](#) and [II.B.2.b](#).

²⁵² See Section [II.A.3](#).

²⁵³ See Section [II.A.5](#).

²⁵⁴ SWP, *Turkey's Military Operations in Syria and Iraq*, 30 May 2022, <https://bit.ly/3ACjrrO>; ICG, *Turkey's PKK Conflict*, 18 February 2022, www.ecoi.net/en/document/2070165.html. In April 2023, Türkiye announced a three-month closure of its airspace to airlines heading to or departing from Sulaymaniyah airport citing the PKK's increased presence in the Governorate. The closure was subsequently extended twice and at the time of writing was scheduled to remain in effect until 22 June 2024; Bas News, *Turkey Extends Ban on Sulaymaniyah Airport*, 23 December 2023, <https://bit.ly/3HnTgr3>; UN Security Council, *Implementation of Resolution 2682 (2023): Report of the Secretary-General*, S/2023/700, 26 September 2023, www.ecoi.net/en/document/2099191.html, para. 28.

²⁵⁵ "Between February and May 2023, Turkish activity was predominantly concentrated in the northern Duhok province. However, in June, Turkish airstrike and artillery events surged in northern Erbil province by over 200% compared to the month prior, reaching the highest level recorded by ACLED since October 2021"; ACLED, *Regional Overview: Middle East June 2023*, 6 July 2023, <https://bit.ly/3rzmPkG>. "In Iraq, ACLED records over 3,500 political violence events involving Turkish military forces in 2022, marking a 75% increase compared to 2021"; ACLED, *Conflict Watchlist 2023*, January 2023, <https://bit.ly/3Jl24tM>. See also, Reuters, *As Turkey Intensifies War on Kurdish Militants in Iraq, Civilians Are Suffering*, 10 October 2023, <https://bit.ly/46NTRN4>; Jamestown Foundation, *Claw-Lock: An Assessment of Turkish Counter-PKK Operations in Northern Iraq in 2022*, in: *Terrorism Monitor* Vol. 20 (16), 12 August 2022, www.ecoi.net/en/document/2078332.html; ICG, *Turkey's PKK Conflict*, 18 February 2022, www.ecoi.net/en/document/2070165.html.

²⁵⁶ In late December 2023, Turkish President Erdoğan "confirmed that the infrastructure for new bases would be completed by next spring [2024], and roads were being constructed in areas lacking permanent bases"; Hürriyet Daily, *Erdoğan Vows Continued Cross-Border Ops after PKK's Deadly Iraq Attacks*, 28 December 2023, <http://tinyurl.com/2uayzenk>. According to observers, the numbers of military outposts has increased significantly since 2019, with Kurdish officials offering estimates ranging between 50 and 87 as at early 2023; Reuters, *Turkey's Push into Iraq Risks Deeper Conflict*, 31 January 2023, <https://reut.rs/3kG8gZj>. In mid-2022, "about 600 square miles of territory in the north is garrisoned by Turkish outposts and checkpoints, or

Turkish ground and air attacks against alleged PKK bases and leaders²⁵⁷ at times kill, wound²⁵⁸ and displace civilians,²⁵⁹ and cause damage to livelihoods and property.²⁶⁰

Increasingly, Türkiye has launched attacks and arrests of alleged PKK members away from the border region, including as far south as Sinjar (Ninewa Governorate), Kirkuk, Makhmour (Erbil Governorate), and Sulaymaniyah.²⁶¹ As Türkiye's military presence has pushed the PKK farther away from the border, the latter has increasingly entered more populated areas, putting civilians caught up in the conflict at risk.²⁶²

Turkish forces and the PKK regularly engage in fighting in Iraq, and the PKK is reported to launch attacks against the Turkish military presence.²⁶³ The PKK has also been accused of attacking the Peshmerga and the critical Kirkuk-Ceyhan oil pipeline.²⁶⁴

approximately 3.5 percent of the Kurdistan Region and 0.3 percent of Iraq overall. Much of this territory was not fully controlled by Iraqi Kurdish forces prior to Turkey's entrance, and it has since become increasingly depopulated due to the warlike conditions"; Washington Institute, *Turkey's War in Northern Iraq: By the Numbers*, 28 July 2022, <https://bit.ly/3SisOmD>. "While numbers are hard to verify, open sources indicate that Turkey has a permanent deployment of 5,000-10,000 soldiers in Iraqi territory"; SWP, *Turkey's Military Operations in Syria and Iraq*, 30 May 2022, <https://bit.ly/3ACirrQ>. For a map of 40 Turkish outposts as at February 2022, see ICG, *Turkey's PKK Conflict*, 18 February 2022, www.ecoi.net/en/document/2070165.html.

See also, NINA, *Army Chief of Staff Reveals the Numbers of Turkish Bases and Points in Iraq*, 24 July 2022, <https://bit.ly/3BgvybWP>. Reuters, *Turkey Says it 'Neutralises' 45 Kurdish Militants in Northern Iraq*, Syria, 13 January 2024, <http://tinyurl.com/kmjndshh>; UN Security Council, *Implementation of Resolution 2682 (2023): Report of the Secretary-General*, S/2023/700, 26 September 2023, www.ecoi.net/en/document/2099191.html, paras 26-27; Center for Preventive Action, *Conflict Between Turkey and Armed Kurdish Groups*, updated 8 August 2023, <https://bit.ly/3QmIxAS>; Anadolu Agency, *Türkiye 'Neutralized' 162 PKK/YPG Terrorists in Northern Iraq*, Syria: President Erdogan, 10 October 2023, <https://bit.ly/3sq3J3l>.

Airwars, *Civilian Casualties from Turkish Actions in Iraq*, accessed 28 January 2024, <https://bit.ly/3YQ80VT>. On 21 July 2022, a tourist resort in the District of Zakho (Dohuk Governorate) was shelled, reportedly killing nine and injuring dozens of civilians, including children; UN News, *Iraq Resort Shelling a 'Shocking Disregard for Civilian Life'*, UN Envoy Says, 26 July 2022, <https://share.aftrXP>; AP, *Iraq Submits Complaint to UN Against Turkey after Attack*, 23 July 2022, <https://bit.ly/3JivxoB>. "The Turkish Armed Forces (TAF) used fighter jets, drones, helicopters, artillery, or other weapons (small arms, light and heavy weapons) in thirty-seven incidents causing civilian death or injury"; End Cross Border Bombing, *Civilian Casualties of Turkish Military Operations in Northern Iraq (2015 – 2021)*, August 2022, <https://bit.ly/3MJDB9k>. ICG recorded 74 non-combatant deaths between July 2015 and February 2022, with "more than half of them after mid-2019 when Turkey intensified its air campaign." And further: "Turkish officials publicly deny any civilian casualties from airstrikes. They say the use of drones, by allowing for more precise targeting, has significantly minimised the risk of collateral damage"; ICG, *Turkey's PKK Conflict*, 18 February 2022, www.ecoi.net/en/document/2070165.html. See also, Reuters, *As Turkey Intensifies War on Kurdish Militants in Iraq, Civilians Are Suffering*, 10 October 2023, <https://bit.ly/46NTRN4>.

"News reports from the ground also suggest that a few thousand villagers in the Amedi district, as well as hundreds more in the Duhok district, lost their homes and moved to villages or cities farther south. Civilians in the area complain of both heavy Turkish bombardment and PKK militants' pressure on locals to provide shelter from air raids"; ICG, *Turkey's PKK Conflict*, 18 February 2022, www.ecoi.net/en/document/2070165.html. According to the authorities, hundreds of villages have been vacated as a result of the conflict; Rudaw, *No Casualties in 'Intense' Bombing of Duhok Mountains, Turkey Blamed*, 3 June 2023, <https://bit.ly/3pc1Jb2>; Bas News, *Over 200 Villages Vacated amid Turkey-PKK Conflict in Erbil*: Official, 19 November 2022, <https://bit.ly/3u4am6D>; Bas News, *Several Border Villages in Sulaymaniyah Vacated for Increasing PKK-Turkey Violence*, 26 July 2022, <https://bit.ly/3PSniNA>.

Bas News, *Turkey-PKK Clashes Inflict Property Damage in Duhok*, 6 January 2024, <http://tinyurl.com/2twr27kb>; Rudaw, *Turkish Bombardment Sparks Wildfire in Duhok, Damages Homes*, 23 September 2023, <https://bit.ly/3PrF0Rz>; Bas News, *PKK Presence in Kurdistan Continues to Hurt Agriculture, Tourism*, 14 August 2023, <https://bit.ly/457oMni>; Rudaw, *Constant Turkish Bombardment Deprives Duhok Villagers of Normal Life*, 4 July 2023, <https://bit.ly/3rohZAT>; AFP, *Iraqi Kurds in the Crossfire of Turkish Army, Militants*, 4 May 2023, <https://bit.ly/3HLBUET>; Bas News, *Turkey-PKK Conflict Affect Unemployment Rate in Duhok*, 30 March 2023, <https://bit.ly/3KNrNxl>.

"As the Turkish military has increased its use of drones, it has broadened its theater of operations in Iraq in the past two years, now regularly targeting not just the remote Qandil mountains, where the PKK has been based for decades, but also major transportation routes and civilian areas"; Iraq Oil Report, *Drone Strikes Highlight Perils of Turkey-PKK War for Iraqi Kurdistan*, 15 August 2023, <https://bit.ly/45x20Vs>. See e.g., NINA, *Turkish Intelligence Announces the Killing of a Prominent Leader of the Kurdistan Workers' Party in Northern Iraq*, 13 January 2024, <http://tinyurl.com/ybrmdw4h>; Bas News, *Turkey Claims 'Neutralized' Senior PKK Fighter in Sulaymaniyah*, 2 January 2024, <http://tinyurl.com/3khexmba>; Bas News, *Turkey Targets PKK-Affiliated Group in Sinjar, Killing Two*, 14 November 2023, <https://bit.ly/3QV9yx1>; Bas News, *Turkish Drone Targets Makhmur Camp*, 13 October 2023, <https://bit.ly/40ctv5z>. See also, Reuters, *As Turkey Intensifies War on Kurdish Militants in Iraq, Civilians Are Suffering*, 10 October 2023, <https://bit.ly/46NTRN4>; ACLED, *Conflict Watchlist 2023*, January 2023, <https://bit.ly/3Jl24tM>; and Section II.B.1.c.

Reuters, *Turkish Push into Iraqi Risks Deeper Conflict*, 31 January 2023, <https://reut.rs/3kG8gZi>; ACLED, *Conflict Watchlist 2023*, January 2023, <https://bit.ly/3Jl24tM>; SWP, *Turkey's Military Operations in Syria and Iraq*, 30 May 2022, <https://bit.ly/3ACirrQ>.

See, e.g., Shafaq News, *Clashes Erupt Between Turkish Forces and PKK in Northern Iraq*, 20 January 2024, <http://tinyurl.com/y549peer>; NINA, *The Turkish Defense Ministry Announces that the Number of its Soldiers Killed in the Kurdish Militant Attack in Northern Iraq Has Risen to 9 Soldiers*, 13 January 2024, <http://tinyurl.com/mwxwj2k4>; Iraqi News, *Ankara Reinforces its Bases in Northern Iraq after 12 Soldiers Killed*, 28 December 2023, <http://tinyurl.com/bmwtrhha>.

Rudaw, *KRG, PKK Exchange Blame for Clashes at Duhok Checkpoint*, 25 January 2024, <https://bit.ly/3u7KBWD>; Bas News, *PKK Fighters Fire on Peshmerga Checkpoint in Amedi*, 12 August 2023, <https://bit.ly/447Tvzh>; EPIC, ISHM: July 27 – August 10, 2023, 2023, 10 August 2023, www.ecoi.net/en/document/2095971.html; Kurdistan 24, *PKK Kidnaps Peshmerga from his Home in Sinjar, Attacks Peshmerga Position in Dohuk*, 6 June 2022, <https://bit.ly/42BqWLC>; Bas News, *Casualties Reported after PKK Attacks Peshmerga Forces in Duhok*, 26 May 2022, <https://bit.ly/3N7J5ry>. On 14 September 2023, "in a rare direct confrontation", Peshmerga forces of the KDP attacked PKK positions in Erbil and Dohuk Governorates. This followed "a visit by the Turkish Foreign Minister to Iraq in August [2023], during which he met with KRG officials to discuss strengthening security measures against the PKK"; ACLED, *Regional Overview Middle East: September 2023*, 5 October 2023, <https://bit.ly/3s5CJ73>.

Iran is also reported to occasionally conduct military operations against Iranian opposition parties along its border with Erbil and Sulaymaniyah Governorates,²⁶⁵ with an intensification of attacks between September and November 2022 following the start of protests in Iran in September 2022.²⁶⁶ Civilian casualties and displacement have been reported.²⁶⁷ Iranian military activities subsided following the conclusion of a border security agreement between Iraq and Iran in March 2023.²⁶⁸ In mid-September 2023, under the threat of renewed military action by Iran, the Iraqi Government moved Kurdish opposition groups based in the KR-I away from the border area.²⁶⁹

b) IRGC-Linked PMF Factions as a Source of Instability

The PKK and the PMF have seen a rapprochement over their fight against Türkiye's military presence in northern Iraq.²⁷⁰ Rocket and drone attacks, which have been attributed to, and in some cases claimed by, IRGC-linked PMF factions operating outside State control, are a regular occurrence in the KR-I, primarily in Erbil and Sulaymaniyah Governorates, aimed at, *inter alia*, oil and gas fields,²⁷¹ US military and diplomatic facilities,²⁷² and Turkish military bases.²⁷³ Such attacks are reportedly launched in response to, and to influence, domestic, regional and global developments such as Iraq's protracted government formation process, the KRG's (alleged) political and security affiliation with regional and global actors, as well as the wider US-Iran conflict.²⁷⁴ On 15 January 2024, amidst concerns about the regional escalation of the Gaza

²⁶⁵ "There are frequent clashes in the remote and mountainous border region between Iranian security forces and Iranian Kurdish militant groups opposed to the Tehran government, such as the Party of Free Life of Kurdistan (PJAK), linked to Kurdish PKK insurgents in Turkey, and the Democratic Party of Iranian Kurdistan (PDKI)"; Reuters, *Iran's Guards Target Kurdish Rebels in Iraqi Kurdistan: Report*, 9 September 2021, <https://reut.rs/3Jo9zUA>. See also, Clingendael, *Big Brother Is Watching: Evolving Relations Between Iran and the Kurdistan Region of Iraq*, March 2022, <https://bit.ly/3zXcf8Z>, p. 2.

²⁶⁶ Reuters, *Turkey's Push into Iraq Risks Deeper Conflict*, 31 January 2023, <https://reut.rs/3kG8gZi>; Iraqi News, *Iran's Revolutionary Guards Bombs Sites in Kurdistan Capital*, 27 September 2022, <https://bit.ly/3dKrGZP>. See also "Timeline of Iranian Attacks" included in: USIP, *Iran Attacks Kurdish Groups in Iraq*, 21 November 2022, <https://bit.ly/41lvddX>.

²⁶⁷ "In September [2022], Iranian drone and missile attacks targeting Iranian-Kurdish opposition groups based inside Iraq killed 13 people and injured many others. Human Rights Watch found some of the strikes, such as in Koya, east of Erbil, killed civilians"; HRW, *World Report 2023: Iraq*, 12 January 2023, www.ecoi.net/en/document/2085461.html. See also, Amnesty International, *Amnesty International Report 2022/23: Iraq*, 28 March 2023, www.ecoi.net/en/document/2089537.html; UN Security Council, *Report of the Secretary-General: Implementation of Resolution 2631 (2022)*, S/2023/58, 25 January 2023, www.ecoi.net/en/document/2086294.html, para. 23; ACLED, *Conflict Watchlist 2023*, January 2023, <https://bit.ly/3J24tM>; Rudaw, *Iranian Attacks Displaced about 700 Families in Koya Town: Mayor*, 30 September 2022, <https://bit.ly/3mUPL4l>.

²⁶⁸ "The agreement stipulates that Iraqi and Iraqi Kurdish authorities will disarm and relocate anti-Iranian regime Kurdish militias operating in Iraqi Kurdistan"; CTP-ISW, *Iran Update: September 12, 2023*, 12 September 2023, www.ecoi.net/de/dokument/2097221.html. See also, Reuters, *Iraq and Iran Sign Deal to Tighten Border Security*, 19 March 2023, <https://bit.ly/44RGJW2>.

²⁶⁹ AFP, *Iraq Moves Iranian Kurdish Groups Away from Border*, 12 September 2023, <https://bit.ly/48Ce7mH>; Reuters, *Iraq Starts Relocating Iranian Kurdish Fighters from Iran Border: Iraq Foreign Minister*, 12 September 2023, <https://bit.ly/3Rnbw9Y>; Al Jazeera, *Iran Says Deal Agreed with Iraq for Disarming, Relocation of Kurdish Rebels*, 28 August 2023, <https://bit.ly/44QvKvR>.

²⁷⁰ "Iraqi militias linked to the IRGC have in recent years strengthened their collaboration with the PKK and its affiliates"; Al-Monitor, *PKK Threatens Journalists, Lawmakers in Kurdistan as Regional Tensions Rise*, 15 June 2022, <https://bit.ly/3nRcEmp>. See also, US Department of Defense, *Lead Inspector General Report*, 11 April 2022, <https://bit.ly/3M2AHtN>, p. 50; ICG, *Turkey's PKK Conflict*, 18 February 2022, www.ecoi.net/en/document/2070165.html; and Section II.B.1.a.

²⁷¹ See e.g., Rudaw, *Sudani Orders Investigation into Drone Attack on Khor Mor Gas Field*, 26 January 2024, <https://bit.ly/3Oi66uA>; Shafaq News, *Rocket Attack Hits Gas Field in Al-Sulaymaniyah*, 30 August 2023, <https://bit.ly/3R22kYB>; Iraqi Oil Report, *Drone Attack Signals Ongoing Threat to Khor Mor*, 14 January 2023, <https://bit.ly/3SvK5sg>; Reuters, *Rockets Target Khor Mor Gas Field in Iraq's Kurdistan, Operations not Affected*, 13 October 2022, <https://reut.rs/3zq48AQ>; Reuters, *Exclusive: Attacks on Major Iraqi Gasfield Drive Out U.S. Contractors*, 31 August 2022, <https://reut.rs/41umlEu>.

²⁷² See, e.g., Al-Monitor, *Drone Blast Near US Consulate in Erbil Injures Three*, 9 June 2022, <https://bit.ly/3NNECdk>; NINA, *The Int'l Coalition: A Drone Targeted a Site Belonging to US in the Kurdistan Region*, 24 July 2021, <https://bit.ly/3bTRlhk>. In 2021, Erbil airport, which houses personnel from the global coalition and US forces, was repeatedly the target of attacks; Reuters, *Drone Attack Hits Near US Forces Stationed at Erbil Airport in Northern Iraq*, 12 September 2021, <https://f24.my/7yIF.T>; Reuters, *Explosive-Laden Drone Hit Erbil Airport in Iraq, Aimed at U.S. Base: Security Sources*, 7 July 2021, <https://reut.rs/3nFIUd9>; Reuters, *Explosives-Laden Drone Targets U.S. Forces at Iraq's Erbil Airport*, 14 April 2021, <https://reut.rs/3yKGIx7>. In late June 2023, the Armed Services Committee of the US Congress passed an amendment to the 2024 National Defense Authorization Act supporting the transfer of air defence systems to the KR-I; MEE, *US: Congress Wants to Give Air Defence Systems to Kurdish Fighters in Iraq*, 21 June 2023, <https://bit.ly/3Dnl8tf>.

²⁷³ See Section II.B.1.a.

²⁷⁴ Starting in mid-October 2023, in response to escalating hostilities in Gaza and the US' support to Israel, IRGC-linked PMF factions attacked US targets in Erbil Governorate with rockets and drones. On 23 December 2023, a Peshmerga base in Erbil was targeted; Bas News, *France Strongly Condemns Drone Attack on Erbil*, 25 December 2023, <http://tinyurl.com/ycybpn62>. See also, CTP-ISW, *Iran Update, January 19, 2024*, 19 January 2024, <http://tinyurl.com/yc7zfr7v>; Reuters, *Armed Drone Shot Down Near US Base in Northern Iraq: Sources*, 18 January 2024, <http://tinyurl.com/mpmmzmfb>; AFP, *Explosive Drone Shot Down at Iraqi Kurdistan Airbase*, 2 January 2024, <http://tinyurl.com/3h5935vy>; Iraqi News, *Drone Attack in Northern Iraq Stops Flights at Erbil International Airport*, 25 December 2023, <http://tinyurl.com/5n99f2ab>. On 8 June 2022, an explosive drone attack injured three civilians in Erbil City. The "(...) attack came just hours after Iran's government slammed the US and European states over a draft resolution at the UN's International Atomic Energy Agency (IAEA) that censured Tehran for failing to fully comply with inspections into its past nuclear activities"; Al-Monitor, *Drone Blast Near US Consulate in Erbil Injures Three*, 9 June 2022, <https://bit.ly/3NNECdk>. Oil and gas facilities were targeted repeatedly during the prolonged government formation process: "(...) muqawama groups have periodically attacked Kurdish oil facilities in the provinces of Erbil and Sulaymaniyah this year [2022], most notably the Kawergosk refinery (owned by KAR Group) in Erbil in April-May and the Kor Mor gas field in Sulaymaniyah from June to October [2022]. (...) Most of these attacks, which peaked in June [2022], were intended as 'reminders' to Kurdish politicians

conflict, Iran's IRGC claimed responsibility for drone and missiles strikes targeting what it claimed to be Israeli Mossad-affiliated facilities and individuals in Erbil, an allegation rejected by both the Federal Government and the KRG.²⁷⁵ Similar strikes claimed by Iran were conducted on 13 March 2022.²⁷⁶

c) Da'esh Insurgency

The security vacuum in the disputed territories permits Da'esh to launch occasional attacks, primarily in the border areas with Erbil and Sulaymaniyah Governorates.²⁷⁷ Arrests of alleged Da'esh members in Erbil and Sulaymaniyah are regularly reported,²⁷⁸ and the Peshmerga are reported to have averted multiple attacks against civilian and security targets in the region.²⁷⁹

C. Civilian Casualties

Decades of conflict and human rights abuses in Iraq have left hundreds of thousands of people dead or missing.²⁸⁰ While different sources cited in this chapter use different methodologies to account for civilian casualties, and hence figures should not be directly compared, they indicate that conflict and violence continue to cause civilian casualties, despite decreased levels of fighting since 2017.

of the consequences of siding with election winner Muqtada al-Sadr to form a 'national majority government,' which would have excluded the Iranian-backed Coordination Framework from power"; Washington Institute, *Militias Pivot Away from U.S. Targets, Toward Kurdistan and Turkish Bases*, 17 October 2022, <https://bit.ly/3L0ASrh>. See also, ACLED, *The Muqawama and its Enemies*, 23 May 2023, www.ecoi.net/en/document/2092727.html; Musings on Iraq, *Security in Iraq Oct 8-14, 2022*, 19 October 2022, <https://bit.ly/3SlnQI5>.

²⁷⁵ "An Iranian ballistic missile attack struck a home in Erbil, in the Kurdistan region of Iraq, on January 15, 2024, killing four civilians and injuring six others"; HRW, *Iraq: Iranian Attack Kills Civilians in Erbil*, 22 January 2024, <https://bit.ly/3S9Is4K>. In response to the strike, the Federal Government recalled its ambassador to Iran and filed a complaint over Iran's "aggression" with the UN Security Council; New York Times, *Deadly Iranian Strikes in Iraq and Pakistan Inflamm Regional Tensions*, 16 January 2024, <https://bit.ly/48HAUxd>. See also, Shafaq News, *Kurdistan's Security Council Slams Iranian Officials for Spreading False Information on Erbil's Missile Attack*, 17 January 2024, <https://bit.ly/3vJk0Q1>; Rudaw, *Four Killed in IRGC Attack on Erbil: KRG*, 16 January 2024, <https://bit.ly/3StOfmR>; Shafaq News, *Iraqi President, UNAMI Condemn Iranian Attack on Erbil, Label it a Violation of Sovereignty*, 16 January 2024, <https://bit.ly/3vKQjhw>; CTP-ISW, *Iran Update, January 16, 2024*, 16 January 2024, <https://bit.ly/3QaCajR>.

²⁷⁶ On 13 March 2022, Iran's IRGC claimed responsibility for a dozen ballistic missiles that struck near a new US Consulate compound under construction and surrounding residential areas in Erbil City. The IRGC "claimed responsibility for the attack against what it described as an Israeli intelligence outpost in Erbil"; US Department of Defense, *Lead Inspector General Report*, 11 April 2022, <https://bit.ly/3M2AHtN>, p. 46. See also, USIP, *Iran Launches Missiles on Iraq*, 28 March 2022, <https://bit.ly/3me6fUS>; Musings on Iraq, *Security in Iraq Mar 8-14, 2022*, 16 March 2022, <https://bit.ly/3ONw87g>.

²⁷⁷ Taking advantage of the limited security cooperation in the disputed territories and political wrangling following the October 2021 parliamentary elections, Da'esh launched "a number of lethal attacks on Erbil and Sulaymaniyah in November/December 2021. IS used the disputed territories as a staging zone for these attacks, demonstrating both opportunism and an ability to act fast"; Clingendael, *A Stubborn Threat: Islamic State in Iraq in Early 2022*, 17 May 2022, <https://bit.ly/3nsdcil>, p. 2. See also, Shafaq News, *Kurdish Town at Risk of Becoming ISIS Stronghold due to Security Vacuum*, 21 January 2024, <https://bit.ly/3HwmTGP>; Bas News, *Islamic State Kidnaps Two People in Gwer Area, Kills One*, 29 April 2023, <https://bit.ly/3NnYnLZ>; Bas News, *IS Kidnaps Two Kurdish Shepherds in Garmiyah*, 15 January 2023, <https://bit.ly/425hsrd>; NINA, *ISIS Attacks an Area Between Diyala and Sulaymaniyah*, 29 October 2022, <https://bit.ly/3TTUJK3>; Rudaw, *Suspected ISIS Attack Kills, Injures Peshmerga*, 19 October 2022, <https://bit.ly/3SpWVaB>; NINA, *8 Policemen Were Wounded by Gunfire in Sulaymaniyah, Northern Iraq*, 4 September 2022, <https://bit.ly/3RVRXCP>; and Section II.B.1.b.

²⁷⁸ See, e.g., NINA, *A Dangerous Network, Carried Out Terrorist Operations, Arrested in Sulaymaniyah*, 27 December 2023, <https://bit.ly/48DBWK1>; Rudaw, *Sulaimani Security Forces Arrest 55 ISIS Suspects*, 18 November 2023, <https://bit.ly/3HwpuiD>; Shafaq News, *Security Forces Arrest Terrorists in Al-Sulaymaniyah and Kirkuk*, 4 October 2023, <https://bit.ly/3ZKolb0>; Bas News, *KRSC Captures IS Emir Outside Erbil*, 15 September 2023, <https://bit.ly/3sXkBW4>; NINA, *The Anti-Terrorism Agency Announces the Arrest of 147 Wanted Persons, in Cooperation with the Kurdistan Region Anti-Terrorism Service*, 27 August 2023, <https://bit.ly/45SIS5K>.

²⁷⁹ "The Kurdish security forces recently noted that young Kurds continue to join the ranks of ISIS, although ever since the fall of the Saddam Hussein regime, the Kurdistan region has been considered the most stable in Iraq in terms of security and administration. The interrogation of ISIS operatives recently detained in the Sulaymaniyah region, who were members of ISIS sleeper cells, revealed that they were influenced by ISIS ideology disseminated on social media and planned to kill clerics, army officers, and members of the security forces. They also planned to attack government ministries"; ITIC, *Spotlight on Global Jihad (August 25-31, 2022)*, 1 September 2022, <https://bit.ly/3WdcF3P>. See also, Shafaq News, *Peshmerga Forces Thwart a Terrorist Plot in the Kurdistan Region*, 5 March 2023, <https://bit.ly/3ZXoX1z>; Bas News, *PM Barzani Thanks Security Forces for Disrupting IS Bombing Plots in Erbil*, 9 January 2023, <https://bit.ly/3GQ4dRg>; NINA, *An Implementing of a Suicide Attacks During the Blessed Ramadan Foiled*, 15 March 2022, <https://bit.ly/3y82MJw>. See also, Combating Terrorism Center at West Point, *The Islamic State at Low Ebb in Iraq: The Insurgent Tide Recedes Again*, in: CTC Sentinel Vol. 15(1), January 2022, <https://bit.ly/407U2zz>, pp. 12-14.

²⁸⁰ IBC estimates that since 2003 between 187,078 and 210,519 civilians have been killed in Iraq; IBC, accessed 28 January 2024, www.iraqbodycount.org. "The International Committee of the Red Cross said it has received 43,293 cases of people who disappeared since 2003. Of those, more than 26,700 cases remain unresolved. That is far higher than the Iraqi government estimate of 16,000 Iraqis who have gone missing over the same period"; Voice of America, *Thousands Still Missing from 20 Years of Iraq's Turmoil*, 3 April 2023, <https://bit.ly/3AEMjOK>. According to the UN Committee on Enforced Disappearances (CED): "Following decades of conflict and political violence, disappearances, including enforced disappearances, have been identified as 'a problem of massive proportions in Iraq' ", with estimates ranging "between 250,000 and 1 million disappeared persons"; CED, *Report of the Committee on Enforced Disappearances on its Visit to Iraq under Article 33 of the Convention: Information on the Visit and Findings*, CED/C/IRQ/VR/1 (Findings), 31 March 2023, <https://bit.ly/3MgQs2i> (hereafter: CED, *Information on the Visit and Findings*, 31 March 2023, <https://bit.ly/3MgQs2i>), para. 9. See also, Amnesty International, *More than a Million Years of Waiting and Campaigning: Families of the Disappeared Mark the International Day for the Disappeared in Beirut*, 30 August 2023, www.ecoi.net/en/document/2096769.html.

The 2,056 “terrorist” incidents recorded by UNDSS in 2023 caused the deaths of 335 civilians and injured 449 others.²⁸¹

Between 1 January and 31 August 2023, UNAMI documented a total of 65 incidents resulting in at least 120 civilian casualties, including 55 dead and 65 wounded. The majority of civilian casualties were caused by explosive remnants of war, small arms fire, complex attacks, improvised explosive devices and air attacks.²⁸²

In 2023, Iraq Body Count (IBC) documented at least 537 civilian deaths due to violence.²⁸³

ACLED recorded 1,274 civilian and non-civilian fatalities in 2023.²⁸⁴

In 2023, the blog Musings on Iraq, based on media reports, recorded the killing of 89 and the wounding of 159 civilians and combatants at the hands of Da’esh and pro-Iran militias.²⁸⁵

Turkish airstrikes against alleged PKK positions in the KR-I and in Ninewa are also reported to have caused civilian casualties.²⁸⁶

Civilian casualties are primarily caused by small arms fire, IEDs, ERW, mortar and rocket fire.²⁸⁷ According to Action on Armed Violence (AOAV), in 2022 Iraq saw the highest level of civilian harm recorded since 2018 as a result of explosive weapons.²⁸⁸

The widespread contamination with ERW and landmines continues to pose a danger to the lives of civilians,²⁸⁹ with children particularly at risk.²⁹⁰

²⁸¹ In 2022, UNDSS recorded 773 civilian casualties (355 killed, 418 injured) in 2,714 “terrorist” incidents. In 2021, UNDSS recorded 886 civilian casualties (305 killed, 581 wounded) in 2,477 incidents; UNDSS, January 2023.

²⁸² UN Security Council, *Implementation of Resolution 2682 (2023): Report of the Secretary-General*, S/2023/700, 26 September 2023, www.ecoi.net/en/document/2099191.html, para. 52; UN Security Council, *Implementation of Resolution 2631 (2022): Report of the Secretary-General*, S/2023/340, 11 May 2023, www.ecoi.net/en/file/local/2092084/N2312267.pdf, para. 50.

²⁸³ This compares to at least 740 civilian deaths in 2022 and 669 deaths in 2021; IBC, *Database: Documented Civilian Deaths from Violence*, accessed 28 January 2024, www.iraqbodycount.org/database. In 2022, nearly half of the recorded deaths were attributed to “terrorist elements” (338 civilian deaths), including Da’esh, while other deaths were caused by tribes (125) and the ISF (118). In the KR-I deaths caused by Turkish armed forces were also included. IBC’s figure also includes 159 bodies which were discovered in 2022 in areas formerly held by Da’esh, including in mass graves and under the rubble of destroyed buildings. In addition, IBC documented 1,273 combatant deaths in 2022; IBC, *Iraq’s Residual War*, 1 January 2023, <https://bit.ly/41qXu9f>. On tribal violence, see also Section II.B.1.d.

²⁸⁴ This compares to 1,910 fatalities in 2022 and 2,135 in 2021; ACLED, *ACLED Dashboard*, accessed 28 January 2024, <https://acleddata.com/dashboard>.
²⁸⁵ Musings on Iraq, *Violence in Iraq Jan 8-14, 2024*, 15 January 2024, <https://bit.ly/48M1iG1>. This compares to the killing of 279 and the wounding of 579 civilians and combatants in 2022; Musings on Iraq, *Violence Slightly Up in Iraq as Islamic State Launches Revenge Campaign*, 4 January 2023, <https://bit.ly/498nx8L>.

²⁸⁶ In 2022, the UN verified the killing and maiming of 15 children by Turkish military air strikes against PKK targets; UN General Assembly / Security Council, *Children and Armed Conflict: Report of the Secretary-General*, A/77/895-S/2023/363, 5 June 2023, www.ecoi.net/en/document/2095409.html (hereafter: UN General Assembly / Security Council, *Children and Armed Conflict*, 5 June 2023, www.ecoi.net/en/document/2095409.html), para. 73. During 2022: “Other state actors who caused significant civilian casualties from air launched weapons include Turkey, which reportedly caused (...) 126 [civilian casualties] in Iraq”; Action on Armed Violence (AOAV), *Explosive Violence Monitor 2022*, 24 April 2023, www.ecoi.net/en/document/2094768.html, pp. 10-11. See also Sections II.B.1.c and II.B.2.a.

²⁸⁷ UN Security Council, *Implementation of Resolution 2631 (2022): Report of the Secretary-General*, S/2023/340, 11 May 2023, www.ecoi.net/en/file/local/2092084/N2312267.pdf, para. 50 (and earlier reports). According to AOAV, between 2011 and 2021, 92% of civilian harm in Iraq was caused by explosive weapons used in populated areas; AOAV, *Iraq*, 2022, <https://bit.ly/3oKBSGz>.

²⁸⁸ Fighting in Baghdad’s Green Zone on 29 August 2022, which included the use of mortars and rocket-propelled grenades, killed at least 30 and injured 400. In 2022, “Iraq saw the highest level of civilian harm recorded since 2018, with civilian casualties of explosive violence increasing by 43% from 620 in 2021 to 885 – due in large part to a 723% increase in civilians harmed in ground-launched attacks by non-state and unknown actors (from 61 in 2021 to 502 in 2022), and a 398% increase in civilian casualties of air-launched weapons (from 43 in 2021 to 214 in 2022), predominantly perpetrated by state actors”; AOAV, *Explosive Violence Monitor 2022*, 24 April 2023, www.ecoi.net/en/document/2094768.html, pp. 10-11. These 885 casualties occurred in 253 incidents, including one incident affecting health care, three incidents affecting education and three incidents affecting aid access; Explosive Weapons Monitor, *2021-2022: Two Years of Global Harm to Civilians from the Use of Explosive Weapons*, April 2023, <https://bit.ly/3oO20iU>. Between 2013 and 2023, Iraq was the country second most affected by explosive weapons, with an estimated 45,398 casualties; AOAV, *122% Rise in Global Civilian Fatalities from Explosive Weapons in 2023: A Year of Harm Reviewed*, 8 January 2024, <http://tinyurl.com/4a2dw659>. See also, AOAV, *Iraq: The Ongoing Legacy of an Illegal War*, 17 March 2023, <https://bit.ly/3zQj0Xs>.

²⁸⁹ “Iraq ranks among the globe’s most affected nations by explosive ordnance (EO), with recorded contamination spanning approximately 2,336 square kilometres. This encompasses mines, cluster munitions, improvised explosive devices (IEDs), and other explosive remnants of war (ERW) from past conflicts (...);” UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 49. See also, United Nations Mine Action Service (UNMAS), *Where we Work: Iraq*, December 2023, <http://tinyurl.com/3ukcjp55>; UN Security Council, *Protection of Civilians in Armed Conflict: Report of the Secretary-General*, S/2023/345, 12 May 2023, www.ecoi.net/en/document/2092630.html, para. 12.

²⁹⁰ In 2022, the UN verified the killing and maiming of 85 children by ERW; UN General Assembly / Security Council, *Children and Armed Conflict*, 5 June 2023, www.ecoi.net/en/document/2095409.html, para. 73. “In 2022, explosive remnants of war continued to be the leading cause of child casualties in Iraq and caused overall one third of civilian casualties”; UNAMI, *Briefing to the UN Security Council*, SRSG Jeanine Hennis-Plasschaert, 2 February

D. Human Rights Situation

Despite the Federal and KRG authorities' stated commitment to upholding their national and international human rights obligations, the environment for the protection of human rights remains fragile.²⁹¹ This chapter focuses on human rights violations and abuses by various State and non-State actors, including in particular the right to life, the right to freedom from torture and other forms of ill-treatment, the right to liberty, as well as the rule of law and administration of justice in Iraq.

Other human rights violations and abuses, such as gender-based violence, violations of freedom of religion, freedom of expression and assembly are addressed within the relevant risk profiles, which describe the treatment of specific groups of individuals by State and non-State actors.

1) State Actors

a) The Federal Administration, the Judiciary and the ISF, Including PMF Factions Operating Outside State Control

Arbitrary Arrests

In the context of the 2014-2017 armed conflict with Da'esh, the ISF arrested and detained large numbers of primarily Arab men and boys of fighting age. In September 2021, the Ministry of Justice stated that nearly 50,000 individuals suspected of having terrorism links remained in detention, including many who were sentenced to death.²⁹² Among these detainees, over 900 children, some as young as nine years old,²⁹³ are

2023, <https://bit.ly/3EKuJvJ>. "Boys are disproportionately impacted due to incidents of child labour, such as grazing animals or collecting scrap metal to sell"; UN Children's Fund (UNICEF) / UNMAS, *On International Mine Awareness Day, UNICEF and UNMAS Call for an Iraq Free of Explosive Ordnance*, 4 April 2022, <https://uni.cf/3K9DwYc>. See also, AOV, *Explosive Violence in August 2022*, 25 September 2022, <https://bit.ly/3L1quiz>.

²⁹¹ "(...) while Iraq has made strides in certain areas, significant challenges persist in ensuring the comprehensive protection of human rights as per Iraq's national and international commitments"; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 17. "Respect for human rights appears to be generally backsliding, including in the Iraqi Kurdistan Region"; US Department of Defense, *Lead Inspector General Report*, 7 February 2023, <https://bit.ly/3F0ecDy>, p. 35. The SRSG for Iraq, Jeanine Hennis-Plasschaert, reminded the Iraqi Government that "[G]enuine commitment to human rights is pivotal to any country, including Iraq. (...) Silencing, obstructing, dismissing or undermining constructive criticism tarnishes the image of the State and erodes public trust"; UNAMI, *Iraq Must Seize 'Brief Window of Opportunity' to Turn Tide of Instability*, 2 February 2023, <https://bit.ly/3y9Gass>. See also, OHCHR, *UN High Commissioner for Human Rights Volker Türk Concludes his Official Visit to Iraq*, 9 August 2023, <https://shar.es/afNSGx>.

²⁹² HRW, *Human Rights Watch Submission to the UN Human Rights Committee in Advance of its Review of Iraq*, January 2022, www.ecoi.net/en/document/2075228.html (hereafter: HRW, *Submission to the UN Human Rights Committee*, January 2022, www.ecoi.net/en/document/2075228.html); Bas News, *Nearly 50,000 People in Iraqi Prisons over Suspected Terrorism Links*, 6 September 2021, <https://bit.ly/3TcJtlz>.

²⁹³ The minimum age of criminal responsibility is nine; Republic of Iraq, *Juvenile Welfare Act (Law No. 76 of 1983)*, available in English at: <https://bit.ly/3sQivvU>, art. 47(1). The CAT expressed concern "about the low minimum age of criminal responsibility (9 years of age), currently subject to amendment to 11 years, as is the case in the Kurdistan region"; UN Committee Against Torture (CAT), *Concluding Observations on the Second Periodic Report of Iraq*, CAT/C/IRQ/CO/2, 15 June 2022, www.ecoi.net/en/document/2075320.html (hereafter: CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html), para. 26. "The courts may be lenient with children between ages 9 and 13 but may also issue prison sentences on charges of affiliation with ISIS or for covering up its members and other cases classified as terrorism in Iraqi law"; UNDP, *Challenges for the Return and Reintegration of Women and Children*, October 2022, www.ecoi.net/en/document/2082671.html, p. 57.

held on charges related to national security, including affiliation with Da'esh.²⁹⁴ Other men and boys who have been arbitrarily arrested over the years are reported to remain missing.²⁹⁵

Arbitrary arrests remain common, mostly for suspicions of Da'esh affiliation under the Anti-Terrorism Law of 2005,²⁹⁶ and occur frequently at checkpoints, during house searches and military operations.²⁹⁷ Various security agencies are reported to be involved in arbitrary arrests and detention, including the Federal Police, the National Security Service (NSS), and various PMF factions.²⁹⁸ At times, family members are arrested *in lieu of* wanted persons.²⁹⁹

Persons of other profiles, including in particular journalists and media professionals, civil society activists, human rights defenders and others perceived to be critical of the government are also subjected to arbitrary arrest and detention, including under the 2005 Anti-Terrorism Law.³⁰⁰ PMF factions are also reported to arbitrarily arrest and detain members of ethnic and religious minority groups in Ninewa Governorate.³⁰¹

Deficiencies in the coordination among the multiple judicial authorities and security actors, and a lack of a single centralized register of persons deprived of their liberty³⁰² are reported to lead in some cases to the

²⁹⁴ "(...) Iraqi and KRG authorities continued to inappropriately detain and prosecute without legal representation children allegedly affiliated with ISIS – some of whom were victims of forcible recruitment and use – and used abusive interrogation techniques and torture to obtain confessions; the Iraqi government did not report screening these children as potential trafficking victims or referring them to protection services"; US Department of State, 2023 Trafficking in Persons Report: Iraq, 15 June 2023, www.ecoi.net/en/document/2093605.html. "As at December 2022, 936 children (927 boys, 9 girls) remained in detention on national security-related charges, including for their actual or alleged association with armed groups, primarily Da'esh"; UN General Assembly / Security Council, Children and Armed Conflict, 5 June 2023, www.ecoi.net/en/document/2095409.html, para. 72. "(...) the Anti-Terrorism Law of 2005, which stipulates a death sentence or life imprisonment for anyone convicted of a terrorist act, does not include any age exemptions. While the measures set forth in the Juvenile Welfare Act should apply in anti-terrorism proceedings, in practice this is not always the case"; Institute for International Law and Human Rights (IILHR), Legislative Review: Draft Law on Child Protection, May 2023, <https://bit.ly/3S86YTL>, p. 22. See also, UN Security Council, Protection of Civilians in Armed Conflict: Report of the Secretary-General, S/2023/345, 12 May 2023, www.ecoi.net/en/document/2092630.html, para. 38; E. van Eijk, Displaced, Unwanted and Undocumented. Children Born into Iraqi and Syrian Families with (Perceived) Terrorist Affiliations, 2022, <https://bit.ly/3FzZVt2>, p. 21.

²⁹⁵ Iraqi Observatory for Human Rights (IOHR), Forced Disappearances in Iraq: Around 12,000 Reports of Missing Persons in the Last Six Years, 30 August 2023, www.ecoi.net/en/document/2096746.html; CED, Information on the Visit and Findings, 31 March 2023, <https://bit.ly/3MgQs2i>, paras 24-25; Diyaruna, Iraqis Seeking Answers on 'Forcibly Disappeared' Point to Iran-Backed Militias, 16 September 2022, <https://bit.ly/3TdQrV5>; HRW, Submission to the UN Human Rights Committee, January 2022, www.ecoi.net/en/document/2075228.html.

²⁹⁶ Republic of Iraq, Anti-Terrorism Law (Law No. 13 of 2005), 7 November 2005, www.refworld.org/docid/5bd093414.html. "The constitution and laws prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. Despite such protections there were numerous reports of arbitrary arrests and detentions, predominantly of Sunni Arabs, including internally displaced persons (...). Local media and human rights groups reported authorities arrested suspects in security sweeps without warrants, particularly under the antiterrorism law, and frequently held such detainees for prolonged periods without charge or registration. (...) Many reports of arbitrary or unlawful detention involved suspected members or supporters of ISIS and their associates and family members"; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also, Freedom House, Freedom in the World 2023: Iraq, May 2023, <https://bit.ly/3gej1V3>; UN Human Rights Committee, Concluding Observations on the Sixth Periodic Report of Iraq, CCPR/C/IRQ/CO/6, 16 August 2022, www.ecoi.net/en/document/2077747.html (hereafter: UN Human Rights Committee, Concluding Observations on the 6th Periodic Report, 16 August 2022, www.ecoi.net/en/document/2077747.html), para. 22; and Section III.A.1.a.

²⁹⁷ CED, Report of the Committee on Enforced Disappearances on its Visit to Iraq under Article 33 of the Convention: Observations and Recommendations, CED/C/IRQ/VR/1 (Recommendations), 31 March 2023, <https://bit.ly/3MjZtb0> (hereafter: CED, Observations and Recommendations, 31 March 2023, <https://bit.ly/3MjZtb0>), paras 77-78; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html; CAT, Concluding Observations, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 18.

²⁹⁸ "There were numerous reports of arbitrary arrest or unlawful detention by government forces, including by ISF, NSS, PMF, Peshmerga, and Asayish security forces. (...) The Ministries of Justice, Defense, Interior, and Labor and Social Affairs are authorized by law to hold pretrial detainees. The NSS intelligence agency and the Counterterrorism Service, which both report directly to the Prime Minister's Office, may also hold pretrial detainees in limited circumstances, for a brief period"; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html. For example, the PMF's Shabak-led "30th Brigade has frequently detained people without warrants, or with fraudulent warrants" in the Ninewa Plains; Washington Institute, Profile: Hashd Al-Shabak (PMF Brigade 30), 22 June 2022, <https://bit.ly/3v1m3vp>. According to HRW, "the central government failed to disclose which security and military structures have a legal mandate to detain people, and in which facilities"; HRW, Submission to the UN Human Rights Committee, January 2022, www.ecoi.net/en/document/2075228.html. See also, NINA, A Force from the Popular Mobilization Forces Arrests a Terrorist in Nineveh, 27 January 2024, <https://bit.ly/47Wabyk>; Shafaq News, Saraya Al-Salam Detain ISIS Member in Saladin, 13 January 2024, <http://tinyurl.com/34wdv2i9>; NINA, The PMF Arrests Two Terrorists in Kirkuk, 8 January 2024, <http://tinyurl.com/27tynahdr>.

²⁹⁹ See Section III.A.1.b.

³⁰⁰ US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html; GCHR, Patterns of Torture in Iraq, September 2022, <https://bit.ly/3NTGm8z>, p. 15. See also Sections III.A.2 and III.A.6.

³⁰¹ See Section III.A.5.a.

³⁰² Registers for persons deprived of liberty by various actors "are not interconnected. Further, the information kept by the security agencies of the KRG is not linked to the databases of the federal government." As a result, "(...) each place of deprivation of liberty has its isolated records with different features and formats." The lack of a centralized register also complicates the search for and localization of persons following their arrest, with relatives having "to approach various authorities to access their respective registers. When the names of their relatives do not appear, they cannot enquire further in the visited place. No authority carries out a systematic and exhaustive cross-check of all existing registers"; CED, Observations and Recommendations, 31 March 2023, <https://bit.ly/3MjZtb0>, paras 61-63. See also, CAT, Concluding Observations, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 10.

re-arrest of persons previously cleared of terrorism charges or who had already served a sentence.³⁰³ Similarly, the release of some detainees following their exoneration was reportedly delayed due to administrative issues or in order to secure a bribe.³⁰⁴

Pre-Trial Detention and “Enforced Disappearance”

Detainees, including children, commonly do not have timely and effective legal representation.³⁰⁵ They are frequently not informed about the charges brought against them.³⁰⁶ Reports indicate that they are often held in prolonged pre-trial detention without timely review of their arrest and detention by a competent judge.³⁰⁷ Detainees’ families often do not receive timely notification about their relatives’ arrest and detention, while others are not notified at all.³⁰⁸ If and when families are informed, they have reportedly been asked by officials to pay exorbitant sums in exchange for information, or to secure the release of their detained family members, in some cases after they have completed their sentences.³⁰⁹ According to UNAMI and the Office of the High Commissioner for Human Rights (OHCHR), “the denial of the rights to visit and communication, combined with the lack of access to lawyers during the interrogation phase, may create conditions amounting to incommunicado detention.”³¹⁰

There are “persistent allegations to the existence” of secret detention facilities, including to hold suspected Da’esh affiliates without due process or judicial review.³¹¹

³⁰³ See Section III.A.1.a.

³⁰⁴ US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also, Jummar (independent Iraqi media initiative), *Iraqi Prisoners Blackmailed to Pay to Obtain Release Papers after Completing their Sentence*, 16 October 2023, <https://bit.ly/49AN5Nd>; UNAMI/OHCHR, *Human Rights in the Administration of Justice in Iraq: Legal Conditions and Procedural Safeguards to Prevent Torture and Ill-Treatment*, August 2021, www.ecoi.net/en/document/2057640.html (hereafter: UNAMI/OHCHR, *Human Rights in the Administration of Justice in Iraq*, August 2021, www.ecoi.net/en/document/2057640.html), p. 17.

³⁰⁵ “(...) the right to access to a lawyer is systematically delayed and exercised only after the preliminary investigation interviews with the security forces and the investigative judge have taken place; persons suspected of terrorism-related offences are often not provided effective legal representation”; CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 10. See also, Freedom House, *Freedom in the World 2023: Iraq*, May 2023, <https://bit.ly/3qej1V3>; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html.

³⁰⁶ US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html.

³⁰⁷ “The lack of judicial review resulted from several factors, including the large number of detainees, undocumented detentions, slow processing of criminal investigations, an insufficient number of judges and trained judicial personnel, authorities’ inability or reluctance to use bail or other conditions of release, lack of information sharing, bribery, and corruption. (...) Authorities reportedly held numerous detainees without trial for months or years after arrest, particularly those detained under the antiterrorism law”; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also, UN Human Rights Committee, *Concluding Observations on the 6th Periodic Report*, 16 August 2022, www.ecoi.net/en/document/2077747.html, para. 22; CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 10; and Section III.A.1.a.

³⁰⁸ “(...) testimonies indicated that the possibility to call is frequently delayed, especially during the investigation phase, and may be refused to some detainees. Other witnesses reported that they were detained and later released after having spent years during which they had no contact with the outside world, including their lawyers and families, that remained without information about their whereabouts. These testimonies referred to various places, including a very large building divided into two parts, that host thousands of disappeared people from the Kirkuk governorate. (...) The Committee underlines that such patterns, and more generally, the denial of the rights to visit and communication, combined with the lack of access to lawyers, may amount to secret detention and constitute a violation of articles 17 and 18 of the Convention [for the Protection of All Persons from Enforced Disappearance]”; CED, *Observations and Recommendations*, 31 March 2023, <https://bit.ly/3MjZtb0>, paras 71-72. Note that “enforced disappearance” does not exist as an autonomous crime in Iraqi legislation, but disappearances can theoretically be prosecuted under the Penal Code and the Counter-Terrorism Law. The CED stated that Iraq must “criminalize enforced disappearance as an autonomous offense”; *Ibid.*, para. 48. See also, US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html; CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 10; UN Human Rights Committee, *Concluding Observations on the 6th Periodic Report*, 16 August 2022, www.ecoi.net/en/document/2077747.html, para. 22.

³⁰⁹ The CED described a “a widespread practice” of extortions, with families “requested to pay high amounts of money in exchange for photos, information, or for the release of their disappeared loved one. In some cases, pictures of the disappeared person are indeed handed over, usually figuring them in places of detention that cannot be identified. Other times, the disappeared person is released. In other cases, the money is taken, but the loved one never appears”; CED, *Observations and Recommendations*, 31 March 2023, <https://bit.ly/3MjZtb0>, para. 92. “Families of inmates reported being forced to pay up to \$200 for visit permits and \$10,000 to complete prisoner release processes”; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also, Al-Monitor, *Iraq Keeps Wary Eye on Prison Security after Islamic State Jailbreak in Syria*, 8 February 2022, <https://bit.ly/3x13lyS>.

³¹⁰ UNAMI/OHCHR, *Human Rights in the Administration of Justice in Iraq*, August 2021, www.ecoi.net/en/document/2057640.html, p. 16.

³¹¹ The CED reported “persistent allegations related to the existence of ‘secret places of detention’. Two kinds of allegations exist: in some cases, reference is made to situations amounting to secret detention in official and known places of detention such as the Cropper Prison at Al-Muthanna Baghdad International Airport, the ‘Al Hoot Prison’ at Nasiriyah, or the Chamchamal Prison in the district of Sulaymaniyah governorate (Kurdistan Region). In other cases, people refer to secret places of deprivation of liberty that ‘nobody can access to’. Within the examples mentioned to the Committee include detention facilities in Jurf al-Sakhar; and a prison that would be ‘below Abu Zainab al-Hashd al-Sha’abi in the back of the Mall of Life before the intersection of the session at the descent of the two-story bridge’. Interlocutors of the Delegation also referred to ‘secret places of detention’ at the border with Türkiye and Syria. None of these examples could be verified by the Committee or any other entity or authority: according to available information, even high-ranking governmental representatives are denied access to such places. The State party has persistently rejected such allegations”; CED, *Observations*

Detention Conditions

Official places of detention are administered by the Ministries of Justice, the Interior, Defence and Labour and Social Affairs.³¹²

Detention and prison conditions have been described as “unacceptable”³¹³ and in some cases “inhumane”³¹⁴ and “life-threatening”.³¹⁵ Detainees and prisoners are reported to be held in poor and overcrowded conditions,³¹⁶ with limited access to food, water, sanitation, and medical care.³¹⁷ Conditions in unofficial detention centres are reported to be particularly dire.³¹⁸ Families are reportedly forced to pay bribes in order to improve their relatives’ detention conditions.³¹⁹

The Government allows only for announced visits to prisons and detention centres by inspection bodies such as the Iraqi High Commission for Human Rights (IHCHR).³²⁰

Children are reported to be imprisoned in overcrowded juvenile facilities,³²¹ or, in some instances, together with adults.³²² They have limited options for rehabilitation and reintegration.³²³ Children are at times

and Recommendations, 31 March 2023, <https://bit.ly/3MJZtb0>, para. 80. “Informed sources reported the 30th PMF Brigade continued to operate secret prisons in several locations in Ninawa Province, which held unknown numbers of detainees arrested on sectarian-based and reportedly false pretenses”; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also, GCHR, Patterns of Torture in Iraq, September 2022, <https://bit.ly/3NTGm8z>, p. 11; UN Human Rights Committee, Concluding Observations on the 6th Periodic Report, 16 August 2022, www.ecoi.net/en/document/2077747.html, para. 22; CAT, Concluding Observations, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 16.

³¹² “The Iraqi Correctional Service, part of the Ministry of Justice, administered 29 facilities in the country. The Justice, Defense, and Interior Ministries operated 24 detention facilities. The Counter Terrorism Service also ran at least one pretrial detention facility”; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html.

³¹³ UN Human Rights Committee, Concluding Observations on the 6th Periodic Report, 16 August 2022, www.ecoi.net/en/document/2077747.html, para. 22.

³¹⁴ HRW, Submission to the Committee Against Torture and Other Cruel, Inhuman, or Degrading Punishment ahead of the Review of the Republic of Iraq, March 2022, www.ecoi.net/en/document/2071301.html (hereafter: HRW, Submission to the Committee Against Torture and Other Cruel, Inhuman, or Degrading Punishment, March 2022, www.ecoi.net/en/document/2071301.html).

³¹⁵ “Prison and detention center conditions were harsh and occasionally life threatening due to food shortages, gross overcrowding, physical abuse, inadequate sanitary conditions and medical care, and the threat of communicable illnesses”; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html.

³¹⁶ According to Kamil Amin, spokesperson for the Ministry of Justice, Iraq’s federal prisons are “extremely overcrowded, some operating at as much as 300 percent capacity (...)”; Rudaw, Iraqi Prisons Overcrowded up to 300 Percent Capacity: Justice Ministry, 14 April 2023, <https://bit.ly/3lj1T6S>. “Overcrowding in government-run prisons was a systemic problem exacerbated by the number of alleged ISIS members detained by the government. (...) According to a government official, overcrowding across prisons in general increased during the year, unofficially to approximately 40 percent over capacity, due to law enforcement efforts against drugs in the country (...)”; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html. According to UNAMI/OHCHR, “[T]he excessive use and length of pre-trial detention constitutes one of the underlying causes of overcrowding, which results in conditions that may amount to ill-treatment or even torture”; UNAMI/OHCHR, Human Rights in the Administration of Justice in Iraq, August 2021, www.ecoi.net/en/document/2057640.html, p. 18. See also, Shafaq News, Human Rights Watch Calls for Establishing a ‘Correctional City’ to Address Prisons Overcrowding, 2 January 2024, <https://bit.ly/48DLip7>; Bas News, Prison Overcrowding in Iraq Leads to Diseases, 14 July 2023, <https://bit.ly/3PYf3e7>.

³¹⁷ The CAT expressed concern “about reports indicating overcrowding and poor material conditions of detention in places of deprivation of liberty, in particular water supply and sanitation problems, the poor quality of the food provided, shortages in medical and health-care services, the lack of psychosocial support for those who need specialized services, especially persons with disabilities, and limited recreational or educational activities to foster rehabilitation”; CAT, Concluding Observations, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 24.

³¹⁸ US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html.

³¹⁹ “Families may also be forced to pay bribes in order to visit their relatives, provide them with food and clothing, ensure that they are not subjected to torture and ill-treatment, or transfer them to clean cells with clean air, air conditioning and sanitary bathrooms. (...) Other forms of extortion are those related to sick detainees, as wardens blackmail their families in order to let them provide food and medicine to the detainee or refer the person to a hospital for treatment”; Fanack, Iraqi Prisons: Horrors Behind Bars, 14 July 2022, <https://bit.ly/3EWkrZL>. (...) Guards allegedly demanded bribes or beat detainees when detainees asked to call their relatives or legal counsel”; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html.

³²⁰ GCHR, Patterns of Torture in Iraq, September 2022, <https://bit.ly/3NTGm8z>, p. 16; UN Human Rights Committee, Concluding Observations on the 6th Periodic Report, 16 August 2022, www.ecoi.net/en/document/2077747.html, para. 20; CAT, Concluding Observations, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 22.

³²¹ “In October [2022] a senior government official reported the five juvenile correctional facilities held more than 100 percent of their maximum capacity (an improvement from more than 150 percent of capacity in 2021), with more than half of juveniles held for terrorism-related convictions”; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html. “(...) the Iraqi juvenile justice system is ‘characterized by over-reliance on custodial measures for children in conflict with the law’ (...) [which] contravenes Article 37 of the Convention on the Rights of the Child”; ILHR, Legislative Review: Draft Law on Child Protection, May 2023, <https://bit.ly/3S86YTL>, pp. 22-23. See also, NINA, The Human Rights Office in Basra Calls on the Police Leadership to Take Urgent Measures due to the Reality of the Juvenile Police Station, 29 December 2023, <https://bit.ly/3vdxUcQ>; CAT, Concluding Observations, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 26.

³²² UN Security Council, Children and Armed Conflict in Iraq: Report of the Secretary-General, S/2022/46, 26 January 2022, www.ecoi.net/en/document/2068159.html, para. 27; Heartland Alliance International, Iraq, 2022, <https://bit.ly/3bb1fKY>.

³²³ “The United Nations is not aware of specific programmes in the juvenile correction centres aimed at family and community reintegration of children upon their release”; UN Security Council, Fifteenth Report of the Secretary-General on the Threat Posed by ISIL (Da’esh) to International Peace and Security

detained or imprisoned with their mothers with no access to education, adequate nutrition and health care.³²⁴

Torture and Other Forms of Ill-Treatment

Despite legal safeguards to prevent torture,³²⁵ the use of torture and other forms of ill-treatment, including against children,³²⁶ has been described as widespread across the country, particularly during arrest and in pre-trial detention.³²⁷ Sexual harassment, exploitation and abuse of men, women, boys and girls in custody have also been alleged.³²⁸ Mostly, torture and other forms of ill-treatment are used during interrogations to elicit confessions such as admitting to Da'esh membership.³²⁹ Prisoners on death row are reported to be

and the Range of United Nations Efforts in Support of Member States in Countering the Threat, S/2022/576, 26 July 2022, www.ecoi.net/en/document/2076995.html, para. 60. See also, CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 26.

³²⁴ "According to Justice Ministry data, in prisons that held alleged ISIS-affiliated women, authorities also detained children up to 12 years old with their mothers"; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also, Kirkuk Now, *Children of Women Detainees in Kirkuk Robbed of Food and Freedom*, 14 June 2021, <https://bit.ly/3BP1rM6>. Women's prisons are reported to "suffer from overcrowding, poor infrastructure and services, and violations against female prisoners"; UNDP, *Challenges for the Return and Reintegration of Women and Children*, October 2022, www.ecoi.net/en/document/2082671.html, p. 56.

³²⁵ Article 37(C) of the Iraqi Constitution prohibits all forms of "psychological and physical torture and inhumane treatment" and guarantees the right to seek compensation for material and moral damages. Furthermore, Article 332 of the Penal Code further criminalizes "cruel treatment" by a public official or agent and Article 333 criminalizes acts of torture. The definition of torture in Iraqi law, however, falls short of the internationally accepted definition as included for example in the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment. The adoption of a draft Anti-Torture Law has been under discussion before the CoR since 2017. The CAT expressed concern "about the information received that the bill still falls short of the requirement under the Convention, consistent with article 1, that such definition contain all elements of the crime of torture, among other things"; CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 8. The draft law does not foresee access to an individual complaint mechanism; UN Human Rights Committee, *Concluding Observations on the 6th Periodic Report*, 16 August 2022, www.ecoi.net/en/document/2077747.html, para. 20. See also, GCHR, *Patterns of Torture in Iraq*, September 2022, <https://bit.ly/3NTGm8z>, pp. 7-8.

³²⁶ CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 14; HRW, *Submission to the Committee Against Torture and Other Cruel, Inhuman, or Degrading Punishment*, March 2022, www.ecoi.net/en/document/2071301.html; HRW, *Iraq Detains More than 1,000 Children as ISIS Suspects*, 17 February 2022, www.ecoi.net/en/document/2068260.html.

³²⁷ "Former prisoners, detainees, and international human rights organizations documented cases of torture and other cruel, inhuman, or degrading treatment or punishment in Ministry of Interior-run facilities and, to a lesser extent, in Ministry of Defense-run detention facilities. (...) According to government forensics officials, some victims showed signs of extensive beatings, in addition to bone fractures"; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. The CAT "remains concerned about reports indicating that persons in custody, including in the facilities under the authority of security forces and facilities reportedly unknown to detainees, are subjected to torture or ill-treatment, in particular during the investigation stage of proceedings"; CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 12. See also, Bas News, *Iraqi Lawyer Exposes Shocking Torture Practices in Two Prisons*, 8 January 2024, <http://tinyurl.com/yeyu3c4m>; GCHR, *Patterns of Torture in Iraq*, September 2022, <https://bit.ly/3NTGm8z>; UN Human Rights Committee, *Concluding Observations on the 6th Periodic Report*, 16 August 2022, www.ecoi.net/en/document/2077747.html, para. 20; and Section III.A.1.a.

³²⁸ Washington Post, *A U.S. Ally in Iraq Vowed to Tackle Corruption. Torture and Extortion Followed*, 21 December 2022, <https://wapo.st/3Yb0nc5>; CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 24. See also, Fanack, *Iraqi Prisons: Horrors Behind Bars*, 14 July 2022, <https://bit.ly/3EWkrZL>; UNAMI/OHCHR, *Human Rights in the Administration of Justice in Iraq*, August 2021, www.ecoi.net/en/document/2057640.html, p. 11.

³²⁹ Washington Post, *A U.S. Ally in Iraq Vowed to Tackle Corruption. Torture and Extortion Followed*, 21 December 2022, <https://wapo.st/3Yb0nc5>; GCHR, *Patterns of Torture in Iraq*, September 2022, <https://bit.ly/3NTGm8z>, pp. 13-15; UNAMI/OHCHR, *Human Rights in the Administration of Justice in Iraq*, August 2021, www.ecoi.net/en/document/2057640.html, pp. 19-20. "In the case of children and youth, there is a very high likelihood of confessions extracted through fear and/or coercion, particularly in the absence of family members or lawyers"; Terre des Hommes, *Understanding the Legal Pathways for Children in Contact with the Law Within the Iraqi Criminal Justice System*, March 2022, <https://bit.ly/3VDiZBq>, p. 5. On the overreliance on forced confessions during trials, especially in terrorism-related cases, see also below "Fair Trial Violations" and Section III.A.1.a.

subjected to torture and other forms of ill-treatment, including false announcements of their impending execution.³³⁰ Deaths in detention as a result of torture and lack of medical care have been reported.³³¹

Fair Trial Violations

The criminal justice system reportedly remains “deeply flawed” with “systematic” violations of defendants’ right to a fair trial,³³² in particular for those charged under the Anti-Terrorism Law.³³³ At the hearing, defendants have a private or State-appointed lawyer; however, the lawyers regularly have limited or no access to the defendant prior to the trial.³³⁴

Judges are reported to often convict the accused, including children, mainly or solely based on confessions obtained under torture or duress or information obtained from secret informants – especially in terrorism cases.³³⁵ Observers report that judges rarely order forensic medical examinations to investigate torture allegations, and even when they do and evidence of torture is found, they are reported to not systematically call for retrials.³³⁶ Detainees mostly refrain from lodging complaints for fear of reprisals.³³⁷ Under the 2005

³³⁰ CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 30.

³³¹ “Hundreds of detainees have died in recent years as a result of torture and poor detention conditions”; Euro-Med Human Rights Monitor, *Iraq: Little to Report on the Progress of Achieving Justice after 150 Days of Al-Sudani’s Government Taking Power*, 28 March 2023, <https://bit.ly/41qlAR4>; “Local NGOs reported deaths at pretrial detention facilities, deportation prisons, and prisons were due to the continuation of systematic torture and the poor conditions in detention centers. (...) On June 11 [2022], Afad Observatory for Human Rights (AOHR) reported 42 inmates died in the previous five months in Baghdad’s Taji prison, allegedly from malnutrition and torture, which the AOHR substantiated through written testimonies and audio recordings with inmates’ families”; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also, NINA, *The Human Rights Office in Basra Calls for an Investigation into the Death of a Detainee in a Police Station*, 20 March 2023, <https://bit.ly/42piRJj>; Washington Post, *A U.S. Ally in Iraq Vowed to Tackle Corruption. Torture and Extortion Followed*, 21 December 2022, <https://wapo.st/3Yb0nc5>; UNDP, *Challenges for the Return and Reintegration of Women and Children*, October 2022, www.ecoi.net/en/document/2082671.html, p. 61; CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 28.

³³² Freedom House, *Freedom in the World 2023: Iraq*, May 2023, <https://bit.ly/3gej1V3>. See also, US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html; HRW, *Submission to the UN Human Rights Committee*, January 2022, www.ecoi.net/en/document/2075228.html.

³³³ See Section III.A.1.a.

³³⁴ “Attorneys appointed to represent detainees frequently complained that insufficient access to their clients hampered adequate attorney/client consultation. In many cases detainees were not able to meet their attorneys until their scheduled trial date. (...) Defendants frequently did not have adequate time or facilities to prepare a defense. Insufficient access to defense attorneys was a serious defect in investigative, trial, and appellate proceedings”; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html.

³³⁵ “In numerous cases judges reportedly relied on forced or coerced confessions as the primary or sole source of evidence in convictions, without the corroboration of forensic evidence or independent witness testimony. The law provides for retrials of detainees convicted due to forced or coerced confessions or evidence provided by secret informants, but local organizations reported the law was selectively implemented”; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also, Euro-Med Human Rights Monitor, *Iraq: Little to Report on the Progress of Achieving Justice after 150 Days of Al-Sudani’s Government Taking Power*, 28 March 2023, <https://bit.ly/41qlAR4>; HRW, *Submission to the Committee Against Torture and Other Cruel, Inhuman, or Degrading Punishment*, March 2022, www.ecoi.net/en/document/2071301.html; and Section III.A.1.a.

³³⁶ US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html; CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 14; HRW, *Submission to the Committee Against Torture and Other Cruel, Inhuman, or Degrading Punishment*, March 2022, www.ecoi.net/en/document/2071301.html.

³³⁷ “According to the information before the Committee, detainees often do not lodge complaints due to their fear of retaliation and, in cases where such complaints are lodged, the information on investigations carried out and their outcome is lacking. Moreover, the role of investigative judges casts doubt on the impartiality of investigations into torture allegations during ongoing criminal proceedings, because the same investigative judge leading the investigation into an alleged criminal offence is responsible for investigations of such torture claims”; CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 12. Interviewees told UNAMI that they feared reprisals such as “being sent back” to the same facility” and “threats by security officers, who would often accompany a detainee to the sessions before the investigative judge.” Others said they believed that “their complaint would be fruitless”; UNAMI/OHCHR, *Human Rights in the Administration of Justice in Iraq*, August 2021, www.ecoi.net/en/document/2057640.html, p. 21. See also, US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html; UN Human Rights Committee, *Concluding Observations on the 6th Periodic Report*, 16 August 2022, www.ecoi.net/en/document/2077747.html, para. 20; Fanack, *Iraqi Prisons: Horrors Behind Bars*, 14 July 2022, <https://bit.ly/3EWkrZL>.

Anti-Terrorism Law, Da'esh suspects, including children,³³⁸ are prosecuted on broad charges of Da'esh affiliation.³³⁹

Death Penalty

Capital punishment is mandatory for a wide range of crimes,³⁴⁰ including under the 2005 Anti-Terrorism Law.³⁴¹ In spite of serious concerns over due process shortcomings and repeated calls by the UN and human rights organizations for a moratorium on all death sentences and executions,³⁴² the death penalty is frequently imposed, mostly under the Anti-Terrorism Law,³⁴³ and some 11,000 persons are reported to be on death row.³⁴⁴ UNAMI documented the execution of 14 prisoners in July and August 2023,³⁴⁵ and the execution of 13 men was reportedly carried out on 25 December 2023,³⁴⁶ seemingly reversing a trend of decreasing numbers of executions in 2022.³⁴⁷ According to observers, detention conditions for prisoners on death row in Nasiriyah Prison (Thi-Qar Governorate) are “deplorable” and prisoners are subjected to

³³⁸ UN Security Council, *Fifteenth Report of the Secretary-General on the Threat Posed by ISIL (Da'esh) to International Peace and Security and the Range of United Nations Efforts in Support of Member States in Countering the Threat*, S/2022/576, 26 July 2022, www.ecoi.net/en/document/2076995.html, para. 60; Terre des Hommes, *Understanding the Legal Pathways for Children in Contact with the Law Within the Iraqi Criminal Justice System*, March 2022, <https://bit.ly/3VDiZBq>, p. 8.

³³⁹ The UN and others have expressed concern about the Anti-Terrorism Law's vague and overly broad definition of terrorism, which falls short of international standards. The Human Rights Committee encouraged the Government of Iraq “to refrain from mandatory imposition of the death penalty for offences under the Counter-Terrorism Act”; UN Human Rights Committee, *Concluding Observations on the 6th Periodic Report*, 16 August 2022, www.ecoi.net/en/document/2077747.html, para. 16. See also Section III.A.1.a.

³⁴⁰ The list of crimes for which the death penalty is mandatory is extensive and includes acts whose gravity falls below the threshold of “most serious crimes” within the meaning of Article 6(2) of the International Covenant on Civil and Political Rights (ICCPR); UN Human Rights Committee, *Concluding Observations on the 6th Periodic Report*, 16 August 2022, www.ecoi.net/en/document/2077747.html, paras 16, 18. See also, ECPM/World Coalition Against the Death Penalty, *Iraq's Compliance with the International Covenant on Civil and Political Rights (ICCPR) Regarding the Death Penalty: Submitted by ECPM (Together Against the Death Penalty) and the World Coalition Against the Death Penalty – 134th Session of the Human Rights Committee*, 28 February 2022 – 25 March 2022, January 2022, www.ecoi.net/en/document/2067712.html, p. 3; MENA Rights Group, *Report on Iraq's Implementation of the International Covenant on Civil and Political Rights since 2015*, 31 January 2022, <https://bit.ly/3u4k8Hq>.

³⁴¹ Republic of Iraq, *Anti-Terrorism Law* (Law No. 13 of 2005), 7 November 2005, [www.refworld.org/docid/5bd093414.html](https://refworld.org/docid/5bd093414.html), art. 4(1).

³⁴² “The imposition of the death penalty, often following trials that do not meet international standards, remains a concern”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 17. See also, HRW, *Iraq: Unlawful Mass Executions Resume*, 24 January 2024, <https://bit.ly/49544G7>; OHCHR, *UN High Commissioner for Human Rights Volker Türk Concludes his Official Visit to Iraq*, 9 August 2023, <https://shar.es/afNSGx>; CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 31.

³⁴³ According to Amnesty International, at least 20 death sentences were issued since Prime Minister Al-Sudani took office in late October 2022”; Amnesty International, *Iraq: Government Must Match Rhetoric on Human Rights with Meaningful Action*, 15 March 2023, <https://bit.ly/3Bv61gg>. In 2022, courts “imposed death sentences for murder, rape of children and ‘terrorism’-related acts, frequently following trials that failed to meet international fair trial standards”; Amnesty International, *Amnesty International Report 2022/23: Iraq*, 28 March 2023, www.ecoi.net/en/document/2089537.html. “The Committee is concerned about the reports suggesting that such sentences [death penalty] are prevalently handed down under the counterterrorism legislation and are often accompanied by a lack of due process and fair trial guarantees”; CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 30. See also, Bas News, *Iraq Judicial Authority Sentences Eight Inmates to Death for Recruiting Terrorists*, 18 April 2023, <https://bit.ly/445QitMZ>; AFP, *Iraq to Hang 14 People for ISIS Massacre of Hundreds of Army Cadets in 2014*, 26 January 2023, <https://ara.tv/zw8s5>.

³⁴⁴ OHCHR, *UN High Commissioner for Human Rights Volker Türk Concludes his Official Visit to Iraq*, 9 August 2023, <https://shar.es/afNSGx>. According to the Iraqi Ministry of Justice, as at April 2023, 8,000 individuals sentenced to death on terrorism charges remained on death row; Bas News, *Iraq Death Penalty Dilemma: 8,000 Sentenced on Terrorism Charges, no Executions Yet*, 8 April 2023, <https://bit.ly/3zl5Ayi>. According to Amnesty International, at least 41 death sentences were imposed in 2022 (down from at least 91 in 2021) and a minimum of 7,900 individuals remained on death row as at December 2022; Amnesty International, *Death Sentences and Executions 2022*, May 2023, www.ecoi.net/en/document/2091962.html, pp. 10, 28, 32.

³⁴⁵ UN Security Council, *Implementation of Resolution 2682 (2023): Report of the Secretary-General*, S/2023/700, 26 September 2023, www.ecoi.net/en/document/2099191.html, para. 53.

³⁴⁶ According to HRW, the “executions were carried out without regard for the basic rights of those facing the death penalty.” The executions were “carried out without transparency or advance notice” and prisoners were not permitted to contact their families or lawyers prior to their execution. HRW further said that “[A]t least 150 prisoners at Iraq's Nasiriyah prison face imminent execution without warning if President Abdul Latif Rashid approves their death sentences”, calling the resumption of mass executions “an appalling development”; HRW, *Iraq: Unlawful Mass Executions Resume*, 24 January 2024, <https://bit.ly/49544G7>. An Iraqi security source reported in December 2023 that “a series of secret and unannounced executions were carried out in the Nasiriyah prison (...) over the past two months”; Bas News, *Secret Executions in Nasiriyah Prison Raise Concerns*, 21 December 2023, <https://bit.ly/4aAvJR3>.

³⁴⁷ In 2022, Amnesty International recorded a notable decrease in confirmed executions (at least 11 compared to 17 in 2021 and 45 in 2020). Amnesty International confirmed 11 executions in 2022, “but believes there were more than 11”; Amnesty International, *Death Sentences and Executions 2022*, May 2023, www.ecoi.net/en/document/2091962.html, p. 38; Amnesty International, *Death Sentences and Executions 2021*, www.ecoi.net/en/document/2073393.html.

torture and ill-treatment.³⁴⁸ Human Rights Watch (HRW) said it “was aware of at least 96 deaths of Nasiriyah inmates since 2021”, many of which took place in “in suspicious circumstances”.³⁴⁹

Iraqi law provides for an automatic appeals process in death penalty cases;³⁵⁰ however, death sentences are rarely overturned at the appeals level.³⁵¹ Those sentenced to death under the Anti-Terrorism Law reportedly have no right to seek clemency or pardon as required under international human rights law.³⁵² Families are reportedly often not informed prior to the execution of their relatives.³⁵³

b) Kurdish Authorities, Judiciary and Security Forces

Arbitrary Arrests

In the context of the 2014-2017 armed conflict with Da'esh, the Kurdish security forces³⁵⁴ were reported to have arbitrarily arrested and detained and in some cases extra-judicially executed primarily Arab men and boys of fighting age whom they perceived to be affiliated with Da'esh, including on the basis of broad and discriminatory criteria.³⁵⁵ Arbitrary arrests of alleged Da'esh suspects, including children,³⁵⁶ are reported to continue under the KR-I's 2006 Anti-Terrorism Law.³⁵⁷ Such detainees are reportedly often held “for prolonged periods without charge or registration.”³⁵⁸

As at March 2022, there were 2,300 persons in detention in the KR-I for terrorism offences, including children.³⁵⁹ Individuals who were acquitted or completed their sentence are reported to fear “rearrest or

³⁴⁸ Prisoners on death row in Nasiriyah Prison “have often been subjected to torture and ill-treatment, including false threats from the prison guards about their imminent execution”; CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 30. “Nasiriyah prison is also notorious for its dire conditions”; HRW, *Iraq: Unlawful Mass Executions Resume*, 24 January 2024, <https://bit.ly/49544G7>. “Sources reported that prisoners were subjected to frequent beatings; kept in overcrowded and filthy cells; and denied adequate healthcare, sufficient food and drinking water unless they paid for it, and regular family visits”; Amnesty International, *Amnesty International Report 2022/23: Iraq*, 28 March 2023, www.ecoi.net/en/document/2089537.html.

³⁴⁹ “Many of these deaths occur in suspicious circumstances; bodies show evidence of torture, and families have been denied access to autopsy reports”; HRW, *Iraq: Unlawful Mass Executions Resume*, 24 January 2024, <https://bit.ly/49544G7>.

³⁵⁰ Criminal Procedure Law (Law No. 23 of 1972, as amended), Article 254. “The appeal procedure in Iraq is a very long and opaque process”; ECPM/World Coalition Against the Death Penalty, *Iraq’s Compliance with the International Covenant on Civil and Political Rights (ICCPR) Regarding the Death Penalty: Submitted by ECPM (Together Against the Death Penalty) and the World Coalition Against the Death Penalty – 134th Session of the Human Rights Committee*, 28 February 2022 – 25 March 2022, January 2022, www.ecoi.net/en/document/2067712.html, p. 7.

³⁵¹ *Ibid.*

³⁵² Republic of Iraq, *Constitution of the Republic of Iraq*, 15 October 2005, www.refworld.org/docid/454f50804.html, art. 73(1). See also, UN Human Rights Committee, *Concluding Observations on the 6th Periodic Report*, 16 August 2022, www.ecoi.net/en/document/2077747.html, para. 18.

³⁵³ HRW, *Iraq: Unlawful Mass Executions Resume*, 24 January 2024, <https://bit.ly/49544G7>; CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 30.

³⁵⁴ The KDP and the PUK “each maintain an independent security apparatus. The federal constitution provides the Kurdistan Regional Government the right to maintain internal security forces, but the Patriotic Union of Kurdistan and the Kurdistan Democratic Party separately controlled additional Peshmerga military units, as well as separate police forces under nominal Kurdistan Regional Government Ministry of Interior control. The constitution also allows for a centralized, separate Asayish internal security service; however, the Kurdistan Democratic Party and Patriotic Union of Kurdistan also each maintain Asayish forces. The Kurdistan Democratic Party and the Patriotic Union of Kurdistan also maintain separate intelligence services, nominally organized under the Kurdistan Region Security Council”; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. “Terrorism cases have been prone to fundamental violations of due process, with human rights groups describing systematic denial of access to counsel and short, summary trials with little evidence that the defendants, who are often allegedly associated with IS, have committed specific crimes”; Freedom House, *Freedom in the World 2023: Iraq*, May 2023, <https://bit.ly/3qe1V3>.

³⁵⁵ See UNHCR, *International Protection Considerations with Regard to People Fleeing the Republic of Iraq*, May 2019, www.refworld.org/docid/5cc9b20c4.html, Section III.A.1.a (and sources cited therein). As of January 2022, dozens of men and boys who had been arbitrarily arrested since 2014 were reported to remain missing; HRW, *Submission to the UN Human Rights Committee*, January 2022, www.ecoi.net/en/document/2075228.html. On the widespread impunity of perpetrators of violations committed during this period, see Section II.D.3.

³⁵⁶ US Department of State, *2023 Trafficking in Persons Report: Iraq*, 15 June 2023, www.ecoi.net/en/document/2093605.html. In the KR-I, the age of criminal responsibility is 11 years; CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 26. See also Section III.A.1.a.

³⁵⁷ In 2006, the KR-I adopted its own Anti-Terrorism Law (Law No. 3 of 2006). The law “provides consecutive sentences for different acts of terrorism, ranging from the death penalty to life imprisonment to imprisonment for less than 15 years”; OHCHR, *Experts of the Committee Against Torture Praise Iraq’s Human Rights Training in Police and Military Colleges, Ask about Overcrowding in Prisons and the Continued Use of the Death Penalty*, 27 April 2022, <https://bit.ly/3G7xhTy>. Since 2006, “the law has been renewed six times. In 2018, it became a permanent law. (...) The Anti-Terrorism Law carries harsh sentences, even for mere membership of ISIS, such as life imprisonment or the death penalty”; Kurdistan Center for International Law (KCIL) / KAS, *Obstacles, Limitations and Challenges Hindering the Progress of the Judicial System in KRI*, 2022, <https://bit.ly/3uCrHsq>, p. 42. The law is available, in Kurdish, at: <https://bit.ly/3HpXSxH>.

³⁵⁸ The Peshmerga and Asayish “arrested suspects in security sweeps without warrants, particularly under the antiterrorism law, and frequently held such detainees for prolonged periods without charge or registration.” And further: “There were numerous reports of arbitrary arrest or unlawful detention by government forces, including by the (...) Peshmerga, and Asayish security forces”; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html.

³⁵⁹ According to Ahmed Najmaddin Ahmed, Jurist and Director-General of Social Reform in the KRG Ministry of Labour and Social Affairs, there are “2,300 terrorist prisoners in the Kurdistan region correctional centres. Most prisoners are from central and southern Iraq. For the most part, these prisoners are

retaliation” if they returned to their home areas in Federal Iraq.³⁶⁰ While the KRG authorities do not force them to leave the KR-I, they are restricted to an internally displaced person (IDP) camp with no freedom of movement, in what HRW called “nothing less than unlawful discrimination”.³⁶¹

The *Asayish* (internal security forces)³⁶² are reported to arbitrarily arrest and detain persons who criticize the local or regional authorities, or others with political influence in the KR-I, including journalists and other media professionals, members of rival or opposition political parties, civil society activists and protestors.³⁶³

Pre-Trial Detention and “Enforced Disappearance”

Reports indicate that detainees are regularly held in prolonged pre-trial detention by the security forces without timely review of their arrest and detention by a competent judge.³⁶⁴ Individuals have been held in conditions amounting to *incommunicado* detention.³⁶⁵ In some cases, detainees are held for extended periods even after a court ordered their release.³⁶⁶ Interrogations are conducted by security services

serving long sentences, including a proportion of women and youth. While rates are lower than for adult men, we have many juveniles who have been involved in ISIS’s extremist actions”; Justice Trends, *How Iraqi Kurdistan Prisons Handle Thousands of Terrorism Convicts*, 21 March 2022, <https://bit.ly/3iVVwqh>. According to Dindar Zebari, KRG Coordinator for International Advocacy, in 2021 and 2022, over 200 individuals were tried under the 2006 Anti-Terrorism Law for their alleged affiliation with Da’esh, and “many others are on the trial list”; Shafaq News, Zebari: +200 Persons Were Tried for Terrorism in Kurdistan in 2021-2023, 16 November 2023, <https://bit.ly/3u6Z9Wl>. See also, HRW, *Submission to the UN Human Rights Committee*, January 2022, www.ecoi.net/en/document/2075228.html; Bas News, *Nearly 50,000 People in Iraqi Prisons over Suspected Terrorism Links*, 6 September 2021, <https://bit.ly/3TcJtlz>.

Some 200 former detainees live in the East Mosul camps under KRG administration: “These are individuals who were detained by the Erbil authorities and General Assayish under the KRI 2006 Anti-Terrorism legislation (...). They have been released after completing their sentence, or after being acquitted. Some have a release letter issued by the KRG, others do not. The release letter issued by the KRG although recognized by authorities in Federal Iraq, do not protect individuals from re-arrest and prosecution in areas outside of KRI, putting the IDPs at risk of arrest upon return. The former detainees are de facto unable to leave the East Mosul Camps, as they are not allowed to return to Erbil and risk arrest if trying to pass Federal Iraq checkpoints”; UN Office for the Coordination of Humanitarian Affairs (OCHA), *Iraq Humanitarian Transition Overview* 2023, 23 February 2023, <https://bit.ly/3nFitGK> (hereafter: OCHA, HTO 2023, 23 February 2023, <https://bit.ly/3nFitGK>), p. 37. “Two sections of the camp house young men who were child soldiers with ISIS. They’ve served sentences in juvenile detention, some of them on terrorism charges. Given the disjointed Iraqi justice and security system and the multiple forces that report to different administrations, the young men could face additional charges if they attempt to go home”; NPR, *A Life in Limbo for the Wives and Children of ISIS Fighters*, 15 March 2022, <https://n.pr/3tcsxav>. Men interviewed by HRW in August 2021 expressed fear of being targeted by the PMF or tribal fighters or being re-tried by the federal judiciary if they returned to their home areas; HRW, *Former ISIS Suspects Stuck in Limbo*, 28 October 2021, www.ecoi.net/en/document/2062983.html. The risk of rearrest is also linked to the lack of interconnected registers between the KRG and the Federal Authorities; see footnote 302.

“The men are currently stuck in a camp in the Kurdistan region, after being released from prison between 2018 and 2020. Security forces are not allowing them to leave the camp to live elsewhere in the Kurdistan region, and they fear for their lives if they were to return home. This stems from a lack of coordination and recognition between the separate judicial systems of the Kurdistan Regional Government and Iraq’s Baghdad government, as well as the near-total impunity with which armed groups operating in the men’s home communities arbitrarily detain and even kill those suspected of ISIS affiliation. (...) Though security forces at the camp would let the men leave if they were to return to Baghdad-controlled areas, they do not allow them to leave the camp at all if they want to travel or resettle within the Kurdistan region”; HRW, *Former ISIS Suspects Stuck in Limbo*, 28 October 2021, www.ecoi.net/en/document/2062983.html.

“The *Asayish* is a security force and is one of the organs of the Security Council of Kurdistan Region. It operates under the authority of the President of the Kurdistan Region, which has jurisdiction over economic crimes and political crimes, including espionage and acts of sabotage and terrorism”; UNAMI/OHCHR, *Human Rights in the Administration of Justice in Iraq*, August 2021, www.ecoi.net/en/document/2057640.html, p. 8.

“In the Kurdistan region, democratic institutions lack the strength to contain the influence of the two ruling parties, each maintaining its own internal security forces, ready to repress dissidents and peaceful protesters”; Freedom House, *Freedom on the Net 2023: Iraq*, 4 October 2023, www.ecoi.net/en/document/2100683.html. See also Sections III.A.3 and III.A.6.b.

US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html; Euro-Med Human Rights Monitor, *Iraqi Kurdistan: Discriminatory Policies Against Prisoners of Conscience, Their Lawyers*, 1 June 2022, <https://bit.ly/3XKn47o>; UNAMI/OHCHR, *Human Rights and Freedom of Expression: Trials in the Kurdistan Region of Iraq*, December 2021, www.ecoi.net/en/document/2069700.html (hereafter: UNAMI/OHCHR, *Trials in the Kurdistan Region of Iraq*, December 2021, www.ecoi.net/en/document/2069700.html), p. 12; UN General Assembly, *Opinion No. 71/2021 Concerning Sherwan Amin Naou, Kahdar Hammad Amin Zebari, Ayaz Karam Rachid, Hariwan Issa Mohammad and Mulla Shafan Saeed Omar Brushki (Iraq)*, 15 December 2021, A/HRC/WGAD/2021/71, <https://bit.ly/3XdnuCn> (hereafter: UN General Assembly, *Opinion No. 71/2021*, 15 December 2021, <https://bit.ly/3XdnuCn>), para. 69; UNAMI/OHCHR, *Human Rights in the Administration of Justice in Iraq*, August 2021, www.ecoi.net/en/document/2057640.html, p. 17.

GCHR, *GCHR’s Periodic Report on Human Rights Violations in the Kurdistan Region*, 31 August 2022, <https://bit.ly/3hh106J>; HRW, *Submission to the UN Human Rights Committee*, January 2022, www.ecoi.net/en/document/2075228.html; UNAMI/OHCHR, *Trials in the Kurdistan Region of Iraq*, December 2021, www.ecoi.net/en/document/2069700.html, p. 12; Amnesty International, *Kurdistan Region of Iraq: Authorities Must End Protests-Related Repression*, 15 June 2021, www.ecoi.net/en/document/2053869.html, p. 1. According to the UN Working Group on Arbitrary Detention, “many of the activists and journalists who have been arbitrarily detained [since March 2020] have also faced incommunicado detention, enforced disappearance for periods of up to three months and torture and/or other ill-treatment”; UN General Assembly, *Opinion No. 71/2021*, 15 December 2021, <https://bit.ly/3XdnuCn>, para. 9.

US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html; GCHR, *GCHR’s Periodic Report on Human Rights Violations in the Kurdistan Region*, 31 August 2022, <https://bit.ly/3hh106J>; UNAMI/OHCHR, *Human Rights in the Administration of Justice in Iraq*, August 2021, www.ecoi.net/en/document/2057640.html, p. 17.

generally without the presence of defence lawyers, despite constitutional guarantees.³⁶⁷ Detainees are subjected to punishments such as solitary confinement, banning visits or reducing recreation time.³⁶⁸

During the initial investigation, family members are not regularly informed about their relatives' whereabouts, and/or face restrictions to visit or communicate with them.³⁶⁹ Family members of detainees have in some cases been harassed and intimidated by security forces.³⁷⁰

Detention Conditions

Places of detention are run by the *Asayish*, the Ministry of the Interior and the Ministry of Labour and Social Affairs; however, only official prisons run by the Ministry of Labour and Social Affairs are regulated by law.³⁷¹ Reports indicate severe overcrowding and poor material conditions in detention facilities and prisons.³⁷²

Children are reported to be imprisoned in juvenile facilities in poor conditions.³⁷³ As of August 2022, there were over 200 juveniles detained in the KR-I with the majority held in pre-trial detention.³⁷⁴ Prisons sometimes house juveniles with adults and pre-trial detainees with convicted criminals.³⁷⁵ Juveniles have limited options for rehabilitation and reintegration.³⁷⁶

³⁶⁷ "[T]he detention safeguards in place were not fully respected: no medical examinations of the detainees were carried out at any stage of the investigation or trial proceedings (other than COVID-19 tests); the presence of defence lawyers was routinely prohibited during interrogations (despite constitutional guarantees of the right to defence during all phases of investigation and the trial); the interrogations were not video-recorded"; UNAMI/OHCHR, *Trials in the Kurdistan Region of Iraq*, December 2021, www.ecoi.net/en/document/2069700.html, p. 10. See also, Euro-Med Human Rights Monitor, *Iraqi Kurdistan: Discriminatory Policies Against Prisoners of Conscience, their Lawyers*, 1 June 2022, <https://bit.ly/3XKn47o>.

³⁶⁸ "Information received by OHCHR/UNAMI indicates that at least 13 of the individuals were held in solitary confinement during the initial days of investigation, and, in the case of at least two individuals, for extended periods of up to two months"; UNAMI/OHCHR, *Trials in the Kurdistan Region of Iraq*, December 2021, www.ecoi.net/en/document/2069700.html, p. 12. In one case documented by Amnesty International in 2021, "the individual was held in solitary confinement for 68 days – which could also amount to torture"; Amnesty International, *Kurdistan Region of Iraq: Authorities Must End Protests-Related Repression*, 15 June 2021, www.ecoi.net/en/document/2053869.html, p. 1. See also, Euro-Med Human Rights Monitor, *Iraqi Kurdistan: Discriminatory Policies Against Prisoners of Conscience, their Lawyers*, 1 June 2022, <https://bit.ly/3XKn47o>.

³⁶⁹ "Families have further reported severe restrictions of access to their relatives in detention, including being allowed only occasional, short phone calls or, in some cases visits, not exceeding a few minutes and in presence of *Asayish* authorities. Most did not know the whereabouts of their arrested family member during the initial periods of detention"; UNAMI/OHCHR, *Trials in the Kurdistan Region of Iraq*, December 2021, www.ecoi.net/en/document/2069700.html, p. 12. See also, US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. In some cases, the *Asayish* falsely denied holding family members in custody; Amnesty International, *Kurdistan Region of Iraq: Authorities Must End Protests-Related Repression*, 15 June 2021, www.ecoi.net/en/document/2053869.html, p. 1.

³⁷⁰ See also Sections [III.A.3](#) and [III.A.6.b](#).

³⁷¹ UNAMI/OHCHR, *Human Rights in the Administration of Justice in Iraq*, August 2021, www.ecoi.net/en/document/2057640.html, pp. 6, 11, 19, 32. In the KR-I, "there were six correctional centers: three for male prisoners, and three for women and juvenile pretrial detainees and prisoners"; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html.

³⁷² "The Independent Human Rights Commission Kurdistan Region (IHRCKR) reported IKR correctional centers suffered from long-term problems of overcrowding, inadequate water, sanitation, and hygiene facilities, use of violence during preliminary detention, and outdated infrastructure at women's and juvenile centers. Limited medical staff was unable to provide adequate medical services to all prisoners"; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. According to the Ahmed Najmaddin Ahmed, Director-General of Social Reform of the KRG Ministry of Labour and Social Affairs, the "large influx of terrorism-related offenders to our centres has significantly contributed to prison overcrowding. The latter is especially true at adult male facilities in Erbil, Sulaymaniyah and Duhok, where most convicted terrorists are placed." This means that there may be "twenty to thirty individuals in cells intended for eight inmates"; Justice Trends, *How Iraqi Kurdistan Prisons Handle Thousands of Terrorism Convicts*, 21 March 2022, <https://bit.ly/3Bl1oFV>. See also, CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 24; Rudaw, *Most of Iraq, Kurdistan Region's Prisons Unfit for Purpose: Human Rights Group*, 30 December 2020, <https://bit.ly/3FA7gqU>. In order to address the issue of overcrowding, the KRG reported that it was working to open new facilities; Rudaw, *Over 440 Death Row Inmates in Kurdistan Region: Official*, 4 August 2023, <https://bit.ly/3rX29mS>; OHCHR, *Experts of the Committee Against Torture Praise Iraq's Human Rights Training in Police and Military Colleges, Ask about Overcrowding in Prisons and the Continued Use of the Death Penalty*, 27 April 2022, <https://bit.ly/3G7xhTv>.

³⁷³ UNICEF, *Mapping and Assessment of the Child Justice System in Kurdistan Region of Iraq*, November 2022, <https://uni.cf/3jCt17T>, pp. 6, 26, 31. See also, CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 26.

³⁷⁴ Including 79 in Sulaymaniyah, 30 in Dohuk and 100 in Erbil; UNICEF, *Mapping and Assessment of the Child Justice System in Kurdistan Region of Iraq*, November 2022, <https://uni.cf/3jCt17T>, p. 25.

³⁷⁵ "The centers designated for (...) juveniles held both pretrial detainees and prisoners. (...) In some detention centers and police-run jails, KRG authorities occasionally held juveniles in the same cells as adults"; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also, Rudaw, *Most of Iraq, Kurdistan Region's Prisons Unfit for Purpose: Human Rights Group*, 30 December 2020, <https://bit.ly/3FA7gqU>.

³⁷⁶ "There remain uneven responses and reintegration services available for children who are at risk of or have already been in conflict with the law, at all stages – pre-delinquency, delinquency, arrest, pre-trial detention, post-trial detention and post-release reintegration. (...) Although the conditions for post-trial detainees are somewhat better than for pre-trial detainees (e.g. providing for education), rehabilitation/reintegration is hampered due to lack of staff competence, guidance and training, poor facilities, lack of equipment and activities (for girls in particular), and lack of adequate preparation of release and aftercare"; UNICEF, *Mapping and Assessment of the Child Justice System in Kurdistan Region of Iraq*, November 2022, <https://uni.cf/3jCt17T>, pp. 6, 31. According to Ahmed Najmaddin Ahmed of the KRG Ministry of Labour and Social Affairs, the government has "many juveniles who have been involved in ISIS's extremist actions. (...) As a correctional institution, we lack prior experience in dealing with offenders convicted for terrorism and classifying and treating them." However, he reported that their social and psychological unit had been able to hold "seminars, training, and cultural series"

Torture and Other Forms of Ill-Treatment

Torture and ill-treatment have been documented, primarily in facilities run by the *Asayish*.³⁷⁷ Reports allege that persons detained in connection with protests have been forced to confess to crimes under physical and psychological torture.³⁷⁸

Procedural safeguards to prevent torture or ill-treatment in custody are not respected.³⁷⁹ There are often no mechanisms for reporting torture other than raising its occurrence within trial proceedings; however, judges have dismissed claims that confessions were obtained under torture.³⁸⁰ On 28 February 2021, the *Asayish* filed a lawsuit against a convicted defendant for defamation because he had claimed at trial that his confession was obtained through torture.³⁸¹

There are reports of torture used against juvenile detainees and the law allows for children to be held up to seven days in solitary confinement.³⁸²

Fair Trial Violations

Despite legal provisions guaranteeing defendants' access to a court-appointed attorney, these lawyers often merely attend a single court hearing and lack "substantive involvement" in their clients' cases.³⁸³ Lawyers are only appointed at the beginning of court proceedings and thus are not present during the investigation or interrogation of the defendant.³⁸⁴ Lawyers report that they are restricted from accessing detention centres, their clients and files, particularly when their clients are journalists, protestors or other prisoners of conscience, and at times they are themselves subjected to harassment and intimidation when

for Da'esh-affiliated youth and that there was livelihood assistance available upon release; Justice Trends, *How Iraqi Kurdistan Prisons Handle Thousands of Terrorism Convicts*, 21 March 2022, <https://bit.ly/3iVVwqh>. See also, CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 26.

³⁷⁷ "The use of torture to obtain confessions is widespread across Iraq and Iraqi Kurdistan, including that of children (...)" ; Freedom House, *Freedom in the World 2023: Iraq*, May 2023, <https://bit.ly/3qej1V3>. "Reports from international human rights groups stated government forces, including (...) *Asayish*, abused prisoners and detainees, particularly Sunni Arabs", with the *Asayish* reported to act with impunity; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. UNAMI/OHCHR received credible reports of the alleged use of torture and ill-treatment primarily in places of detention under the authority of the *Asayish*. In addition, allegations of torture were documented in prisons run by the KRG Ministry of the Interior. No claims of torture or ill-treatment were received for prisons run by the KRG Ministry of Labour and Social Affairs; UNAMI/OHCHR, *Human Rights in the Administration of Justice in Iraq*, August 2021, www.ecoi.net/en/document/2057640.html, pp. 10-11, 19, 32. See also, South Youth Organization (Iraqi non-governmental organization / NGO), *The Extent of Iraq's Commitment to Implement the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 2022, <https://bit.ly/3VE4oWd>; GCHR, *GCHR's Periodic Report on Human Rights Violations in the Kurdistan Region*, 31 August 2022, <https://bit.ly/3hhl06j>; The Iraqi Warcrimes Documentation Centre, *Shadow Report of Civil Society Organizations on Cases of Torture in Iraq*, February 2022, www.ecoi.net/en/document/2067715.html, p. 5; UN General Assembly, *Opinion No. 71/2021*, 15 December 2021, <https://bit.ly/3XdnuCn>, paras 17, 22.

³⁷⁸ Euro-Med Human Rights Monitor, *Iraqi Kurdistan: Discriminatory Policies Against Prisoners of Conscience, their Lawyers*, 1 June 2022, <https://bit.ly/3XKn47o>. See also, Medya News, *Iraqi Kurdish Hunger Strike Reaches Critical Phase as Authorities Prevent Prisoner Release*, 13 September 2022, <https://bit.ly/3DY1S5j>; The New Arab, *Kurdish Detainees in Erbil Launch Hunger Strike to Protest Torture, Arrest Without Trial*, 29 March 2022, <https://bit.ly/3JjWloP>; Amnesty International, *Kurdistan Region of Iraq: Authorities Must End Protests-Related Repression*, 15 June 2021, www.ecoi.net/en/document/2053869.html, pp. 2-3.

³⁷⁹ "Safeguards in place to prevent torture, including medical exams, access to defence lawyers, video-recording of interrogation, and processes for reporting torture and other ill-treatment, were not respected"; UNAMI/OHCHR, *Trials in the Kurdistan Region of Iraq*, December 2021, www.ecoi.net/en/document/2069700.html, p. 3. See also, Amnesty International, *Kurdistan Region of Iraq: Authorities Must End Protests-Related Repression*, 15 June 2021, www.ecoi.net/en/document/2053869.html, pp. 1-4. Article 13 of the Region's Anti-Terrorism Law "stipulates that accused persons should be treated fairly in accordance with the law during interrogation, including through the provision of a lawyer. Torture and inhuman treatment are also explicitly prohibited"; UNAMI/OHCHR, *Human Rights in the Administration of Justice in Iraq: Trials under the Anti-Terrorism Laws and Implications for Justice, Accountability and Social Cohesion in the Aftermath of ISIL*, January 2020, www.ecoi.net/en/document/2025174.html, pp. 5-6.

³⁸⁰ "The defendants' allegations that they were subjected to torture and that the *Asayish* had engaged in torture to extract confessions used against them were rejected by the court without conducting a thorough review of the allegations. In court, the lawyers raised the issue of torture, but were unable to obtain the medical reports to prove the allegations, as the defendants were referred to the court of first instance only after the signs of torture on their bodies had disappeared"; UN General Assembly, *Opinion No. 71/2021*, 15 December 2021, <https://bit.ly/3XdnuCn>, para. 26. See also, UNAMI/OHCHR, *Trials in the Kurdistan Region of Iraq*, December 2021, www.ecoi.net/en/document/2069700.html, p. 3. See also, US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html.

³⁸¹ UNAMI/OHCHR, *Trials in the Kurdistan Region of Iraq*, December 2021, www.ecoi.net/en/document/2069700.html, p. 3; Amnesty International, *Kurdistan Region of Iraq: Authorities Must End Protests-Related Repression*, 15 June 2021, www.ecoi.net/en/document/2053869.html, p. 3.

³⁸² UNICEF, *Mapping and Assessment of the Child Justice System in Kurdistan Region of Iraq*, November 2022, <https://uni.cf/3iCt17T>, p. 26.

³⁸³ UNAMI/OHCHR, *Human Rights in the Administration of Justice in Iraq*, August 2021, www.ecoi.net/en/document/2057640.html, p. 13.

³⁸⁴ Freedom House, *Freedom in the World 2023: Iraq*, May 2023, <https://bit.ly/3qej1V3>; UNAMI/OHCHR, *Trials in the Kurdistan Region of Iraq*, December 2021, www.ecoi.net/en/document/2069700.html, p. 11; HRW, *Kurdistan Region of Iraq: Flawed Trial of Journalists, Activists*, 22 April 2021, www.ecoi.net/en/document/2050100.html.

representing politically sensitive cases.³⁸⁵ Juveniles reportedly have access to attorneys through the services of an international non-governmental organization (NGO).³⁸⁶

During 2021, UNAMI/OHCHR observed four trials before the Erbil criminal court and found “a consistent lack of respect for the legal conditions and procedural safeguards necessary to guarantee fair judicial proceedings before an independent and impartial tribunal”.³⁸⁷ Trials are reported to be quick and convictions rely on statements made under duress, secret informants who testify often without the defendant having an opportunity to cross-examine, and evidence obtained from mobile devices.³⁸⁸ In some cases, courts have failed to consider the admissibility of evidence, such as when defendants claimed that they did not make statements contained in interrogation records.³⁸⁹

Defendants are regularly charged and convicted under overly broad legal provisions, including the KR-I’s 2006 Anti-Terrorism Law³⁹⁰ and the Law to Prevent Misuse of Communications Equipment, which lack clear definitions and are therefore open to subjective interpretation.³⁹¹ In violation of international law, the Anti-

³⁸⁵ “KRG officials noted prosecutors and defense attorneys frequently encountered obstacles in carrying out their work and trials were unnecessarily delayed for administrative reasons”; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html. “Activists’ lawyers were forced to go through unnecessary procedures, as they stepped in to defend activists and prisoners of conscience, apparently to obstruct and influence the defense process. Bashdar Hassan told Euro-Med Monitor: ‘We are not able to obtain an agency from the activists during the investigation, unlike other defendants, except on the trial day. We are also denied visiting the detained activists and reviewing papers on their cases, which greatly hinders our work (...) The Internal Security Forces (Asayish) treat us terribly, as we try to follow up on the cases of detained activists and journalists in particular. This made lawyers reluctant to defend them’”; Euro-Med Human Rights Monitor, Iraqi Kurdistan: Discriminatory Policies Against Prisoners of Conscience, their Lawyers, 1 June 2022, <https://bit.ly/3VQBr9G>. See also, The New Arab, Prisoners in Erbil Facing Dire Conditions after Launching Hunger Strike, 28 July 2022, <https://bit.ly/3A7XVtA>; UNAMI/OHCHR, Human Rights in the Administration of Justice in Iraq, August 2021, www.ecoi.net/en/document/2057640.html, p. 13; and Sections III.A.3 and III.A.6.b.

³⁸⁶ US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html.

³⁸⁷ UNAMI/OHCHR, Trials in the Kurdistan Region of Iraq, December 2021, www.ecoi.net/en/document/2069700.html, p. 3. See also, Amnesty International, Kurdistan Region of Iraq: Authorities Must End Protests-Related Repression, 15 June 2021, www.ecoi.net/en/document/2053869.html, p. 2. In the case of journalists sentenced in February 2021, the Working Group on Arbitrary Detention noted claims that the defendants did not have adequate access to counsel, much of the evidence against them remained secret, prejudicial statements by public figures and a short trial indicated predetermined guilt, credible claims that confessions were obtained under torture and the presence of KRG security council members in the courtroom, among other “fair trial violations (...) of such gravity as to give the detention of the five individuals an arbitrary character”; UN General Assembly, Opinion No. 71/2021, 15 December 2021, <https://bit.ly/3Xdnucn>, para. 98.

³⁸⁸ “The main types of evidence presented during the public hearings in all four cases were: i) secret informants; ii) texts, photos or videos published on social media; iii) and statements by the accused and prosecution witnesses made during the investigation and before the court. Almost all of the prosecution witnesses who were called to testify had also been accused in the other cases examined in this report, and most denied making the statements attributed to them by the prosecution. With regards to evidence derived from secret informants, in none of the hearings observed by OHCHR/UNAMI were any of the secret informants present in court for cross-examination of their statements, nor were other measures applied to mitigate the disadvantaged position of the defence”; UNAMI/OHCHR, Trials in the Kurdistan Region of Iraq, December 2021, www.ecoi.net/en/document/2069700.html, pp. 9-10. See also, Kirkuk Now, Five Activists Sentenced Two-Years-in-Prison by Erbil Court, 16 May 2022, <https://bit.ly/3UY3Uci>; Euro-Med Human Rights Monitor, Iraqi Kurdistan: Discriminatory Policies Against Prisoners of Conscience, their Lawyers, 1 June 2022, <https://bit.ly/3XKn47o>.

³⁸⁹ UNAMI/OHCHR, Trials in the Kurdistan Region of Iraq, December 2021, www.ecoi.net/en/document/2069700.html, p. 10. In May 2022, Erbil Criminal Court convicted five civil society activists despite their claim that “their statements were written in Arabic despite their lack of proficiency in it”; GCHR, GCHR’s Periodic Report on Human Rights Violations in the Kurdistan Region, 31 August 2022, <https://bit.ly/3hh06J>.

³⁹⁰ “The anti-terrorism law applied in the Kurdistan region criminalises terrorist acts including ‘the use of violence to spread terror’ and ‘any act with terrorist motives that threaten the region’s security or damages public property’”; Justice Trends, How Iraqi Kurdistan Prisons Handle Thousands of Terrorism Convicts, 21 March 2022, <https://bit.ly/3BI1oFV>. “The broad definitions related to criminal offences under the existing Anti-Terrorism Law enlarge the scope of the prohibited conduct and make them liable to subjective and overly flexible interpretations. (...) Recently, the application of the Anti-Terrorism Law in the KRI has been prolific. In 2020, there were 1190 cases in the Committee of Felony in the Kurdistan Court of Cassation. Five-hundred and twenty-one of those cases were related to the Anti-Terrorism Law, equivalent to 44 per cent of all criminal cases in 2020. Between January 1, 2021 and November 15, 2021, Anti-Terrorism related cases accounted for 410 out of 1,430 criminal cases. This represents 29 per cent of all criminal cases in the KRI (...) In 2019, there were 192 terrorism-related cases [in the Juvenile Committee], out of a total of 530. That means that 36 per cent of juvenile cases were related to the Anti-Terrorism Law. Similarly, in 2020, 72 cases out of 300 were related to the Anti-Terrorism Law, accounting for 24 per cent of all juvenile cases. (...) it can be applied to a wide range of activities and the law overlaps with other applicable laws in the KRI. For instance, case NO. 255/Juvenile/ Cassation on July 28, 2021, described a 16-year-old girl who had joined a WhatsApp group which was used by Islamic groups. The investigative judge and the trial chamber decided that the girl’s activity counted as an act of terrorism and sentenced her to two years in prison, according to Article 3 of the Anti-Terrorism Law.” On appeal, the sentence was reduced to six months; KCIL/KAS, Obstacles, Limitations and Challenges Hindering the Progress of the Judicial System in KRI, 2022, <https://bit.ly/3uCRhsq>, pp. 44-46.

³⁹¹ KCIL/KAS, Obstacles, Limitations and Challenges Hindering the Progress of the Judicial System in KRI, 2022, <https://bit.ly/3uCRhsq>, pp. 44-45, 88-89. “All the criminal law provisions under which the individuals were charged contain broad and imprecise terms, lacking clear definition of the offences. (...) The broad and imprecise definitions contained in these provisions significantly enlarges the scope of the proscribed conduct and makes it susceptible to subjective and arbitrary interpretation.” Additionally, in the observed trials: “the prosecution did not, at any stage of the proceedings, sufficiently describe the underlying acts carried out by the individuals which constituted the alleged crimes. While the prosecution (led by an Asayish representative in all cases) presented generalized accusations during the trial hearings, the prosecution mostly failed to identify or substantiate any specific acts by each of the accused to support the charges. This was further compounded by the last-minute changes made to the charges in two cases”; UNAMI/OHCHR, Trials in the Kurdistan Region of Iraq, December 2021, www.ecoi.net/en/document/2069700.html, p. 11. See also, HRW, Kurdistan Region of Iraq: Arrests to Deter Protest, 28 August 2022, www.ecoi.net/en/document/2077997.html; UN General Assembly, Opinion No. 71/2021, 15 December 2021, <https://bit.ly/3Xdnucn>, paras 80-81. See also Section III.A.6.b.

Terrorism Law explicitly allows the use of confessions obtained under duress as long as they are corroborated.³⁹²

Death Penalty

A *de facto* moratorium on the implementation of the death penalty has been in place since 2008; nevertheless, the KRG is reported to have disregarded this in 2015 and 2016 and executed several convicts.³⁹³ Furthermore, death penalties continue to be issued, including at least 36 in 2021, and several hundred persons are reported to remain on death row.³⁹⁴

2) Non-State Actors

a) Da'esh

Despite its loss of territory, Da'esh continues to launch attacks in and around its former strongholds, mainly targeting members of the ISF and the Peshmerga as well as civilians considered to be representing the State or collaborating with it.³⁹⁵ Da'esh is further reported to continue to single out religious and minority ethnic groups, although mostly in isolated incidents in remote locations.³⁹⁶ Reported methods of attack include IEDs, sniper and mortar attacks, as well as kidnappings and assassinations.³⁹⁷

Thousands of persons remain missing following the acts committed by Da'esh between 2014 and 2017, including war crimes, crimes against humanity, and, in the case of the Yazidi community, genocide,³⁹⁸ while mass graves continue to be discovered.³⁹⁹

b) Kurdistan Workers' Party (PKK)

The PKK has been implicated in attacks against Turkish military forces and the Peshmerga in northern Iraq.⁴⁰⁰ In areas where it maintains a presence, it is reported to subject civilians to kidnapping and extortion, including at illegal checkpoints.⁴⁰¹ In some instances, it has reportedly targeted critics, including Kurdish

³⁹² KCIL/KAS, *Obstacles, Limitations and Challenges Hindering the Progress of the Judicial System in KRI*, 2022, <https://bit.ly/3uCRhsq>, p. 45; UNAMI/OHCHR, *Human Rights in the Administration of Justice in Iraq: Trials under the Anti-Terrorism Laws and Implications for Justice, Accountability and Social Cohesion in the Aftermath of ISIL*, January 2020, www.ecoi.net/en/document/2025174.html, pp. 6, 8-9.

³⁹³ CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 30; OHCHR, *Experts of the Committee Against Torture Praise Iraq's Human Rights Training in Police and Military Colleges, Ask about Overcrowding in Prisons and the Continued Use of the Death Penalty*, 27 April 2022, <https://bit.ly/3G7xhTv>.

³⁹⁴ According to the KRG Minister of Labour and Social Affairs, there were 550 persons on death row as at early September 2023; Shafaq News, *Over 500 Inmates Await Death Sentence amid Legal Reevaluation in Iraqi Kurdistan*, 9 September 2023, <https://bit.ly/3Pdo4y1>. See also, OHCHR, *Experts of the Committee Against Torture Praise Iraq's Human Rights Training in Police and Military Colleges, Ask about Overcrowding in Prisons and the Continued Use of the Death Penalty*, 27 April 2022, <https://bit.ly/3G7xhTv>.

³⁹⁵ See Sections II.B.1.b, II.B.2.c and III.A.4.

³⁹⁶ See Sections II.B.1.b and III.A.5.a.

³⁹⁷ See Section II.B.1.b and examples included in Section III.A.4.

³⁹⁸ In May 2021, UN Special Adviser Karim Khan informed the UN Security Council that the UN Investigative Team to Promote Accountability for Crimes Committed by Daesh/ISIL (UNITAD) had established "clear and convincing evidence the crimes against the Yazidi people clearly constituted genocide"; UN News, *ISIL Crimes Against Yazidis Constitute Genocide, UN Investigation Team Finds*, 10 May 2021, <https://shar.es/aWVVIYL>. "ISIL's genocidal intent was expressed in a strongly gendered manner. While ISIL generally killed Yazidi men and elderly people, Yazidi women and children were separated from the men. Both the killing of adult men and enslavement of women and girls were designed to impair or erase the ability of the Yazidi community to bring forth a new generation"; UNITAD, *Report on Sexual Violence Against Women and Girls Committed by ISIL in Iraq*, 3 December 2023, www.ecoi.net/en/document/2101999.html, para. 94. See also Section III.A.5.a.

³⁹⁹ UNAMI/OHCHR said in 2018 that it had verified over 200 mass graves in areas formerly controlled by Da'esh; UN News, *ISIL's 'Legacy of Terror' in Iraq: UN Verifies over 200 Mass Graves*, 6 November 2018, <https://bit.ly/2Pi48xN>. The majority of the 200 mass graves discovered to date are yet to be opened; AFP, *Iraq Holds Funeral for Newly-Identified Yazidi IS Victims*, 22 January 2024, <https://f24.my/A4Y1.X>. See also, NINA, *A Mass Grave Opened for the Yazidis in Sinjar*, 4 March 2023, <https://bit.ly/3ZViDaW>. See also, Al Jazeera, *Iraq Exhumes Remains of 605 ISIL Victims from Mass Grave*, 15 May 2023, <https://aje.io/xbm2mn>; NINA, *A Mass Grave of Yazidi Victims Killed by ISIS Was Found Northwest of Mosul*, 10 February 2023, <https://bit.ly/3lGofn>; The National, *UN Expects more ISIS Convictions for Yazidi Genocide Next Year*, 20 December 2022, <https://bit.ly/3ZdeS0l>; DW, *In Iraq, Sectarian Prejudice Goes Beyond the Grave*, 15 May 2022, <https://p.dw.com/p/4BD48>. Mass graves of Iraqis killed under the former Government of Saddam Hussein also continue to be found, NINA, *A Mass Grave Found in Najaf Dating Back to the Era of the Former Regime During the 1991's Uprising*, 20 September 2022, <https://bit.ly/3KP4848>; AFP, *From Saddam to IS: Iraq still Exhuming Mass Graves*, 10 June 2022, <https://f24.my/8gvH.T>.

⁴⁰⁰ See Section II.B.2.a.

⁴⁰¹ "PKK operates illegal checkpoints in the border areas within the KRI, especially the Sinjar mountains, and they often impose taxes on citizens, including farmers and livestock owners"; Bertelsmann Foundation, *Iraq Country Report 2022*, 23 February 2022, www.ecoi.net/en/document/2069660.html. See also, Bas News, *PKK Kidnaps Kurdish Man in Erbil's Choman District*, 18 July 2022, <https://bit.ly/3SmsF1A>; Bas News, *Sinjar: Two Shepherds Tortured by PKK after Refusing to Pay Taxes*, 13 December 2021, <https://bit.ly/3wU55zj>.

and Turkmen party officials and journalists, for intimidation, threats and kidnapping.⁴⁰² The PKK is also reported to engage in the recruitment of children.⁴⁰³

c) Family, Tribe, Community

Acts of violence, abuse and harmful traditional practices against women and girls, converts and atheists, as well as individuals with diverse SOGIESC are commonly committed by members of family, tribe, or community, often with impunity.⁴⁰⁴

Furthermore, in some areas, members of local communities and tribes are also reported to prevent the return of civilians perceived to be affiliated with Da'esh or have engaged in reprisal acts against them.⁴⁰⁵ In some areas, tribal and community leaders have been successful in barring collective punishment against families associated with actual or perceived Da'esh members and engaging in reconciliation efforts.⁴⁰⁶

3) State Protection

a) Availability of State Protection in Areas under Control of the Federal Government

Even where the legal framework provides for the protection of human rights, the implementation of Iraq's commitments under national and international law to promote and protect these rights in practice frequently remains a challenge, and both State and non-State actors commit human rights violations and abuses with impunity. As detailed below, key challenges include the lack of appropriate legal frameworks to prosecute international crimes; the commission of human rights violations by State actors tasked with protecting human rights; as well as deficiencies, corruption and outside interference in law enforcement and criminal justice.

Lack of justice for survivors of Da'esh crimes

Iraq lacks an appropriate legal framework to prosecute international crimes, including war crimes, crimes against humanity and genocide.⁴⁰⁷ To date, nearly all defendants were only prosecuted under the vaguely worded Anti-Terrorism Law,⁴⁰⁸ even when they admitted to having subjected Yazidi women to rape and

⁴⁰² On 3 March 2023, the PKK allegedly "killed Ahmed Tahir, a former security official for the Turkey-backed Iraqi Turkmen Front (ITF). ITF has reportedly been warned that the PKK (...) is planning further attacks in Turkmen areas of northern Iraq"; Amwaj.media, *Will Iraqi Turkmen Quest for Political Power Be Backed Up by Force?*, 1 June 2023, <https://bit.ly/3OlelGD>. "Kurdish politicians and others who do not toe the official PKK line also continue to receive threats from the PKK, though often indirectly"; Al-Monitor, *PKK Threatens Journalists, Lawmakers in Kurdistan as Regional Tensions Rise*, 15 June 2022, <https://bit.ly/3nRcEmp>. See also, Bas News, *PKK Behind Assassination of KRG Official: Statement*, 29 July 2023, <https://bit.ly/43Sq0la>; Shafaq News, *Member of Yazidi House Gunned Down in Sinjar*, 30 June 2022, <https://bit.ly/3lpJ0qU>; Kurdistan 24, *Senior PUK Member Kidnapped by PKK*, 25 April 2022, <https://bit.ly/3JBmHGx>; and Section III.A.6.b.

⁴⁰³ See Section III.A.9.

⁴⁰⁴ "There is a serious failure by state authorities to monitor, investigate, and prosecute violence against LGBT people and gender-based violence against women and girls by (...) non-state actors such as armed groups and families"; HRW, *Submission to the Committee Against Torture and Other Cruel, Inhuman, or Degrading Punishment ahead of the Review of the Republic of Iraq*, March 2022, www.ecoi.net/en/document/2071301.html. See also Sections III.A.5.d, III.A.5.e, III.A.8 and III.A.11.

⁴⁰⁵ See Section III.A.1.b.

⁴⁰⁶ Ibid.

⁴⁰⁷ "In July 2021, Iraq adopted a five-year Human Rights National Action Plan that included legislating to hold perpetrators of sexual violence accountable and enacting a law criminalising international crimes: genocide, war crimes and crimes against humanity. (...) While such a draft law has been under consideration for several years, it has yet to be enacted"; International Bar Association (IBA), *Justice and Accountability for the Atrocities of Daesh: Progress Made and the Way Forward (Working Draft)*, 1 March 2023, <https://bit.ly/3C5LFum> (hereafter: IBA, *Justice and Accountability for the Atrocities of Daesh*, 1 March 2023, <https://bit.ly/3C5LFum>), pp. 39-40. See also, UNITAD, *Relentless Pursuit of Justice and Accountability Continues: 9 Years since the Yazidi Genocide*, 3 August 2023, <https://bit.ly/45o8FBz>; UNITAD, *UNITAD and Iraqi Officials Discuss Pathways to Accountability for ISIL's International Crimes*, and Launch Joint Working Group, 6 March 2023, <https://bit.ly/3prfqmw>.

⁴⁰⁸ "Iraq's legislation lacks a framework to prosecute international crimes, so ISIS members are being trialled on terrorism charges instead of the crimes they committed against their victims. This means victims and survivors don't receive real justice or remedy"; Minority Rights Group International (MRGI), *No Peace Without Justice: Commemorating Victims of Violence in Iraq*, 22 August 2022, <https://bit.ly/41KeBUy>. "Iraq does not criminalize war crimes, crimes against humanity, or genocide"; HRW, *Submission to the Committee Against Torture and Other Cruel, Inhuman, or Degrading Punishment*, March 2022, www.ecoi.net/en/document/2071301.html. "Human Rights Watch and other organizations documented a system of organized rape, sexual slavery, and forced marriage by ISIS forces of Yazidi women and girls. However, Human Rights Watch found no cases where an ISIS member has been prosecuted or convicted for those specific crimes, including where the crimes against them amounted to war crimes, crimes against humanity, or genocide against the Yazidis"; HRW, *World Report 2023: Iraq*, 12 January 2023, www.ecoi.net/en/document/2085461.html.

sexual slavery.⁴⁰⁹ Survivors of Da'esh abuse, including Yazidis, have rarely been able to participate in court proceedings, including as witnesses.⁴¹⁰

The United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD), established in 2017, continued to support domestic efforts to hold Da'esh accountable by collecting, preserving and storing evidence in Iraq of acts that could amount to war crimes, crimes against humanity and genocide committed by Da'esh in Iraq.⁴¹¹ On 10 May 2021, the Special Adviser and Head of UNITAD announced that they had established that there was “clear and convincing evidence that the crimes against the Yazidi people clearly constituted genocide.”⁴¹²

On 1 March 2021, the CoR passed the “Law on Support to Female Yazidi Survivors”, which recognizes crimes committed by Da'esh against Yazidi, Turkmen, Christian and Shabak women, including kidnapping, sexual enslavement, forced marriage, forced pregnancy and forced abortion, as genocide and crimes against humanity.⁴¹³ The law further provides for material reparation measures, including financial support, medical and psychological care, the provision of land, housing, and education, as well as a quota in public sector employment. The law also excludes future amnesty for perpetrators of the listed crimes.⁴¹⁴ While the law has been widely welcomed and some steps towards its implementation have been taken,⁴¹⁵ challenges remain, including as a result of burdensome evidentiary requirements and accessibility issues for those who remain displaced.⁴¹⁶ Furthermore, the law does not address the situation of children born as a result

⁴⁰⁹ “Ongoing prosecutions and convictions of Da’esh affiliates have yet to include charges of sexual violence”; UN Security Council, *Conflict-Related Sexual Violence: Report of the Secretary-General*, S/2023/413, 22 June 2023, <https://bit.ly/3vPj9xl>, para. 38. “(...) from January 2018 to October 2019, the Iraqi judiciary processed over 20,000 terrorism related cases, with thousands more pending. Only one trial was for rape [of a Yazidi woman]. (...) As long as terror trials are being seen as ‘quicker’ or ‘easier’ and carry the death penalty, which is a higher sentence than for rape and sexual violence, prosecutors will continue to rely on terror-related offences”; IBA, *Justice and Accountability for the Atrocities of Daesh*, 1 March 2023, <https://bit.ly/3C5LFum>, pp. 17, 21. “Throughout its national prosecutions, Iraq has solely relied on its anti-terrorism laws which fail to criminalize a large sexual modus operandi defined in a system of organized rape, sexual slavery, and forced marriage used by ISIS. This failure to capture the full range of the horrific crimes ISIS committed denies sexual violence survivors a critical opportunity to address the crimes committed against them, negates their agency, and often silences their voices”; Tahrir Institute for Middle East Policy (TIMEP), *Is Criminal Justice Enough to Address the Yazidi Genocide?*, 16 August 2022, <https://bit.ly/3Rgtlhw>. See also, CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 18; and Sections II.D.1.a and III.A.8.d.

⁴¹⁰ CED, *Observations and Recommendations*, 31 March 2023, <https://bit.ly/3MjZtb0>, para. 87; IBA, *Justice and Accountability for the Atrocities of Daesh*, 1 March 2023, <https://bit.ly/3C5LFum>, p. 20; CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 18; HRW, *Submission to the Committee Against Torture and Other Cruel, Inhuman, or Degrading Punishment*, March 2022, www.ecoi.net/en/document/2071301.html.

⁴¹¹ UNITAD, *Our Mandate*, accessed 28 January 2024, <https://bit.ly/3DbvQE0>; UN Security Council, *Security Council Resolution 2379 (2017) [on Establishment of an Investigative Team to Support Domestic Efforts to Hold the Islamic State in Iraq and the Levant Accountable for Its Actions in Iraq]*, 21 September 2017, S/RES/2379 (2017), www.refworld.org/docid/5a2fda0cb.html. In September 2023, at the request of the Iraqi Government, the UN Security Council extended UNITAD’s mandate for only one year. “Since then, rights groups and members of the Yazidi community have raised concerns about the upcoming termination of UNITAD’s work in Iraq and what it means for their aspirations for justice and accountability”; EPIC, ISHM: October 26 – November 2, 2023, 2 November 2023, www.ecoi.net/en/document/2100067.html. See also, UN Security Council, *Sudden End to Team Investigating Da’esh Crimes in Iraq Could Impact Ongoing Inquiries, Justice for Victims, Special Adviser Warns Security Council*, 4 December 2023, <https://press.un.org/en/2023/sc15514.doc.htm>; Amwaj.media, *Why Iraq Wants End to UN Documenting of IS Crimes*, 26 September 2023, <https://bit.ly/3QMvD7k>; UN Security Council, *Security Council Extends Mandate of Investigative Team to Promote Accountability for Crimes Committed by Da’esh/ISIL, Unanimously Adopting 2697 (2023)*, SC/15411, 15 September 2023, <https://bit.ly/3vL90S9>.

⁴¹² See footnote 398.

⁴¹³ Republic of Iraq, *Iraq Law No. 8 of 2021 [Yazidi Female Survivors Law]*, 2 March 2021, www.refworld.org/docid/64c293304.html. Administrative Instructions to facilitate the implementation of the Yazidi Female Survivors Law were issued in November 2021. The instructions are available, in Arabic, at: www.moj.gov.iq/upload/pdf/4652.pdf, pp. 5-8.

⁴¹⁴ UN Security Council, *Conflict-Related Sexual Violence: Report of the Secretary-General*, S/2022/272, 29 March 2022, www.ecoi.net/en/document/2071267.html, para. 14; UN Security Council, *Implementation of Resolution 2522 (2020): Report of the Secretary-General*, S/2021/426, 4 May 2021, www.ecoi.net/en/document/2051319.html, para. 8.

⁴¹⁵ “By end of 2023, moderate progress has been achieved in the implementation of the law”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 65. As of early August 2023, the Directorate of Survivors’ Affairs “has verified 900 survivors through its application process, distributed salary payments promised under the Law to 650 verified survivors and activated a formal referral system through which YSL beneficiaries can connect to mental health and psychosocial support services in their areas of residence”; IOM, *Nine Years in Remembrance, the Road Ahead for Yazidi Genocide Survivors in Iraq*, 3 August 2023, <https://bit.ly/3QvVdEe>. See also, Free Yazidi Foundation/US Department of State, *Iraq’s Yazidi Survivors Law: Report on Year One of Reparation Applications*, September 2023, <https://bit.ly/3GaOaOg>, p. 5; UN Security Council, *Implementation of Resolution 2631 (2022): Report of the Secretary-General*, S/2023/340, 11 May 2023, www.ecoi.net/en/file/local/2092084/N2312267.pdf, para. 57. According to the Iraqi Minister of Labour and Social Affairs, IQD 25 billion (USD 19 million) have been allocated to the Yazidi Female Survivors Law under the 2023 budget; Al-Jazeera, *Nine Years after the Yazidi Genocide, What’s Next for Survivors?*, 3 August 2023, <https://aje.io/61j4qv>; UN Security Council, *Conflict-Related Sexual Violence: Report of the Secretary-General*, S/2023/413, 22 June 2023, <https://bit.ly/3vPj9xl>, para. 38.

⁴¹⁶ “In many areas of Iraq, (...) the process under Law No. 20 has been plagued by procedural and processing inefficiencies and budgetary issues”; IOM, *Progress Toward Durable Solutions in Iraq: A Pilot Project in Ninewa Governorate* (December 2023), 14 January 2024, <https://bit.ly/42aia6Q>, p. 5. “The Committee requires survivors to submit a criminal complaint before a local court in order for the application to be approved. This requirement is not in line with the Yazidi Female Survivors Law and related by-laws, which stipulate that court case files are a type of evidence, but are not mandatory”; UN

of sexual violence by Da'esh.⁴¹⁷ Sunni and Shi'ite Arab women who experienced sexual violence at the hands of Da'esh are also not covered by the law.⁴¹⁸

Impunity for State actors and PMF factions operating outside State control

In relation to human rights violations and abuses involving government officials, the ISF and PMF factions operating outside State control, the government is reported to have taken limited steps to protect its citizens,⁴¹⁹ and to investigate and hold to account those found to be responsible.⁴²⁰ Moreover, those seeking accountability have been subjected to threats, abduction and extra-judicial killing.⁴²¹ In light of decades of enforced disappearances in Iraq, including during the fight against Da'esh and the Tishreen protests, the UN Committee on Enforced Disappearances (CED) in March 2023 called on the Iraqi Government to establish a comprehensive search and investigation strategy for such cases and to

Security Council, *Implementation of Resolution 2631 (2022): Report of the Secretary-General*, S/2023/340, 11 May 2023, www.ecoi.net/en/file/local/2092084/N2312267.pdf, para. 57. The requirement to submit a criminal complaint "is proving prohibitive for those who would rather forfeit their reparations than risk further stigma and retraumatization"; SEED Foundation (Erbil-based NGO), *Two Years after the Passage of the Yezidi Survivors Law: SEED Calls for the Government to Honor its Obligations to Protect and Serve Survivors of the ISIS Conflict in Iraq*, 1 March 2023, <https://bit.ly/42gOO6D>. Displaced survivors in the KR-I encounter an additional obstacle due to the requirement to initiate and follow up on the compensation process in their areas of origin (Sinjar or Mosul) as there are no dedicated compensation offices in the KR-I; Free Yezidi Foundation/US Department of State, *Iraq's Yezidi Survivors Law: Report on Year One of Reparation Applications*, September 2023, <https://bit.ly/3GaOaOg>, pp. 5-7. See also, Coalition for Just Reparations, *UN Special Rapporteurs Raise YSL Criminal Complaint Concerns with Iraq*, 25 August 2023, <https://c4jr.org/2508202327740>.

⁴¹⁷ UN Security Council, *Conflict-Related Sexual Violence: Report of the Secretary-General*, S/2023/413, 22 June 2023, <https://bit.ly/3vPi9xl>, para. 39; OHCHR, *Communication to the Government of Iraq: AL IRQ 3/2022*, 15 September 2022, <https://bit.ly/3C8NHd0>, p. 3; CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 20. Furthermore, "in practice (...) eligibility requirements are being narrowly interpreted to exclude Yezidi children born during captivity to a Yezidi mother and Yezidi father"; Free Yezidi Foundation/US Department of State, *Iraq's Yezidi Survivors Law: Report on Year One of Reparation Applications*, September 2023, <https://bit.ly/3GaOaOg>, p. 6. See also Section III.A.9.

⁴¹⁸ "Under the law, the following groups cannot apply and receive benefits: i) survivors of ISIL conflict from groups other than those indicated [in the law]; ii) men and boys, survivors of conflict-related sexual violence; iii) children born of conflict-related sexual violence; iv) survivors of crimes committed by non-ISIL armed state or non-state actors active during the ISIL conflict in Iraq"; OHCHR, *Communication to the Government of Iraq: AL IRQ 3/2022*, 15 September 2022, <https://bit.ly/3C8NHd0>, p. 3. See also, Al Jazeera, 'No One Cares': ISIL's 'Invisible' Victims, 8 March 2022, <https://aje.io/8bd55w>.

⁴¹⁹ "[Former Prime Minister] Al-Kadhimi has been unable to protect the protesters from attacks and individual misbehavior of some officers in the police, the army and certain factions within the PMF. (...) The government is likely to remain incapable of ensuring the safety of its citizens during protests"; Bertelsmann Foundation, *Iraq Country Report 2022*, 23 February 2022, www.ecoi.net/en/document/2069660.html. See also, Al-Monitor, *Kataib Hezbollah Movements in Iraq and Abroad Spark Concern*, 16 February 2022, <https://bit.ly/3v4dsZ7>.

⁴²⁰ "Since 2019, successive Iraqi governments have formed numerous committees to investigate violations committed in the context of the protests at the national and governorate level, but these committees have failed to deliver on truth or justice"; Amnesty International, *Urgent Action: Reveal Fate of Disappeared Journalist*, 15 December 2023, www.ecoi.net/en/document/2102330.html, p. 2. "The government, including the Office of the Prime Minister, took some steps to identify, investigate, and prosecute officials responsible for perpetrating or authorizing human rights abuses, but rarely punished them. Many senior government officials and security force personnel, including the Iraqi Security Forces, Federal Police, Popular Mobilization Forces (...) operated with impunity"; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. The CAT "remains concerned about reports of allegations of torture, illtreatment, arbitrary arrest, unlawful detention and enforced disappearance committed by Iraqi forces and affiliated armed actors during the military operations and the counterterrorism campaigns and the lack of information on investigations and prosecutions in that regard." With regards to accountability for the violations and abuses committed against protestors during the 2019/2020 Tishreen protests and reported attacks against journalists and human rights defenders, the CAT welcomed the establishment of an independent fact-finding committee and the judicial investigative committees in the protest-affected governorates, but regretted "the lack of public reports on the actions taken by the fact-finding committee, the limited progress made on investigations and the fact that only a handful of prosecutions have been undertaken to date context of demonstrations that have occurred since October 2019"; CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, paras 18, 32. See also, UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 16; Euro-Med Human Rights Monitor, *Iraq: Little to Report on the Progress of Achieving Justice after 150 Days of Al-Sudani's Government Taking Power*, 28 March 2023, <https://bit.ly/41qlAR4>; and Sections III.A.2 and III.A.6.a.

⁴²¹ See Section III.A.2.

eradicate impunity.⁴²² A draft “Missing Persons Law” was submitted to the CoR in August 2023; however, it “does not criminalize enforced disappearance or outline penalties for perpetrators.”⁴²³

The authorities’ failure to credibly investigate and address violations of the rule of law and incidents of torture and deaths in detention is reported to perpetuate a climate of impunity for these human rights violations.⁴²⁴

Iraq’s national human rights institution, the IHCHR, is mandated to receive and investigate human rights complaints from individuals, groups and civil society organizations.⁴²⁵ The IHCHR’s functioning has been undermined by the failure to appoint new commissioners after the expiration of the IHCHR commissioners’ mandate in July 2021.⁴²⁶ In addition, the IHCHR has come under pressure from political actors, as evidenced in February 2022, when a legal complaint was filed against former IHCHR Commissioner Dr Ali Al-Bayati following comments he made during his tenure regarding the alleged use of torture by the Anti-Corruption Committee.⁴²⁷ Staff from the IHCHR also reported intimidation after researching violence against protestors.⁴²⁸ According to observers, in September 2023 the IHCHR’s independence was further

⁴²² The CED described “the massiveness of disappearances” that affected up to 1 million people and persisted over the past five decades, including during the Ba’athist era (1968-2003), following the 2003 invasion and occupation of Iraq up until the emergence of Da’esh, the territorial control by Da’esh (2014-2017) and the 2018 to 2020 Tishreen protests, with a continuing pattern of enforced disappearances. “In all these contexts, the alleged perpetrators include state security agents, foreign military forces, and armed actors commonly referred to as ‘militia’ that have various level of affiliation or proximity with the State and state agents or, on the contrary, acting without the authorization, support or acquiescence of the State. All the Iraqi population, whatever their ethnic and religious group, have been affected”; CED, *Information on the Visit and Findings*, 31 March 2023, <https://bit.ly/3MgQs2i>, paras 9-11; CED, *Observations and Recommendations*, 31 March 2023, <https://bit.ly/3MjZtb0>.

⁴²³ Amnesty International, *Iraq: Four Years after Tishreen Protests, no Justice for State and Militia Violence*, 27 September 2023, www.ecoi.net/en/document/2097818.html. See also, UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 47.

⁴²⁴ The CAT observed “that the mechanisms established by the State party to receive and investigate complaints of torture and ill-treatment by officials are not leading in practice to the meaningful accountability of perpetrators”; CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 12. “Iraqi authorities have made repeated public commitments to investigate instances of torture and extrajudicial killings of detainees in recent years without follow-through. Iraq’s constitution prohibits torture but the Iraqi Parliament has been unwilling or unable to pass an anti-torture bill for years. The bill would require a judge to order a medical examination of any detainee alleging torture within 24 hours of learning of the allegation; such an order or examination does not often occur”; HRW, *Submission to the Committee Against Torture and Other Cruel, Inhuman, or Degrading Punishment*, March 2022, www.ecoi.net/en/document/2071301.html. See also, Amnesty International, *Amnesty International Report 2022/23: Iraq*, 28 March 2023, www.ecoi.net/en/document/2089537.html; NINA, *Al-Sudani’s Office Calls on those who Have Been Tortured or Forcibly Confessed to Submit a Complaint*, 11 November 2022, <https://bit.ly/3ArBUpZ>; Shafaq News, *Iraqi Government Received 3,000 Reports on Torture Last Month: Human Rights Activist*, 5 March 2023, <https://bit.ly/3T3lqLl>.

⁴²⁵ Article 102 of the Iraqi Constitution foresees the Iraqi High Commission for Human Rights (IHCHR) to be “considered independent” and “subject to monitoring by the Council of Representatives”, with its functions “regulated by law”. The IHCHR was formally established by Law No. 53 of 2008; Republic of Iraq, *Constitution of the Republic of Iraq*, 15 October 2005, www.refworld.org/docid/454f50804.html, art. 102. Law No. 53 (2008) is available, in Arabic, at: <https://bit.ly/2zYwkfA>.

⁴²⁶ To date, no new commissioners have been appointed. “According to an IHCHR official, staff are receiving their salaries and the Commission continues to operate, monitoring human rights but less vigorously than before. Without commissioners to ratify them, IHCHR reports do not meet the legal threshold necessary to compel COR or the government to take action. The IHCHR did not issue any public reports during the year [2022]. In August 2021 the FSC [Federal Supreme Court] issued a decision at the behest of the Council of Ministers that removed the IHCHR’s immunity from prosecution”; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. According to former Commissioner Al-Bayati, by December 2022, the IHCHR “remained frozen and unable to play any oversight role in the field of human rights”; Rudaw, *Ali Al-Bayati: The Violations File by ‘Committee-29’ Is the most Dangerous at the Era of Former Government*, 24 December 2022, <https://bit.ly/3ZdPkQf>. See also, New York Times, *As Iraq Tries to Chill Critics, its Newest Target Is Social Media*, 16 July 2023, <https://bit.ly/3KqhcIV>.

⁴²⁷ On 6 February 2022, Al-Bayati was arrested and detained when he appeared in court in response to a summons, despite having legal immunity as an IHCHR commissioner. He was released on bail the following day. There are conflicting reports on whether the legal case against Al-Bayati remains open; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html; CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 40. In June 2021, the Global Alliance of National Human Rights Institutions (GANHRI) had upgraded the IHCHR upgraded to an “A-Status” to mark its full compliance with the Paris Principles, a set of international standards relating to the status of national human rights organizations. In response to the legal proceedings against Al-Bayati, GANHRI and the Asia Pacific Forum of National Human Rights Institutions (APF) said that “[T]he legal proceedings against Dr Al-Bayati compromise this position [“A-status”] and may place Iraq’s IHCHR’s international accreditation at risk”; GANHRI/APF, *GANHRI and APF Gravely Concerned about Case of Intimidation and Reprisal Against Commissioner of Iraq’s High Commissioner for Human Rights*, 18 March 2022, <https://bit.ly/3czenu4>; GANHRI, *Accreditation Status as of 26 April 2023*, 26 April 2023, <https://bit.ly/47PYFlj>, p. 2. “The targeting of a former IHCHR member, who enjoyed immunity for the duration of his term, may intimidate current and future members from investigating human rights abuses”; Freedom House, *Freedom in the World 2023: Iraq*, May 2023, <https://bit.ly/3qe1V3>. See also, UN Iraq, *Iraq Common Country Analysis 2022: Condensed Version*, 27 July 2022, <https://bit.ly/42zehY9> (hereafter: UN Iraq, *Iraq Common Country Analysis 2022*, 27 July 2022, <https://bit.ly/42zehY9>), pp. 3-4.

⁴²⁸ “Some commissioners and staff reported facing intimidation from government officials for researching and reporting on human rights abuses against protestors and in prisons and for speaking publicly concerning allegations of torture by government bodies”; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also Section III.A.2.

undermined by the Government's decision to put the Commission's administration and financial affairs under the purview of the Minister of Justice.⁴²⁹

Weak law enforcement

The ISF, including the local police, continue to be themselves a target of attacks by armed actors, weakening their ability to provide protection to civilians.⁴³⁰ "Rampant" corruption further undermines the functioning of law enforcement agencies.⁴³¹

Existing legal provisions to protect women and girls as well as individuals with diverse SOGIESC from violence are often not effectively implemented due to predominant patriarchal gender norms that continue to persist among members of law enforcement agencies and the judiciary.⁴³²

Weak criminal justice system

The criminal justice system is reported to be weak and understaffed,⁴³³ and does not meet international and domestic legal obligations in relation to arrest and detention, due process and fair trial standards.⁴³⁴ The rule of law is reported to be compromised by the actual and perceived corruption in the judiciary.⁴³⁵ The impartiality and independence of the judiciary is undermined by nepotism and pressure from the executive branch, political parties, armed groups and tribes,⁴³⁶ as well as threats, intimidation and attacks

⁴²⁹ "(...) Iraqi activists and civil society organisations argued the decision as a step towards further paralysing and marginalising the IHCHR (...)" The New Arab, Strong Criticism Follows Appointment of Iraqi Minister of Justice to Oversee Human Rights Commission, 21 September 2023, <https://bit.ly/48XgOyM>.

⁴³⁰ See Section III.A.2 and III.A.4.

⁴³¹ "(...) prevalence of corruption in arrest procedures"; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html. "Corruption is also rampant, with officers asking for bribes in order to keep complaints confidential, process or close cases, conceal evidence and even to forge documents"; LSE, Challenging Narratives of 'Fate and Divine Will': Access to Justice for Gender-Based Violence in Iraq, November 2021, <https://bit.ly/3frTR08> (hereafter: LSE, Access to Justice for Gender-Based Violence, November 2021, <https://bit.ly/3frTR08>), p. 21. Furthermore, "state capture has led to a security sector that is politicized, incoherent and fundamentally unable to enforce accountability. (...) The elite has also relied on control of the security sector to silence dissenting voices and prevent meaningful scrutiny"; Chatham House, Tackling Iraq's Unaccountable State, December 2023, <https://bit.ly/3SrSFL0>, pp. 27, 31-32. See also, MEE, Iraq: Police Chief Arrested while Taking Bribe in his Office, 5 September 2022, <https://bit.ly/3qjv1jr>.

⁴³² "Similarly to the difficulties facing members of the LGBTIQ+ in securing access to justice and accountability, there is a serious failure on the part of the authorities to monitor, investigate and prosecute gender-based violence and torture against women and girls by state officials as well as by non-state actors such as armed groups and families. (...) The ability of these particularly vulnerable communities to seek justice is further complexified by the lingering stigma and discrimination that exists in Iraq against those who do not conform to traditional gender norms and stereotypes"; GCHR, Patterns of Torture in Iraq, September 2022, <https://bit.ly/3NTGm8z>, pp. 20-21. See also Sections III.A.8 and III.A.11.

⁴³³ According to Jamal Al-Asadi, a security expert and former inspector general in the Iraqi Interior Ministry: "The number of judges in Iraq is not commensurate with the responsibilities placed on them or with the international standard that measures the number of judges in relation to the population at a rate of seven judges per 100,000 people. This means that Iraq needs to have 2,800 judges, excluding public prosecutors, while the country has 1,600 magistrates and one prosecutor"; Al-Monitor, Iraqi Judges in Crosshairs of Drug Dealers with Powerful Connections, 23 February 2022, <https://bit.ly/3ioVfP8>. "For years, the role of Iraq's legal system has been eroding, with a significant increase in cases where the courts fail to function or carry out justice for the victims of crimes and violations"; Geneva Centre for Security Sector Governance, Iraq SSR Country Background Note, 25 February 2022, <https://bit.ly/3MptSCR>. See also, GI-TOC, 2023 Global Organized Crime Index: Iraq, September 2023, <https://bit.ly/42cXCL4>, p. 6.

⁴³⁴ See Section II.D.1.a.

⁴³⁵ "Rampant corruption and nepotism threaten criminal justice (...). The country's criminal procedures are outdated, riddled with corruption and lack modern investigation techniques, leading to overloaded courts and long waiting times"; GI-TOC, 2023 Global Organized Crime Index: Iraq, September 2023, <https://bit.ly/42cXCL4>, p. 6. "Corruption or intimidation reportedly influenced some judges in criminal cases at the trial level and on appeal at the Court of Cassation"; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also, AGSIW, The Iraqi Judiciary: Undermined by Violent Intimidation, Corruption, and Politicization, 30 January 2023, <https://bit.ly/3O0veGT>; Transparency International, CPI 2021 for Middle East & North Africa: Systemic Corruption Endangers Democracy and Human Rights, 25 January 2022, <https://bit.ly/3KGzNkl>.

⁴³⁶ Judges face "external pressures (...) spanning from political to personal threats." Furthermore, "the autonomy of the judiciary (...) is jeopardized by a range of factors, most alarmingly the unchecked actions of non-state actors, including paramilitary groups"; UN Iraq, Iraq Common Country Analysis 2023, January 2024, p. 32. The Human Rights Committee "remains concerned about reports indicating that, in practice, the judiciary is neither fully independent nor impartial, particularly in cases involving persons suspected of involvement with Da'esh, and that judges and prosecutors are often influenced by political pressure, tribal forces or religious interests"; UN Human Rights Committee, Concluding Observations on the 6th Periodic Report, 16 August 2022, www.ecoi.net/en/document/2077747.html, para. 26. See also, Chatham House, Tackling Iraq's Unaccountable State, December 2023, <https://bit.ly/3SrSFL0>, pp. 15-21; Freedom House, Freedom in the World 2023: Iraq, May 2023, <https://bit.ly/3qei1V3>; AGSIW, The Iraqi Judiciary: Undermined by Violent Intimidation, Corruption, and Politicization, 30 January 2023, <https://bit.ly/3O0veGT>; Ahram Online, How Iraq's Judiciary Got into a Political Mess, 5 April 2022, <https://bit.ly/3Cx6TRN>; The Heritage Foundation, 2022 Index of Economic Freedom: Iraq, February 2022, <https://heritage.org/3SZQBb8>; The National, Iraq Government Watchdog Says Nearly 12,000 Officials Investigated over Corruption, 16 February 2022, <https://bit.ly/35ZNahh>. The Iraqi Bar Association Committee to Defend Lawyers reported that "hundreds of lawyers were imprisoned due to malicious lawsuits and spurious criminal charges"; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html.

against judges, prosecutors, lawyers and, in some cases, their family members.⁴³⁷ The judiciary is also reported to be complicit in politically motivated criminal prosecutions of critics of the government and the ISF.⁴³⁸ Due to a lack of trust in the effectiveness of the formal justice system,⁴³⁹ many Iraqis are reported to turn to tribal conflict resolution mechanisms.⁴⁴⁰

Civil legal framework for compensation

Civil and administrative remedies for human rights violations are reportedly often not effectively implemented.⁴⁴¹ As per the Laws on Compensation, the Iraqi authorities will compensate all citizens whose properties were affected by war-related incidents since 2003.⁴⁴² Commissions set up under the law are reported to have received thousands of compensation requests; however, civilians seeking compensation are reported to face serious and sometimes prohibitive practical and bureaucratic challenges in navigating the procedures⁴⁴³ with long delays in payments, including for claims for deaths or injuries since 2014.⁴⁴⁴

⁴³⁷ "Impartial judges are often manipulated or threatened if they rule against government decisions"; Freedom House, *Freedom on the Net 2023: Iraq*, 4 October 2023, www.ecoi.net/en/document/2100683.html. "Numerous threats and killings by sectarian, tribal, violent extremist, and criminal elements impaired judicial independence. Judges, lawyers, and their family members frequently faced death threats and attacks"; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html. "Between 2003 and 2019, 74 judges were assassinated. These killings are even more disturbing given the low number of judges in Iraq compared to international standards"; AGSIW, *The Iraqi Judiciary: Undermined by Violent Intimidation, Corruption, and Politicization*, 30 January 2023, <https://bit.ly/3O0veGT>. See also, GI-TOC, 2023 Global Organized Crime Index: Iraq, September 2023, <https://bit.ly/42cXCL4>, p. 6; Bas News, *Violence Surge: 10 Lawyers Killed in Iraq this Year*, 28 November 2023, <https://bit.ly/3RsLXnN>; and Sections III.A.1.b and III.A.2.

⁴³⁸ See Sections III.A.2 and III.A.6.a.

⁴³⁹ "Malpractice by the Iraqi judiciary only increases citizens' mistrust of the political system, as justice remains scarce in such an insecure environment"; AGSIW, *The Iraqi Judiciary: Undermined by Violent Intimidation, Corruption, and Politicization*, 30 January 2023, <https://bit.ly/3O0veGT>.

⁴⁴⁰ "Many Iraqis turn to tribal bodies to settle disputes, even those involving major crimes"; Freedom House, *Freedom in the World 2023: Iraq*, May 2023, <https://bit.ly/3gej1V3>. See also, Iraqi Civil Society Solidarity Initiative, *Hanaa Edwar Speech: In Front of the United Nations Security Council*, 23 May 2022, <https://bit.ly/3n5RhgF>; France 24, *Drugs, Tribes, Politics a Deadly Mix in Iraq Border Province*, 23 February 2022, <https://f24.my/8PY7.T>.

⁴⁴¹ US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html; CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 34.

⁴⁴² Law No. 20 of 2009 outlined categories and sub-categories eligible for compensation and both procedures and eligibility have been modified by the two subsequent amendments, including by granting more power to make decisions (when damage is under IQD 30 million) to Compensation sub-Committees. The procedures for filing for compensation, while generally similar, differ by governorate; Housing, Land and Property Sub-Cluster Iraq, *Property Compensation Guidelines: Based on Iraqi Law 20, 2009, Law 57, 2015 (First Amendment) and Law 2 of 2020 (Second Amendment)*, March 2020, <https://bit.ly/3C8IB0i>, pp. 3-5, 9-15. See: Law No. 20 of 2009, Law No. 57 of 2015 and Law No. 2 of 2020; see Republic of Iraq, *Law No. 20 of 2009: Law on Compensation of Victims of War Operations, Military Mistakes and Terrorist Operations*, 7 January 2020, [www.refworld.org/docid/64ccddc74.html](https://refworld.org/docid/64ccddc74.html) (with links to 2015 and 2020 amendments). See also, CED, *Observations and Recommendations*, 31 March 2023, <https://bit.ly/3MiZtb0>, para. 103; IBA, *Justice and Accountability for the Atrocities of Daesh*, 1 March 2023, <https://bit.ly/3C5LFum>, pp. 36-37.

⁴⁴³ Among IDP and returnee households surveyed across Iraq between 15 June and 1 November 2023, only a small number of those who had submitted a claim for compensation for damaged or destroyed property obtained compensation as a result of their claim (1% of in-camp IDPs, 7% of out-of-camp IDPs and 16% of returnees). The main reasons for not having claimed or not receiving compensation for damaged or destroyed property following the submission of a claim included: heavy or long bureaucratic procedures; refusal/inability to pay a bribe (*wasta*); delay in disbursement of the compensation; unclear information or communication; and missing documentation to lodge an application; REACH, *Iraq: Cross-Cutting Needs Assessment (CCNA) Key Multi-Sectoral Findings* (December 2023), 14 December 2023, www.ecoi.net/en/document/2102373.html (hereafter: REACH, *Key Multi-Sectoral Findings*, 14 December 2023, www.ecoi.net/en/document/2102373.html), p. 20. People in Sinjar described the process as "complicated, lengthy, and expensive." And further: "Applicants must obtain stamps or documents from multiple agencies including the local municipality office, courts, the Electricity and Agriculture Ministries, the Water Department, the district damage detection committee that assesses property value and damage levels, the police, the National Security Agency, and the Compensation Department. People interviewed reported spending up to 1 million IQD (\$762) in administrative fees, legal fees, and the costs of traveling between Sinjar, Mosul, and Dohuk"; HRW, *Iraq: Compensation for ISIS Victims Too Little, Too Late*, 9 May 2023, www.ecoi.net/en/document/2091661.html. "Implementation is reportedly further hampered by insufficient allocation of State funds, shortage of qualified staff, exclusion of certain groups of victims due to their perceived association with ISIL, and complicated and protracted procedures that hinder swift and effective implementation"; OHCHR, *Communication to the Government of Iraq: AL IRQ 3/2022*, 15 September 2022, <https://bit.ly/3C8NHdo>, p. 4. See also, IOM, *Progress Toward Durable Solutions in Iraq: A Pilot Project in Ninewa Governorate* (December 2023), 14 January 2024, <https://bit.ly/42aia6Q>, p. 5; CED, *Observations and Recommendations*, 31 March 2023, <https://bit.ly/3MiZtb0>, para. 106; IBA, *Justice and Accountability for the Atrocities of Daesh*, 1 March 2023, <https://bit.ly/3C5LFum>, pp. 36-37.

⁴⁴⁴ HRW "found that the government has succeeded in offering compensation, largely in the form of one-off payments for those killed, as well as monthly payments for families of those killed and some who have been injured. However, the compensation process has been slow and cumbersome for most seeking funds, with some injured having to wait more than two and a half years for compensation, and only receiving monies after hiring expensive lawyers to help process claims quicker"; HRW, *World Report 2023: Iraq*, 12 January 2023, www.ecoi.net/en/document/2085461.html. Payments have been nonexistent in Sinjar. "While almost half of the 10,500 applications filed by Sinjaris have been approved, not a single family has yet received a payout under Iraqi Law No.20. This stands in stark contrast to other areas of Iraq, which have all seen at least some compensation awarded"; HRW, *The Iraqi Government Is Failing Victims of ISIS in Sinjar*, 17 May 2023, www.ecoi.net/en/document/2092171.html. See also, CED, *Observations and Recommendations*, 31 March 2023, <https://bit.ly/3MiZtb0>, paras 106-108; Danish Refugee Council (DRC), *Life in the Margins: Re-Examining the Needs of Paperless People in Post-Conflict Iraq*, September 2022, www.ecoi.net/en/document/2078836.html (hereafter: DRC, *Life in the Margins*, September 2022, www.ecoi.net/en/document/2078836.html), p. 14; The National, *Five Years after ISIS, Mosul Families Rebuild Homes While Awaiting Reparations*, 7 July 2022, <https://bit.ly/3qm2w9Q>.

Families with perceived Da'esh affiliation have, according to reports, been denied security clearance, which has prevented them from lodging compensation claims.⁴⁴⁵

The government compensation scheme for persons injured or killed during the Tishreen protests has been implemented with modest success.⁴⁴⁶

b) Availability of State Protection in the Kurdistan Region of Iraq

Power in the KR-I is largely divided between the two dominant parties, the Erbil-based KDP and the Sulaymaniyah-based PUK.⁴⁴⁷ The region's armed forces (*Peshmerga*), security, counter-terrorism and intelligence agencies are reported to remain under the political influence of the two parties and/or powerful party officials as the political divide slowed down efforts to unify the regions' forces.⁴⁴⁸ Effective governance of the KRG institutions is reported to be further compromised by the prevalence of political infighting,⁴⁴⁹ corruption⁴⁵⁰ and nepotism based on family, tribal and party affiliation.⁴⁵¹ This nepotism extends also to businesses, media organizations, NGOs and in various other sectors.⁴⁵²

⁴⁴⁵ "Some local authorities also applied government compensation laws in a discriminatory manner and excluded families with perceived ISIS affiliations"; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also Section III.A.1.b.

⁴⁴⁶ "The Iraqi government has made more progress in the area of financial compensation for violence against protesters. But the cases documented, along with other available evidence, suggest this has predominantly come in the form of payments to the families of slain protesters – almost as a replacement for legal accountability for those implicated in the killings"; HRW, *To Sleep the Law: Violence Against Protesters and Unaccountable Perpetrators in Iraq*, 29 November 2022, <https://bit.ly/41Nc8IG>. See also, UNAMI/OHCHR, *Update on Accountability in Iraq*, June 2022, www.ecoi.net/en/document/2075658.html, p. 10; GCHR, *Challenges Faced by Human Rights Defenders in Iraq Following the 'October Popular Movement'*, 5 May 2022, <https://bit.ly/3OAYdmj>, p. 9; and Section III.A.2.

⁴⁴⁷ "In the Kurdistan region, although elected KRG representatives have jurisdiction, in practice, the region is split between the Erbil and Dohuk governorates, under KDP control, and Sulaymaniyah, controlled by the PUK. Each region has its own politically affiliated internal security (*Asayish*) and military forces (*Peshmerga*)"; Freedom House, *Freedom in the World 2023: Iraq*, May 2023, <https://bit.ly/3qej1V3>.

⁴⁴⁸ Ongoing efforts to unify forces loyal to the KDP and the PUK, respectively, under the KRG's Ministry of Peshmerga "slowed due to an ongoing political divide between the IKR's two main political parties." As at mid-2013, the US Defense Intelligence Agency (DIA) reported that the Ministry of Peshmerga "had established 'nominal' control" over some 20 brigades "comprising roughly 54,000 personnel, but that tens of thousands of partisan forces remain under PUK and KDP party control." The Combined Joint Task Force – Operation Inherent Resolve (the multinational military formation established by the US-led international coalition against Da'esh) reported in quarter 2 of 2023, "that it was uncertain how and when the political parties will transfer the remainder of their forces, each numbering roughly 50,000 personnel" to the Ministry of Peshmerga; US Department of Defense, *Lead Inspector General Report*, 9 November 2023, <https://bit.ly/3OhVdJo>, pp. 3, 23. "Peshmerga Units 70 and 80, which are the largest units [comprising about 100,000 fighters], are loyal to the KRI's two ruling parties, the PUK and KDP respectively"; ISPI, *Peshmerga Reform: High Stakes for the Future of Iraqi Kurdistan*, 20 September 2022, <https://bit.ly/3WjdqHu>. Furthermore, efforts to unify KDP and PUK forces are reportedly limited to the Peshmerga and do not include forces under the command of the KRG Ministry of Interior; MEI, *The War at Home: The Need for Internal Security Sector Reform in Iraqi Kurdistan*, 6 July 2021, <https://bit.ly/3iKHLky>. See also, Al-Monitor, *US Reduces Peshmerga Funding amid Iraqi Kurdish Political Tensions*, 4 January 2024, <https://bit.ly/3vNjdd6>; Kirkuk Now, *There's not even 1% Chance that Kurdistan Will Have a National Army*, Senior Commanders, 22 July 2023, <https://bit.ly/44Uwocc>; Bilal Wahab, *The Rise and Fall of Kurdish Power in Iraq*, in: *Middle East Report* (306 Spring 2023), April 2023, <https://bit.ly/40YUOo6>.

⁴⁴⁹ "(...) the KRG has always struggled to govern as a coherent body due to the fact that its leadership is divided between two ruling parties (KDP and PUK) and two families (Barzani and Talabani) that have different regional interests and continue to mistrust each other (...). What unites these parties is mostly a desire to maintain the status quo and prevent changes to their duopoly over the KRI"; Clingendael, *Big Brother Is Watching Evolving Relations Between Iran and the Kurdistan Region of Iraq*, March 2022, <https://bit.ly/3XyQghe>, p. 7. See also Section II.A.3.

⁴⁵⁰ "The incumbents of dominant political parties have systematically conducted corrupt practices, utilizing different sources of power from the legislature to their security forces"; F. H. Abdullah Mamshai, *Party Corruption in the Kurdistan Region of Iraq: Context and Implications*, *Digest of Middle East Studies* Vol. 31(1), January 2022, <https://bit.ly/3l9JLqE>, p. 39. See also, MEI, *Simmering Frustration and a Demand for Change: Public Service Protests in the Kurdistan Region*, 10 November 2021, <https://bit.ly/3WUBlsh>. Individuals who point out corruption or criticize the government, the ruling parties or influential party officials are regularly subject to harassment, arbitrary arrest, detention and politically-motivated criminal prosecution; see Sections III.A.3 and III.A.6.b.

⁴⁵¹ The KDP and PUK hold "control over crucial institutions, including the military, courts, security apparatus, and, notably, the economy"; Washington Institute, *Renewing the KRG's Opposition Parties for 2024 Parliamentary Elections*, 8 January 2024, <https://bit.ly/3OfbtKY>. "Party connections are viewed as key to getting a job, starting a business, and winning legal disputes. The Peshmerga and security forces in each zone have partisan affiliations, too"; Foreign Policy, *Iraqi Kurdistan's House of Cards Is Collapsing*, 22 March 2023, <https://bit.ly/3Jdvm2O>. See also, Freedom House, *Freedom on the Net 2023: Iraq*, 4 October 2023, www.ecoi.net/en/document/2100683.html.

⁴⁵² "Beneath the façade of the KRG's State-like institutions, the KDP and PUK maintain parallel systems of governance, each controlling economic resources. The private and public sectors, access to government contracts, and positions in the security forces, are all tightly controlled in the hands of the two parties"; IOM, *Violent Extremism in the Kurdistan Region of Iraq: Potential Drivers and Preventative Measures*, <https://bit.ly/3S9CmkO>, p. 15. "Each major [political] personality has a small fiefdom comprised of private media apparatus such as television, newspapers, or think tanks, as well as, for some, a university"; FES, *Iraqi Kurdistan's Political Landscape after the 2021 Elections*, June 2022, <https://bit.ly/3XiikK1>, p. 17. "(...) the KDP and the PUK have entirely monopolized the economy of the KRI from the oil industry to even small businesses in the region"; 1001 Iraqi Thoughts, *The Illusion of Reform in Iraqi Kurdistan*, 26 July 2022, <https://bit.ly/3WtHe7k>. See also, F. H. Abdullah Mamshai, *Party Corruption in the Kurdistan Region of Iraq: Context and Implications*, *Digest of Middle East Studies* Vol. 31(1), January 2022, <https://bit.ly/3l9JLqE>, p. 30.

The criminal justice system is reported to be weak and does not meet international and domestic legal obligations in relation to arrest, detention and fair trial standards.⁴⁵³ Trials are reportedly prone to undue political influence, undermining judicial independence,⁴⁵⁴ and perpetrators affiliated with the political or security elite often enjoy impunity.⁴⁵⁵

Impunity for human rights violations remains widespread, including in respect to those committed against government critics, protestors, activists and journalists.⁴⁵⁶ KRG courts have also not prosecuted or convicted Kurdish forces of any violations of international humanitarian law or human rights law perpetrated during the conflict with Da'esh.⁴⁵⁷

Existing legal provisions such as those included in the Act of Combating Domestic Violence in the Kurdistan Region of Iraq (Law No. 8 of 2011),⁴⁵⁸ are often not effectively implemented, including as a result of weak law enforcement and predominant patriarchal gender norms that continue to persist among members of law enforcement agencies and the judiciary, negatively impacting women in particular.⁴⁵⁹

E. Socioeconomic and Humanitarian Situation

Iraq's economy is gradually recovering from the economic shocks caused by the COVID-19 pandemic and the parallel collapse in oil prices in 2020.⁴⁶⁰ In 2022, high oil prices resulted in accelerated GDP growth.⁴⁶¹ However, Iraq's undiversified economy remains heavily reliant on oil revenues, making it vulnerable to the volatility of oil prices and decreasing global demand.⁴⁶² Starting in late 2022, the Iraqi Government reduced its oil production quota in response to declining global oil prices,⁴⁶³ slowing down GDP growth in the first

⁴⁵³ "The criminal justice system in Iraq including the Kurdistan region has been weakened through years of conflict and (...) the rise and fall of ISIL has placed significant strain on already challenged reformatory and detention facilities"; UN Office on Drugs and Crime (UNODC), *Task Force of Kurdistan Region of Iraq: A Step to Review and Refine the Current Classification Systems in KRG-I*, 22 October 2022, <https://bit.ly/3iKTob8>. Furthermore, there is a preference to resort to tribal conflict resolution mechanisms rather than the formal justice system: "The data collected show a strong community preference to access community justice system over the formal justice system. (...) The customary justice system is generally seen as being more timely, more fair, and even more 'child-friendly' than the formal justice system"; UNICEF, *Mapping and Assessment of the Child Justice System in Kurdistan Region of Iraq*, November 2022, <https://uni.cf/3iCt17T>, p. 16. See also Section II.D.1.b.

⁴⁵⁴ "The Kurdistan Judicial Council is legally, financially, and administratively independent from the KRG Ministry of Justice, but KRG senior leaders reportedly influenced politically sensitive cases." Further, the KDP and the PUK "reportedly influenced judicial appointments and rulings"; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also, F. H. Abdullah Mamshai, *Party Corruption in the Kurdistan Region of Iraq: Context and Implications*, *Digest of Middle East Studies* Vol. 31(1), January 2022, <https://bit.ly/3l9JLqE>, p. 30; UNAMI/OHCHR, *Trials in the Kurdistan Region of Iraq*, December 2021, www.ecoi.net/en/document/2069700.html, p. 13.

⁴⁵⁵ US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html; Amwaj.media, 'Honor' Killings Rock Iraqi Kurdistan amid Weak Law Enforcement, 24 March 2022, <https://bit.ly/3RWM4Vn>. Additionally, the courts do not have much power over the security forces or powerful individuals, who refuse to cooperate; The New Arab, 'Every Day Feels Like a New Death': Kurdish Authorities Are Complicit in the Murders of Innocent Protestors, 22 August 2022, <https://bit.ly/3irBtGz>.

⁴⁵⁶ See Section III.A.3.

⁴⁵⁷ HRW, *Submission to the UN Human Rights Committee*, January 2022, www.ecoi.net/en/document/2075228.html.

⁴⁵⁸ Republic of Iraq, *Act of Combating Domestic Violence in the Kurdistan Region of Iraq (Law No. 8 of 2011)*, 21 June 2011, www.refworld.org/docid/5b2911044.html.

⁴⁵⁹ See Section III.A.8.

⁴⁶⁰ World Bank, *Iraq's Recovery at Risk*, 31 July 2023, www.ecoi.net/en/document/2095989.html, p. ix; International Monetary Fund (IMF), *Iraq: 2022 Article IV Consultation-Press Release; and Staff Report*, 3 February 2023, <https://bit.ly/44js5aX>, p. 5.

⁴⁶¹ "Iraq's economy grew rapidly in 2022, driven by a strong expansion of the oil sector, but started to weaken markedly in 2023. Real gross domestic product (GDP) growth accelerated to 7 percent in 2022, in line with oil market developments"; World Bank, *Iraq's Recovery at Risk*, 31 July 2023, www.ecoi.net/en/document/2095989.html, p. 1. See also, Iraqi News, *Iraq Records Highest Economic Growth Rate in History*, 13 October 2022, <https://bit.ly/3JAMyOT>.

⁴⁶² "The Iraqi economy, which is overly dependent on oil, urgently needs diversification to mitigate risks stemming from fluctuating oil prices. (...) Oil revenues singularly account for approximately 90% of total government revenues (...)" UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, pp. 10, 12. Iraq's "budget heavily depends on the continuation of relatively high oil prices to meet target revenues"; US Department of Defense, *Lead Inspector General Report*, 9 November 2023, <https://bit.ly/3OhVdJo>, p. 4. "High dependence on oil leaves the economy vulnerable to shocks in oil markets and global demand as highlighted by the recent softening of oil prices"; World Bank, *Iraq's Recovery at Risk*, 31 July 2023, www.ecoi.net/en/document/2095989.html, p. x. See also, ECFR, *From Shock and Awe to Stability and Flaws: Iraq's Post-Invasion Journey*, 25 May 2023, <https://bit.ly/43wePyu>. On the budget's reliance on oil revenues, see also Section II.A.2.

⁴⁶³ World Bank, *Iraq's Recovery at Risk*, 31 July 2023, www.ecoi.net/en/document/2095989.html, footnote 5. In April 2023, Iraq announced further cuts; Rudaw, *Iraq Committed to Slash Oil Production to Stabilize Economy: Oil Minister*, 3 June 2023, <https://bit.ly/3rJ2rOg>.

quarter of 2023.⁴⁶⁴ Observers note that Iraq requires urgent reforms to diversify its economy as it risks depleting its oil reserves.⁴⁶⁵

Since Da'esh's territorial defeat in late 2017, major efforts have been undertaken to rebuild destroyed and damaged homes and infrastructure, to restore basic services and to clear explosive hazards.⁴⁶⁶ However, as a result of the economic and political situation, as well as weak governance and corruption,⁴⁶⁷ reconstruction has been uneven.⁴⁶⁸ Reconstruction efforts in the disputed territories have also been hampered by these areas' unresolved legal status.⁴⁶⁹ This is particularly evident in Sinjar District, one of the areas most devastated by Da'esh, where destruction remains widespread and reconstruction is hampered by unresolved governance and security issues.⁴⁷⁰

⁴⁶⁴ According to the World Bank, GDP growth fell to 2.6 percent year-on-year in the first quarter of 2023. "Oil GDP, the main driver of recent growth has been constrained by new crude oil production limits announced in late 2022 and extended in April 2023." And further, "Iraq's economic outlook in the medium term continues to hinge on oil sector developments. Overall GDP is forecast to contract by 1.1 percent in 2023 driven by a projected 4.4 percent contraction of oil GDP (...)" World Bank, *Iraq's Recovery at Risk*, 31 July 2023, www.ecoi.net/en/document/2095989.html, pp. ix-x. See also, UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 14.

⁴⁶⁵ According to Jean-Christophe Carret, World Bank Middle East Country Director, "Iraq is emerging strongly after years of turmoil, but it cannot continue to rely solely on oil windfalls for short-term relief. Short of a strong political commitment to adopt and implement necessary reforms it has itself advocated for a long time now, Iraq runs the risk of rapidly depleting its reserves and returning to square one in a very short time." And further: "Urgent action is needed to accelerate economic diversification, address pre-existing drivers of economic fragility and pressing climate related challenges, and secure the long-term welfare of the Iraqi people." However, the World Bank described the 2023-2025 as "excessively expansionary", saying it lacked "the structural reforms that Iraq needs to develop a vibrant and sustainable economy"; World Bank, *Iraq's Recovery at Risk*, 31 July 2023, www.ecoi.net/en/document/2095989.html, p. x; World Bank, *Without Reforms, Iraq's Oil Boom Could Turn to Bust*, 31 July 2023, <https://bit.ly/45ihdJJ>. In 2021 and 2022, economic reforms, reconstruction and investment were delayed by the prolonged government formation process and lack of an approved budget; World Bank, *Iraq Economic Monitor Fall 2022: A New Opportunity to Reform*, 17 November 2022, <https://bit.ly/3Nv0KMP> (hereafter: World Bank, *A New Opportunity to Reform*, 17 November 2022, <https://bit.ly/3Nv0KMP>), pp. 3-4.

⁴⁶⁶ In mid-2015, the Funding Facility for Stabilization (FFS) was established by UNDP to support the Government to stabilize areas liberated from Da'esh and "to create the necessary conditions for IDPs to return and rebuild their lives in dignity and peace". Under the project, stabilization activities are carried out in 31 locations in Al-Anbar, Diyala, Kirkuk, Ninewa and Salah Al-Din. The FFS has a budget of USD 1.88 billion and has completed over 3,700 projects benefitting over 8.9 million Iraqis, including through the rehabilitation of private homes and key infrastructure such as schools, universities, hospitals and public health centres, shops and markets, courts and police stations, electricity substations and networks, water treatment plants, as well as roads and bridges; UNDP, *Funding Facility for Stabilization*, updated December 2023, <https://bit.ly/3KHn5pU>; UNDP, *Annual Report 2022*, 23 May 2023, <https://bit.ly/46HBF7x>. See also, OCHA, *HTO 2023*, 23 February 2023, <https://bit.ly/3nFitGK>, p. 5; UNDP, *After Destruction, Sinjar Court House Officially Reopens with Support from USAID and UNDP*, 22 June 2022, <https://bit.ly/41dRBw1>. The World Bank estimated the total recovery and reconstruction needs in the seven conflict-affected governorates at USD 88 billion; UN Iraq, *Iraq Common Country Analysis 2022*, 27 July 2022, <https://bit.ly/42zehY9>, p. 43; World Bank, *Iraq: Reconstruction and Investment*, February 2018, <https://bit.ly/3MHZZQt>, pp. 7, 14.

⁴⁶⁷ "More than 1,450 public projects – including hospitals, roads, schools, bridges, and more – have been halted due to a lack of funding, corruption, and bureaucratic impediments, with many lying abandoned since the 2014 financial crisis"; Washington Institute, *What Could Iraqis Gain from Their Oil Windfall?*, 18 November 2022, <https://bit.ly/41V8YCV>. "There are also systemic governance challenges facing rebuilding and renewing the infrastructure such as mismanagement and corruption"; UN Iraq, *Iraq Common Country Analysis 2022*, 27 July 2022, <https://bit.ly/42zehY9>, p. 27. See also, The National, *Corruption Mars Mosul's Reconstruction Five Years after Liberation from ISIS*, 6 July 2022, <https://bit.ly/3INXcDe>; Al-Monitor, *Years after IS Defeat, Northern Iraq Struggles to Rebuild*, 2 May 2022, <https://bit.ly/3H9yr34>; and Section II.A.6.

⁴⁶⁸ "Despite reconstruction efforts, humanitarian needs in Iraq remain, especially for returnees in remote, disputed areas with few services"; UNICEF, *Humanitarian Action for Children 2024: Iraq*, 12 December 2023, <https://bit.ly/3SiXtaW>, p. 2. "Despite significant donations from regional and international partners, the reconstruction process has been sluggish, leaving the devastated infrastructure in despair, locals complain"; Kurdistan 24, *Iraq's President Pledges Reconstruction in Nineveh*, 28 December 2022, <https://bit.ly/3ZCMT4v>. "In 66 locations, most or all houses are destroyed, with destruction being particularly prevalent in Makhmur (18), Tuz Khurmatu (8), Hatra (7) and Dabes (7) districts. There are 20 locations in Al-Ba'aj where more than half of the houses are destroyed, and seven in Tuz Khurmatu"; IOM, *No Way Home: An Assessment of Barriers to Sustainable Return and Reintegration in Locations of No Return*, June 2022, <https://bit.ly/41qFLz8> (hereafter: IOM, *Barriers to Sustainable Return and Reintegration in Locations of No Return*, 19 June 2022, <https://bit.ly/41qFLz8>), p. 5. "Incomplete reconstruction and recovery are still pervasive in many areas of Iraq, denying people jobs, housing, and security"; OCHA, *Humanitarian Bulletin: Overview on Humanitarian Transition, May – June 2022*, 12 June 2022, www.ecoi.net/en/document/2088598.html, p. 1. See also, Shafaq News, *Al-Saadiyah District still Struggles 8 Years after its Liberation from ISIS*, 16 August 2023, <https://bit.ly/3slmdQ8>; Arab News, *Iraq Launches Mosul Airport Reconstruction*, 10 August 2022, <https://bit.ly/3Uhl5Ha>; The National, *Corruption Mars Mosul's Reconstruction Five Years after Liberation from ISIS*, 6 July 2022, <https://bit.ly/3INXcDe>.

⁴⁶⁹ Manara Magazine, *The Political Marginalisation of Ethnic and Religious Minorities in Iraq*, 17 March 2022, <https://bit.ly/433f4Sa>. On the disputed territories, see also Section II.A.5.

⁴⁷⁰ "In April 2023, Prime Minister Mohammed Shia al-Sudani ordered the government to open a reconstruction campaign for Sinjar and announced the allocation of 50 billion Iraqi Dinars (IQD) (US\$34.2 million) to do so. But a political dispute between the federal government Baghdad and Kurdistan Regional Government (KRG) has prevented other previously allocated funds from being used (...). Residents said that electricity and water are not consistently available, and many education and health facilities remain damaged or destroyed, with gaps in staffing where they do exist"; HRW, *Iraq: Political Infighting Blocking Reconstruction of Sinjar*, 6 June 2023, www.ecoi.net/en/document/2092983.html. Approximately 80% of public infrastructure and 70% of civilian homes were destroyed in Sinjar City and surrounding areas. "The area's infrastructure still lies in ruins, and resulting challenges in accessing running water, electricity, health care and education force families to focus on meeting their immediate needs rather than on meaningfully rebuilding their lives"; IOM, *What Comes After*, 3 August 2022, <https://bit.ly/3Kn2ZyG>. Similarly, infrastructure and civilian homes in the towns of Tal Banat and Tal Qasab in Sinjar District have only been partially recovered; REACH, *Iraq: Sinjar Area-Based Assessment – Profile*, December 2021, 20 January 2022, <https://bit.ly/3nllULx>, p. 12. See also, Norwegian Refugee Council (NRC), *Your House Is Your Homeland: How Housing, Land, and Property Rights Impact Returns to Sinjar, Iraq*, May 2022, www.ecoi.net/en/document/2073573.html (hereafter: NRC, *How Housing, Land, and Property Rights Impact Returns to Sinjar, Iraq*, May 2022, www.ecoi.net/en/document/2073573.html), p. 7.

Across Iraq, and as detailed in this Section, unemployment and poverty are high, and access to basic services such as clean water, electricity, health care and education is insufficient⁴⁷¹ as a result of damaged and destroyed infrastructure, corruption, and continuing underinvestment and neglect, especially in rural areas and in the disputed territories.⁴⁷² Rapid population growth adds further pressure on infrastructure and services.⁴⁷³ In the KR-I, the presence of over 252,500 Syrian refugees adds further pressure on existing public services and infrastructure.⁴⁷⁴ Damage to homes and lack of livelihoods and basic services remain key barriers to the sustainable return of the remaining IDPs.⁴⁷⁵

Iraq is also highly vulnerable to the effects of climate change,⁴⁷⁶ impacting, *inter alia*, people's livelihoods, food security and access to water⁴⁷⁷ and resulting in climate-induced displacements.⁴⁷⁸ Due to the ongoing environmental degradation, Iraq suffers from recurring dust and sandstorms, resulting in the closures of airports, schools and offices and the hospitalization of people facing respiratory problems.⁴⁷⁹

1) Humanitarian Needs

Six years after the conclusion of large-scale military operations against Da'esh, the humanitarian situation in Iraq "has improved considerably" and the number of Iraqis in need of humanitarian assistance has

⁴⁷¹ "Significant disparities, especially in access to basic services like education, health, and water, are evident. These inequalities often stem from discrimination based on ethnicity, gender, or religion"; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 16.

⁴⁷² Iraq "continues to struggle with poverty, unemployment, the provision of clean drinking water and energy"; UN Security Council, *Implementation of Resolution 2631 (2022): Report of the Secretary-General*, S/2023/340, 11 May 2023, www.ecoi.net/en/file/local/2092084/N2312267.pdf, para. 64. For example, the administration of the disputed Nawjul Sub-District with its 46 villages is split between the KRG (which administers Kifri District) and the Federal Government (which administers Tuz Khurmat District). As a result, according to the mayor, the Sub-District is "marginalized", with all public services affected; Kirkuk Now, *Nawjul Deserted for Poor Services and Effects of Climate Change*, 15 January 2024, <https://bit.ly/3vLCNdF>. "Iraq's annual budget totals more than \$100 billion, yet citizens have been deprived of adequate education, electricity, healthcare, water and other key human rights. Despite its wealth, Iraq has one of the lowest life expectancies in the world, ranking at the lower-middle income average of 69 years"; Chatham House, *Rethinking Political Settlements in the Middle East and North Africa*, 20 September 2023, <https://bit.ly/3u8JFRJ>. "Wide gaps in service provision play out by governorate, district or subdistrict, and sometimes political affiliation. (...) Disparities in services are particularly evident in rural areas, where quality has been steadily decreasing since 2003. (...) The poor quality of services results from the State's focus on urban areas (...). People in rural areas face long distances to schools, recurrent electricity outages, and scarce health centres and services specifically for women"; UNDP, *Reimagining the Social Contract in Iraq*, 12 June 2022, <https://bit.ly/3xVbZ8V>, p. 25. See also, International Rescue Committee (IRC), *Iraq Protection Needs Overview: Monitoring and Trends*, 3 July 2023, <https://bit.ly/477AvU7>, p. 14; Fund for Peace, *State Resilience Index Annual Report 2022*, December 2022, www.ecoi.net/en/document/2085597.html, p. 17. See also Section II.B.1.c.

⁴⁷³ "Iraq is experiencing a significant demographic shift, with a predicted surge in population from 43 million in 2023 to an estimated 74.5 million by 2050. This rapid growth, especially notable in the 2023-2025 period, positions Iraq among the fastest-growing populations in its region. However, this growth presents considerable challenges in social protection and water security, with projections indicating Iraq could meet only 15% of its water needs by 2035"; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 10. "This growth rate enlists valid concerns of high consumption, its impact on the environment, and challenges of budgeting for infrastructure, health, education, and pension programmes"; UN Resident and Humanitarian Coordinator in Iraq, *UN Resident Coordinator's Speech at the Opening of the Arab Council for Population and Development Conference in Baghdad*, Iraq, 17 May 2023, <https://bit.ly/42Qn0pg>. See also, Raseef22, *Thirsty for Solutions: Erbil's Escalating Water Crisis Amidst Rapid Urbanization and Climate Change*, 2 August 2023, <https://bit.ly/42b3y7j>; Washington Institute, *Addressing Iraq's Environmental Challenges: Population Growth*, 17 October 2023, <https://bit.ly/3HCsRFH>.

⁴⁷⁴ UNHCR data, as at 31 December 2023. These refugees "face limited immediate return prospects, particularly in view of the deteriorating security situation in north-east Syria, where most of the refugees originate from. Some 70% of Syrian refugees live in urban areas, while the rest reside in nine refugee camps and one transit facility"; UNHCR, *UNHCR Iraq Factsheet: August 2023*, 13 September 2023, www.ecoi.net/en/document/2097252.html, p. 2. See also, UNHCR, *Syria Regional Refugee Response: Iraq*, updated 31 December 2023, <https://bit.ly/3LMpsa1>.

⁴⁷⁵ See Section II.F.3.

⁴⁷⁶ "The UN ranked Iraq as the fifth most vulnerable country to global warming and climate change, and the environmental crisis in Iraq was steadily increasing in scope and severity. Droughts, desertification, increased frequency and severity of sandstorms, pollution, and rising temperatures are symptomatic of this crisis"; HRW, *World Report 2024: Iraq*, 11 January 2024, www.ecoi.net/en/document/2103133.html. See also, UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, pp. 10, 17, 22.

⁴⁷⁷ "Iraq's susceptibility to climate change is among the highest in the Middle East, with rising temperatures, diminishing rainfall, severe sand and dust storms, and critical water shortages posing the greatest risks to the agricultural sector, which remains the most vulnerable"; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 22. "Governance failures have also left Iraq increasingly vulnerable to climate change and water scarcity and an array of related challenges. The number of days with temperatures over 50°C is increasing, and droughts are becoming longer and more intense"; SIPRI, *Iraq in 2023: Challenges and Prospects for Peace and Human Security*, 17 March 2023, <https://bit.ly/3lkdCKh>. See also, Shafaq News, *How Has Climate Change Affected Iraqi Women's Livelihoods?*, 23 July 2023, <https://bit.ly/3YtCFu>; People in Need, *A Gender and Inclusive Climate-Migration Study: Salah Al-Din Governorate*, 17 June 2023, <https://bit.ly/3rKdGhb>, pp. 2-3, 6-9; Center for Climate and Security, *Climate, Water and Militias: A Field Study from Southern Iraq*, 11 January 2023, <http://bit.ly/3XU7FkK>; NRC, *A Dry Horizon: Iraq's Interlinked Drought and Climate Crises*, 24 October 2022, <http://bit.ly/3HwaB1K> (hereafter: NRC, *Iraq's Interlinked Drought and Climate Crises*, 24 October 2022, <http://bit.ly/3HwaB1K>); and Sections II.E.2, II.E.4 and II.E.8.

⁴⁷⁸ See Section II.F.1.

⁴⁷⁹ AFP, *Iraq Sandstorm Blankets Baghdad*, 31 March 2023, <https://ara.tv/r27pg>; Red Cross Red Crescent Climate Centre, *Iraq Sees more than One Heavy Sandstorm a Week*, 1 June 2022, <https://bit.ly/3Vig5m5>; AFP, *Thousands Hospitalized as Latest Sandstorm Brings Iraq to Standstill*, 16 May 2022, <https://bit.ly/3oSpAfr>.

declined significantly.⁴⁸⁰ Yet, “the humanitarian context remains complex and fragile”.⁴⁸¹ Starting in 2023, the UN embarked on the gradual process of handing over responsibility for the provision of services to conflict-affected populations to the Iraqi authorities.⁴⁸²

Humanitarian access to people in need improved during 2022 and 2023, but humanitarian actors continue to experience delays in accessing specific locations, primarily as a result of administrative restrictions by local authorities as well as interference by security actors.⁴⁸³

A Cross-Cutting Needs Assessment (CCNA) conducted between 15 July and 1 November 2023 with IDP (in and out of camps) and returnee households across 61 districts in Federal Iraq and the KR-I showed that the top three priority needs were: 1) livelihoods (62%), 2) health care (40%), and 3) shelter (40%).⁴⁸⁴

As a result of conflict, displacement and confiscation of documents, many of the remaining IDPs and some returnees⁴⁸⁵ do not hold key identity or civil documentation,⁴⁸⁶ restricting or barring them from accessing

⁴⁸⁰ People in need of humanitarian assistance decreased “from a high of 11 million people in 2017 to 2.5 million in 2022”; OCHA, HTO 2023, 23 February 2023, <https://bit.ly/3nFitGK>, p. 4. See also, UN Security Council, *Implementation of Resolution 2631 (2022): Report of the Secretary-General*, S/2023/340, 11 May 2023, www.ecoi.net/en/file/local/2092084/N2312267.pdf, para. 59. “Access to basic services remains a major challenge for both the displaced and those who have returned.” IRC’s protection monitoring assessments from July to September 2023 showed that 65% of surveyed IDP, returnee, and host community groups in Al-Anbar, Kirkuk and Ninewa Governorates reported “facing difficulties in accessing basic services. (...) The high cost of basic services is a significant barrier to access, with 87% of respondents citing financial burden”; IRC, *IRC Protection Needs Overview: Monitoring and Trends (April 2023 – September 2023)*, 10 December 2023, <https://bit.ly/3vVRrPh> (hereafter: IRC, *Protection Needs Overview April 2023 – September 2023*, 10 December 2023, <https://bit.ly/3vVRrPh>, p. 8.

⁴⁸¹ IOM, *Iraq Crisis Response Plan 2022-2023*, last updated 2 February 2023, <https://bit.ly/3mdNa5x>. Iraq remains a country at “high” risk of humanitarian crisis and was ranked 16 out of 191 on the INFORM Risk Index; European Commission / Disaster Risk Management Knowledge Centre, *INFORM Risk Country Profile 2024: Iraq*, accessed 28 January 2024, <https://bit.ly/44uppHA>.

⁴⁸² Protection Cluster / UNHCR, *National Protection Cluster in Iraq: Transition 2022*, 24 August 2022, www.ecoi.net/en/document/2077899.html, p. 1. See also, UNHCR, *UNHCR Iraq 2022 Achievements*, 30 April 2023, <https://bit.ly/3LE33uN>, p. 1. “Despite persistent needs, cuts in humanitarian funding have reduced the footprint of service providers working to address gender-based violence and curtailed support for survivors”; UN Security Council, *Conflict-Related Sexual Violence: Report of the Secretary-General*, S/2023/413, 22 June 2023, <https://bit.ly/3vPj9xl>, para. 38. “Authorities have taken over many services supporting displaced people, yet the transitions for protection and education remain incomplete. With the fiscal crisis in the Kurdish Region of Iraq, there is a risk of loss of services for internally displaced people”; UNICEF, *Humanitarian Action for Children 2024: Iraq*, 12 December 2023, <https://shar.es/aqWFGI>, p. 2. USAID assessed at the end of September 2023 that the transfer of humanitarian operations to the Federal Government and the KRG had seen “limited progress” and “that it did not expect the same level or standard of support to continue once donor funding in a given area or sector ends”; US Department of Defense, *Lead Inspector General Report*, 9 November 2023, <https://bit.ly/3OhVdJo>, p. 59.

⁴⁸³ “Adverse security conditions in some areas continued to create difficulties in accessing and implementing activities. Delays in obtaining access to project sites by checkpoints, the presence of armed groups and militias also continue to be a challenge. Other access impediments include the presence of landmines and other unexploded ordnance (...)”; UNDP, *Funding Facility for Stabilization: 2023 Quarter Three Report*, 5 November 2023, <https://bit.ly/3Oc5R4c>, p. 42. “The access of humanitarians to people in need has improved since January 2023 given increased security and reduced movement restrictions for people and goods. That said, administrative impediments continue to affect humanitarian activities. National and international NGOs often have to obtain additional authorisations for operating from regional authorities besides national ones. Many authorities request information on staff and programming to process the application. NGOs operating in Iraq also report interference in their internal structures”; ACAPS, *Humanitarian Access Overview*, July 2023, <https://bit.ly/3OeCjTr>, p. 18. “Government forces, including the ISF and PMF, established or maintained roadblocks that reportedly impeded the flow of humanitarian assistance to communities in need, particularly in areas such as the Ninewa Plain and Sinjar in Ninewa Province where the KRG and central government dispute the administrative boundaries”; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also, UN Security Council, *Implementation of Resolution 2631 (2022): Report of the Secretary-General*, S/2023/340, 11 May 2023, www.ecoi.net/en/file/local/2092084/N2312267.pdf, para. 59; OCHA, *Iraq: Humanitarian Access Snapshot (July-December 2022)*: As of 31 December 2022, 13 February 2023, <https://bit.ly/3AwCq5x>; US Department of Defense, *Lead Inspector General Report*, 7 February 2023, <https://bit.ly/3F0ecDy>, p. 46.

⁴⁸⁴ The findings were aligned with the 2022 Multi-Cluster Needs Assessment (MCNA) findings of 2022; REACH, *Key Multi-Sectoral Findings*, 14 December 2023, www.ecoi.net/en/document/2102373.html, pp. 13, 47; OCHA, HTO 2023, 23 February 2023, <https://bit.ly/3nFitGK>, p. 7.

⁴⁸⁵ “(...) access to civil documentation, a prerequisite for availing public services, remains a challenge, especially for IDPs, returnees, and those perceived to have affiliations with extremist groups”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 16. “UNHCR estimates that over 430,000 individuals are still missing at least one core civil document”; UNHCR, *Japan Funding Helps Provide Critical Legal Support and Assistance to Displaced Iraqis and Refugees in Iraq*, 4 October 2023, <https://bit.ly/46K9OnL>. Among IDP, returnee, and host community groups surveyed in Al-Anbar, Kirkuk and Ninewa Governorates between July and September 2023, “45% of respondents indicated that members within their households lack civil documentation. (...) Among households with missing documentation, the most commonly reported absences were nationality certificates (45%), unified cards (37%), and civil IDs (20%). Progressive documentation needs persist, and households who secure nationality certificates and civil IDs will require unified cards in the future”; IRC, *Protection Needs Overview April 2023 – September 2023*, 10 December 2023, <https://bit.ly/3vVRrPh>, p. 9. The 2022 MCNA X showed “that some 433,000 individuals from the baseline of the 6.2 million internally displaced / IDP returnees are still missing at least one core document. (...) In addition, it must be noted that there is currently no baseline related to Iraqi populations not directly affected by ISIL/forcible displacement who may have had issues with respect to accessing civil documentation as well”; OCHA, HTO 2023, 23 February 2023, <https://bit.ly/3nFitGK>, p. 9.

⁴⁸⁶ Key documentation includes: Civil Status ID card (CSID); Nationality Certificate; Unified ID card (UNID, substituting both the CSID and the nationality certificate); birth certificate; and Public Distribution System (PDS) card for food assistance. A combination of these documents is required to access basic services and exercise fundamental human rights. Often one document is a prerequisite for issuing or renewing the other documents. Normally, civil documentation has to be issued in the place of origin, i.e. in the area in which an individual’s CSID or UNID has been issued. The requirement of in-person presence in the area of origin is partly addressed through ad hoc mobile missions undertaken by the Ministry of Interior and Civil Affairs Directorates to reach IDPs in camps and some informal sites/urban areas. Between January and November 2023, UNHCR and partners supported 49 mobile civil documentation missions for internally displaced Iraqis who are unable to travel to their areas of origin to obtain civil documents and secured

basic services and social security benefits, limiting their freedom of movement, and increasing the risk of arbitrary arrest.⁴⁸⁷ The main barriers to accessing civil documentation include the high costs related to transportation to access relevant government offices and the payment of bribes, as well as difficulties in navigating the complex procedures required to obtain or renew documentation.⁴⁸⁸ Those with a suspected Da'esh affiliation also face stigma, harassment and additional administrative and security barriers to accessing civil documentation.⁴⁸⁹

Certain groups remain particularly vulnerable and often socioeconomically disadvantaged, including IDPs, returnees, women and girls (especially female-headed households),⁴⁹⁰ children,⁴⁹¹ older persons,⁴⁹²

the issuance of over 36,000 civil documents, including birth certificates, CSIDs/UNIDs, nationality certificates and Housing Cards. However, such missions do not reach all those in need of obtaining or renewing civil documentation; UNHCR information, January 2024; UNHCR, *UNHCR Iraq 2022 Achievements*, 30 April 2023, <https://bit.ly/3LE33uN>, p. 6. See also, HRW, *World Report 2024: Iraq*, 11 January 2024, www.ecoi.net/en/document/2103133.html; Boston University, *The Campaign to End Statelessness in Iraq*, March 2022, <https://bit.ly/3zFu0cm>, p. 36. For the interaction between perceived association with Da'esh, security clearances and the lack of documentation, see Section III.A.1.b. For how the lack of documentation affects children, see Sections II.E.7 and III.A.9.

⁴⁸⁷ "Missing civil documentation impedes people's ability to access basic public services such as education, healthcare and social security benefits, and can lead to restricted freedom of movement, increased risk of arrest and detention, exclusion from restitution and/or reconstruction programmes, and an inability to participate in the country's public affairs"; UNHCR, *UNHCR Iraq Factsheet: August 2023*, 13 September 2023, www.ecoi.net/en/document/2097252.html, p. 3. "Children who lack birth certificates are also at risk of statelessness. Further, the lack of civil documentation can also impede access to critical protection interventions, particularly for persons with specific child protection and GBV needs requiring referral to public authorities. Access to civil documentation is the main entry point for Iraqis to access public services but remains a challenge for IDPs and returnees as well as host community members, including for those with real or perceived affiliations with extremist groups"; OCHA, *HTO 2023*, 23 February 2023, <https://bit.ly/3nFitGK>, p. 9. "In addition to being a serious protection risk, lack of proper documentation can severely limit access to services and livelihoods – particularly for IDPs in camps and informal sites who are frequently on the outskirts or margins of towns and cities largely outside of the reach of government and humanitarian interventions"; DRC, *Life in the Margins*, September 2022, www.ecoi.net/en/document/2078836.html, p. 14. See also, REACH, *Missing Civil Documentation in Iraq: Who, Why & How Important is It?*, February 2023, <https://bit.ly/3yqNHU0>, pp. 1, 3, 7; UNHCR, *Access to Civil Documentation IDPs and IDP Returnees in Iraq: 2022-2023*, 24 August 2022, <https://bit.ly/3dULSrr>. On undocumented children at risk of de facto statelessness, see Section III.A.9.

⁴⁸⁸ Among IDP and returnee households surveyed across Iraq between 15 June and 1 November 2023, the main reasons for missing documentation included: 1) Did not attempt to obtain/renew documents (44%); high costs for transport, admin fees, etc. (31%); complexity/length of process (15%); and application pending (14%); REACH, *Key Multi-Sectoral Findings*, 14 December 2023, www.ecoi.net/en/document/2102373.html, p. 18. "The main barriers to accessing civil documentation include the high cost of obtaining or renewing these documents and the difficult procedures that it could entail, especially for those being suspected of affiliations with extremist groups such as Da'esh or who are otherwise unable to legally prove their marriage, birth, or lineage in court"; UNHCR, *Japan Funding Helps Provide Critical Legal Support and Assistance to Displaced Iraqis and Refugees in Iraq*, 4 October 2023, <https://bit.ly/46K9OnL>. "Barriers to civil documentation included high cost of legal fees, lack of awareness about legal procedures, high cost of transportation associated with travel to get legal services, bribes or corruption on behalf of government officials, negative treatment of families with perceived affiliation, and for women and girls legal offices – omnipresent fear of harassment during travel to or from officials themselves. For female-headed households in which the male family head is missing or presumed dead, additional challenges such as blood tests or Mukhtar letters are required to prove the identity of their children"; IRC, *Iraq Protection Needs Overview: Monitoring and Trends (April – September 2022)*, 11 January 2023, <https://bit.ly/3KKxYFe>, p. 11. See also, OCHA, *HTO 2023*, 23 February 2023, <https://bit.ly/3nFitGK>, p. 9; REACH, *Missing Civil Documentation in Iraq: Who, Why & How Important is It?*, February 2023, <https://bit.ly/3yqNHU0>, p. 3. On the requirement to return to one's place of origin for the issuance/renewal of civil documentation, see footnote 1407.

⁴⁸⁹ See Section III.A.1.b.

⁴⁹⁰ "Women and girls, particularly female-headed households, women with disabilities and those perceived to be affiliated with extremist groups are at heightened risk of GBV. FHH [female-headed households], women, and girls are socio-economically vulnerable compared to male populations, resulting in higher food insecurity, and more frequent use of harmful coping strategies, which also compromises women and girls' mental, sexual, and reproductive health with life-threatening consequences, including child marriage and transactional sex. (...) Moreover, female-headed households reported missing at least one key civil and legal document, which is a barrier to accessing services"; OCHA, *HTO 2023*, 23 February 2023, <https://bit.ly/3nFitGK>, p. 9. Women and female-headed households face added additional challenges in issuing documentation "because they are more likely to struggle to cover the costs associated with the process, and limitations on their freedom of movement due to gender norms make it harder for them to access the needed government offices alone"; DRC, *Women, Displacement and Durable Solutions in Iraq*, 8 March 2023, <https://bit.ly/48luRbr>. See also, REACH, *Missing Civil Documentation in Iraq: Who, Why & How Important is It?*, February 2023, <https://bit.ly/3yqNHU0>, p. 5. A 2022 survey of returnee households in 14 districts hosting the largest shares of returnees found that "over half of all female-headed households are either unable to make ends meet or are barely able to do so" and "female-headed households rely on public and informal safety nets at almost four times the rate of male-headed households"; IOM, *Poverty & Precarity: A Comparison of Female- and Male-Headed Households in Districts of Return*, 30 March 2023, <https://bit.ly/3mzIGHN>, pp. 3, 5. See also, OCHA, *Humanitarian Response Plan 2022: Iraq*, 27 March 2022, <https://bit.ly/38gDTIQ>, pp. 25, 29, 74.

⁴⁹¹ In Iraq, 1.3 million children are in need humanitarian assistance; UNICEF, *Humanitarian Action for Children 2024: Iraq*, 12 December 2023, <https://bit.ly/3SiXTaW>, p. 2. "Children make up the majority of 4.5 million Iraqis who are at risk of poverty due to impact of conflict and COVID-19, with one in two children (48.8%) facing high risk of multiple deprivations in education, health, living conditions, and financial security"; UNICEF / International Labour Organization (ILO), *On this World Day Against Child Labour, ILO and UNICEF Call for Joint Work among all Stakeholders to Create a Protective and Inclusive Environment for Children in Iraq*, 12 June 2022, <https://uni.cf/3OyxMJv>.

⁴⁹² "(...) aid agencies say that it is the older people who find it most difficult to cope with displacement. (...) older people who have lost or never had ownership documentation, and older women and widows who are not always recognised in inheritance law, find it difficult to prove ownership of land or homes. This puts them at high risk of eviction. Loss of personal records such as official identity documentation, birth certificates, or marriage certificates has prevented older people from being able to register for assistance and claim rights and entitlements"; Dorcas, *Falling Through the Cracks: Older People in Conflict Situations*, June 2022, www.ecoi.net/en/document/2078247.html, pp. 15-16.

persons with disabilities,⁴⁹³ and other marginalized groups.⁴⁹⁴ They often struggle to access basic services and employment, and are more likely to be poor, food insecure and dependent on humanitarian aid and more prone to be exposed to violence, abuse, and exploitation. Further information can be found in the following sub-sections.

2) Unemployment

As a result of endemic corruption, weak governance, climatic shocks, strong demographic pressures,⁴⁹⁵ and the aftereffects of years of conflict and economic sanctions, sizeable segments of the Iraqi population face high levels of unemployment and poverty.⁴⁹⁶

The public sector remains the main employer in both Federal Iraq⁴⁹⁷ and the KR-I,⁴⁹⁸ while the private sector remains underdeveloped,⁴⁹⁹ “stunted and largely informal”.⁵⁰⁰ Employees in the private sector enjoy

⁴⁹³ “Women with disabilities are particularly isolated due to social customs and the stigma and discrimination associated with their disability. Deaf people face significant discrimination, and internally displaced persons and returnees with disabilities experience many barriers to accessing durable solutions. Persons with disabilities experience difficulties in accessing education, public places, transport and healthcare due to inaccessibility and negative attitudes. Additionally, they experience challenges accessing assistive devices and accessible communication due to unavailability and high cost”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 64. “It is estimated that approximately 12% of Iraq’s population experience some form of disability. This figure rises to 18% among children. People with disabilities have been especially challenged by decades of armed conflicts, violence, and economic shocks”; UN Country Team Iraq, *Statement of the United Nations Resident Coordinator on the International Day of Persons with Disabilities*, 3 December 2023, <https://bit.ly/3T7S7LQ>. “Persons with disabilities continued to face difficulties in accessing health, education, and employment services.” According to the Voice of the Iraqi Disabled Foundation NGO, “salaries paid by the government to persons with disabilities did not meet their basic needs, despite the existence of laws aimed at helping persons with disabilities and the establishment of the government commission for persons with disabilities”; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html.

⁴⁹⁴ “Several social groups in Iraq are identified as vulnerable, including women and girls; children; youth; internally displaced persons; persons with disabilities; refugees; minority ethnic groups; and stateless persons. It should be noted that many of these groups are not inherently vulnerable, but their unique situations may put them at a higher risk of experiencing vulnerability”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 59.

⁴⁹⁵ Iraq has one of the youngest populations in the world. “By 2030, adolescents and youth are projected to constitute a substantial 31% of the population, numbering approximately 16.4 million individuals”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 12. See also, The National, *Iraq Estimates 40 Per Cent of Population is Aged Below 15*, 4 January 2023, <https://bit.ly/3Ly292Q>. On Iraq’s population growth, see also footnote 473.

⁴⁹⁶ “(...) despite its massive natural resource wealth, Iraq has long suffered economically. This includes the Saddam Hussein’s era of economic sanctions and the period that followed, where a combination of corruption, weak state institutions, and patronage left the country in 2022 with nine million Iraqis living below the poverty line out of its population of 40 million, and unemployment as high as 14 per cent according to some reports. (...) Today’s economy is one of corruption and dependency on natural resources, along with an underdeveloped investing sector”; ISPI, *Iraq’s Economy: Old Obstacles and New Challenges*, 17 March 2023, <https://bit.ly/3njB7UG>. See also Section II.E.3.

⁴⁹⁷ Nearly 38% of workers are employed in the public sector; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 54. “Generous allowances and benefits associated with public employment also discourage private sector job creation”; IMF, *Iraq: 2022 Article IV Consultation-Press Release; and Staff Report*, 3 February 2023, <https://bit.ly/44is5aX>, p. 15. The 2023-2025 budget foresees the creation of several hundred thousands of new public sector jobs. “These new jobs are meant to appease a restive young population of college graduates and other job seekers seeking employment for month”; EPC, *Iraq Passes New Budget, but Old Problems Persist*, 18 July 2023, <https://bit.ly/45jQoEM>; Amwaj.media, *Despite Criticism, Iraq’s PM Pursues Expansion of Public Sector*, 17 January 2023, <https://bit.ly/3LHwQnH>. “The oil sector employs less than one percent of the Iraqi workforce, despite its large share in the economy (...)”; World Bank, *A New Opportunity to Reform*, 17 November 2022, <https://bit.ly/3Nv0KMP>, p. 14.

⁴⁹⁸ Although public sector employment has been frozen in the KR-I since 2014, the public sector remains the largest employer. “The public sector had swelled uncontrollably, crowding out private sector jobs. By 2017, the KRG was the largest employer in Kurdistan, employing half of the labor force, roughly 1.4 million people, to the tune of \$750 million a month. Corruption and inefficiency have marred public sector employment, with thousands of ghost employees, double dippers and undeserved pensioners, while the budding private sector owes its existence to holding companies owned or controlled by members of Kurdistan’s ruling families”; Bilal Wahab, *The Rise and Fall of Kurdish Power in Iraq*, in: *Middle East Report* (306 Spring 2023), April 2023, <https://bit.ly/40YQUO6>. The KRG “has one of the largest public sectors per size in the world, making it one of the traditional pathways into employment. It is estimated that as much as 50% of the KRG’s budget is being spent solely on paying its employees. This includes 700’000 government staff employees, 40% making up its security forces, police and Peshmerga. According to Nesreen Barwari, the remaining 60% is made up of health and educational staff with more than 100 000 teachers. Nonetheless, in the past decade, the KRG has struggled to pay its civil servants on time”; CFRI, *The Root Causes of Kurdish Iraqi Migration: Early Warnings of an Impending Youth Quake in the KRI*, 13 July 2022, <https://bit.ly/3LKMM8w>. See also, UNDP, *Reimagining the Social Contract in Iraq*, 12 June 2022, <https://bit.ly/3xVbZ8V>, pp. 18-19.

⁴⁹⁹ “The private sector potential in Iraq remains underdeveloped. Inhibiting factors for investment and hiring in the private sector include public payroll patronage and the dominance of State-owned enterprises as large employers due to the weakness of the investment climate. Additionally, high public sector wages and guaranteed job security provide little incentive to work in the private sector”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 53. “Private sector employment is dominated by jobs in the low productivity wholesale and retail trade sector (23 percent) and construction sector (20 percent), and most lack access to social protection”; World Bank, *Iraq Country Climate and Development Report*, 9 November 2022, <https://bit.ly/44i59li>, p. 45. See also, AP, *Corruption, Deep Disparity Mark Iraq’s Oil Legacy post-2003*, 24 March 2023, <https://bit.ly/3Nw0OMt>; Prospect, *Iraq: The Fallout*, 1 March 2023, <https://bit.ly/42fMMTn>.

⁵⁰⁰ The World Bank identified “the dominance of the public sector in the economy, legacies of conflict and political tensions, corruption, and weak business environment” as “major drivers that push Iraqis into informal businesses”; World Bank, *Iraq’s Recovery at Risk*, 31 July 2023, www.ecoi.net/en/document/2095989.html, pp. x, 3. “As of 2021, approximately 5.73 million people were informally employed, making up 66.6% of total employment in Iraq. (...) The governorates of Erbil and Nineveh exhibit particularly high levels of informal employment, signifying a challenge to the goal of decent work”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 27.

limited benefits and protection of their rights,⁵⁰¹ although working conditions for employees in the private sector are expected to improve under new legislation that came into effect on 1 December 2023.⁵⁰² Recruitment in both the public and the private sector is dominated by nepotism and cronyism along family, tribal, ethno-sectarian, and political lines.⁵⁰³ Agriculture is an important source of employment and livelihoods in Iraq, especially in rural areas;⁵⁰⁴ however, water scarcity and the degradation of arable land results in the increased loss of livelihoods in this sector, especially in southern Iraq.⁵⁰⁵

A 2021 nationwide labour force survey found that despite low labour force participation (39.5 per cent),⁵⁰⁶ unemployment stood at 16.5 per cent in 2021.⁵⁰⁷ Women are disproportionately affected with an unemployment rate nearly twice as high than that for men (28.2 per cent compared to 14.7 per cent).⁵⁰⁸

- ⁵⁰¹ "(...) work in the public sector is considered to have higher prestige, shorter working hours, more benefits and a lower pay gap between women and men"; CFRI, *Women's Economic Empowerment in Iraq: A Double-Edged Sword?*, 8 November 2023, <https://bit.ly/496CRD6>. "Iraqis prefer public sector employment for its reliability and benefits, including generous pensions, loans, grants, and even property. The private sector, by contrast, may pay higher wages, but it is not well regulated and private sector employees do not feel protected from potential employer predation, including unstable wages, workplace harassment, and lack of contributions to retirement funds"; ECFR, *From Shock and Awe to Stability and Flaws: Iraq's Post-Invasion Journey*, 25 May 2023, <https://bit.ly/43wePyu>. "Most, if not all, of daily labour is informal. (...) The formal private sector remains weak, as can be seen in the meagre percentage of people employed within it"; IOM, *Employment in the South of Iraq: Challenging Prospects for Women and Youth*, 2023, <https://bit.ly/40TgwUV>, p. 8. See also, IMF, *Iraq: 2022 Article IV Consultation-Press Release*; and *Staff Report*, 3 February 2023, <https://bit.ly/44js5aX>, p. 16; Arab News, *What Prevents Iraq from Meeting the Mounting Youth Employment Challenge*, 27 January 2022, <https://arab.news/vt3q7>. In the KR-I, women earn significantly less than men in both the private and the public sectors; World Bank, *Women's Labor Force Participation in the Kurdistan Region of Iraq*, April 2022, <https://bit.ly/3ZelHQC>, p. 11.
- ⁵⁰² Social Security Law for Private Sector Workers (Law No. 18 of 2023, published in the Official Gazette on 28 August 2023); Al Tamimi & Co, *Navigating Iraq's New Social Security Law No. 18 of 2023*, 19 September 2023, <https://bit.ly/3rHLvI0>. The law "covers all workers including informal workers, the self-employed and contributing family workers" and "brings the social security system for private sector workers in closer alignment with ILO Social Security (Minimum Standards) Convention, 1952 (No. 102), which was officially ratified by the Government of Iraq in March 2023"; ILO, *Iraq Invests in Building a Social Security System that Protects Workers*, 17 May 2023, <https://bit.ly/3RQFALi>. The implementation of the law requires the issuance of instructions and will need to be accompanied by efforts to enforce its provisions; Al Jazeera (Arabic), *Iraq: How Does the Adoption of the Social Security and Workers' Retirement Law Contribute to Supporting the Private Sector?*, 27 May 2023, <https://bit.ly/46ta76I>; Arab Trade Union Confederation, *Iraq's New Social Security and Pension Law: A Revolutionary Text or a Threat to Workers' Rights?*, 29 May 2023, <https://bit.ly/3tpIXyS>.
- ⁵⁰³ "The overwhelming sense is that most employment opportunities [in the KR-I] are based on one's political and social connections rather than merit"; Arab Reform Initiative, *Understanding the Roots of the Younger Generations' Despair in the Kurdistan Region of Iraq*, 4 April 2023, <https://bit.ly/3Lr8sVL>. See also, AP, *Corruption, Deep Disparity Mark Iraq's Oil Legacy post-2003*, 24 March 2023, <https://bit.ly/3Nw0OMt>; Prospect, *Iraq: The Fallout*, 1 March 2023, <https://bit.ly/42fMMTn>; AFP, *Iraq's Young Covet Govt Jobs in Headache for Economy*, 2 October 2022, <https://bit.ly/3Hug9sY>; CFRI, *The Root Causes of Kurdish Iraqi Migration: Early Warnings of an Impending Youth Quake in the KRI*, 13 July 2022, <https://bit.ly/3LKMM8w>; UNDP, *Community-Based Reconciliation & Reintegration in Iraq*, 28 June 2022, <https://bit.ly/3fLpEJs>, pp. 31-32.
- ⁵⁰⁴ "According to the 2021 Iraqi Labor Force Survey, the sector employs over 725,000 workers, representing 8.4% of the country's economic activities. A striking 96.7% of these jobs are informal, the highest ratio within Iraq's labor market. Conditions in this sector are challenging, characterized by low wages, minimal social security, and high incidences of child labor and discrimination. (...) Agriculture is a crucial livelihood source for rural women, with 30% of national female employment and 40% in rural areas tied to this sector"; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 53. See also, World Bank, *Iraq Country Climate and Development Report*, 9 November 2022, <https://bit.ly/44f59li>, p. 45; Food and Agriculture Organization (FAO) / WFP, *Joint Statement by FAO & WFP in Iraq on World Food Day*, 17 October 2022, <https://bit.ly/420gE6u>.
- ⁵⁰⁵ "The role of agriculture is diminishing in rural livelihoods due to environmental degradation, namely a lack of water supply and related yield loss or livestock deaths, with less than half of rural households engaging in farming, livestock, or fishing for revenue and even fewer whose sole income source comes from these activities"; IOM, *Iraq Crisis Response Plan 2022-2023*, 15 December 2022, <https://bit.ly/3p5nTM1>, p. 4. See also, AFP, *Iraqis Displaced by Climate Change Fall into Poverty*, 22 November 2023, <https://bit.ly/3UeuVqg>; IOM, *Employment in the South of Iraq: Challenging Prospects for Women and Youth*, 2023, <https://bit.ly/40TgwUV>, p. 8; FAO/WFP, *Joint Statement by FAO & WFP in Iraq on World Food Day*, 17 October 2022, <https://bit.ly/420gE6u>; and Section II.E.8.
- ⁵⁰⁶ "The labour force participation rate, i.e., the ratio of the labour force to the working age population expressed in percentage terms, is an indicator of the level of labour market activity. It measures the extent of the working age population which is in the labour force"; ILO / Central Statistical Organization (CSO) / Kurdistan Region Statistics Office (KRSO), *Iraqi Labour Force Survey 2021*, 5 July 2022, www.ecoi.net/en/document/2080276.html, p. 16.
- ⁵⁰⁷ In addition, "(...) about 7.9 percent of the employed population were in time-related underemployment. The ratio was higher among men (8.4 percent) than among women (4.6 percent), and considerably higher among young people (11.5 percent) than among adults (7.2 percent)"; ILO/CSO/KRSO, *Iraqi Labour Force Survey 2021*, 5 July 2022, www.ecoi.net/en/document/2080276.html, p. 6. "In 2022, two in three residents in Iraqi Kurdistan (66%) said it's a bad time to find a job, similar to the 65% who said the same in the rest of Iraq"; Gallup, *Life in Kurdistan: A Tale of Two Wars?*, 29 March 2023, <https://bit.ly/3VgDCKx>. See also, IOM, *Iraq Crisis Response Plan 2022-2023*, 15 December 2022, <https://bit.ly/3p5nTM1>, p. 4; World Bank, *A New Opportunity to Reform*, 17 November 2022, <https://bit.ly/3Nv0KMP>, pp. 3, 14.
- ⁵⁰⁸ Furthermore, Iraqi women's labour force participation is nearly seven times lower than for Iraqi men (10.6% vs. 68%), and is among the lowest rates in the world. Women's labour force participation was highest at university level of educational attainment (61.9%). By contrast, less than 5% of women with primary, intermediary or no education participated in the labour market; ILO/CSO/KRSO, *Iraqi Labour Force Survey 2021*, 5 July 2022, www.ecoi.net/en/document/2080276.html, pp. 17, 45. "(...) the most mentioned obstacle to the increase of women in the labour market in Iraq and the Kurdistan region, tends to be 'patriarchal' gender relations. (...) Other obstacles to women's participation in the labour market in Iraq are also attributed to several factors, including the lack of safe public transportation, discrimination and harassment in public spaces, limited access to financial capital, the 'quality' of the private sector, lack of 'suitable' jobs, deficiencies in legislation or its lack of implementation, difficult access to education, particularly in rural areas, and the inexistence of a care support network"; CFRI, *Women's Economic Empowerment in Iraq: A Double-Edged Sword?*, 8 November 2023, <https://bit.ly/496CRD6>. "The nation is ranked second to last worldwide for the gender gap in economic participation and opportunity"; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 48. A survey by IOM in Basra, Thi-Qar and Missan showed that "[N]one of the three governorates reach the Iraq national rate of [11%] of women above the age of 16 either working or seeking work. The rate is even lower in rural areas in the south of Iraq, with only [3%] of women economically active"; IOM, *Employment in the South of Iraq: Challenging Prospects for Women and Youth*, 2023, <https://bit.ly/40TgwUV>, p. 5. In the KR-I, where public sector employment has been frozen since 2014, women face particular challenges as they "still

Employment opportunities for young people are limited,⁵⁰⁹ and youth unemployment is high at 35.8 per cent (more than three times that of the adult unemployment rate at 11.2 per cent).⁵¹⁰ Unemployment rates vary across governorates (from 32.8 per cent to as low as 5.5 per cent),⁵¹¹ with urban areas experiencing higher levels of unemployment than rural areas.⁵¹² Employment opportunities for persons with disabilities are very limited, including due to a lack of labour law enforcement, stigma and access barriers.⁵¹³ The lack of employment opportunities, especially among young people, has been a recurrent trigger for social unrest⁵¹⁴ and migration (both rural-urban migration and emigration),⁵¹⁵ and leaves young men susceptible to recruitment by armed groups and engagement in illicit activities.⁵¹⁶

face considerable barriers in the male-dominated private sector"; UNDP, *Reimagining the Social Contract in Iraq*, 12 June 2022, <https://bit.ly/3xVbZ8V>, p. 18. See also, MEI, *Youth Dynamics and Iraq's Energy Future*, 9 March 2023, <https://bit.ly/3Vu100J>; Metro Center for Journalist Rights and Advocacy, *Silenced and Suffering: Unveiling the Harsh Realities of Working Women in Iraq*, 26 February 2023, <https://bit.ly/4592X79>; World Bank, *Iraq Country Climate and Development Report*, 9 November 2022, <https://bit.ly/44i59li>, p. x; World Bank, *Women's Labor Force Participation in the Kurdistan Region of Iraq*, April 2022, <https://bit.ly/3ZelHhQ>. On sexual harassment in the workplace, see also Section III.A.8.c.

⁵⁰⁹ "Part of the reason that unemployment is disproportionately affecting youth lies in the weakness of the private sector and the saturation of the public sector (...). In Iraq, [40%] of the population is below 15, and with younger cohorts larger than the previous ones, the number of people entering the labour market increases every year. This growing 'youth bulge' is competing for increasingly scarce employment opportunities – particularly for public sector jobs"; IOM, *Employment in the South of Iraq: Challenging Prospects for Women and Youth*, 2023, <https://bit.ly/40TgwUV>, p. 7. "(...) employment perspectives for young Kurdish graduates are bleak. (...) Only the children of Kurdistan elites have access to a premium education [in expensive private universities] and job security once they graduated. For the others, they are left with public-funded universities whose prestige is less of a gateway into securing a first employment"; CFRI, *The Root Causes of Kurdish Iraqi Migration: Early Warnings of an Impending Youth Quake in the KRI*, 13 July 2022, <https://bit.ly/3LKMM8w>. See also, UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, pp. 61-62; CEIP, *Barriers to Reform in Iraq*, 29 March 2022, <https://bit.ly/3NM57QP>; UNDP, *Reimagining the Social Contract in Iraq*, 12 June 2022, <https://bit.ly/3xVbZ8V>, p. 27.

⁵¹⁰ In addition, labour force participation for youth (aged 15 to 24 years) was low at 26.5% (compared to 45.8% for adults); ILO/CSO/KRSO, *Iraqi Labour Force Survey 2021*, 5 July 2022, www.ecoi.net/en/document/2080276.html, pp. 6, 45, 94. "Young women in particular struggle to find employment: In 2021, the share of youth not in education, employment or training stood at 36.7 percent, and significantly higher among young women (at 52.3 percent) compared to young men (at 22.1 percent)"; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 28. See also, Musings on Iraq, *Iraq's Youth Hit Hardest by Unemployment and Poverty*, 22 January 2024, <https://bit.ly/492vZSm>; ILO, *Cost of Inaction: Education Deprivation in Iraq and the Potential of Social Protection to Reverse it*, 7 March 2023, <https://bit.ly/3K33Tlb>, p. 7; World Bank, *A New Opportunity to Reform*, 17 November 2022, <https://bit.ly/3Nv0KMP>, pp. 3, 14.

⁵¹¹ While labour force participation was relatively uniform across all governorates, there were significant differences in the unemployment rate: "The three governorates with the highest unemployment rates are Nineveh in the north at 32.8 percent, followed by Al-Muthanna (27.3 percent) and Thi Qar (25.8 percent) both in the south." Babel had the lowest unemployment rate at 5.5%. Basra's unemployment rate stood at 21.8% and in Baghdad at 13.5%. In the KRI-I, Dohuk accounted for the highest unemployment rate (24.1%), compared to Erbil (17.7%) and Sulaymaniyah (11.9%); ILO/CSO/KRSO, *Iraqi Labour Force Survey 2021*, 5 July 2022, www.ecoi.net/en/document/2080276.html, p. 13. See also, Shafaq News, *Unemployment Rate in Dohuk Is the Highest in Kurdistan, Minister Says*, 26 April 2023, <https://bit.ly/3LDk7kq>.

⁵¹² The unemployment rate was higher in urban areas than in rural areas, standing at 17.6% and 13.3%, respectively; ILO/CSO/KRSO, *Iraqi Labour Force Survey 2021*, 5 July 2022, www.ecoi.net/en/document/2080276.html, p. 13.

⁵¹³ "Many persons with disabilities are unemployed with limited access to skills training, opportunities for employment or business development support. In addition, many are not able to access social protection payments. This means that they have little to no income and struggle to afford their basic needs"; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 28. Despite a 5% public sector employment quota and legally stipulated social protection payments for persons with disabilities, "disability protections lacked implementation." As a result, "[D]isability advocates reported employment was low among members of the community, and many youths with mental and physical disabilities lacked access to educational opportunities"; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html.

⁵¹⁴ UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 27; ILO, *Cost of Inaction: Education Deprivation in Iraq and the Potential of Social Protection to Reverse it*, 7 March 2023, <https://bit.ly/42dG4x9>, p. 7; AFP, *Iraq's Young Covet Govt Jobs in Headache for Economy*, 2 October 2022, <https://bit.ly/3Hug9sY>; UNDP, *Reimagining the Social Contract in Iraq*, 12 June 2022, <https://bit.ly/3xVbZ8V>, pp. 17, 19. See also Section II.A.1.

⁵¹⁵ Rudaw, *Kurdistan Region's Youth Blame Lack of Opportunities for Desire to Migrate*, 6 September 2023, <https://bit.ly/3RhOYrm>; Euronews/AFP, *Scarred by War, Young Iraqis Describe the Twenty Years after 'Shock and Awe'*, 25 March 2023, <https://bit.ly/42it09A>; CFRI, *The Root Causes of Kurdish Iraqi Migration: Early Warnings of an Impending Youth Quake in the KRI*, 13 July 2022, <https://bit.ly/3LKMM8w>; WFP, *Prospects for Resilience amid Fragility: Conflict Analysis of Al-Qurna and Al-Dair Districts in Basra Governorate*, March 2022, www.ecoi.net/en/document/2069845.html, p. 6.

⁵¹⁶ "The combined impact of climate change-induced deprivations in terms of water, food, jobs, and services (...) has made certain rural communities in Iraq vulnerable to recruitment by armed groups that offer access to precisely these things. (...) In Basra, for example, recruitment to armed groups is partly an outcome of the degradation of the environment around the Shatt al-Arab, with the all too familiar impacts of unemployment, displacement, and the breakdown of rural life"; ECFR, *Early Warning: How Iraq Can Adapt to Climate Change*, 19 July 2022, <https://bit.ly/3FRHzc8>, pp. 9-10. In the Districts of Al-Qurna and Al-Dair in Basra, "rampant unemployment, including among young people, was also reported as were more illicit activities such as drugs and weapons trading"; WFP, *Prospects for Resilience amid Fragility: Conflict Analysis of Al-Qurna and Al-Dair Districts in Basra Governorate*, 17 March 2022, www.ecoi.net/en/document/2069845.html, p. 6. See also, Center for Climate and Security, *Climate, Water and Militias: A Field Study from Southern Iraq*, 11 January 2023, <https://bit.ly/3XU7FkK>; Yale School of the Environment, *After Comeback, Southern Iraq's Marshes are now Drying Up*, 10 January 2023, <https://bit.ly/3JAe1kZ>; UNDP, *Community-Based Reconciliation & Reintegration in Iraq*, 28 June 2022, <https://bit.ly/3flpEJs>, p. 32; Carnegie Middle East Center, *Breaking Bad in Basra*, 3 May 2022, <https://bit.ly/44BMnwz>; WFP, *Improving Prospects for Peace and Stability in Vulnerable Communities in Southern Iraq*, 13 March 2022, www.ecoi.net/en/document/2072008.html, p. 5.

Access to livelihoods and employment is the top concern for IDPs, returnees and host communities,⁵¹⁷ and in 2022 a quarter of them reported having at least one adult unemployed and seeking work.⁵¹⁸ Those that do have work are often engaged in precarious employment in the informal sector.⁵¹⁹ Lack of income results in households resorting to incurring debts and resorting to harmful coping mechanisms to generate income.⁵²⁰

3) Poverty

Since 2019, and as a result of the combined effects of high unemployment, rising food prices and the impacts of the COVID-19 pandemic, “a significant portion of the Iraqi populace, notably women” have been pushed into poverty.⁵²¹ Poverty disproportionately affects IDPs and returnees,⁵²² women,⁵²³ children,⁵²⁴

⁵¹⁷ Among IDP and returnee households surveyed between 15 June and 1 November 2023, livelihoods was recorded as the top priority of all populations (62% compared to 63% in 2022), including 74% of in-camp IDPs, 62% of out-of-camp IDPs and 61% of returnees. The main barriers to employment included: increased competition/not enough jobs, lack of personal connections, lack of jobs for women, long distance to jobs available, only low skilled/paid jobs available, and lack of qualifications; REACH, *Key Multi-Sectoral Findings*, 14 December 2023, www.ecoi.net/en/document/2102373.html, pp. 13, 33, 51. IDP, returnee, and host community groups surveyed by IRC in Al-Anbar, Kirkuk and Ninewa Governorates between July and September 2023 livelihood support was the most reported priority need (70%). “The primary sources of income for surveyed communities may include daily wage labor, government employment, agriculture, social security payments, temporary employment, and community support”; IRC, *Protection Needs Overview April 2023 – September 2023*, 10 December 2023, <https://bit.ly/3vVRrPh>, pp. 8, 14. “According to the World Bank, approximately 27 per cent of IDPs are unemployed, and within that group, the most vulnerable are women and children, 49 per cent of whom are less than 18 years old”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 28. See also, IOM, *Progress Toward Durable Solutions in Iraq: Salah Al Din* (December 2023), 22 January 2024, <https://bit.ly/3vUwyz>, p. 11; REACH, *Al-Latifya Area-Based Assessment (ABA)*, March 2023, <https://bit.ly/429aQaL>, pp. 12-15. The lack of livelihood/income-generating activities in the area of origin remains a key obstacle for IDPs to return, see Section II.F.3.

⁵¹⁸ Including 30% among in-camp IDPs, 24% among out-of-camp IDPs, 19% among returnees. The percentage of households reporting to have at least one adult unemployed and seeking work was particularly high in Sinjar/Ninewa (56%) Al-Hatra/Ninewa (54%) Dohuk (53%), Al-Mussyab/Babel (44%) and Makhmour/Erbil (41%); REACH, *Multi-Cluster Needs Assessment (MCNA) X Key Findings*, March 2023, <https://bit.ly/42kefUc> (hereafter: REACH, *MCNA X Key Findings*, March 2023, <https://bit.ly/42kefUc>), pp. 7, 10.

⁵¹⁹ For 54% of the IDP and returnee households surveyed between 15 June and 1 November 2023, irregular employment (e.g., temporary or daily wage) was their primary source of income (compared to 62% in 2022). 25% said that government employment was their primary source (up from 21% in 2022). Other sources of income included loans/debts (17%), government social support (16%), savings (12%), and retirement fund/pension (9%); REACH, *Key Multi-Sectoral Findings*, 14 December 2023, www.ecoi.net/en/document/2102373.html, pp. 34, 48. For IDP, returnee and host community groups surveyed by IRC in Al-Anbar, Kirkuk and Ninewa Governorates between April and September 2023, “[D]aily wage labor was cited as a prevalent source of income for a significant proportion of the population (66%). However, access to these opportunities varied across different groups, with some communities, such as those headed by women, PWDs [persons with disabilities], widows, divorced women, the elderly, and refugees, facing challenges in securing daily work. These marginalized groups encountered difficulties in accessing regular employment opportunities, thereby limiting their financial stability”; IRC, *Protection Needs Overview April 2023 – September 2023*, 10 December 2023, <https://bit.ly/3vVRrPh>, p. 14. See also, US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html.

⁵²⁰ Among IDP and returnee households surveyed across Iraq between 15 June and 1 November 2023, 71% of households reported having debts (on average USD 572) at the time of data collection. Debt repayment was recorded as a top priority by 25% of in-camp IDPs, 26% of out-of-camp IDPs and 34% of returnees; REACH, *Key Multi-Sectoral Findings*, 14 December 2023, www.ecoi.net/en/document/2102373.html, pp. 13, 35. “Families without a consistent income resorted to various coping strategies, including seeking help from relatives, borrowing, buying materials on credit, reducing expenses, and, in some cases, secondary displacement to find better opportunities. Other negative coping mechanisms included child labor and child marriage”; IRC, *Protection Needs Overview April 2023 – September 2023*, 10 December 2023, <https://bit.ly/3vVRrPh>, p. 14.

⁵²¹ “Poverty continues to stifle growth, posing a grave challenge for a significant portion of the Iraqi populace, notably women. Alarming, Iraq has the highest poverty rate among all upper-middle-income nations. Prior to the pandemic, the poverty headcount ratio for Iraq as a whole was estimated at 22.5 per cent¹³ (reaching 41.2 per cent in areas previously occupied by Da’esh). The economic fallout from the COVID-19 pandemic, however, is estimated to have increased poverty to 29.8 per cent by the end of 2020. In July 2020, a poverty modelling study predicted that the poverty rate in Iraq would increase to 31.7 per cent in 2022, adding 2.7 million new poor to the 6.9 million already living in poverty before the crisis.” Furthermore: “The proportion of the country’s workers and their families living on less than 1.90 US dollars per person per day increased from 0.2% in 2000 to 0.9% in 2022”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, pp. 15, 19. See also, Musings on Iraq, *Iraq’s Youth Hit Hardest by Unemployment and Poverty*, 22 January 2024, <https://bit.ly/492VZSm>; Rudaw, *Iraqi Ministry Says Poverty Decreased, Locals Decry Lack of Opportunities*, 1 May 2023, <https://bit.ly/42sMiW4>; UNICEF, *Country Office Annual Report 2022*, 15 February 2023, <https://uni.cf/3LAQGRI>, p. 1; Asharq Al-Awsat, *A Quarter of Iraq’s Population Lives Below the Poverty Line*, 11 January 2023, <https://bit.ly/3M43ks2>.

⁵²² A 2022 Multidimensional Poverty Analysis found that IDPs were among the groups which experienced “extreme resource poverty”; SIDA, *Multidimensional Poverty Analysis Iraq 2022*, April 2022, <https://bit.ly/41n4OIW>, p. 25. “While lack of resources and income to meet basic needs is widespread in the broader Iraqi population, with high national poverty and unemployment rates, the impact is particularly critical among IDPs and returnees in Duhok, Ninewa, Al-Anbar, Diyala, Kirkuk, Al-Sulaymaniyah and Salah Al-Din governorates”; OCHA, *Humanitarian Needs Overview 2022: Iraq*, 27 March 2022, <https://bit.ly/3qPutUV>, p. 81.

⁵²³ UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 15. “Single-headed-households have been reportedly more vulnerable to resource poverty due to their inability to rely on another financial income, and female-headed-households particularly vulnerable because they are forced to interact with men in male-dominated spheres as well as taking on household duties, leading to women taking on ‘double burdens’”; SIDA, *Multidimensional Poverty Analysis Iraq 2022*, April 2022, <https://bit.ly/41n4OIW>, p. 33.

⁵²⁴ “Nearly half of Iraqi children – 47 per cent (8.7 million) – are multidimensionally poor, meaning that there are more than 8 million children in Iraq who are living in multidimensional poverty”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 20. “One in two children suffer two or more deprivations of basic rights, while years of insecurity and the socioeconomic consequences of the COVID-19 pandemic increased child poverty to 37.9 per cent (...).” A child-adjusted multidimensional poverty index “showed that 46.9 per cent of children in Iraq experience multidimensional poverty”; UNICEF, *Country Office Annual Report 2022*, 15 February 2023, <https://uni.cf/3LAQGRI>, pp. 1, 6. On child labour, see also Section III.A.9.

and persons with disabilities.⁵²⁵ Furthermore, many citizens of African descent (referred to as “Black Iraqis”) and Roma (Dom) are reported to live in extreme poverty.⁵²⁶ Poverty levels are particularly elevated in southern Iraq,⁵²⁷ and in formerly conflict-affected areas.⁵²⁸

The Social Safety Net (SSN) under the Ministry of Labour and Social Affairs, which provides targeted social assistance to the most vulnerable Iraqis,⁵²⁹ has been reported to have limited reach,⁵³⁰ although efforts are underway to expand enrolment, including for IDPs and returnees.⁵³¹

4) Food Security

Among other factors, the combined effects of the devaluation of the IQD in December 2020,⁵³² the rise in global food prices due to conflict in Ukraine,⁵³³ and reduced agricultural production due to severe water

⁵²⁵ “Persons with disabilities (...) experience significant levels of poverty and marginalization”; IOM, *Persons with Disabilities and their Representative Organizations in Iraq: Barriers, Challenges, and Priorities*, 30 March 2021, <https://bit.ly/42EBLej>, p. 8. “(...) a modest 1.4% of individuals with severe disabilities were recipients of disability cash benefits”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 20. See also Sections II.E.2 and II.E.4.

⁵²⁶ See Section III.A.5.a.

⁵²⁷ “Two years of drought have contributed to water shortages and rising food prices, and longstanding environmental degradation around the southern city of Basra has contributed to significantly higher poverty levels than in other parts of the country”; TNH, *Taking Stock of the UN’s Shift Away from Emergency Aid in Iraq*, 20 March 2023, <https://bit.ly/41aNPmV>. “The country’s poorest province is Muthanna (...). Most areas here have poverty rates of over 40 per cent, where poverty is defined as having to live on less than 105,000 dinars (around \$70) a month, according to a World Bank study. Al Hilal is one of Muthanna’s poorest areas – nearly three-quarters of its population lives in poverty”; Prospect, *Iraq: The Fallout*, 1 March 2023, <https://bit.ly/42fMMTn>. According to the Iraqi Planning Ministry, Al-Kalha in Muthanna is the poorest district in the country with a poverty rate of 79%; Rudaw, *Extreme Poverty Engulfs a Rural Area in Iraq’s South*, 31 January 2023, <https://bit.ly/3M6y4sL>. “All districts in Thi-Qar systematically doubled the Iraq average in terms of poverty and male youth unemployment. It shows that almost half of families in the governorate were living below the poverty line and more than half of male youth were already struggling to find sustainable employment”; WFP, *Improving Prospects for Peace and Stability in Vulnerable Communities in Southern Iraq*, 13 March 2022, [www.ecoi.net/en/document/2072008.html](http://tinyurl.com/mshk73ju), p. 5. See also, Fanack, *Spatial Development Disparities in Iraq*, 15 December 2023, <http://tinyurl.com/mshk73ju>; Shafaq News, *Afeg District: Navigating Catastrophic Challenges and Neglected Infrastructure*, 12 June 2023, <https://bit.ly/44XCXeE>; Asharq Al-Awsat, *A Quarter of Iraq’s Population Lives below the Poverty Line*, 11 January 2023, <https://bit.ly/3Li7yWH>.

⁵²⁸ “(...) according to the latest statistics of the Iraqi Ministry of Planning in 2020, the poverty rate in Ninewa has reached 37.7 % percent now. Moreover, huge disparities are existing between districts, for example, Tal Afar district is ranking in third place of the population living under the poverty line, after Baaj and Hatra districts”; UNDP, *Community-Based Reconciliation & Reintegration in Iraq*, 28 June 2022, <https://bit.ly/3flpEJs>, p. 17. See also, AFP, *Iraq’s Mosul Healing Slowly, Five Years after IS Defeat*, 7 December 2022, <https://bit.ly/3B82kwZ>.

⁵²⁹ “There are two main social assistance programmes in Iraq, namely, the Public Distribution System (PDS), which provides food rations to almost all households in the country, and the Social Safety Net, a poverty-targeted conditional cash transfer which covers some 1.2 million Iraqi households. Both programmes face targeting challenges and coordination between them (and with the social security system) is considered weak”; ILO, *Social Protection*, accessed 28 January 2024, <https://bit.ly/42dUVIs>. Under the 2014 Social Protection Law, households below the poverty line are eligible for social assistance support; ILO, *Building Iraq’s Social Protection Floor: Framework and Recommendations*, 17 August 2022, <https://bit.ly/3ponCnd>, p. 5.

⁵³⁰ “In the year 2020, data indicates that 26.4% of the vulnerable population received cash benefits through social assistance programs. Additionally, a broader 37.5% of the population was covered by at least one form of social protection benefit”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 20.

⁵³¹ In February 2023, the Ministry of Labour and Social Affairs (MoLSA) “decided to assess the 175,000 IDPs living in 25 camps in the KR- I for enrolment in its poverty reduction programme – the Social Safety Net (SSN). The Ministry also decided to prioritize the assessment of IDPs and IDP returnees in urban areas across the country, regardless of whether they are registered in MoLSA’s online registration system (online registration is a requirement for any other Iraqi national claiming to meet the SSN poverty criteria). IDPs who meet MoLSA’s vulnerability criteria will benefit from monthly cash payments that will help them meet their basic needs (an average of \$85/IQD 125,000 per person per month). Vulnerable families and individuals, including female-headed households and individuals with disabilities, will receive cash top-ups. Since the beginning of MoLSA’s enrolment campaign, as of 5 August 2023, a total of 5,490 households in the camps of Duhok and 900 households in the camps administrated by Erbil have already been registered with the SSN and many of them started receiving SSN cash grants since the beginning of July [2023]”; UNHCR, *UNHCR Iraq Factsheet: August 2023*, 13 September 2023, [www.ecoi.net/en/document/2097252.html](http://tinyurl.com/mshk73ju), p. 4. See also, UNHCR, *The Inclusion of Internally Displaced People in Iraq’s Social Safety Net: From Short-Term Humanitarian Cash Assistance to Durable Social Protection*, August 2023, [www.ecoi.net/en/document/2096320.html](http://tinyurl.com/mshk73ju); ILO, *Ministry of Labour and Social Affairs to Begin Assessing Iraqi Internally Displaced Persons and Returnees in Need of Social Protection Assistance with UN Support*, 1 February 2023, <https://bit.ly/3B2Lxjw>.

⁵³² AP, *Iraq’s Central Bank Devalues Dinar by 22% amid Public Anger*, 19 December 2020, <https://bit.ly/3nHbtVe>.

⁵³³ “The Ukraine-Russia conflict created new risks for Iraq, a country highly dependent on food imports. The rise in global fuel and food prices and disrupted agriculture imports increased local food prices. In consequence, the budget of the Government’s food subsidy programme spiked, challenging the ability of the Government to serve the most vulnerable when needs skyrocketed. These changes furthered the pre-crisis poverty rate and eroded people’s purchasing power, requiring them to spend more of their budget on food”; WFP, *Iraq Annual Country Report 2022*, 11 April 2023, [www.ecoi.net/en/document/2089958.html](http://tinyurl.com/mshk73ju), p. 7. See also, UN Iraq, *Iraq Common Country Analysis 2022*, 27 July 2022, <https://bit.ly/42zehY9>, pp. 28-29, 38-39.

shortages in Iraq⁵³⁴ resulted in a rise in food prices⁵³⁵ and increased food insecurity.⁵³⁶ In March 2022, surging food prices resulted in protests in the impoverished southern Iraq.⁵³⁷ Following months of currency depreciation, and in an effort to stabilize food prices, the Government in February 2023 revalued the IQD-USD exchange rate; however, at the time of writing, the exchange rate remained higher in the unofficial currency market.⁵³⁸

Food is a key priority for IDPs, returnees and host communities.⁵³⁹ While most IDPs, returnees and host communities reported “acceptable” food consumption,⁵⁴⁰ a significant number is vulnerable to food insecurity.⁵⁴¹ Those missing civil documentation, female-headed households and households with a member living with a disability are more likely to face food insecurity.⁵⁴² Those struggling to meet their daily food needs are reported to resort to unhealthy diets,⁵⁴³ incurring debts,⁵⁴⁴ and relying on harmful coping

⁵³⁴ Shafaq News, *Water Scarcity and Deteriorating Livestock Pose a Threat to Iraq's Food Security*, 5 March 2023, <https://bit.ly/416jeq8>; WFP, *Iraq Annual Country Report 2022*, 11 April 2023, www.ecoi.net/en/document/2089958.html, p. 7; FAO, *GIEWS Country Brief: The Republic of Iraq*, 3 February 2023, <https://bit.ly/42oH01T>, pp. 1-2; and Section II.E.8.

⁵³⁵ “The fluctuation in the Iraqi currency exchange rate against the USD and price increases of essential food and non-food items have eroded the purchasing power of the poorest quintile. (...) Compared to January 2020, the price of WFP’s Food Basket used for Cash Based Transfers increased by 42 per cent in January 2023. Increase in prices is impacting the food security at household level”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 23. See also, WFP, *Iraq Market Monitor Report*, Issue No. 33: October 2022, 5 December 2022, <https://bit.ly/44qdMBp>, pp. 2-3; Amwaj.media, *Tension Simmers on Iraqi Street as Food Prices Rise*, 3 June 2022, <https://bit.ly/3VvAKTu>.

⁵³⁶ “Despite its status as an upper middle-income country, Iraq’s multiple crises and conflicts over the past two decades, including severe climatic anomalies, have increased food insecurity in Iraq.” Furthermore, according to FAO’s Food Insecurity Experience Scale (FIES), “41% of households faced moderate to severe food insecurity, with Anbar, Dohuk, Erbil, and Sulaimaniyah most affected. About 36% of households used emergency coping strategies, with agricultural households adopting more strategies than non-agricultural ones”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, pp. 22-23. See also, WFP, *Iraq Annual Country Report 2022*, 11 April 2023, www.ecoi.net/en/document/2089958.html, p. 3; World Bank, *A New Opportunity to Reform*, 17 November 2022, <https://bit.ly/3NvOKMP>, pp. 9, 13; IOM, *Migration, Environment, and Climate Change in Iraq*, 11 August 2022, <https://bit.ly/3AS06BB>, p. 10.

⁵³⁷ Amwaj.media, *Tension Simmers on Iraqi Street as Food Prices Rise*, 3 June 2022, <https://bit.ly/3VvAKTu>. In response, the government introduced several measures, including “a monthly allowance of about \$70 for pensioners whose income does not exceed one million dinars (almost \$700), as well as civil servants earning less than 500,000 dinars. The authorities also announced the suspension of customs duties on food products, basic consumer goods and construction materials for two months”; AFP, *Iraqis Protest Rise in Food Prices, Officials Blame Ukraine War*, 9 March 2022, <https://bit.ly/3Vw4H6g>. “Risks of social unrest would be compounded by any further erosion of purchasing power due to inflation and continued electricity and water shortages”; World Bank, *A New Opportunity to Reform*, 17 November 2022, <https://bit.ly/3NvOKMP>, p. 14.

⁵³⁸ “In February 2023, the GoI announced a 10.3 percent revaluation of dinar, adjusting the peg to the dollar from 1,450 IQD/USD to 1,300 IQD/USD, marking a partial reversal of the 22.7 percent devaluation of December 2020”; World Bank, *Iraq’s Recovery at Risk*, 31 July 2023, www.ecoi.net/en/document/2095989.html, p. 11. As at the time of writing, the exchange rate in the informal currency market continued to be higher than the official rate set by the Central Bank; Shafaq News, *USD/IQD Rate Closes Slightly Lower in Baghdad, Erbil*, 28 January 2024, <https://bit.ly/3OkXEe8>. See also, UN Security Council, *Implementation of Resolution 2631 (2022): Report of the Secretary-General*, S/2023/340, 11 May 2023, www.ecoi.net/en/file/local/2092084/N2312267.pdf, para. 6; Rudaw, *Iraq Central Bank Head Says Dinar Revalued to Control Inflation*, 15 February 2023, <https://bit.ly/3M2Nazo>.

⁵³⁹ “One of the most important drivers of food insecurity is the more than one million Iraqis who remain displaced since 2017”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 22. Among IDP and returnee households surveyed across Iraq between 15 June and 1 November 2023, food was recorded as a top priority by 50% of in-camp IDPs, 35% of out-of-camp IDPs and 26% of returnees; REACH, *Key Multi-Sectoral Findings*, 14 December 2023, www.ecoi.net/en/document/2102373.html, p. 13. See also, OCHA, *HTO 2023*, 23 February 2023, <https://bit.ly/3nFitGK>, p. 7.

⁵⁴⁰ Among IDP and returnee households surveyed across Iraq between 15 June and 1 November 2023, the vast majority (98.5%) reported “acceptable” food consumption, as per WFP’s Household Food Consumption Score (FCS). In-camp IDP households had a lower FCS score compared with out-of-camp and returnee households; REACH, *Key Multi-Sectoral Findings*, 14 December 2023, www.ecoi.net/en/document/2102373.html, p. 31. On the FCS, see: Food Cluster, *FCS Indicator Handbook*, 2020, <https://bit.ly/3HuGasn>, p. 42.

⁵⁴¹ In 2022, 49% of host communities were found to be at risk of food insecurity; 54% of in-camp IDPs; 44% of out-of-camp IDPs; and 63% of returnees. 3% of returnees and 4% of IDPs and host communities were food insecure; OCHA, *HTO 2023*, 23 February 2023, <https://bit.ly/3nFitGK>, p. 11. See also, NRC, *Hammer-Blow: How the Conflict in Ukraine Will Have a Catastrophic Impact on Displaced Communities in Crises*, June 2022, www.ecoi.net/en/document/2077111.html, p. 13.

⁵⁴² “Women and girls are socioeconomically more vulnerable than men and boys and face more constraints in accessing employment, resulting in higher unemployment, underemployment or part time employment; more frequent use of harmful coping strategies; and higher food insecurity. In 2021, female-headed households were found to be twice as likely to report family members going to bed hungry than male-headed households. (...) Among out-of-camp IDPs, those missing core civil documentation are three times more likely to experience food insecurity, while among returnees, female-headed households are nearly three times more likely to face moderate or severe hunger. For both population groups, households with a family member living with disabilities are 2-3 times more likely to experience food insecurity.” Also, IDPs living in in critical shelter outside of camps are twice as likely to have borderline or poor food consumption; OCHA, *Humanitarian Needs Overview 2022: Iraq*, 27 March 2022, www.ecoi.net/en/document/2070137.html, pp. 29, 84, 96.

⁵⁴³ Among IDP and returnee households surveyed across Iraq between 15 June and 1 November 2023, 47% reported to have relied on less preferred and less expensive food at least once in the seven days prior to the survey; 20% reduced the portion size of meals; 8% reduced the number of meals per day; and 4% said that adults did not eat so that children could eat; REACH, *Key Multi-Sectoral Findings*, 14 December 2023, www.ecoi.net/en/document/2102373.html, p. 32.

⁵⁴⁴ Among IDP and returnee households surveyed across Iraq between 15 June and 1 November 2023, coping strategies included: borrowing money from relatives or friends; buying food on credit; reduced spending on health / education; spending savings, and selling household assets; REACH, *Key Multi-Sectoral Findings*, 14 December 2023, www.ecoi.net/en/document/2102373.html, p. 32. See also, REACH, *MCNA X Key Findings*, March 2023, <https://bit.ly/42kefUc>, p. 18.

strategies to generate income, including child labour and child marriage.⁵⁴⁵ In 2022, two-thirds of IDPs, returnees and host communities said that they spent more than 40 per cent of their expenditures on food.⁵⁴⁶ As of May 2023, the World Food Programme (WFP) halted monthly food assistance in IDP camps due to funding shortfalls.⁵⁴⁷

The Public Distribution System (PDS), through which Iraqis and non-Iraqis with a residency permit receive six essential food items on a monthly basis,⁵⁴⁸ remains Iraq's biggest social safety net.⁵⁴⁹ It is reported to contribute to price stability and food security.⁵⁵⁰ While nearly all Iraqis hold a PDS card,⁵⁵¹ distributions are reported to be irregular and do not reach every area every month.⁵⁵² IDPs may also face difficulties to obtain their food rations as they may be required to receive them at their place of origin where they are registered with the PDS.⁵⁵³ On 26 March 2023, WFP and the Iraqi Ministry of Trade formalized their collaboration to reform and digitize the PDS with the aim of making it "comprehensive, inclusive, shock-responsive, and end-to-end digitalized".⁵⁵⁴

⁵⁴⁵ UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 44; OCHA, *Humanitarian Needs Overview 2022: Iraq*, 27 March 2022, www.ecoi.net/en/document/2070137.html, p. 83.

⁵⁴⁶ OCHA, *HTO 2023*, 23 February 2023, <https://bit.ly/3nFitGK>, p. 10.

⁵⁴⁷ WFP, *WFP Iraq Country Brief*, June 2023, 18 July 2023, <https://bit.ly/44t8IMo>, p. 1; WFP, *Funding Shortfall Forces WFP Iraq to Reduce Life-Saving Food and Cash Assistance to Displaced Iraqis and Syrian Refugees*, 21 March 2023, <https://bit.ly/3VviiKl>. In response, the Ministry of Labour and Social Affairs "announced that it had facilitated access to social safety nets for in-camp internally displaced persons and enabled widows and persons with disabilities to apply for benefits. However, other vulnerable families remain excluded from the social safety nets"; UN Security Council, *Implementation of Resolution 2631 (2022): Report of the Secretary-General*, S/2023/340, 11 May 2023, www.ecoi.net/en/file/local/2092084/N2312267.pdf, para. 66. Efforts to include IDPs in the national social safety nets are ongoing at the time of writing; see Section II.E.3.

⁵⁴⁸ "The in-kind basket of the PDS includes wheat flour, rice, vegetable oil, sugar, lentils, and tomato paste. The PDS items are provided according to the family size through food agents"; WFP, *Iraq Market Monitor Report*, Issue No. 33: October 2022, 5 December 2022, <https://bit.ly/44qdMBp>, p. 2 (see also table for quantities per item per person). "The PDS is a social scheme under the management of the Ministry of Trade through which eligible citizens receive a monthly food ration. To access this scheme, families require a PDS Card, also known as a 'food ration card', which is issued to the head of households, and contains a list of all members of the household"; DRC, *Life in the Margins*, September 2022, www.ecoi.net/en/document/2078836.html, p. 12. Without PDS card, families are unable to obtain food rations; REACH, *Missing Civil Documentation in Iraq: Who, Why & How Important is It?*, February 2023, <https://bit.ly/3vgNHU0>, p. 13.

⁵⁴⁹ The Government plans to gradually merge the PDS and the SSN; UN Iraq, *Iraq Common Country Analysis 2021*, 26 April 2022, www.ecoi.net/en/document/2073112.html, p. 47. In December 2022, the Iraqi Council of Ministers increased the food ration basket of those included in the SPN; Kirkuk Now, *Extra Food Items Added to Food Basket for Impoverished Families*, 24 January 2023, <https://bit.ly/3HAIWft>. On the SSN, see Section II.E.3.

⁵⁵⁰ "Fortunately, the government has the means to avoid food shortages and subsidize commodity prices through its public distribution system due to a windfall in oil revenue, which reached \$11 billion in March, a 50-year high"; UN Iraq, *Iraq Common Country Analysis 2022*, 27 July 2022, <https://bit.ly/42zehY9>, p. 39. See also, WFP, *Iraq Market Monitor Report*, Issue No. 33: October 2022, 5 December 2022, <https://bit.ly/44qdMBp>, p. 2.

⁵⁵¹ Among Iraqis surveyed across 20 districts in Federal Iraq and the KR-I in September and October 2022, the vast majority (97%) held a PDS card. "Erbil (93%) was the lowest ranked district for PDS Card possession"; REACH, *Missing Civil Documentation in Iraq: Who, Why & How Important is It?*, February 2023, <https://bit.ly/3vgNHU0>, pp. 6, 13.

⁵⁵² "All citizens were eligible to receive food under the Public Distribution System (PDS), but authorities implemented the PDS sporadically and irregularly, with limited access in areas that were among the last to be liberated. Authorities did not distribute all commodities each month (...); US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. Of the households holding a PDS card, 88% reported having received a PDS distribution in the last 12 months prior to the survey. "District level findings highlight that while the PDS Card is essential to access PDS distributions, [it is] insufficient in many districts. Access varies widely at district level, and in particular, Sinjar, Shaqlawa and Al-Mosul have large disparities between the proportion of HHs in possession of a PDS card and the proportion reportedly receiving PDS distributions." For example in Mosul and Sinjar where 96% of households were found to hold a PDS card, only 76% and 62% respectively of households had received a PDS distribution in the year prior to the survey; REACH, *Missing Civil Documentation in Iraq: Who, Why & How Important is It?*, February 2023, <https://bit.ly/3vgNHU0>, p. 13. Apart from irregular distributions, there have also been complaints about the low quality of food; Kirkuk Now, *Extra Food Items Added to Food Basket for Impoverished Families*, 24 January 2023, <https://bit.ly/3HAIWft>; Kirkuk Now, *Displaced Slam at Baghdad for Useless Food Boxes*, 8 August 2022, <https://bit.ly/44rMAJR>. Furthermore: "The poorest populations who rely on government food rations are unable to supplement these rations with fresh, nutritious food and so are at increased risk of health burdens associated with malnutrition"; IOM, *Migration, Environment, and Climate Change in Iraq*, 11 August 2022, <https://bit.ly/3AS06BB>, p. 10.

⁵⁵³ US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. On the limitations to transfer the PDS registration to the new place of residency, see also UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Iraq: Ability of Iraqis to Legally Access and Settle Durably in Proposed Areas of Internal Relocation*, November 2022, www.refworld.org/docid/63720e304.html (hereafter: UNHCR, *Ability of Iraqis to Legally Access and Settle Durably in Proposed Areas of Internal Relocation*, November 2022, www.refworld.org/docid/63720e304.html).

⁵⁵⁴ "The joint goal is to ensure that no one is left behind and that vulnerable groups, including children, youth, women, the elderly, and people with disabilities inside Iraq will benefit"; WFP, *WFP Iraq Partners with the Ministry of Trade to Reform the Public Distribution System in Iraq*, 26 March 2023, <https://bit.ly/42nZm2Z>.

5) Housing

Iraq suffers from a chronic housing shortage,⁵⁵⁵ which has been exacerbated by population growth, urbanization and large-scale destruction of housing during years of conflict.⁵⁵⁶ High demand, corruption and money laundering in the real estate sector have caused property prices to surge.⁵⁵⁷ The shortage disproportionately affects middle and low-income Iraqis,⁵⁵⁸ including through unaffordable rents and real estate prices across the country.⁵⁵⁹ Competition over housing undermines social cohesion and increases tensions within and between communities.⁵⁶⁰

⁵⁵⁵ Various Iraqi Government estimates range from 3 to 4 million additional housing units needed to fill the existing gap; Zawya, *Iraq Has 3 Million House Supply Shortage*, 20 September 2023, <https://bit.ly/48FwN4X>; Zawya, *Iraq Needs 4mln New Houses: Official*, 15 August 2023, <https://bit.ly/3sqHGJE>; Shafaq News, *Real Estate in Iraq: Greedy Officials, Corrupt Investors, and Homeless Citizens*, 3 February 2023, <https://bit.ly/44ishqu>; Institute of Regional and International Studies (IRIS), *Iraq, Economic Review*, Vol. 2 (3), October 2022, <https://bit.ly/3UUyVPG>, p. 11. See also, UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 30.

⁵⁵⁶ "(...) Iraq has grappled with a significant housing shortage for the past decade. This shortage has been intensified by a myriad of factors, including rapid population growth, large-scale migration from rural to urban areas, sectarian violence, lack of livelihood opportunities, and the recent impacts of climate change." Furthermore, the World Bank estimated that 138,000 residential buildings were destroyed due to the 2014-2017 conflict. The housing deficit of 2.7 million units requires investments of approximately USD 2,752 billion; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 30. "Over the past two decades, Iraqi cities, and Baghdad in particular, have been experiencing a growing housing problem as a result of the country's rapid population growth, internal migration and the slow progress of housing programmes"; Fanack, *Baghdad's Architectural Changes: A Lost Identity*, 21 December 2023, <http://tinyurl.com/3srr5k4e>. For example, the population of Baghdad's Sad City neighbourhood is reported to have tripled between 2003 and 2023: "The crowded houses have been divided into smaller and smaller units, and Sadr City's boundaries have expanded further to the east to accommodate waves of even poorer migrants from the south. Even Sadr City is beyond the reach of some. Many newcomers have settled on parched agricultural lands on outskirts that have been bulldozed and parcelled into tiny plots of land"; The Guardian, *Guns, Cash, and Frozen Chicken: the Militia Boss Doling Out Aid in Baghdad*, 20 March 2023, <https://bit.ly/3njQww2>. See also, Assafir Al-Arabi, *Informal Settlements in Baghdad: Home Is Everywhere*, 6 June 2022, <https://bit.ly/3JYKr8W> (hereafter: Assafir Al-Arabi, *Informal Settlements in Baghdad*, 6 June 2022, <https://bit.ly/3JYKr8W>).

⁵⁵⁷ Rural-urban "migration, coupled with the prevalent high-density residential urban growth, has further strained the already limited urban housing resources. The result has been a notable increase in rents and real estate prices"; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 30. See also, New York Times, *Baghdad Loses Green Space to Real Estate Boom*, 31 January 2023, <https://nyti.ms/43IN3pl>; Al-Monitor, *How Can Iraq Help 3.5 Million Citizens Living in Urban Slums?*, 21 October 2022, <https://bit.ly/3CHOPVT>; Shafaq News, *'Drastic Rise' in Baghdad's Real Estate Prices*, 20 October 2022, <https://bit.ly/3CHjHv>; The Media Line, *Corrupt Politicians, Money Laundering Drive Red-Hot Baghdad Property Market*, 19 August 2022, <https://bit.ly/3GJR8QI>. In addition to the shortage in housing, "the emergence of a new class of party members and party-affiliated merchants with an enormous appetite for real estate (...) has led to an insane rise in housing prices. Therefore, housing prices in Baghdad, which is on the list of the worst livable cities, are now competing with the prices in the most expensive Western countries"; Assafir Al-Arabi, *Informal Settlements in Baghdad*, 6 June 2022, <https://bit.ly/3JYKr8W>.

⁵⁵⁸ "Low-income housing has experienced the bulk of the damage, at 68 per cent, indicating that the conflict has severely impacted the low-income population of Iraq, worsening the already fragile situation they face"; UN Iraq, *Iraq Common Country Analysis 2021*, 26 April 2022, www.ecoi.net/en/document/2073112.html, p. 46. "Due to the exorbitant cost of housing, even middle-class people have turned to undeveloped areas that lack the most basic amenities like electricity, water, and sanitation. Across Iraq's major cities, it is often impossible for younger families to own houses – even in the remote outskirts and suburbs"; IRIS, *Iraq, Economic Review*, Vol. 2 (3), October 2022, <https://bit.ly/3UUyVPG>, p. 10. See also, Assafir Al-Arabi, *Informal Settlements in Baghdad*, 6 June 2022, <https://bit.ly/3JYKr8W>.

⁵⁵⁹ According to an Erbil resident: "If one wants to rent a house, they would need to look for two or three months, and now the rent for 100-meter square home is around 450 thousand Iraqi Dinars per month (...). 450 thousand Iraqi Dinars is the [sic] over 70 percent of average monthly income of many people in the Kurdistan region as per capita income is \$5,000 US"; Kurdsat, *Over 680K non-Kurds Own Property in Erbil*, Tenants Group Says, 7 January 2023, <https://bit.ly/3KCXk8Z>. "While much of the attention is often directed to the capital city of Baghdad, cities like Basra, Karbala, Najaf, Ramadi, and Hilla have all experience[d] surges in real estate prices in recent years. (...) In Basra, a lack of government investments in infrastructure have exacerbated the imbalances in the housing sector. Houses with an area of 200 square meters in Basra's most essential neighborhoods cost approximately \$500,000 US dollars. Despite prices that rival some of the most expensive cities in the world, many of these upmarket homes receive abysmal public services"; IRIS, *Iraq: Economic Review*, Vol. 2, Issue 3, October 2022, <https://bit.ly/3UUyVPG>, p. 11. In Al-Anbar, "[T]he rise in property prices applies to both commercial and residential units, with rents also increasing in recent years. (...) As elsewhere in the country, the impact of rising property prices and rents are most keenly felt by Anbar's working and middle classes." Money laundering through real estate is a further reason for the increase in real estate prices in Al-Anbar and countrywide. Population growth coupled with the return of IDPs to Al-Anbar following the defeat of Da'esh added further pressure on the housing market. Persons with political connections can reportedly buy houses below market price, an option not available to low-income residents who "either have to pay dearly for their homes, or end up excluded from home ownership"; Amwaj.media, *Real Estate Boom in Anbar Shines Light on Iraq's Housing Crisis*, 1 March 2023, <https://bit.ly/3K3IsiD>. "Iraq's current housing crisis has driven the price of a square meter in commercial centers in Baghdad up to \$20,000, one real estate broker told Euronews, against \$600 in the outskirts of cities"; Al-Monitor, *How Can Iraq Help 3.5 Million Citizens Living in Urban Slums?*, 21 October 2022, <https://bit.ly/3CHOPVT>. See also, France 24, *In Iraq, Graft Helps Push Property Prices Out of Reach*, 4 January 2023, <https://bit.ly/3GBS01b>; Shafaq News, *Trumping Kurdistan, Real Estate Prices 'Spark Uproar' in Al-Anbar*, 21 August 2022, <https://bit.ly/3Ns9ZKV>.

⁵⁶⁰ For example in Sinjar: "More than two-thirds of IDPs identified housing shortages as the main source of tension between IDPs and returnees. While both Yazidis and Sunni Arabs described high levels of social cohesion and mixed ethnicity neighbourhoods prior to 2014, IDP families highlighted how the lack of inhabitable property has negatively impacted social relations as limited housing stock has intensified, discouraging IDP returns"; NRC, *How Housing, Land, and Property Rights Impact Returns to Sinjar*, Iraq, May 2022, www.ecoi.net/en/document/2073573.html, p. 8. See also, Kirkuk Now, *Campaign to Remove Illegal Houses in Kirkuk Ignites Conflict Between Arabs and Turkmens*, 22 August 2022, <https://bit.ly/3okIfAg>.

Since 2003, informal settlements⁵⁶¹ have multiplied across the country.⁵⁶² Reportedly, most informal settlements were established by militias and politicians on State-owned land for financial and political gains.⁵⁶³ In 2022, it was estimated that more than three million people, or 11 per cent of the population, lived in informal settlements.⁵⁶⁴ Most are located in and around Baghdad, where informal settlements represent around a quarter of the total housing,⁵⁶⁵ as well as in Basra and Kirkuk.⁵⁶⁶ Houses in informal settlements are mostly substandard makeshift structures.⁵⁶⁷ Informal settlements are overcrowded, and generally lack basic infrastructure and services⁵⁶⁸ as well as formal law enforcement.⁵⁶⁹ Most residents of informal settlements have limited access to employment.⁵⁷⁰ Some informal settlements are prone to

- ⁵⁶¹ UN Habitat defines an Iraqi informal settlement as “a housing community built informally on state-owned or private land within municipal boundaries and without proper approvals or pre-set designs. Most of these are in conflict or not conforming with earmarked land uses defined by the approved urban master plans and detailed plans. Many of these settlements share common characteristics, including the low quality of housing construction, lack of basic public services and infrastructure networks, a degraded urban environment and their incompatibility with urban standards of adjacent formal residential neighbourhoods”; UN Habitat / Islamic Development Bank Group, *Informal Settlements in the Arab Region*, February 2020, <https://bit.ly/3Mm2hEI>, p. 34. Humanitarian actors also refer to IDPs and others living in “informal sites”; however, this is defined differently; see Section II.F.1.
- ⁵⁶² “Iraq’s housing crisis, characterized by systemic issues such as complex management systems, convoluted land allocation laws, and outdated urban planning, has led to a rise in informal housing and slums. (...) The proportion of the urban population living in slums increased from 33.9% in 2000 to 49.3% in 2020”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, pp. 10, 30. “Due to the concentration of assets in metropolitan regions and the high migration rates in these areas, slums have started to develop in big cities, most notably in the capital Baghdad. Higher employment opportunities and access to essential infrastructure services, healthcare and education have driven this trend”; Fanack, *Spatial Development Disparities in Iraq*, 15 December 2023, <http://tinyurl.com/mshk73ju>. “Informal housing is by no means synonymous with the question of ‘internally displaced persons’ (...). After 2003, the weak rule of law facilitated rural-urban migration and internal displacement to informal occupation of land. Since the abatement of the civil war, economic migration has overwhelmingly taken precedence (...); UN Habitat, *Informal Settlements in the Arab Region*, February 2020, <https://bit.ly/40wlpnC>, pp. 37–38.
- ⁵⁶³ “A small part of the slums were established by the poor population. But most were set up by Shiite militia leaders who seized the lands of the Ministry of Finance and other ministries, and sold them for sums ranging between \$5,000 and \$200,000. Also, some agricultural land owners razed their orchards due to water scarcity and sold them to citizens who built dwellings on them.” According to Economist Ammar Al-Rubaie: “Most of the slums consist of lands seized by militias and sold to citizens for very large sums. Today citizens buy and sell dwellings in the slums at more than \$20,000”; Al-Monitor, *How Can Iraq Help 3.5 Million Citizens Living in Urban Slums?*, 21 October 2022, <https://bit.ly/3CHOPVT>. On 16 May 2023, “Baghdad city officials and their security escort came under attack as they attempted to ‘remove violations on public land’ in the Albu-Eitha region, south of Baghdad (...) [by] members of Kataib Hezbollah (...) to prevent them from reclaiming land under its control”; EPIC, ISHM: May 11-18, 2023, 18 May 2023, www.ecoi.net/en/document/2092119.html. See also, Assafir Al-Arabi, *Informal Settlements in Baghdad*, 6 June 2022, <https://bit.ly/3JYKr8W>.
- ⁵⁶⁴ NINA, *Ministry of Planning: 11% of the Iraqi Population Live in Slums*, 8 June 2022, <https://bit.ly/3n56RJG>. See also, UN Habitat, *Informal Settlements in the Arab Region*, February 2020, <https://bit.ly/40wlpnC>, p. 36.
- ⁵⁶⁵ UN Habitat, *Iraq, Economic Review*, Vol. 2 (3), October 2022, <https://bit.ly/3UUyVPG>, p. 11; UN Habitat, *Informal Settlements in the Arab Region*, February 2020, <https://bit.ly/40wlpnC>, p. 36. “None of the 16 municipalities in Baghdad are free of slums, as the population of slums in Baghdad alone is about two million people. (...) Many poor families, even middle-class families, are resorting to slums instead of paying about half of their income for rent”; Assafir Al-Arabi, *Informal Settlements in Baghdad*, 6 June 2022, <https://bit.ly/3JYKr8W>. See also, Assafir Al-Arabi, *Informal Settlements in Iraq: The Forgotten Cities of the Forgotten*, 4 June 2022, <https://bit.ly/3ZF9iDn>.
- ⁵⁶⁶ In Basra, some 350,000 people are estimated to live in informal settlements, out of a population of 2 million; France 24 (video), *Iraq’s Basra under Pressure from Rural Exodus due to Desertification*, 17 November 2022, <https://bit.ly/3nKCIz0>. “There are more than 60,000 houses and commercial buildings built illegally in Kirkuk province, which ranks third after Baghdad where more than 130,000 units were built illegally built and 90,000 in Basra southern province, according to an official statistic obtained by Kiruk Now from the mayor of Kirkuk”; Kirkuk Now, *Kirkuk Municipality Asks 350 Families to Evacuate*, 9 April 2022, <https://bit.ly/3ISZE9P>. See also, Kurdistan 24, *There Are 50 Slum Neighborhoods in Iraq’s Samawah City*, 15 April 2023, <https://bit.ly/40RpVfM>; Al-Monitor, *How Can Iraq Help 3.5 Million Citizens Living in Urban Slums?*, 21 October 2022, <https://bit.ly/3CHOPVT>.
- ⁵⁶⁷ “While most settlements comprise of substandard housing, which lack basic physical and environmental requisites and are characterized by extreme poverty, deprivation and lack of services, some informal subdivisions have instead attracted wealthier citizens taking advantage of existing legal loopholes and a thriving self-organised real estate sector with a general lack of building control”; UN Habitat, *Informal Settlements in the Arab Region*, February 2020, <https://bit.ly/40wlpnC>, pp. 34. See also, France 24 (video), *Iraq’s Basra under Pressure from Rural Exodus due to Desertification*, 17 November 2022, <https://bit.ly/3nKCIz0>; Assafir Al-Arabi, *Informal Settlements in Baghdad*, 6 June 2022, <https://bit.ly/3JYKr8W>.
- ⁵⁶⁸ According to member of parliament Alia Nassif, “[T]he slum areas lack public services such as paved streets, schools, water, electricity, and other basic needs (...) and residents ‘are unable to register their children or complete certain formalities at government institutions’”; Al-Monitor, *How Can Iraq Help 3.5 Million Citizens Living in Urban Slums?*, 21 October 2022, <https://bit.ly/3CHOPVT>. “Almost all informal settlements lack services and infrastructure, even those where electricity and water lines have been laid. Because the urban planning of cities did not take these areas into account, the facilities added are deducted from the official quota of the cities, which inevitably affects the latter’s supply.” Children are either out of school or have to walk long distances to reach schools in the neighbouring residential areas; Assafir Al-Arabi, *Informal Settlements in Iraq: The Forgotten Cities of the Forgotten*, 4 June 2022, <https://bit.ly/3ZF9iDn>. See also, AFP, *Iraqis Displaced by Climate Change Fall into Poverty*, 22 November 2023, <https://bit.ly/3UeuVvg>; The Guardian, *Guns, Cash, and Frozen Chicken: the Militia Boss Doling Out Aid in Baghdad*, 20 March 2023, <https://bit.ly/3njOww2>; France 24 (video), *Iraq’s Basra under Pressure from Rural Exodus due to Desertification*, 17 November 2022, <https://bit.ly/3nKCIz0>; Assafir Al-Arabi, *Informal Settlements in Baghdad*, 6 June 2022, <https://bit.ly/3JYKr8W>; Amwaj.media, *Iraq Struggles to Overcome Housing Crisis*, 1 March 2022, <https://bit.ly/3GTW27S>.
- ⁵⁶⁹ Instead, tribes provide informal law enforcement and justice; Assafir Al-Arabi, *Informal Settlements in Iraq: The Forgotten Cities of the Forgotten*, 4 June 2022, <https://bit.ly/3ZF9iDn>.
- ⁵⁷⁰ For those residing in informal settlements in Baghdad, access to employment in the city centre, where most jobs are concentrated, is hampered by a lack of public transportation, high transportation costs and time-consuming checkpoints at the city entrances. As a result, “most slum dwellers in Baghdad are day laborers who earn a non-fixed income from working in construction and portage, as well as workers who make money from the concrete block and brick factories. Some slums were established next to these factories because they provide a semi-fixed source of livelihood, albeit low in income, for migrants coming from Baghdad or other governorates”; Assafir Al-Arabi, *Informal Settlements in Baghdad*, 6 June 2022, <https://bit.ly/3JYKr8W>. See also, France 24 (video), *Iraq’s Basra under Pressure from Rural Exodus due to Desertification*, 17 November 2022, <https://bit.ly/3nKCIz0>.

flooding.⁵⁷¹ As most homes in these settlements were built illegally,⁵⁷² residents are without any security of tenure, putting them at risk of eviction.⁵⁷³ A November 2022 decision by the Council of Ministers opened the way to legalize illegally built housing on agricultural land in Federal Iraq; however, at the time of writing, the decision has not been implemented.⁵⁷⁴

The Federal and KRG authorities seek to address the housing crisis through the implementation of new low-cost and high-end housing projects across the country;⁵⁷⁵ however, even if all projects were to materialize, observers note that they will be insufficient to address the population's growing housing needs.⁵⁷⁶ In July 2021, the Federal Government launched a housing initiative granting land bonds to specific groups of persons such as government employees and widows.⁵⁷⁷

Many IDPs and returnees struggle to find adequate housing and live in sub-standard conditions.⁵⁷⁸ Housing, land and property issues constitute a major barrier to return for IDPs.⁵⁷⁹

6) Health

Over the past decades, Iraq's public health care system has deteriorated as a result of protracted conflict, economic sanctions, lack of funding, corruption and neglect.⁵⁸⁰ Progress to rebuild the health care system

⁵⁷¹ For example in Mosul, Ramadi and Basra; UN Habitat/ Islamic Development Bank Group, *Informal Settlements in the Arab Region*, February 2020, <https://bit.ly/3Mm2hE1>, pp. 34-35.

⁵⁷² "Informal settlements in Baghdad did not develop in one specific form. Some were built on plots of land without title deeds; 98% of which are state-owned and 2% are private property. Other types of slums were established outside Baghdad's urban cluster by converting agricultural lands into residential areas. These land lots were planned by architects, most of whom work in municipalities, in return for a bribe or a share of the land"; Assafir Al-Arabi, *Informal Settlements in Baghdad*, 6 June 2022, <https://bit.ly/3JYKr8W>.

⁵⁷³ According to IOM, evictions from informal settlements are increasing. As at November 2023, IOM's Displacement Tracking Matrix (DTM) recorded over 10,000 families who had received eviction notifications by various federal and local government entities, primarily in Ninewa (55%) and Salah Al-Din Governorates (42%), with smaller numbers affected in Wasit, Kerbala and Al-Anbar. The declared reasons are the recovery of land needed for public infrastructure projects and the illegal nature of the settlements. Among those affected are also IDPs (8%) and returnees (18%). As at November 2023, 222 families had been evicted; IOM, *DTM Emergency Tracking: Eviction from Informal Settlements (1-14 November 2023)*, 6 December 2023, <https://bit.ly/48M3Hk1>. In October 2022, some 120 Christian IDP families were forcibly evicted from an informal settlement built on State-owned land in Baghdad's Zayouna neighbourhood; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html; US Commission on International Religious Freedom (USCIRF), *Factsheet: Religious Freedom in Iraq*, January 2023, www.uscifr.org/document/2092181.html, p. 3; CNA, *Iraqi Christians Face Uncertain Future after Eviction from 'Virgin Mary Compound' in Baghdad*, 19 October 2022, <https://bit.ly/3H1Zm0m>. See also, IRC, *Protection Needs Overview April 2023 – September 2023*, 10 December 2023, <https://bit.ly/3vVrRrPh>, pp. 7, 9; France 24 (video), *Iraq's Basra under Pressure from Rural Exodus due to Desertification*, 17 November 2022, <https://bit.ly/3nKCIz0>.

⁵⁷⁴ UNHCR information, January 2024. "(...) the decision has raised concerns in Kirkuk due to the governorate's complex demographic and ethnic makeup"; Amwaj.media, *Iraq's Pursuit of Housing Security Inflames Insecurities in Kirkuk*, 29 September 2023, <https://bit.ly/3R4zCWt>.

⁵⁷⁵ The Federal and KRG Authorities have initiated several mega housing projects; Zawya, *Iraq's 2nd Largest Housing Project to Be Finished in 3 Years*, 15 January 2024, <https://bit.ly/3HwiyTS>; NINA, *The Prime Minister Announces the Establishment of a New Residential City in Dhi Qar*, 5 January 2024, <https://bit.ly/3Ub6i2g>; Zawya, *Iraq to Invite Developers to 5 New City Projects*, 2 January 2024, <https://bit.ly/4b7CufK>; Bas News, *KRG to Build Housing Units for Low-Income Earners*, 16 May 2023, <https://bit.ly/454n9XL>.

⁵⁷⁶ Shafaq News, *Real Estate in Iraq: Greedy Officials, Corrupt Investors, and Homeless Citizens*, 3 February 2023, <https://bit.ly/44ishqu>; Al-Monitor, *Mega Projects Do Little to Calm Iraq's Housing Crisis*, 19 July 2022, <https://bit.ly/3vVwGjo>. Also, the execution of numerous projects has reportedly been lagging, including due to a lack of funds; Zawya, *Iraq to Resume Work on Major Housing Project in February*, 11 January 2024, <https://bit.ly/3tX5WC7>; Zawya, *Iraq Has Stalled Projects Worth \$18bn*, 23 November 2023, <https://bit.ly/3Rsidv9>; Zawya, *Iraq Invites Bids for Stalled Baghdad Housing Project*, 20 November 2023, <https://bit.ly/3NecYZr>.

⁵⁷⁷ The DARI ("my house") housing initiative provides land bonds for "social welfare segments, martyrs' families and citizens who were not previously included in the land bonds distribution." However, Hammam Al-Tamimi, a member of the Parliamentary Services and Reconstruction Committee, accused the Government of failing to implement the DARI initiative on the ground; Al-Monitor, *Mega Projects Do Little to Calm Iraq's Housing Crisis*, 19 July 2022, <https://bit.ly/3vVwGjo>. See also, Amwaj.media, *Iraq Struggles to Overcome Housing Crisis*, 1 March 2022, <https://bit.ly/3GTW27S>.

⁵⁷⁸ Among IDP and returnee households surveyed across Iraq between 15 June and 1 November 2023, shelter was recorded as a top priority by all populations (40% compared to 48% in 2023), including 36% of in-camp IDPs, 62% of out-of-camp IDPs and 35% of returnees. While 84% of returnee households and 68% of out-of-camp IDP households reported that their shelter was in good condition, only 2% of in-camp IDPs reported the same. Those whose shelter was not in a good condition, 10% lived in a damaged/destroyed house, tent (in-camp IDPs), unfinished building, makeshift shelter or prefab/caravan (in-camp IDPs). The need for protection from climatic events was a key issue reported (54% of in-camp IDPs, 39% of out-of-camp IDPs and 30% of returnees). 55% of in-camp IDPs reported facing leaks during light rain; REACH, *Key Multi-Sectoral Findings*, 14 December 2023, www.ecoi.net/en/document/2102373.html, pp. 45, 51. See also Section II.F.1.

⁵⁷⁹ See Section II.F.3.

⁵⁸⁰ The CoR's Health and Environment Committee said in May 2023 that Iraq needed IQD 10 trillion (approximately USD 6.8 billion) to address the needs in the health sector; Shafaq News, *Iraqi Health Ministry Seeks Doubling of Budget to Address Infrastructure and Medical Supply Shortfalls*, 8 May 2023, <https://bit.ly/42luW1y>. "Damage to infrastructure, a shortage of medicine, corruption in supply chains and doctors fleeing have piled immense pressure on the nationwide institution"; The National, *Iraq's Fragmented Healthcare System 'at the Heart of the Struggle to Overcome War'*, 2 December 2022, <https://bit.ly/3Mb06U6>. See also, LSE Middle East Centre, *Corruption Is the Lifeblood of Politics in Iraq*, October 2023, <https://bit.ly/3uHTK8a>, pp. 9-12; Iraqi News, *Iraq Faces Four Different Epidemics at the same Time*, 6 July 2022, <https://bit.ly/3U4oVmN>; IRIS, *Healthcare Policy in Iraq: Lessons from the Pandemic*, 2023, <https://bit.ly/3U82lii>.

has been slow and the population's health needs remain inadequately covered.⁵⁸¹ Those who can afford it, seek treatment in costly private hospitals, or travel abroad for treatment.⁵⁸²

There is a general lack of maintenance and, in areas that have been affected by conflict, not all damaged or destroyed public health facilities have been rehabilitated.⁵⁸³ Recurring shortages and the quality of medication⁵⁸⁴ are major concerns, as is the lack of medical equipment⁵⁸⁵ and qualified health workers.⁵⁸⁶ In the KR-I, the quality and availability of health care is relatively better;⁵⁸⁷ however there are geographic variations with much of the capacity concentrated in urban areas.⁵⁸⁸ Also, budget deficits at times impact

- ⁵⁸¹ "Iraq's healthcare system which was once one of the most advanced in the region now is in serious crisis. There's a shortage of buildings, drugs and the medical staff to administer it"; Kirkuk Now, *Dream of Bashiqa Residents for Hospital about to Come True*, 21 January 2024, <https://bit.ly/3SvAXGI>; "The health system in Iraq has been exposed to exceptional challenges and damages in the past four decades. Infrastructure has been damaged, and many of the skilled health professionals have fled the country leaving behind a population with inadequate access to the basic health care services they need"; UN Iraq, *Iraq Common Country Analysis* 2023, January 2024, p. 40. "(...) the healthcare sector is still far from being able to care for all the healthcare needs of the population, especially in areas directly affected by the most recent war with the Islamic State (IS) group"; Médecins Sans Frontières (MSF), *Iraq Activity Report* 2022, 13 April 2023, www.ecoi.net/en/document/2090651.html, p. 8. See also, Zawya, *Iraq Plans to Resume Work on Three Stalled Hospital Projects in Basra: Planning Ministry*, 4 April 2023, <https://bit.ly/40ODFaV>; UN Population Fund (UNFPA), *Sexual and Reproductive Health and Reproductive Rights Regulatory Frameworks Across the Arab States Region: Iraq*, June 2022, <https://bit.ly/3BKBB14>, pp. 8-9.
- ⁵⁸² Shafaq News, *Al-Sulaymaniyah Inaugurates Iraq's Largest Pediatric ICU*, 16 August 2023, <https://bit.ly/3qCL15r>; Reuters, *Priced Out of Healthcare, some Iraqis Turn to Natural Remedies*, 25 June 2023, <https://bit.ly/3CT8bH7>; Kirkuk Now, *Khanaqin: Relatives of Dead Pay for Transfer of Bodies to Forensic Medicine*, 14 June 2023, <https://bit.ly/463yLuF>; Arab Reform Initiative, *Understanding the Roots of the Younger Generations' Despair in the Kurdistan Region of Iraq*, 4 April 2023, <https://bit.ly/44CnP5m>.
- ⁵⁸³ Primary health centres "have 'deteriorated' due to lack of maintenance, lack of supplies, reduced or inadequate health workers or inadequate support services"; UNFPA, *Iraq: Reproductive and Maternal Health*, accessed 28 January 2024, <https://bit.ly/4133Ds3>. In Ninewa, "despite ongoing reconstruction efforts, many of the health facilities destroyed during the conflict are still being renovated or have yet to be rebuilt and to resume their activities"; MSF, *Iraq Activity Report* 2022, 13 April 2023, www.ecoi.net/en/document/2090651.html, p. 13. See also, HRW, *Iraq: Political Infighting Blocking Reconstruction of Sinjar*, 6 June 2023, www.ecoi.net/en/document/2092983.html; MSF, *Mosul: A Slow Road to Recovery for the City of Two Springs*, 7 July 2022, www.ecoi.net/en/document/2075482.html; UN Iraq, *Iraq Common Country Analysis* 2021, 26 April 2022, www.ecoi.net/en/document/2073112.html, p. 57.
- ⁵⁸⁴ Medication for the public health sector is often sold privately, causing shortages in hospitals and pharmacies, or they may have expired (and wrongly relabelled with a new expiry date) or fake, putting patients' lives at risk; Chatham House, *Moving Medicine in Iraq: Networks Fuelling Everyday Conflict*, 29 November 2022, <https://bit.ly/3zx4yVQ>. Two MSF clinics in Mosul suspended operations on 1 June 2023 due to medicine shortages caused by bureaucratic obstacles; MSF, *MSF Halts Key Medical Activities in Mosul Due to Administrative Obstacles*, 5 July 2023, www.ecoi.net/en/document/2094769.html. "Interviews with medical professionals working in both public and private facilities in Federal Iraq and the Kurdistan Region of Iraq (KRI) repeatedly pointed to the problem of quality control evasion"; KAS, *Under Fire: How Corruption Erodes Healthcare in Iraq*, December 2021, <https://bit.ly/482OH1f>, p. 9. See also, Reuters, *Priced Out of Healthcare, some Iraqis Turn to Natural Remedies*, 25 June 2023, <https://bit.ly/3CT8bH7>; IRIS, *Healthcare Policy in Iraq: Lessons from the Pandemic*, 2023, <https://bit.ly/3U82lti>; Bas News, *Smuggled Drugs in Iraq a Continued Public Hazard*, 30 January 2023, <https://bit.ly/411BscR>; The Century Foundation, *Corruption Is Strangling Iraq*, 14 December 2022, <https://bit.ly/3nIB8BA>.
- ⁵⁸⁵ "(...) there is a shortage of medical supplies, equipment, drugs, and skilled personnel. The government has previously shown neglect and has contributed less than the required portion of its budget to healthcare. Hospitals remain underfunded, understaffed, and overcrowded"; Khulud Qamar et al., *Rise of Cholera in Iraq: A Rising Concern*, in: *Annals of Medicine and Surgery*, Vol. 81 (2022), September 2022, <https://bit.ly/3Kd8MHf>, p. 2. See also, Reuters, *Priced Out of Healthcare, some Iraqis Turn to Natural Remedies*, 25 June 2023, <https://bit.ly/3CT8bH7>; IOM, *Enhancing Health Care for IDPs in Iraq's Informal Sites*, 28 September 2022, <https://bit.ly/3Le8sZ0>.
- ⁵⁸⁶ "Between 2014 and 2021, Iraq experienced a modest increase in the availability of healthcare professionals, from 7 to 9 per 10,000 population. Yet, the nation grapples with a critical shortage, falling below the threshold needed to advance universal health coverage (UHC)"; UN Iraq, *Iraq Common Country Analysis* 2023, January 2024, p. 41. According to MSF, "Iraq's health sector needs highly trained nurses, physiotherapists and mental health support"; The National, *Staff Shortages Threaten Iraq's Health Sector amid Third Covid-19 Wave*, 2 February 2022, <https://bit.ly/3r6v2JV>. See also, Shafaq News, *Iraq Ranks 13th in Arab World, 118th Globally in Doctors per Capita*, 23 January 2024, <https://bit.ly/3vPBWU>; HRW, *Iraq: Political Infighting Blocking Reconstruction of Sinjar*, 6 June 2023, www.ecoi.net/en/document/2092983.html.
- ⁵⁸⁷ "Official government data shows that the number of physicians per 10,000 population in 2020 was 11, with different figures in different governorates (13 in Erbil, 12 in Sulaimaniyah, 6 in Duhok, and 9 in Halabja). Almost a similar pattern of availability was noticed for nurses. There were 17 nurses per 10,000 population (21 in Erbil, 15 in Sulaimaniyah, 14 in Duhok, and 4 in Halabja)¹⁶. This is far below the required minimum number for the attainment of UHC." A similar pattern regarding the distribution of health facilities was observed; Hushyar Musa Sulaiman et al., *Health System Performance, Mitigation, and Imperative Reform Approaches in the Kurdistan Region of Iraq: A Qualitative SWOT Analysis from the Stakeholders' Point of View*, in: *Duhok Medical Journal*, Vol. 17(1), 2023, <https://bit.ly/3Z9ZAdN>, p. 91. See also, Reuters, *The Medical Crisis that's Aggravating Iraq's Unrest*, 2 March 2020, <https://reut.rs/3zv29e7>.
- ⁵⁸⁸ Hushyar Musa Sulaiman et al., *Health System Performance, Mitigation, and Imperative Reform Approaches in the Kurdistan Region of Iraq: A Qualitative SWOT Analysis from the Stakeholders' Point of View*, in: *Duhok Medical Journal*, Vol. 17(1), 2023, <https://bit.ly/3Z9ZAdN>, pp. 90-93; Samim Ahmed Al-Dabbagh et al., *Workload Assessment of Medical Doctors at Primary Health Care Centers in the Duhok Governorate*, in: *Human Resources for Health*, Vol. 19, January 2022, <https://bit.ly/3r6SU3p>. See also, Shafaq News, *Rashid Points Out Shortage of Children's Hospitals in Halabja*, 9 April 2023, <https://bit.ly/45I76yl>.

the timely payment of health worker salaries⁵⁸⁹ and the availability of medication, particularly for chronic diseases, and medical supplies.⁵⁹⁰

Iraq faces a range of public health concerns, including high rates of non-communicable diseases,⁵⁹¹ infectious disease outbreaks,⁵⁹² and antibiotics resistance,⁵⁹³ and high child and maternal mortality rates.⁵⁹⁴ Conflict-related pollution and gas flaring have further exposed civilians to dangerous public health hazards.⁵⁹⁵

Access to health care and medication remains a challenge for many, including due to unaffordability and inaccessibility of health care centres and unavailability of medication.⁵⁹⁶ IDPs, returnees, host

⁵⁸⁹ As a result of budget deficits, health workers have at times gone on strike, limiting health services beyond emergency and critical care; Rudaw, *Patients, Students, Civil Servants Lose in Erbil, Baghdad Money Row*, 17 September 2023, <https://bit.ly/3PFuXtu>; Shafaq News, *Employees in Al-Sulaymaniyah and Halabja Strike amid Salary Delays*, 10 September 2023, <https://bit.ly/44QWH2u>; AFP, *Iraqi Kurds Protest Unpaid Salaries from Baghdad*, 5 September 2023, <https://arab.news/cmb6h>; The New Arab, *Iraqi Kurdistan Doctors, Teachers, and Garbage Collectors Go on Strike over Unpaid Salaries*, 7 March 2022, <https://bit.ly/3Z7wFH0>. On the budget deficit in the KR-I, see also Section II.A.5.

⁵⁹⁰ For example, in April 2022, several public hospitals in Sulaymaniyah had to temporarily suspend their services due to a shortage of medicines and medical supplies: "Many public hospitals are unable to provide essential and basic medicines for their patients. The pharmaceutical companies have declined to supply drugs to government facilities due to accumulated unpaid debts. The shortages also stem from inept governance, bureaucracy, and incompetent local government officials in addition to a political standoff between Kurdistan's dominant political parties. (...) In the first week of April 2022, crucial services at Hiwa Cancer hospital as well as maternity, children, and vascular diseases management in various public hospitals were suspended"; UN Iraq Resident Coordinator Office (RCO) / UNAMI Development Support Office (DSO), *Field Report Issue 22*, 23 July 2022, <https://bit.ly/3cz6DZw>, pp. 3-5. Health professionals from the KR-I reported in 2021: "A general shortage of drugs and medical supplies and inequity in access to the needed medication (...). There were concerns about the shortage of certain medications such as chronic diseases, cancer, and life-saving medications"; Hushyar Musa Sulaiman et al., *Health System Performance, Mitigation, and Imperative Reform Approaches in the Kurdistan Region of Iraq: A Qualitative SWOT Analysis from the Stakeholders' Point of View*, in: Duhok Medical Journal, Vol. 17(1), 2023, <https://bit.ly/3Z9ZAdN>, p. 82. See also, Esta Media Network, *Official Says Sulaimani Pediatric Hospital ICU Section Suspended Works; Live of many Are at Risk*, 13 December 2023, <https://bit.ly/3Etf2Dn>; Amwaj.media, *What the Russia-Ukraine War Means for Iraqi Kurdistan*, 8 August 2022, <https://bit.ly/3GmMIlQ>; Rudaw, *Cancer Patients Continue to Face Drug Shortfall in Sulaimani*, 20 July 2022, <https://bit.ly/3JVtIqZ>.

⁵⁹¹ "Obesity rates are high, with 40.1 per cent of adult women and 26.5 per cent of adult men affected, exceeding the regional average. Additionally, diabetes affects around 20.2 per cent of adult women and 20.3 per cent of adult men"; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 24. "Iraq's weak, under-resourced public health system has had a deep and widespread negative impact on public health. Non-communicable diseases, such as cancer, heart disease, diabetes, and chronic lung diseases, account for 55 percent of deaths in Iraq. More than 30 percent of the population suffers from hypertension, 14 percent from diabetes, and more than 30 percent is obese"; PHR, *Challenges Faced by the Iraqi Health Sector in Responding to COVID-19*, 7 April 2021, <https://bit.ly/3u9E7Un>. See also, WHO, *Iraq Priority Areas: Noncommunicable Diseases*, accessed 28 January 2024, <https://bit.ly/40QMm5c>; Bayan Center, *Health Sector Gaps in Iraq (Basra as an Example)*, 6 March 2023, <https://bit.ly/3UEsX5F>; EL PAÍS, *In Iraq, only Bacteria Are Emerging Victorious from a Series of Wars*, 14 February 2023, <https://bit.ly/3KzEf7T>.

⁵⁹² "(...) the latest critical health risks of concern include Crimean-Congo hemorrhagic fever, cholera and measles"; WHO, *Iraq: Communicable Diseases Surveillance and Outbreak Response*, accessed 28 January 2024, <https://bit.ly/4281ywf>. "(...) communicable diseases account for 17% of all deaths in Iraq and are the second largest cause of mortality and morbidity in the country"; WHO, *Communicable Diseases Surveillance and Outbreak Response*, accessed 28 January 2024, <https://bit.ly/3V8iyPP>. "(...) poorly maintained water and sewage systems, lack of proper sewage disposal, open defecation, and a shortage of sanitation engineers have put millions at risk of contracting water-borne diseases, including cholera"; Khulud Qamar et al., *Rise of Cholera in Iraq: A Rising Concern*, in: *Annals of Medicine and Surgery*, Vol. 81 (2022), September 2022, <https://bit.ly/3Kd8MHf>, pp. 1-2.

⁵⁹³ "The combination of destroyed healthcare infrastructure, medicine shortages, limited resources, high levels of heavy metal contamination, and poor sanitation is likely to blame" for a "catastrophic" rise in antibiotic resistance; American Association for the Advancement of Science, *Decades of Conflict in Iraq Have Fuelled 'Catastrophic' Rise in Antibiotic Resistance*, 13 February 2023, <https://bit.ly/3ZEMKts>. See also, Al-Monitor, *Iraq's War-Battered Cities Grapple with Rising Resistance to Antibiotics*, 19 August 2023, <https://bit.ly/3tUeFFa>.

⁵⁹⁴ Maternal mortality has seen an increase from 34.2 per 100,000 live births in 2020 to 46.1 in 2021. While the under-five mortality rate decreased from 23 per 1,000 live births in 2018 to 17.8 in 2021, Iraq has yet to achieve the Sustainable Development Goals (SDG) target of 12 per 1,000 live births; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, pp. 24, 41. The main reasons for maternal and child deaths are: "Poor birth practices, inadequate referral or availability of emergency obstetric care and high level of anemia among pregnant women (35%), which particularly affect rural women and those in the Centre and South Regions"; UNFPA, *Iraq: Reproductive and Maternal Health*, accessed 28 January 2024, <https://bit.ly/4133Ds3>. "In recent years, effects have been especially devastating for women and children, with routine immunisations reduced, with pregnant women unable to reach hospitals for delivery and with essential medical supplies limited. Southern Iraq has been particularly affected, with some of the worst maternal, newborn and child health indicators in Iraq and among the surrounding countries"; UNFPA, *Sexual and Reproductive Health and Reproductive Rights Regulatory Frameworks Across the Arab States Region: Iraq*, June 2022, <https://bit.ly/3BKBB14>, pp. 8-9. See also, Bayan Center, *Health Sector Gaps in Iraq (Basra as an Example)*, 6 March 2023, <https://bit.ly/3UEsX5F>; and Section II.E.8.

⁵⁹⁵ "Military operations, the sabotage and looting of oil, mining, chemical and pharmaceutical facilities and power plants are common features of conflicts. The remnants of war have created a toxic environment in many conflict-affected areas. This led to the direct exposure of civilians to poisonous and sometimes radioactive materials and contaminated soil and groundwater and will likely have a long-term environmental and public health impact"; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 59. "People living in some of the world's biggest oil fields in Basra (...) have long suspected that childhood leukaemia is on the increase, and that flaring is behind it. (...) Urine samples we collected from 52 children indicated that 70% had elevated levels of 2-Naphthol, a form of the possibly cancer-causing substance naphthalene"; BBC, *Revealed: Huge Gas Flaring Emissions never Reported*, 29 September 2022, <https://bit.ly/40l6vKQ>. See also, Geographical, *Welcome to Hell! Living next to Iraq's Biggest Oil Field*, 23 August 2023, <https://bit.ly/3QXCENM>; HRW, *Iraq Gas Flaring Tied to Cancer Surge*, 3 May 2023, <https://bit.ly/41a09TY>.

⁵⁹⁶ For example, in Bashiqa Sub-District (Ninewa), which has a population of close to 150,000, residents are required to travel for an hour to either Mosul or the KR-I for treatments such as surgeries which are unavailable at the local health centre; Kirkuk Now, *Dream of Bashiqa Residents for Hospital about to Come True*, 21 January 2024, <http://tinyurl.com/4sn2ma2y>. In Sinjar District, the two general hospitals "have limited capacity to treat complex cases, given shortages in specialists, so people with medical emergencies or complex diseases must travel two to three hours to Dohuk or Mosul for care"; HRW, *Iraq: Political Infighting Blocking Reconstruction of Sinjar*, 6 June 2023, www.ecoi.net/en/document/2092983.html. In Basra, a survey revealed

communities,⁵⁹⁷ women,⁵⁹⁸ children⁵⁹⁹ and persons with disabilities are particularly impacted.⁶⁰⁰ Free public health services are often only available for those holding valid civil documentation.⁶⁰¹

Across Iraq, there are significant gaps in the provision of adequate mental health care and psychosocial support, including as a result of an acute shortage of psychiatrists and mental health professionals.⁶⁰² Many individuals have physical disabilities⁶⁰³ and/or psychological trauma following years of conflict,

that barriers to health care included: cost of care, distance to health facility and lack of resources. Those that accessed health care reported that subsequently they were unable to receive care because medication was out of stock or unaffordable. More than two-thirds said they had foregone health care in the past year due to payment difficulties. Similar findings were reported from Al-Anbar and Tal Afar (Ninewa); IOM, *Key Findings from Household Health Assessment Phone Surveys in Basra*, 23 October 2022, <https://bit.ly/41XdhN2>, p. 1; IOM, *Key Findings from Household Health Assessment Phone Surveys in Anbar*, 23 October 2022, <https://bit.ly/44kVkuB>, p. 1; IOM, *Key Findings from Household Health Assessment Phone Surveys in Tal Afar, Ninewa*, 17 August 2022, <https://bit.ly/3NixXLr>. See also, MSF, *Significant Healthcare Needs Remain in Hawija Six Years after Battle with Islamic State Group*, 16 June 2022, www.ecoi.net/en/document/2074824.html.

Among IDP and returnee households surveyed across Iraq between 15 June and 1 November 2023, health care was recorded as a top priority by all populations (40% compared to 48% in 2022), including 52% of in-camp IDPs, 46% of out-of-camp IDPs and 37% of returnees. Reported difficulties faced when attempting to access health services or treatment included high costs of medicine or treatment (among all population groups); non-availability of medicine; and long distance to health facility (mostly reported by in-camp IDPs); REACH, *Key Multi-Sectoral Findings*, 14 December 2023, www.ecoi.net/en/document/2102373.html, pp. 13, 37, 48, 51-52. Among IDP, returnee, and host community groups surveyed in Al-Anbar, Kirkuk and Ninewa Governorates between July and September 2023, “72% of the households surveyed reported a lack of access to emergency health services and ambulance facilities within their community.” This represents an increase from the preceding quarter when 59% reported to lack access; IRC, *Protection Needs Overview April 2023 – September 2023*, 10 December 2023, <https://bit.ly/3vVRrPh>, p. 7. “An estimated 578 000 IDPs and returnees are facing barriers in accessing lifesaving and life-sustaining health care as a result of primary health care centers being either nonexistent or located more than one hour from their dwellings. Moreover, almost all the displaced, resettled and host communities are vulnerable to common communicable and non-communicable diseases and psychological problems”; WHO, *WHO’s Health Emergency Appeal 2023*, 23 January 2023, <https://bit.ly/40QJ2XH>, p. 156. See also, Bas News, Baghdad, *WHO Collaborate to Develop Country’s Healthcare Sector*, 7 April 2023, <https://bit.ly/3GuCE0y>; REACH, *Iraq: IDP Camp Profiling, Round XVI*, June-August 2022, 1 February 2023, www.ecoi.net/en/document/2087376.html, p. 7; IOM, *Iraq: Informal Sites Assessment 2022*, 2 October 2022, <https://bit.ly/41bZzGc>, p. 9; IOM, *Enhancing Health Care for IDPs in Iraq’s Informal Sites*, 28 September 2022, <https://bit.ly/3Le8sZ0>.

Among IDP, returnee, and host community groups surveyed in Al-Anbar, Kirkuk and Ninewa Governorates between July and September 2023, 25% of women of reproductive age said that they faced barriers to access reproductive health services (47% of in-camp IDPs, 26% of out-of-camp IDPs and 21% of returnees). Reported barriers included: financial constraints and constraints relating to transportation/distance; REACH, *Key Multi-Sectoral Findings*, 14 December 2023, www.ecoi.net/en/document/2102373.html, p. 39. “(...) many women received inadequate medical care”; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. “The lack of, or hindrances to these essential [reproductive health] services increase their exposure to certain types of GBV risks (...)”; OCHA, *HTO 2023*, 27 February 2023, <https://bit.ly/3YI7yZE>, p. 9. See also, IOM, *Key Findings from Household Health Assessment Phone Surveys in Basra*, 23 October 2022, <https://bit.ly/41XdhN2>, p. 1; Amwaj.media, *Time to Address the Reproductive Health of Displaced Iraqi Women*, 28 June 2022, <https://bit.ly/40XGLKu>; MSF, *Iraq: Five Years after the Battle of Mosul, Women still Struggle to Access Health Care*, 11 April 2022, <https://bit.ly/432XCqL>.

“(...) hundreds of thousands of children need assistance to access basic health care”; Save the Children, *20 Years since US-Led Invasion, the Forgotten Children and Women of Iraq Are Struggling to Rebuild their Lives*, 20 March 2023, <https://bit.ly/3KQ6iKN>. See also, Shafaq News, *Rashid Points Out Shortages of Children’s Hospitals in Halabja*, 9 April 2023, <https://bit.ly/3H18P7Y>; UNDP, *Challenges for the Return and Reintegration of Women and Children*, October 2022, www.ecoi.net/en/document/2082671.html, p. 16; NRC, *Twice Displaced: The Unmet Needs of Iraq’s Children in Informal Settlements*, September 2022, www.ecoi.net/en/document/2082613.html (hereafter: NRC, *The Unmet Needs of Iraq’s Children in Informal Settlements*, September 2022, www.ecoi.net/en/document/2082613.html), pp. 6, 11-13, 16, 19, 21.

“Across all population groups, households with members living with disabilities tend to spend more on health care and often have worse physical and mental health status”; OCHA, *Humanitarian Needs Overview 2022: Iraq*, 27 March 2022, www.ecoi.net/en/document/2070137.html, p. 49. See also, International Committee of the Red Cross (ICRC), *ICRC Inaugurates its Offices in Nasiriyah in South Iraq*, 25 January 2023, <https://bit.ly/433IOOT>.

UN Iraq, *Iraq Common Country Analysis 2021*, 26 April 2022, www.ecoi.net/en/document/2073112.html, p. 72. “(...) secondarily displaced children without documentation have limited access to health services (...)”; NRC, *The Unmet Needs of Iraq’s Children in Informal Settlements*, September 2022, www.ecoi.net/en/document/2082613.html, pp. 18, 19. “Health facilities often require some form of identity documents to provide routine immunization and health care. The Health cluster reports that whereas identity documentation may not always be needed for outpatient treatment at Primary Health Care Centers (PHCC) it is usually required for admission at hospitals”; UNHCR, *Protection Cluster Iraq, Protection Analysis Report: Right to Identity and Civil Documentation*, 31 October 2021, <https://bit.ly/40nLxjt>, p. 12.

Despite high needs for mental health support, WHO estimated “that in a country of 43 million, there are just two mental health workers for every 100,000 Iraqis. (...) Baghdad’s Al-Rashad psychiatric hospital receives patients suffering from serious psychological illnesses, such as schizophrenia, and offers outpatient treatment for depression, anxiety and post-traumatic stress disorder.” However, according to hospital director Firas Al-Kadhim, the hospital faces “a shortage of specialised doctors”, with “only 11 psychiatrists for its 1,425 patients, aged between 14 and 70”; AFP, *Iraq’s Demand for Mental Health Professionals Is Growing*, 17 November 2023, <https://bit.ly/4955Cjp>. “(...) this gap in mental health services results from the lack of public investment in mental health services and qualified professionals, as well as the persistence of stigma and misconceptions around mental health disorders”; Action Against Hunger, *Recovering from Post-War Traumas in Iraq*, 1 March 2023, <https://bit.ly/40DWCxP>. “Psychosocial support services are scarce and even where available, the stigma associated with mental health services, combined with a lack of freedom of movement of some women, has deterred many from seeking support”; SEED Foundation, *Mental Health and Psychosocial Services*, accessed 28 January 2024, <https://bit.ly/2vAw1EZ>. See also, MSF, *Iraq Activity Report 2022*, 13 April 2023, www.ecoi.net/en/document/2090651.html, p. 17; Rudaw, *Sulaimani Relatives of Autistic Children Protest Lack of Facilities*, 3 April 2023, <https://bit.ly/40NdTVo>; D. R. Ahmed, *Assessment of Mental Health and Psychosocial Support Limitations, Needs, and Recommendations in Iraq*, in: *Intervention Journal of Mental Health and Psychosocial Support in Conflict Affected Areas*, Vol. 10(2), 31 October 2022, <https://bit.ly/3nTv3D>, p. 193; IOM, *Mental Health and Psycho-Social Needs Assessment, Republic of Iraq, Basra Governorate*, 3 October 2022, <https://bit.ly/3ek0od4>, p. 8.

“According to the Iraqi Ministry of Health; It is estimated that around 15% of the Iraqi population live with disabilities (approximately 6 million people).” And further: “The physical rehabilitation sector has been struggling due to the scarcity of skilled practitioners. It is estimated that over 600,000 Iraqis are in need of physical rehabilitation services, of whom over 200,000 require a prosthesis and/or orthosis”; ICRC, *Erbil: A New Glimpse of Hope, ICRC Opens the Largest Physical Rehabilitation Centre in Iraq*, 15 March 2022, <https://bit.ly/3Mbzsdy>. See also, UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 64.

displacement and deteriorating living conditions.⁶⁰⁴ Observers note worrying levels of suicides countrywide,⁶⁰⁵ especially among Yazidi survivors,⁶⁰⁶ as well as high levels of drug addiction.⁶⁰⁷ Yazidi children who were kidnapped, enslaved or recruited by Da'esh are reported to suffer from mental health impacts and trauma, yet there is a "dearth of services to assist both children and caregivers in dealing with the trauma and aftermath of the genocide".⁶⁰⁸

7) Education

The formal education system in Iraq has been severely degraded after decades of conflict, neglect and lack of investment.⁶⁰⁹

Enrollment in primary education is high at over 90 per cent, yet enrolment rates drop significantly in lower and upper secondary school.⁶¹⁰ Illiteracy rates remain high, especially among women.⁶¹¹ Children in conflict-affected areas, many of whom missed out on schooling for prolonged periods, face challenges in reintegrating into the education system.⁶¹²

- ⁶⁰⁴ "Ministry of Health data also indicate that 16.5% of the population over 15 years has some form of mental disorder and the majority have limited access to basic medical treatment and psychosocial care"; WHO, Iraq Priority Areas: Noncommunicable Diseases, accessed 28 January 2024, <https://bit.ly/40QMm5c>. "One in three children who experienced repeated displacement in Iraq have developed fear for their safety and trauma"; NRC, Iraq: Repeated Displacement Causes Trauma among a Third of Children, 6 September 2022, <https://bit.ly/42ZWiv7>. "Job opportunities for young people are scarce, which leads to creating an environment of tension and generates a psychological factor that causes the mental health of young people to deteriorate or drives them towards extremist organizations"; UNDP, Community-Based Reconciliation & Reintegration in Iraq, 28 June 2022, <https://bit.ly/3fLpEJs>, p. 32. See also, SEED Foundation, Mental Health and Psychosocial Services, accessed 28 January 2024, <https://bit.ly/2vAw1EZ>; REACH, Key Multi-Sectoral Findings, 14 December 2023, www.ecoi.net/en/document/2102373.html, p. 38; IOM, Toward Comprehensive Rehabilitation: Mental Health Service Referral System Launched for Genocide Survivors in Iraq, 28 March 2023, <https://bit.ly/3KkGLyG>.
- ⁶⁰⁵ "Suicide is a particular concern: a breakdown in the ability to deal with acute or chronic life stresses, gender-based violence and child abuse are some of the factors driving suicidal behaviour"; WHO, Iraq Priority Areas: Noncommunicable Diseases, accessed 28 January 2024, <https://bit.ly/40QMm5c>. UNICEF highlighted "a worrisome increase in depression and suicide among women and girls"; France 24, Deadly Attacks on Women Rise Sharply in Iraqi Kurdistan, 20 March 2022, <https://bit.ly/3Ksqk3b>. See also, Bas News, Suicide on Rise in Iraq amid Growing Financial Uncertainties: Report, 30 January 2023, <https://bit.ly/3KxEPTk>; Shafaq News, Iraq: +700 Suicide Cases Recorded in 2022, 10 November 2022, <https://bit.ly/3EwRq5j>.
- ⁶⁰⁶ See Section III.A.8.d.
- ⁶⁰⁷ "The high unemployment rate, especially among youth, has pushed many Iraqis to start using crystal meth, which the U.N. Office on Drugs and Crime called the 'main drug of concern' in Iraq"; AGSIW, Iraq's Corruption and Rule of Law Deficits Nourish a Worsening Drug Problem, 17 March 2022, <https://bit.ly/3mamMJE>. "(...) the healthcare system is overburdened and unable to provide adequate support for substance abuse, despite an increase in drug consumption among the Iraqi population"; GI-TOC, 2023 Global Organized Crime Index: Iraq, September 2023, <https://bit.ly/42cXC4L>, p. 6; AFP, Battling Drug Crisis, Iraq Searches for Cure, 30 July 2023, <https://bit.ly/3YeUNac>.
- ⁶⁰⁸ Save the Children, A Childhood of Fear: The Impact of the Genocide on Yazidi Children in Sinjar, 22 September 2022, <https://bit.ly/3FBkgDB>, pp. 2-8.
- ⁶⁰⁹ "Decades of conflict and under-investment in Iraq have destroyed what used to be the best education system in the region and severely curtailed Iraqi children's access to quality learning"; UNICEF, Iraq: Challenges, accessed 28 January 2024, <https://uni.cf/3nll0hT>. "The government currently allocates an average of merely 10% of its General Government Expenditure (GGE) and 4% of its GDP to education, significantly trailing the international and regional benchmarks of 15-20% of GGE and 6% of GDP"; UN Iraq, Iraq Common Country Analysis 2023, January 2024, p. 43. See also, Save the Children, A Childhood of Fear: The Impact of the Genocide on Yazidi Children in Sinjar, 22 September 2022, <https://bit.ly/3FBkgDB>, pp. 7-8; NRC, 5 Years since Mosul Retaking, Young People Face Education, Employment Crisis, 6 July 2022, <https://bit.ly/3yLAW6V>.
- ⁶¹⁰ "Despite high primary school enrolment, there is a significant drop in intermediate and higher education levels, exacerbated by gender disparities and practices such as child marriage. (...) From 2005 to 2012, Iraq saw primary education enrolment rise from 86% to 96%, marking significant progress. However, the subsequent period experienced setbacks due to the Da'esh crisis and the COVID-19 pandemic, leading to a drop in enrolment to 90% by 2019/2020. Notably, one in ten children aged 6-11 remains out of school. Secondary education enrolment improved from 35% in 2005 to 58% in 2016 but fell sharply to 46% in 2019/2020 due to the pandemic. (...) The enrolment gap between primary and secondary levels points to structural imbalances and a rise in dropouts and repeaters"; UN Iraq, Iraq Common Country Analysis 2023, January 2024, pp. 10, 24. "Access to primary education is high, with net enrolment at 91.6 per cent, but 2 million children were out of school even prior to the pandemic. (...) Children face greater challenges to access education at other levels, with only 2.4 per cent receiving early childhood education. Enrolment is 57.5 per cent in lower-secondary and 33 per cent in upper-secondary school, and fewer girls transition to secondary school", as per 2018 data; UNICEF, Iraq: Country Office Annual Report 2022, 7 March 2023, <https://uni.cf/41TFvJd>, p. 2. See also, Kirkuk Now, Nineveh: 2 to 7 out of 10 Students Drop Out of School, 9 October 2023, <https://bit.ly/45u2UBY>; The National, Seven Million Iraqi Children Have Limited Access to Safe Water at School, 18 March 2023, <https://bit.ly/3Kyjsl7>; ILO, Cost of Inaction: Education Deprivation in Iraq and the Potential of Social Protection to Reverse It, 7 March 2023, <https://bit.ly/4275v3k>, p. 14; UNFPA, Iraqi Women Integrated Social and Health Survey: Summary of Key Findings, June 2022, <https://bit.ly/3VmCyhM>, pp. 5-6.
- ⁶¹¹ There has been an overall decrease in illiteracy from 32% in 2005 to 11% in 2020 due "to the rise in enrollment figures at the primary education level and the establishment of adult literacy centers. However, when juxtaposed with nations possessing lesser financial capabilities, such as Jordan and Lebanon, Iraq's literacy rate still lags"; UN Iraq, Iraq Common Country Analysis 2023, January 2024, p. 24; see also p. 60. "Women are still less educated than men. The percentage of illiterate females is 17% compared to 7.6% of the male illiterate, and the percentage of females is lower at any level of education (...)"; UNFPA, Iraqi Women Integrated Social and Health Survey: Summary of Key Findings, June 2022, <https://bit.ly/3VmCyhM>, p. 5. See also, Shafaq News, Illiteracy Rate in Iraq Drops to 12.3%: Official, 4 December 2023, <https://bit.ly/3Rf5tM>; Kurdistan 24, More than Three Million Iraqi Children Dropped out of School, 19 December 2022, <https://bit.ly/3LJSA1Y>.
- ⁶¹² "School-aged children in informal settlements in Ramadi, Kirkuk, and Fallujah reported that it is too difficult to catch up after missing several years of schooling due their displacement and their inability to access remote learning during COVID-19 school closures"; NRC, The Unmet Needs of Iraq's Children in Informal Settlements, September 2022, www.ecoi.net/en/document/2082613.html, p. 5, see also p. 15. "A major factor affecting the capacity of students to learn and succeed in Mosul is the three to four years of school they missed during the period ISIL controlled the city, between 2014 and 2017. Iraqi government guidelines stipulate students should be enrolled in classes appropriate to their age rather than their educational attainment,

The education system suffers from a severe shortage of school buildings,⁶¹³ inadequate school infrastructure,⁶¹⁴ overcrowding,⁶¹⁵ as well as a shortages of qualified teachers, textbooks and teaching materials,⁶¹⁶ hindering access to education and undermining educational standards.⁶¹⁷

meaning that children who have missed years of schooling have faced extra pressure since their return to the classroom"; Al Jazeera, *Mosul Schoolchildren still Left Behind, Five Years after ISIL*, 9 July 2022, <https://aje.io/fzxash>. See also, J. Cook, *Distinguishing Children from ISIS-Affiliated Families in Iraq and their Unique Barriers for Rehabilitation and Reintegration*, in: *Perspectives on Terrorism*, Vol. XVII (3), September 2023, <https://bit.ly/3vLzQtB> (hereafter: J. Cook, *Distinguishing Children from ISIS-Affiliated Families in Iraq and their Unique Barriers for Rehabilitation and Reintegration*, September 2023, <https://bit.ly/3vLzQtB>), pp. 55-56; Tufts University, *'Education is Like Light. The Opposite is Darkness': Education and Female Youth in Displacement in South Sudan and the Kurdistan Region of Iraq*, 7 November 2022, <https://bit.ly/3pb9nmq>, p. 8; NRC et al., *Gaps in Formal Education in Iraq: Education Consortium of Iraq*, December 2021, 11 April 2022, www.ecoi.net/en/document/2073574.html (hereafter: NRC et al., *Gaps in Formal Education in Iraq*, 11 April 2022, www.ecoi.net/en/document/2073574.html), pp. 6-7.

⁶¹³ According to UNICEF: "Shortages of schools in the country could be as high as 10,000 school buildings (...)" ; The National, *Seven Million Iraqi Children Have Limited Access to Safe Water at School*, 18 March 2023, <https://bit.ly/3Kyjsl7>. See also, Zawya, *Iraq Needs to Build 8,000 New Schools*, 11 January 2024, <http://tinyurl.com/mtjam6it>; HRW, *Iraq: Political Infighting Blocking Reconstruction of Sinjar*, 6 June 2023, www.ecoi.net/en/document/2092983.html; NRC et al., *Gaps in Formal Education in Iraq*, 11 April 2022, www.ecoi.net/en/document/2073574.html, pp. 14-15, 17.

⁶¹⁴ According to UNICEF, 55% of schools "lack basic water, sanitation and hygiene services depriving access to safe water for over 7.25 million students (...). The lack of gender-sensitive Wash facilities is one of the main drivers of girls' school drop-out"; The National, *Seven Million Iraqi Children Have Limited Access to Safe Water at School*, 18 March 2023, <https://bit.ly/3Kyjsl7>. "(...) physical infrastructure and WASH infrastructure are frequently insufficient to meet existing needs, while technology infrastructure is largely absent. The infrastructure that does exist is low quality, often due to lack of maintenance and overuse resulting from overcrowded classrooms and multiple shifts"; NRC et al., *Gaps in Formal Education in Iraq*, 11 April 2022, www.ecoi.net/en/document/2073574.html, pp. 5, 18. See also, UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 42; Rudaw, *Half of Iraq Schools Lack Drinking Water*: UNICEF, 26 September 2023, <https://uni.cf/3nDJkml>, p. 19; NRC, *The Unmet Needs of Iraq's Children in Informal Settlements*, September 2022, www.ecoi.net/en/document/2082613.html, pp. 4, 14.

⁶¹⁵ In Iraq "classrooms are overcrowded, schools need renovation, and insufficient number of qualified teachers. In fact, many schools operate with two or three shifts to accommodate students, which impacts the quality of education and students' learning"; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 45. In the KR-I, "there are not enough classrooms or teachers to handle the growing number of young students in the Kurdistan Region, where around half of the population was born since 2000." In Ranya (Sulaymaniyah Governorate), "the current solution is called the 'shift system.' Under this arrangement, half of a school's students are in class for a few hours a day in either the morning or the afternoon, while the remainder take the opposite shift. This limits students' class time to just four hours per school day. While most places use a two-shift system, some schools are forced to use a three-shift system because of the lack of space and a large number of students, further reducing instruction time"; Al-Monitor, *In Iraq's Kurdistan Region, Teacher Strikes Highlight Schooling Crisis*, 15 January 2024, <http://tinyurl.com/zmhvcbc2>. In Sinjar, "the quality of education is undermined by overcrowding, with some schools accommodating students from multiple villages, and staffing shortages as thousands of teachers remain displaced"; HRW, *Iraq: Political Infighting Blocking Reconstruction of Sinjar*, 6 June 2023, www.ecoi.net/en/document/2092983.html. In 2021, the average student-to-teacher ratio in 38 surveyed schools in Al-Anbar, Diyala, Dohuk, Kirkuk, Ninewa, and Salah Al-Din reached 32 to 1. It was particularly high in Ninewa, where it reached 57 to 1; NRC et al., *Gaps in Formal Education in Iraq*, 11 April 2022, www.ecoi.net/en/document/2073574.html, p. 28. See also, Kirkuk Now, *Replacement of Male Teachers Includes Part of Girls' Schools in Kirkuk*, 16 August 2023, <https://bit.ly/3DZH0JM>; The National, *Seven Million Iraqi Children Have Limited Access to Safe Water at School*, 18 March 2023, <https://bit.ly/3Kyjsl7>; Shafaq News, *Dhi Qar Compensates for Lack of Schools by Triple Shifts*, 24 October 2022, <https://bit.ly/410hbUW>; NRC, *The Unmet Needs of Iraq's Children in Informal Settlements*, September 2022, www.ecoi.net/en/document/2082613.html, pp. 4, 14.

⁶¹⁶ UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 43. For example in Sinjar, public schools "suffer from a lack of buildings, budgets and teaching staff (...)" ; Kirkuk Now, *Biscuits, Milk and Banana: Primary School Students of Shingal (Sinjar) Get Snacks for Free*, 13 January 2024, <http://tinyurl.com/27vktwvy>. See also, REACH, *Key Multi-Sectoral Findings*, 14 December 2023, www.ecoi.net/en/document/2102373.html, p. 29; Al Jazeera, *Mosul Schoolchildren still Left Behind, Five Years after ISIL*, 9 July 2022, <https://aje.io/fzxash>; NRC et al., *Gaps in Formal Education in Iraq*, 11 April 2022, www.ecoi.net/en/document/2073574.html, p. 5.

⁶¹⁷ "Iraq is facing a 'human capital crisis fuelled by a learning crisis'. A child in Iraq can expect to complete only 6.9 years of schooling, amounting to 4.0 learning-adjusted years of schooling, by age 18"; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 42. According to UNICEF, 600,000 children "face obstacles to accessing education"; UNICEF, *Humanitarian Action for Children 2024: Iraq*, 12 December 2023, <https://bit.ly/3SiXTaW>, p. 2. In Mosul, for example, "final exam results across 10 sixth-grade schools show a pass rate of only 22 per cent. In one of the schools in West Mosul, only 3.3 per cent of sixth-graders passed"; NRC, *5 Years since Mosul Retaking, Young People Face Education, Employment Crisis*, 6 July 2022, <https://bit.ly/3yLAW6V>. See also, UNICEF, *Almost 12,000 Children Participate in the First-Ever Grade 4 National Mathematics and Science Assessment Report in Federal Iraq*, 1 February 2023, <https://uni.cf/3nNdzm>; NRC et al., *Gaps in Formal Education in Iraq*, 11 April 2022, www.ecoi.net/en/document/2073574.html, p. 8. As a result of the decline of the quality of education, those who can afford it send their children to private schools; Al-Monitor, *In Iraq's Kurdistan Region, Teacher Strikes Highlight Schooling Crisis*, 15 January 2024, <http://tinyurl.com/zmhvcbc2>; Kirkuk Now, *Private Schools: Support for Public Education or Burden for Parents?*, 29 August 2022, <https://bit.ly/44FO8Zl>; The New Arab, *Iraq's Burgeoning Private Schools Prioritise Profit at Expense of Education for All*, 1 July 2022, <http://bit.ly/3EsvVQh>.

Additional barriers to education include the lack of documentation (especially birth certificates),⁶¹⁸ poverty and inability to pay for education-related expenses,⁶¹⁹ as well as long distances to reach school and related safety concerns.⁶²⁰ Girls face gender-specific barriers to accessing education as a result of conservative social norms.⁶²¹ IDP and returnee children are also reported to lack motivation to go to school following years of displacement, trauma and interruption of their education.⁶²² Children with disabilities are often unable to access education, including due to the lack of accessible school infrastructure, lack of specialized teachers and prevailing stigma.⁶²³ In December 2022, Iraq's Education Minister announced the closure of all schools established for IDPs in the KR-I⁶²⁴ by June 2023, which risks depriving access to education for an estimated 170,000 IDP children for whom integration into the Kurdish school system will be

⁶¹⁸ Among IDP and returnee households surveyed across Iraq between 15 June and 1 November 2023, 15% said that the inability to register their children was the reason for them not attending formal education. This reason was particularly prevalent among in-camp IDPs; REACH, *Key Multi-Sectoral Findings*, 14 December 2023, www.ecoi.net/en/document/2102373.html, p. 28. "Many Yazidi children and adults lost their identity documents during the genocide; younger children may not have been registered at birth. Without these documents, children cannot access basic services," including education; Save the Children, *A Childhood of Fear: The Impact of the Genocide on Yazidi Children in Sinjar*, 22 September 2022, <https://bit.ly/3FBkgDB>, p. 8. "Among IDPs in camps, the most commonly reported barriers to enroll in school are 'we are not able to register or enroll our children in the school' and 'lack of interest of children in education' (...);" OCHA, *HTO 2023*, 23 February 2023, <https://bit.ly/3nFitGK>, p. 10. See also, REACH, *Missing Civil Documentation in Iraq: Who, Why & How Important Is It?*, February 2023, <https://bit.ly/3AGRptJ>, pp. 10-11; DRC, *Life in the Margins*, 14 September 2022, www.ecoi.net/en/document/2078836.html, p. 15; NRC, *The Unmet Needs of Iraq's Children in Informal Settlements*, September 2022, www.ecoi.net/en/document/2082613.html, pp. 5-6, 18-20; and Section III.A.1.b and III.A.9.

⁶¹⁹ Among IDP and returnee households surveyed across Iraq between 15 June and 1 November 2023, 14% of children were not enrolled in formal education regularly (compared to 17% in 2022). Among households with children not enrolled in formal education, 21% said that the high costs related to education were the reason for their children not attending formal education; REACH, *Key Multi-Sectoral Findings*, 14 December 2023, www.ecoi.net/en/document/2102373.html, pp. 28, 48. Inability to pay for school-related expenses was the most common barrier for IDPs out of camp and returnees; OCHA, *HTO 2023*, 23 February 2023, <https://bit.ly/3nFitGK>, p. 10. "One in five secondarily displaced children stated that a lack of money was a central cause of stress in the decision as to whether their families could afford to keep them enrolled in school, particularly as the associated costs related to transportation, textbooks, and school fees became increasingly unaffordable in informal settlements." Furthermore: "The cost of transportation disproportionately impacted girls as parents stated that they chose to send their sons to school rather than their daughters because it was safe enough for them to walk"; NRC, *The Unmet Needs of Iraq's Children in Informal Settlements*, September 2022, www.ecoi.net/en/document/2082613.html, pp. 5, 16. See also, REACH, *Missing Civil Documentation in Iraq: Who, Why & How Important Is It?*, February 2023, <https://bit.ly/3AGRptJ>, p. 10.

⁶²⁰ "(...) long distances to access school have led to dropouts as one in eight out-of-school children state that the main reason they are not in school is because it is too far away. Secondarily displaced children in Daquq, Kirkuk, and Tikrit districts described needing an average of 30 minutes or more to reach their schools, which was exacerbated by the cost of transportation and harassment and bullying on the way to class"; NRC, *The Unmet Needs of Iraq's Children in Informal Settlements*, September 2022, www.ecoi.net/en/document/2082613.html, pp. 5, 14-15. "Distances to functioning schools are far for most Yazidi children, and both parents and children alike have safety concerns and fear sending children to attend schools that are farther away"; Save the Children, *A Childhood of Fear: The Impact of the Genocide on Yazidi Children in Sinjar*, 22 September 2022, <https://bit.ly/3FBkgDB>, p. 7.

⁶²¹ "A significant gender gap exists in individual education attainment. Girls are less likely to finish intermediate school than boys. Partially, this fact is due to the growing child marriage practice in Iraq"; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 24. "UNAMI/OHCHR documented five main factors that adversely affect the ability of girls to access their right to education, namely: the negative impact of traditional gender roles and norms; low family levels of education; poverty; protection concerns; and trauma." In addition, "(...) perceived low education standards and a lack of female teachers, combined with traditional cultural norms relating to female modesty and chastity, significantly increase the reluctance of parents to send girls to school. (...) Many families are also hesitant to send girls to schools with mixed classes, male teachers, or perceived inadequate female washroom facilities in close proximity to male washrooms"; UNAMI/OHCHR, *The Right to Education in Iraq: Obstacles to Girls' Education after ISIL*, 24 January 2021, www.ecoi.net/en/document/2044321.html, pp. 7-8. See also Section III.A.9. Girls belonging to religious minority communities also reported harassment and pressure to wear the hijab as barriers to accessing education, see Section III.A.5.b.

⁶²² "Displaced children often face trauma, affecting their learning"; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 44. See also, REACH, *Key Multi-Sectoral Findings*, 14 December 2023, www.ecoi.net/en/document/2102373.html, p. 28; OCHA, *HTO 2023*, 23 February 2023, <https://bit.ly/3nFitGK>, p. 10; NRC, *The Unmet Needs of Iraq's Children in Informal Settlements*, September 2022, www.ecoi.net/en/document/2082613.html, pp. 5, 16-17.

⁶²³ "(...) only 12% of schools accommodate individuals with disabilities (...);" UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 43. "In Basra, as well as in the rest of Iraq, children with disabilities face several challenges in accessing public education and completing both primary, intermediate and then transitioning to secondary education, due to lack of correct diagnosis, poverty, lack of specialized teachers/educators in schools, stigma present within communities (that is also coupled with gender biased norms in case of girls with disabilities). Moreover, even when families are willing and have the means to send their CwD [children with disabilities] to school, often they are not integrated into public schools among other students, and only very few specialized institutes for CwD are present in the country"; Mercy Hands, *Rapid Assessment: Understanding the Funding Challenges, Education Needs and Aspirations of Institutes for Children with Disabilities in Basra, Iraq – November 2022*, 16 January 2023, <https://bit.ly/3NsatUo>, p. 4. In Sulaymaniyah, for example, "(...) few public buildings, including schools, are accessible to people with disabilities, and the lack of accessible public transportation and the city's faulty infrastructure prohibits most disabled children from going to school in any case. Because of the stigma of disability, many families choose not to send their disabled children to school because of their own shame and because of their justified fear that the child would be bullied"; Manara Magazine, *Disability Rights as Human Rights in Sulaimani, Kurdistan-Iraq*, 17 March 2022, <https://bit.ly/3u3K6dI>. "Federal Iraq and KRG education systems currently struggle to include children with disabilities, with many children with disabilities refused entry to schools. Schools have refused entry due to challenges such as teachers lacking relevant expertise and resources to implement inclusive education in their classes or inaccessible school infrastructures. Schools lack materials such as audio books or books in braille, and they do not teach using sign language. Children with intellectual disabilities are not catered for"; IOM, *Persons with Disabilities and their Representative Organisations on Iraq: Barriers, Challenges and Priorities*, 30 March 2021, <https://bit.ly/3r1o1Kx>, p. 18. See also, Rudaw, *Kurdistan Region Schools Reluctant to Accept Children with Autism*, 1 November 2023, <https://bit.ly/47yvmUP>; Rudaw, *Lack of Support, Tolerance Turns Kurdistan into Hell for Autistic Children*, 19 August 2023, <https://bit.ly/3PaxrQo>; BBC, *The Mother Bringing Autism Out of the Dark in Iraq*, 5 June 2023, <https://bit.ly/3WVhaRE>; NRC et al., *Gaps in Formal Education in Iraq*, 11 April 2022, www.ecoi.net/en/document/2073574.html, pp. 20, 22-23.

⁶²⁴ The Federal Ministry of Education has established schools for IDP students in the KR-I where they are taught according to the curriculum applicable in Federal Iraq and the language of instruction is Arabic; UN Educational, Scientific and Cultural Organization (UNESCO), *Education for IDPs in Iraq*, 2019, <https://bit.ly/3VpShq2>, pp. 3-4.

challenging.⁶²⁵ At the time of writing, the decision has not been implemented and schools for IDP children remain open.⁶²⁶

Lack of access to education increases the risks for children and youth to be exposed to child labour, recruitment by armed groups, child marriage and psychosocial distress.⁶²⁷

8) Water and Sanitation

Protracted conflict, lack of maintenance, corruption, and under-investment have left Iraq's water and sanitation infrastructure in a state of disrepair.⁶²⁸

Iraq experiences severe water scarcity⁶²⁹ as a result of poor water management,⁶³⁰ droughts that are exacerbated by climate change,⁶³¹ increased demand due to population growth⁶³² and the damming of rivers in neighbouring States.⁶³³ Low water levels and extended droughts have led to increasing desertification,⁶³⁴ significantly affecting the agricultural sector in Iraq, including the livelihoods of farmers and fishermen.⁶³⁵

⁶²⁵ "The decision will likely prompt students to drop out of school or travel to their areas of origin to attend schools, many of which are overcrowded or offer limited services"; USAID, Iraq: Complex Emergency, 2 February 2023, www.ecoi.net/en/document/2086405.html, p. 2. See also, The New Arab, Iraq Government Contemplates Major Changes to Schools for IDPs in Kurdistan Region, 6 December 2022, <http://bit.ly/3liiQxz>.

⁶²⁶ UNHCR information, January 2024.

⁶²⁷ IRC, High Child Labor Rates in Iraq Continue to Disrupt Children's Education, Childhood and Basic Rights, the IRC Warns, 20 November 2022, <http://bit.ly/41driTg>; NRC, The Unmet Needs of Iraq's Children in Informal Settlements, September 2022, www.ecoi.net/en/document/2082613.html, p. 16; UNDP, Community-Based Reconciliation & Reintegration in Iraq, 28 June 2022, <https://bit.ly/3flpEJs>, p. 44; CEIP, Barriers to Reform in Iraq, 29 March 2022, <https://bit.ly/3NM57QP>; and Sections III.A.8.g and III.A.9.

⁶²⁸ "Existing water and sewage infrastructure in Iraq, including treatment plants and pipe networks, is largely in disrepair"; UN Iraq, Iraq Common Country Analysis 2023, January 2024, p. 39. "(...) water management and service delivery has deteriorated as a result of a lack of minimal investment in infrastructure development, clear strategies for social and economic development, and the lasting effects of conflict has had on irrigation and water systems. Damaged irrigation and water treatment systems characterise conflict-affected governorates – particularly in the 'breadbasket' of the country"; NRC, Iraq's Interlinked Drought and Climate Crises, October 2022, <https://bit.ly/3HwaB1K>, p. 2. "Iraq's water infrastructure is one of the poorest in the world, remaining in complete decay after three wars and the Islamic State (IS) occupation, as well as 13 years of UN sanctions"; Water, Peace and Security, Action Needed: Three Priorities for Iraq's Water Sector, June 2022, <https://bit.ly/41L7uUm>, p. 9. See also, Shafaq News, Southern Iraq Ravaged by Floods Amidst Infrastructural Decay and Corruption Allegations, 1 April 2023, <https://bit.ly/3VpsLrk>; Yale School of the Environment, After Comeback, Southern Iraq's Marshes are Now Drying Up, 10 January 2023, <https://bit.ly/3JAe1kZ>.

⁶²⁹ "Iraq is grappling with a critical water crisis. Over the past 40 years, the flow from the Euphrates and Tigris rivers, accounting for nearly 98% of Iraq's surface water, has dropped by 30-40%. Forecasts indicate that by 2025, the nation's water supply might contract by a massive 60% compared to 2015"; UN Iraq, Iraq Common Country Analysis 2023, January 2024, p. 58. "In late September [2023], Prime Minister Mohammed Shia al-Sudani announced new measures to address Iraq's water scarcity and its devastating impact on the country, which has been getting worse for decades. Media has reported the effects of the drought, citing government statements that Iraq's water reserves are the lowest in history and are 50 percent lower than 2022"; US Department of Defense, Lead Inspector General Report, 9 November 2023, <https://bit.ly/3OhVdJo>, p. 49. See also, UN Iraq, Iraq's Accession to UN Water Convention Opens New Opportunities to Strengthen Transboundary Water Cooperation in the Middle East, 24 March 2023, <https://bit.ly/3nctLCr>.

⁶³⁰ "(...) there are serious inefficiencies and water wastage both in how water is delivered and in its usage"; UN Iraq, Iraq Common Country Analysis 2023, January 2024, p. 58. See also, IOM, Migration, Environment, and Climate Change in Iraq, 11 August 2022, <https://bit.ly/3La7Vrb>, p. 7; Water, Peace and Security, Action Needed: Three Priorities for Iraq's Water Sector, June 2022, <https://bit.ly/41L7uUm>, p. 2; SIDA, Multidimensional Poverty Analysis Iraq 2022, April 2022, <https://bit.ly/41n4OIW>, p. 15.

⁶³¹ "Over the past two years, Iraq has experienced its driest seasons in decades, with temperatures frequently surpassing 120 degrees Fahrenheit. As temperatures continue to soar, water supplies decline, triggering one of the worst droughts in 40 years. Iraqi officials estimate that water reserves have decreased by half (...) in 2022"; MERIP, Water, Oil and Iraq's Climate Future, 29 March 2023, <https://bit.ly/3HiRDER>. See also, International Federation of Red Cross and Red Crescent Societies, Iraq: Droughts, Final Report, 2 March 2023, <https://bit.ly/428aMsm>; NRC, Iraq's Interlinked Drought and Climate Crises, October 2022, <https://bit.ly/3HwaB1K>, p. 1.

⁶³² Fanack, Water Use in Iraq, 6 December 2022, <https://bit.ly/44cDvgO>; IOM, Migration, Environment, and Climate Change in Iraq, 11 August 2022, <https://bit.ly/3La7Vrb>, p. 5; ECFR, Early Warning: How Iraq Can Adapt to Climate Change, 19 July 2022, <https://bit.ly/3FRHzc8>, p. 11.

⁶³³ "Damming projects in Iran, Syria, and Turkey have impacted waterflow into the Tigris and Euphrates"; UN Iraq, Iraq Common Country Analysis 2023, January 2024, p. 40. "Intake from the Tigris and Euphrates rivers – Iraq's two main sources of water – is decreasing at an unprecedented rate, due to the construction of upstream dams and a prolonged drought"; IOM, Water Crisis in Focus: Streams Run Dry in Southern Iraq, 1 November 2022, <https://bit.ly/3LzyE1z>. See also, Iraqi News, Iraq Blames Neighboring Countries for the Water Crisis it Faces, 25 June 2023, <https://bit.ly/3JUCzdd>; UN Iraq, Iraq's Accession to UN Water Convention Opens New Opportunities to Strengthen Transboundary Water Cooperation in the Middle East, 24 March 2023, <https://bit.ly/3nctLCr>.

⁶³⁴ "Desertification afflicts 39 percent of Iraq's land area"; UN Iraq, Iraq Common Country Analysis 2023, January 2024, p. 22; see also p. 59. "(...) the country loses about 100 square kilometers of arable land each year. Desertification is forcing farmers to abandon their land and migrate to overpopulated urban centers, where they find limited employment opportunities in the bloated public sector, driving many into the illegal and informal economy"; MERIP, Water, Oil and Iraq's Climate Future, 29 March 2023, <https://bit.ly/3HiRDER>. See also, Iraqi News, Desertification in Iraq Reaches Nearly 70%, 26 June 2023, <https://bit.ly/3Y0DaLd>; ICRC, Iraq: Expanding Deserts, Searing Temperatures, and Dying Land: Climate Crises Deepen Struggle of Farmers, 14 November 2022, <https://bit.ly/3ViMrqp>.

⁶³⁵ Water "scarcity risks exacerbating desertification, soil erosion, and consequently, food security, particularly impacting the agricultural sector"; UN Iraq, Iraq Common Country Analysis 2023, January 2024, p. 10. "(...) in the 2022 cropping season, drought conditions and decreased river levels significantly limited access to drinking and irrigation water, depleted harvests and incomes, and heightened barriers to food accessibility. These findings (...) mark a broader pattern of continued crop and livestock losses in Iraq as a result of water scarcity"; NRC, Iraq's Interlinked Drought and Climate Crises, October

While the majority of the population has access to public water⁶³⁶ and sanitation services, gaps remain, especially in rural areas⁶³⁷ and in areas hosting displaced populations.⁶³⁸ Access to safely managed clean drinking water is one of the most pressing challenges in Iraq due to increasing water scarcity⁶³⁹ and “extremely low” water quality as a result of pollution.⁶⁴⁰ As at 2022 only 60 per cent of the population had access to “an improved source located on premises, available when needed, and free from contamination.”⁶⁴¹ Similarly, only 53 per cent of the population had access to safely managed sanitation

2022, <https://bit.ly/3HwaB1K>, p. 1, see also p. 8. Women are particularly impacted as many work in agriculture; Shafaq News, *How Has Climate Change Affected Iraqi Women's Livelihoods?*, 23 July 2023, <https://bit.ly/3YtTFu>; Solidarites International, *Diagnostic Report on Access to Water and Natural Resources Management in a Context of Climate Change, Ninewa, Iraq*, November 2022, www.ecoi.net/en/document/2085918.html, p. 25. See also, AFP, *Iraqi Fish Farms Drying Up due to Water Crisis*, 7 August 2023, <https://bit.ly/3qoagZd>; Reuters, *Iraq's Water Crisis Drying Up Fish Farming in Basra*, 14 July 2023, <https://bit.ly/3qpLYyq>; and Sections II.E.2 and II.E.4.

⁶³⁶ “(...) the proportion [of the population] using basic drinking water services has risen from 80.85% in 2000 to 98.38% in 2022”, with rates lower in rural compared to urban areas; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 20. See also, UNDP/USAID, *Water Complex Rehabilitated by UNDP and USAID Provides Safe Drinking Water for over 30,000 People in Basra*, 30 May 2023, <https://bit.ly/3IQH3Mp>; NRC, *Iraq's Interlinked Drought and Climate Crises*, 24 October 2022, <http://bit.ly/3HwaB1K>, pp. 6-7; Water, Peace and Security, *Action Needed: Three Priorities for Iraq's Water Sector*, June 2022, <https://bit.ly/41L7uum>, p. 3.

⁶³⁷ “(...) the proportion [of the population] using basic sanitation services started at 70.50% in 2000 and reached 98.50% in 2022”, with rates lower in rural compared to urban areas; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 20. In 2024, “nearly 740,500 people need WASH services, including those facing severe water scarcity in the southern governorates, along with those facing cholera risks.” This “includes 175,514 people in the southern governorates who are affected by climate change, 543,500 people in camps and areas of return and 21,000 returnees from Al-Hol camp”; UNICEF, *Humanitarian Action for Children 2024: Iraq*, 12 December 2023, <https://bit.ly/3SiXTaV>, p. 2. “Access to WASH services varies significantly between governorates and between rural and urban areas. Only 60 per cent of the population has access to safely managed drinking water (...)”; UNICEF, *Country Office Annual Report 2022*, 15 February 2023, <https://uni.cf/3LAQGRI>, p. 2. “In rural areas, residents are often not connected to sewage systems and thus discharge wastewater directly into water ways or septic systems”; Water, Peace and Security, *Action Needed: Three Priorities for Iraq's Water Sector*, June 2022, <https://bit.ly/41L7uum>, p. 6.

⁶³⁸ “The over-stretched community WASH systems cannot often cope with the additional burden of displaced populations, particularly if there has been damage to the infrastructure”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 40.

⁶³⁹ “Forecasts paint a concerning picture for Iraq's water security. By 2035, it is anticipated that the nation will be equipped to satisfy a mere 15% of its water demands. Such scarcity has cascading effects, with desertification and soil erosion in the forefront, posing significant threats to the country's food security”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 17. Among IDP and returnee households surveyed across Iraq between 15 June and 1 November 2023, access to drinking water was recorded as a top priority by 48% of in-camp IDPs, 6% of out-of-camp IDPs and 13% of returnees. One fifth of households said that they had less than their preferred amount of water for drinking in the four weeks prior to data collection. Among those who received piped water as their main source of drinking water, 54% reported having issues with the quality of water, including the water being “not clear”, as well as “unpleasant smell” and “unpleasant taste”; REACH, *Key Multi-Sectoral Findings*, 14 December 2023, www.ecoi.net/en/document/2102373.html, pp. 13, 41-42, 52. In the KR-I, “the signs of [water] distress are starting to emerge. As the population of major cities continues to swell, the region's infrastructure and water table are struggling to keep pace.” In mid-2023, “Erbil (...) has witnessed dozens of minor protests against the persistent water shortage”; Raseef22, *Thirsty for Solutions: Erbil's Escalating Water Crisis Amidst Rapid Urbanization and Climate Change*, 2 August 2023, <http://tinyurl.com/9asac65e>. See also, Rudaw, *Several Erbil Neighbourhoods Suffer from Lack of Water*, 13 July 2023, <https://bit.ly/44LSP3h>.

⁶⁴⁰ “Water quality is extremely low due to untreated waste, especially discharge from informal settlements without solid or liquid waste management, and from industrial activities and agriculture.” And further: “The Tigris and Euphrates Rivers system, for example, suffers multiple local breaches of both over-abstraction and pollution of water, which get compounded. Salinity increases as the rivers move downstream, peaking in the Shatt al-Arab, because of the compound effect of agricultural drainage channels with high salinity and reduced volumes of freshwater flows. Salinity levels downstream of Baghdad exceed the threshold for drinking water quality, compromising water supply security for domestic and agricultural uses further downstream”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, pp. 39, 58. “(...) sewage, electricity, health, industry, and oil sectors, are responsible for dumping approximately 80% of their waste into rivers without proper treatment, in addition to pollutants from the private sector. The consequences of these actions are seen in water contamination and an increase in disease cases, particularly in the southern governorates (...) and even Baghdad”; Shafaq News, *‘State Toxins’ Infiltrate Iraqi Homes: Drought, Pollution, and Government Initiatives*, 1 October 2023, <https://bit.ly/3rA2YIA>. “90% of Iraq's rivers are polluted”; UNAMI, *Special Representative of the Secretary-General for Iraq Ms. Jeanine Hennis-Plasschaert*, 18 May 2023, <https://bit.ly/3Op4pMF>. “(...) only 10 out of 18 governorates have wastewater treatment facilities”; World Bank, *Iraq Country Climate and Development Report*, 9 November 2022, <https://bit.ly/44I59JI>, pp. 14-15. See also, UNICEF, *3.5 Million People Benefit from Wastewater Treatment Plants: The Government of Iraq, UNICEF and Germany Inaugurate Wastewater Treatment Plants at the Largest Medical Complex in Iraq*, 9 December 2023, <http://tinyurl.com/y7546ji5>; Al Jazeera, *‘How Would you Survive?’: Desperation Grows in Iraq Water Crisis*, 28 June 2023, <https://aje.io/p917do>; Kirkuk Now, *Garbage Threatens Garmian's Environment*, 7 June 2023, <https://bit.ly/3DKJeOG>.

⁶⁴¹ UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, pp. 25, 38-39, 59.

services.⁶⁴² As a result, people have to either buy expensive drinking water⁶⁴³ or risk being exposed to water borne-diseases and other health issues.⁶⁴⁴

The diminishing availability of water and resulting land degradation and loss of livelihoods has resulted in displacement and exacerbated humanitarian needs, especially in the impoverished southern Iraq.⁶⁴⁵ Competition over limited water resources has increased tensions among tribes, communities and governorates, as well as between citizens and the State.⁶⁴⁶ Environmental activists face threats and violence at the hands of State security actors.⁶⁴⁷

⁶⁴² “While Iraq has made efforts to enhance sanitation from 2018 to 2022, the slow pace of progress is concerning.” The population with access to safely managed sanitation services (defined as “basic facilities that safely dispose of human waste”) increased from 47.81% in 2018 to 52.77 per cent in 2022. Progress in “rural regions, already grappling with limited infrastructure, have seen only a modest improvement. The coverage was 43.76 per cent in 2018 and inched up to just 48 per cent by 2022. (...) Urban areas, despite their dense populations and potential for rapid disease spread, started with a 49.51 per cent coverage in 2018. Four years later, the figure stands at 54.68 per cent. The slow pace of improvement in urban sanitation is alarming, given the health implications for a large segment of the population”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, pp. 25, 39. “Although a greater fraction of the population is connected to sewer systems in urban areas, treatment rates still lag as a result of operational gaps and rapid population growth that overwhelms plant capacity (...). The Municipality of Baghdad, for example, treats only 53% of the approximately 1.4 million cubic meters of household wastewater that is disposed of daily (...). Treatment rates are even lower in slums, which often lack sufficient wastewater disposal systems and require residents to improvise their own sewage systems that usually end up in canals and rivers”; Water, Peace and Security, *Action Needed: Three Priorities for Iraq’s Water Sector*, June 2022, <https://bit.ly/41L7uwm>, p. 7.

⁶⁴³ For example, among IDP and returnee households surveyed across Iraq between 15 June and 1 November 2023, 21% of households used bottled water as their main source; REACH, *Key Multi-Sectoral Findings*, 14 December 2023, [www.ecoi.net/en/document/2102373.html](http://ecoi.net/en/document/2102373.html), p. 19. For example in Tal Banat in Sinjar District (Nineva), water delivered by “mobile tanks are the only source of providing drinking water, cooking and other household uses”, representing a significant financial burden on residents; Kirkuk Now, *Water Scarcity: Crisis Plaguing Tal Banat Complex for Five Decades*, 20 January 2024, <http://tinyurl.com/y586yemr>. According to IOHR, even bottled water can be contaminated with pollutants as water bottling and purification plants operate “without reliable government monitoring or professional requirements and specialization from their owners or workers”; IOHR, *Iraq’s Waters Contaminated with Feces, Oil, and Medical Wastes*, 22 March 2023, <https://bit.ly/3Lyqirg>. See also, Kurdistan 24, *Baghdad Subdistrict Has Lacked Water for more than 15 Years*, 29 October 2023, <https://bit.ly/3sl6YXy>; Bas News, *Sulaymaniyah: Over 100 Cholera Cases Reported*, 7 September 2023, <https://bit.ly/3PbmyNQ>; Washington Institute, *The Audacity of the Erbil Hills Golf Course Amidst Iraq’s Water Crisis*, 23 August 2023, <https://bit.ly/3RfblqM>; Shafaq News, *Water Contamination Crisis Grips Tuz Khurmatu, Saladin*, 27 July 2023, <https://bit.ly/3OCzFHT>; AFP, *Iraq’s Mesopotamian Marshlands Are Dying at an Alarming Rate*, 13 July 2023, <https://bit.ly/46QilRf>; Kirkuk Now, *Water Scarcity Distresses Part of Kirkukis*, 17 July 2023, <https://bit.ly/3rFvD4E>; REACH, *MCNA X Key Findings*, March 2023, <https://bit.ly/42kefJc>, pp. 7, 10.

⁶⁴⁴ Contaminated water is responsible for diseases such as: “bilharzia, malaria, chickenpox, and skin and digestive diseases”; IOHR, *Iraq’s Waters Contaminated with Feces, Oil, and Medical Wastes*, 22 March 2023, <https://bit.ly/3Lyqirg>. In Sinjar, “76 percent reported issues related to the taste, appearance, or smell of drinking water”, according to IOM; HRW, *Iraq: Political Infighting Blocking Reconstruction of Sinjar*, 6 June 2023, www.ecoi.net/en/document/2092983.html. In July 2022 “health officials in Anbar province reported a large increase of gastrointestinal infections among children. The director of Fallujah’s general hospital said that 30-50 children are coming to his hospital each day with symptoms including diarrhea and vomiting, which the official blamed on polluted drinking water amid rising temperatures and dwindling water supplies. (...) Water shortages are impacting the quality and quantity of municipal water supplies in several provinces”; EPIC, ISHM: July 7-14, 2022, 14 July 2022, www.ecoi.net/en/document/2075535.html. See also, Bas News, *Ten Cholera Cases Registered in Sulaymaniyah: Official*, 31 August 2023, <https://bit.ly/44DK0lr>; Shafaq News, *Cancer Cases Soar in Iraqi District amid Industrial and Oil Waste Concerns*, 24 August 2023, <https://bit.ly/3Em1Y7u>; OHCHR, *UN High Commissioner for Human Rights Volker Türk Concludes his Official Visit to Iraq*, 9 August 2023, <https://shar.es/afNSGx>; Fanack, *Water Quality in Iraq*, 6 December 2022, <https://bit.ly/3naUFuo>; and Section II.F.1.

⁶⁴⁵ “Water scarcity and land degradation have affected crop yields, directly impacting Iraq’s food security. Downstream, seawater intrusion has destroyed 60,000 acres of agricultural land and 30,000 trees. Families living in the vicinity, mainly in the Basra governorate, were most affected. Internal displacement was recorded across 8 governorates as an estimated 3,000 families suffered from these environmental consequences”; International Federation of Red Cross and Red Crescent Societies, *Iraq: Droughts, Final Report*, 2 March 2023, <https://bit.ly/428aMsm>. In Southern Iraq, “[A] large number of smallholder farmers have abandoned their lands and moved to urban areas for better living and livelihood opportunities. (...) IOM warns that more than five thousand people in Muthanna are at risk of displacement due to water shortage and drought”; UN Iraq RCO/UNAMI DSO, *Field Report Issue 22*, 23 July 2022, <https://bit.ly/3cz6DZw>, pp. 5-6. See also, Rudaw, *Garmiyan Village Residents Leave amid Water Scarcity*, 29 October 2023, <https://bit.ly/46MA80X>; Shafaq News, *Water Crisis in Southern Ramadi Forces Thousands to Displace*, 9 May 2023, <https://bit.ly/41ou0s8>; Shafaq News, *Report: Iraq’s Climate Migrants Flee Parched Land for Crowded Cities*, 9 May 2023, <https://bit.ly/3OaMbPd>; Shafaq News, *Water Scarcity and Deteriorating Livestock Pose a Threat to Iraq’s Food Security*, 5 March 2023, <https://bit.ly/44oOGTn>; Yale School of the Environment, *After Comeback, Southern Iraq’s Marshes are Now Drying Up*, 10 January 2023, <https://bit.ly/3JAEtKz>; World Bank, *Iraq Country Climate and Development Report*, 9 November 2022, <https://bit.ly/44I59ji>, p. 2. See also Section II.F.1.

⁶⁴⁶ “The lack of water in southern governorates, such as Maysan and Thi-Qar, and recurrence of droughts, is already a main driver of local conflict between tribes”; IOM, *Migration, Environment, and Climate Change in Iraq*, 11 August 2022, <https://bit.ly/3La7Vrb>, p. 17. “Water sharing has also become a flashpoint in disputed territories. For example, Arab farmers in Kirkuk have previously accused Kurdish authorities of deliberately reducing water to their farms in order to force them off their land”; ECFR, *Early Warning: How Iraq Can Adapt to Climate Change*, 19 July 2022, <https://bit.ly/3LFTZfr>, pp. 10, 14. See also, UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 58; NRC, *Iraq’s Interlinked Drought and Climate Crises*, 24 October 2022, <http://bit.ly/3HwaB1K>, pp. 5, 12.

⁶⁴⁷ See Section III.A.2.

9) Fuel and Electricity

While Iraq is a major oil producer, it continues to suffer from severe and recurrent fuel shortages,⁶⁴⁸ primarily as a result of the illicit trade in subsidized fuel smuggled to the KR-I and neighbouring countries⁶⁴⁹ by a range of actors, including the PMF.⁶⁵⁰ Smuggling operations not only negatively impact the population's access to fuel, but also reduce the availability of funds for reconstruction.⁶⁵¹

Iraq's electricity system has been degraded due to conflict, lack of maintenance and investment,⁶⁵² as well as mismanagement, inefficiencies, theft and corruption,⁶⁵³ and is unable to serve the demand of the growing population.⁶⁵⁴ Frequent power outages are a common occurrence across the country.⁶⁵⁵ The power system in the KR-I is more reliable, but electricity shortages are still common, especially during the summers.⁶⁵⁶

⁶⁴⁸ GI-TOC, *Iraq's Latest Oil Troubles*, 10 February 2023, <https://bit.ly/3Sxyxpb>; Foreign Policy, *Iraq's Oil Dysfunction*, 21 April 2022, <http://bit.ly/3KNUJd7>; Arab News, *Iraqis Queue for Fuel as Stations Protest Government*, 14 April 2022, <http://bit.ly/3XZaWio>.

⁶⁴⁹ "Oil smuggling to Iraq's Kurdistan region and Syria is prevalent due to oil price differentials"; Near East Policy Forum, *Solar Solutions to Power Outages in Energy-Rich Iraq*, 2 March 2023, <https://bit.ly/41MKATA>. See also, GI-TOC, *Iraq's Latest Oil Troubles*, 10 February 2023, <https://bit.ly/3Sxyxpb>; Iraq Oil Report, *Fuel Smuggling Causes Shortages and Spiking Prices*, 15 April 2022, <http://bit.ly/3mf3N00>. At times, long queues in front of gas stations are reported. In some instances, the army had to be deployed to contain angry scuffles; see e.g., Kirkuk Now, *Sinjar: State-Subsidized Gasoline Crisis for Week*, 23 July 2023, <https://bit.ly/3KcjdDj>; Kirkuk Now, *Kirkuk Victim of Gasoline and Electricity Shortage*, 21 June 2022, <http://bit.ly/3mpVpuW>; Rudaw, *Petrol Station Queues Build in Sulaimani amid Shortages*, 31 March 2022, <https://bit.ly/3ITk1c3>; Rebuilding Iraq, *Concerns Arise as Baghdad Experiences Fuel Shortages*, 17 March 2022, <https://bit.ly/3uTJAm0>.

⁶⁵⁰ "Iraq is awash with actors smuggling varying volumes of oil towards the Kurdish region, from traders and fraudulent businesspeople to armed groups and corrupt officials. (...) The lion's share of Iraq's lost oil revenues, however, is falling directly into the pockets of Iran-backed militias, operating under the umbrella of the Popular Mobilization Forces (PMF). (...) the PMF has taken control of at least 72 rich oil fields in Iraq's northern provinces, including Nineveh and Salah-al-Din"; GI-TOC, *Iraq's Latest Oil Troubles*, 10 February 2023, <https://bit.ly/3Sxyxpb>. See also, Foreign Policy, *Iraq's Oil Dysfunction*, 21 April 2022, <http://bit.ly/3KNUJd7>; New Lines Institute, *A Thousand Hezbollah's: Iraq's Emerging Militia State*, May 2021, <http://bit.ly/3ZqYnNq>; and Section II.B.1.a.

⁶⁵¹ "(...) oil wealth finances 90 per cent of Iraq's total state budget, placing Iraq among the world's most oil-dependent countries and with the smuggling of oil directly harming the country's state-building capabilities"; GI-TOC, *Iraq's Latest Oil Troubles*, 10 February 2023, <https://bit.ly/3Sxyxpb>.

⁶⁵² "After years of sanctions and conflict, investments in reconstruction, rehabilitation and expansion of generation, transmission and distribution infrastructure were insufficient to cope with growing demand, leading to a dilapidated national electricity grid and poor supply reliability." The electricity sector suffered vast damage during the conflict with Da'esh, accumulating damage cost of about USD 7 billion; UN Iraq, *Iraq Common Country Analysis* 2021, 26 April 2022, www.ecoi.net/en/document/2073112.html, p. 50. See also, Bas News, *US Warns Iraq of 50% Electricity Loss from Leakage*, 22 December 2023, <https://bit.ly/48kijqv>; Near East Policy Forum, *Solar Solutions to Power Outages in Energy-Rich Iraq*, 2 March 2023, <https://bit.ly/41MKATA>; MEI, *Iraq Needs Renewables, but They Won't Solve its Power Problems Without Broader Reforms*, 21 February 2023, <https://bit.ly/3mVhQbP>.

⁶⁵³ "Despite its rich fossil fuel reserves, Iraq faces significant electricity losses due to poor infrastructure, with 67 percent of electricity lost through technical and billing inefficiencies"; UN Iraq, *Iraq Common Country Analysis* 2023, January 2024, p. 45. "Rampant corruption remains the central reason behind the frequent disruption of electricity in Iraq. (...) an investigation of the utility sector estimated that Iraq has invested \$81 billion since 2005 without any noteworthy improvement to its electrical output or the grid's reliability"; Gulf International Forum, *Iraq's Perennial Electricity Problem and its Implications for Social Stability*, 29 May 2022, <https://bit.ly/3ZNffuh>. See also, Near East Policy Forum, *Solar Solutions to Power Outages in Energy-Rich Iraq*, 2 March 2023, <https://bit.ly/41MKATA>; Center for Strategic and International Studies (CSIS), *Powering Recovery: Reform, Reconstruction, and Renewables in Conflict-Affected States in the Arab World*, March 2023, <https://bit.ly/3LhAbbg> (hereafter: CSIS, *Powering Recovery*, March 2023, <https://bit.ly/3LhAbbg>), p. 15; AP, *Iraqi President Says Country now Peaceful, Life Is Returning*, 27 February 2023, <http://bit.ly/3kQ4k8s>; and Section II.A.6.

⁶⁵⁴ "While the country has an installed power generation capacity of 30 GW, merely 23.4 GW is accessible, falling short of the peak demand of 34.18 GW noted in summer 2022." The high reliance on diesel generators "suggests that the actual power deficiency might be greater than current assessments suggest"; UN Iraq, *Iraq Common Country Analysis* 2023, January 2024, p. 46. "In the summer of 2023, the gap between peak electricity supply and demand is estimated to have widened to 13 gigawatts"; AGSIW, *Urgent Reforms Needed to Unlock Iraq's Green Potential*, 14 November 2023, <http://tinyurl.com/3ra5efb2>. See also, Near East Policy Forum, *Solar Solutions to Power Outages in Energy-Rich Iraq*, 2 March 2023, <https://bit.ly/41MKATA>; CSIS, *Powering Recovery*, March 2023, <https://bit.ly/3LhAbbg>, p. 15; MEI, *Iraq Needs Renewables, but they Won't Solve its Power Problems Without Broader Reforms*, 21 February 2023, <https://bit.ly/3VbZal5>.

⁶⁵⁵ "Already-common electrical outages are worsening, and the majority of Iraqis do not have power for half of the day"; Brookings, *Corruption Is the Forgotten Legacy of the Iraq Invasion*, 3 April 2023, <https://bit.ly/40Pgnlr>. "In 2011, the World Bank estimated Iraqis endured, on average, 40 power outages every month – placing Iraq in the unenviable position of sixth globally in terms of frequency of outages after Bangladesh, Pakistan, Yemen, Lebanon, and Papua New Guinea. Over the past 12 years, the situation in Iraq has deteriorated further with widespread and extended power outages across most provinces"; Near East Policy Forum, *Solar Solutions to Power Outages in Energy-Rich Iraq*, 2 March 2023, <https://bit.ly/41MKATA>. In Sinjar, for example, returnees said "that electricity is available from between 2 and 10 hours per day"; HRW, *Iraq: Political Infighting Blocking Reconstruction of Sinjar*, 6 June 2023, www.ecoi.net/en/document/2092983.html. See also, The Media Line, *The Power Struggle: Despite Billions of Dollars Spent, Iraqis Battle with Unstable Electric Supply*, 20 June 2023, <https://bit.ly/48BvyAe>; UNDP, *Funding Facility for Stabilization: 2022 Quarter Three Report*, September 2022, 5 February 2023, <https://bit.ly/40QrECL>, p. 16.

⁶⁵⁶ According to the KRG's Ministry of Electricity, 241 villages in the KR-I are "without access to the national power grid (...) with 118 of those villages being in Sulaimani province"; Rudaw, *Garmiyan Village Residents Leave amid Water Scarcity*, 29 October 2023, <https://bit.ly/46MA80X>. "(...) the Kurdistan Regional Government (KRG) provided no more than 12 hours of electricity per day during the summer months (...)" Freedom House, *Freedom on the Net 2023*, Iraq, 4 October 2023, www.ecoi.net/en/document/2100683.html. The KR-I "has its own power grid but is not self-sufficient and relies on imports from the rest of Iraq. In recent years, there have been frequent power outages, which have caused widespread disruption and anger among the population. Many factors have contributed to the electricity problems in Iraqi Kurdistan. One is the lack of investment in the power grid. The Region's power plants are old and inefficient and cannot meet the growing electricity demand. Another factor is the political instability in Iraq. The ongoing conflict between the Iraqi government and the Kurdistan Regional Government (KRG) has made coordinating power imports and exports difficult"; Shafaq News,

Insufficient electricity supply from the national grid forces Iraqis to rely on electricity from privately-operated diesel generators at a significant cost that many cannot afford.⁶⁵⁷ Iraqis living in makeshift shelters in IDP camps and in informal settlements are particularly impacted by the recurrent power cuts.⁶⁵⁸ The provision of electricity through privately-owned generators is used by powerful actors as a source of income.⁶⁵⁹ Lack of fuel drives up prices for electricity from generators and at times brings generators to a standstill.⁶⁶⁰

Power cuts are more frequent during the hot summers,⁶⁶¹ regularly resulting in protests, especially in the poorer southern governorates.⁶⁶² Insufficient public power supplies have adverse impacts on public health and the economy.⁶⁶³

Kurdistan Region Ministry of Electricity Releases Statistics on Power Infrastructure and Subscribers, 29 August 2023, <https://bit.ly/3Z9iqBB>. See also, Rudaw, Protesters Block Sulaimani-Erbil Road over Electricity Shortages, 2 January 2024, <https://bit.ly/3vi8riG>; Rudaw, KRG Electricity Generation still far Outstripped by Demand, 9 September 2023, <https://bit.ly/3sP6RDH>; Shafaq News, Barzani Attributes Power Shortages in Kurdistan to Increased Demand, 18 May 2023, <https://bit.ly/45jZrqF>; Rudaw, Nearly 50,000 Private Generators Running in Iraq, Kurdistan: Ministry, 17 March 2023, <https://bit.ly/44eZG5J>; Draw Media, Slemani Is Going to Run Out of Electricity, 12 January 2023, <https://bit.ly/41ZzjPO>; Reuters, Analysis: Kurdish Tensions Stymie Iraqi Region's Gas Export Ambitions, 13 June 2022, <https://reut.rs/3LmoNv1>.

⁶⁵⁷ "Many Iraqis, faced with an unreliable grid, turn to household generators or local private providers for their electricity needs. These alternatives, while filling the gap in supply, come with notable drawbacks. They are not only environmentally harmful and a source of noise pollution, but also place a considerable financial burden on households"; UN Iraq, Iraq Common Country Analysis 2023, January 2024, pp. 25-26. "(...) these generators are prevalent across Iraq – so much so that the country ranks fifth highest globally in terms of the number of diesel generators per capita"; MEI, Iraq Needs Renewables, but they Won't Solve its Power Problems Without Broader Reforms, 21 February 2023, <https://bit.ly/3VbZal5>. See also, Zawya, Electrical Fire Sparks Nationwide Power Outage in Iraq, 30 July 2023, <https://bit.ly/459KPJY>; The Media Line, The Power Struggle: Despite Billions of Dollars Spent, Iraqis Battle with Unstable Electric Supply, 20 June 2023, <https://bit.ly/48ByvAe>; HRW, Iraq: Political Infighting Blocking Reconstruction of Sinjar, 6 June 2023, www.ecoi.net/en/document/2092983.html; Rudaw, Nearly 50,000 Private Generators Running in Iraq, Kurdistan: Ministry, 17 March 2023, <https://bit.ly/44eZG5J>.

⁶⁵⁸ "The suffering of the displaced doubles during the summer, as displacement camps lack the infrastructure necessary to protect against high temperatures amid long power cuts of up to 17 hours per day (...)" ; Euro-Med Human Rights Monitor, Iraq: IDPs in Camps Face Dire Conditions as Temperature Rises, 21 July 2022, <https://bit.ly/3AxxQnI>. "Camps for internally displaced persons (IDPs) and refugees often lack adequate infrastructure to protect residents against high temperatures, including backup sources of power amid electricity cuts of up to 17 hours per day in the summer, causing a surge in incidents of fatigue and asthma complications, according to an international non-governmental organization (NGO)"; USAID, Iraq: Complex Emergency, 30 September 2022, <https://bit.ly/425xXTd>, p. 3. See also, REACH, Key Multi-Sectoral Findings, 14 December 2023, www.ecoi.net/en/document/2102373.html, p. 15; Rudaw, Power Cut Leaves Thousands of Iraqi IDPs in the Dark, 18 April 2023, <https://bit.ly/3HnoChT>; IOM, Cut Off and Critical: Life in Al-Latifiya Informal Site, 17 August 2022, <https://bit.ly/40fZNVh>.

⁶⁵⁹ "Estimates suggest the number of privately owned generators to be about 4.5 million across Iraq; generating anywhere between 6 and 10 billion dollars for their owners. This profitable business provides incentives to militants to deliberately disrupt the nation's electricity infrastructure. Such opportunities, along with rampant corruption, ensure that public investments in the power system result in little progress"; Near East Policy Forum, Solar Solutions to Power Outages in Energy-Rich Iraq, 2 March 2023, <https://bit.ly/41MKATA>. See also, CSIS, Powering Recovery, March 2023, <https://bit.ly/3LhAbbg>, pp. 12, 14; Foreign Policy, Iraq's Oil Dysfunction, 21 April 2022, <https://bit.ly/3KNUJd7>; Shafaq News, With a Complex Network of Powerful Ties, Private Generator Owners Strangle the Citizens of Baghdad, 13 March 2022, <https://bit.ly/420MrJX>.

⁶⁶⁰ Kirkuk Now, National Electricity Supply to Khanaqin Drops to Half, Scarcity of Fuel Stops Private Generators, 12 December 2022, <https://bit.ly/3no5zNo>; Kirkuk Now, Private Generators in Sinunay Go on Strike, 5 September 2022, <https://bit.ly/3nszR1u>; Kirkuk Now, Shingal Private Power Generators off for Lack of Diesel, 5 July 2022, <https://bit.ly/3NzkWgT>; DW, Diesel Price Rises Slam Middle East, 4 June 2022, <https://bit.ly/3LmjiLV>.

⁶⁶¹ "Outages increase during summer months when searing temperatures cause energy demand to peak. There are also regional disparities in electricity provision, with the worst outages consistently occurring in the oil-rich southern governorates"; CSIS, Powering Recovery, March 2023, <https://bit.ly/3LhAbbg>, p. 15. See also, AFP, Iraq Suffers Temperatures Close to 50 Degrees Celsius, 15 July 2023, <https://bit.ly/3Q22mIK>; Shafaq News, Fuel Allocation and Rising Ampere Prices: Iraq Grapples with Chronic Summer Power Shortages, 5 June 2023, <https://bit.ly/3OvOoEW>; Fanack, In the Middle East, Temperatures Are Soaring. Will the Region Remain Habitable?, 24 January 2023, <https://bit.ly/3ABB61n>.

⁶⁶² "Power outages also increase the likelihood of social instability as protests and violence spread, since power outages affect the poor disproportionately"; Near East Policy Forum, Solar Solutions to Power Outages in Energy-Rich Iraq, 2 March 2023, <https://bit.ly/41MKATA>. See also, AGSIW, Urgent Reforms Needed to Unlock Iraq's Green Potential, 14 November 2023, <https://tinyurl.com/3ra5efb2>; UN Security Council, Implementation of Resolution 2682 (2023): Report of the Secretary-General, S/2023/700, 26 September 2023, www.ecoi.net/en/document/2099191.html, para. 15; Shafaq News, Protesters Gather in Wasit, Iraq, Demanding End to Power Outages, 25 August 2023, <https://bit.ly/45xSpOX>; Rudaw, Nearly 50,000 Private Generators Running in Iraq, Kurdistan: Ministry, 17 March 2023, <https://bit.ly/44eZG5J>; and Section II.A.1.

⁶⁶³ "The power crisis in Iraq has had a tremendous impact across multiple sectors. A primary example is the poor supply of electricity for air conditioning, especially during periods of extreme summer temperatures (...) which result in a public health crisis with many hospitalised. Water access is also affected as most water pumps rely on electricity, adding additional pressures to public health by disrupting the availability of fresh water. Additionally, power shortages affect economic activity by hindering private sector growth, limiting hours of operations and types of services. Businesses find themselves paying extra for private generators further impeding their ability to grow. Using oil and natural gas to generate electricity along with private generators are serious contributors to worsening pollution"; Near East Policy Forum, Solar Solutions to Power Outages in Energy-Rich Iraq, 2 March 2023, <https://bit.ly/41MKATA>. "Power cuts have shut down airports, undermined businesses, and stymied job creation"; CSIS, Powering Recovery, March 2023, <https://bit.ly/3LhAbbg>, p. 15. See also, Gulf International Forum, Iraq's Perennial Electricity Problem and its Implications for Social Stability, 29 May 2022, <https://bit.ly/3ZNffuh>; UN Iraq, Iraq Common Country Analysis 2021, 26 April 2022, www.ecoi.net/en/document/2073112.html, p. 50.

F. Forced Displacement and Returns

1) Internal Displacement

Iraq's conflict with Da'esh between 2014 and 2017 has caused the cumulative internal displacement of over six million Iraqis – around 15 per cent of the country's population.⁶⁶⁴ By 31 December 2023, some five million IDPs had returned,⁶⁶⁵ while approximately 1.12 million people remained in protracted displacement,⁶⁶⁶ often in difficult conditions and with limited prospects of returning to their home areas.⁶⁶⁷ Iraqis remain displaced in 2,610 locations in all 18 governorates, primarily in Dohuk, Ninewa, Erbil, Sulaymaniyah, Kirkuk, Salah Al-Din, Diyala and Al-Anbar.⁶⁶⁸

The majority of IDPs (85 per cent) live in out-of-camp settings, either in rented apartments or with host families (76 per cent), or in critical shelter arrangements (9 per cent),⁶⁶⁹ mostly in informal sites across the country, including in improvised shelters and unfinished and abandoned buildings.⁶⁷⁰ Many lack secure tenure and are at risk of eviction.⁶⁷¹ IDPs in informal sites generally lack livelihood opportunities,⁶⁷² are regularly without access to adequate water, sanitation, health care or other essential services,⁶⁷³ and

⁶⁶⁴ OCHA, 2022 Humanitarian Needs Overview: Iraq, March 2022, www.ecoi.net/en/document/2070137.html, p. 20.

⁶⁶⁵ See Section II.F.2.

⁶⁶⁶ As of 31 December 2023, IOM identified 1,123,663 IDPs. Most IDPs originate from the Governorate of Ninewa, followed by Salah Al-Din and Al-Anbar; IOM, *Iraq Displacement Tracking Matrix*, accessed 28 January 2024, <https://iraqdtm.iom.int>. "(...) nearly all of whom fled their areas of origin more than five years ago. In many cases, displacement is not only prolonged but also unstable, in the sense that livelihood, housing destruction, and living conditions push households to resettle more than once"; IOM, *Progress Toward Durable Solutions in Iraq: Salah Al Din (December 2023)*, 22 January 2024, <https://bit.ly/3vUwyzn>, p. 2.

⁶⁶⁷ "Displaced populations are facing protracted displacement and are often unable or prevented from returning due to inconducive conditions in their areas of origin (AoO), including lack of safety, returns being blocked by groups in control of an area, or resistance from other community members, or lack of means to live in safe and dignified conditions and achieve durable solutions"; IOM, *Iraq Crisis Response Plan 2022-2023*, 15 December 2022, <https://bit.ly/4178Tue>, p. 3. Between May and August 2023, IOM assessed the living conditions of 965,736 IDPs in 2,614 locations across all governorates, using "20 indicators across 5 domains: (1) livelihoods, (2) housing, (3) infrastructure and services, (4) safety and security and (5) social inclusiveness." An estimated 7% (64,212 IDPs) were living in 126 areas classified as high severity, while 26% and 67% were living in areas of medium and low severity, respectively. Al-Anbar, Salah Al-Din and Baghdad had the highest percentage of IDPs living in "high severity" conditions (at 47%, 42% and 32% of all IDPs in the Governorate, respectively); IOM, *Displacement Index Findings: Round Seven*, 24 October 2023, <https://bit.ly/3FFqzVs>. On IOM's methodology and indicators to assess displacement locations on a severity scale, see IOM, *Displacement Index: Methodological Overview*, November 2022, <https://bit.ly/3MF2ti7>. See also, Save the Children, *20 Years Since US-Led Invasion, the Forgotten Children and Women of Iraq Are Struggling to Rebuild their Lives*, 20 March 2023, <https://bit.ly/3KQ6lKN>. Regarding return intentions and obstacles, see also Sections II.F.2 and II.F.3.

⁶⁶⁸ IOM, *Iraq Displacement Tracking Matrix*, accessed 28 January 2024, <https://iraqdtm.iom.int>. See also, UNHCR, *Population Profile: Breakdown Overview – IDPs Population Geographical Distribution*, September 2023, 26 October 2023, <https://bit.ly/3MoHBLk>, p. 2.

⁶⁶⁹ Critical shelters include: "Tents/caravans/makeshift shelters/mud or brick houses, unfinished/abandoned buildings, public buildings or collective shelters, religious buildings, school buildings and uninhabitable residences located, for IDPs, at the location of displacement and, for returnees, at the location of origin"; IOM, *Progress Toward Durable Solutions in Iraq: Salah Al Din (December 2023)*, 22 January 2024, <https://bit.ly/3vUwyzn>, p. 2. "Informal sites" are sites that are not intended to accommodate people but are serving this purpose. They are either on public or private land or buildings; Camp Coordination and Camp Management (CCCM) Cluster, *CCCM Cluster Iraq: Technical Guidance on Informal Site Definition (September 2020)*, 8 December 2020, <https://bit.ly/3Mst5T9>.

⁶⁷⁰ The highest number of IDPs living in critical shelters are in Dohuk Governorate (Sumel, Zakho, Dohuk Districts), Kirkuk and Ninewa (Mosul, Sinjar, Sheikhan, Akre); IOM, *Iraq Master List Report 129*, 18 June 2023, <https://bit.ly/3q2H1Lk>, p. 2. As of June 2022, there were 401 informal sites across Iraq, with 27 sites hosting only returnee families and 79,470 IDPs living in the remaining 376 sites. The majority of those living in informal sites live in mud or block structures (54%), tents or makeshift shelters (21%), unfinished or abandoned buildings (9%) or public buildings (8%); IOM, *Iraq: Informal Sites Assessment 2022*, 2 October 2022, <https://bit.ly/41bZzGc>, pp. 9-10. See also, REACH, *Iraq: REACH Informal Sites Profiling & Movement Intentions Survey*, 17 May 2023, www.ecoi.net/en/document/2092239.html, pp. 1, 4; IOM, *Where the Heart Is: Five Years of IOM Shelter Interventions in Iraq*, 21 February 2023, <https://bit.ly/40ILy8a>.

⁶⁷¹ Among IDP and returnee households surveyed across Iraq between 15 June and 1 November 2023, 7% of out-of-camp IDPs and 3% of returnees were found to be at risk of eviction. Reasons for fearing eviction included: lack of funds to pay rent (37%); request to vacate from owner of building/land (27%); host family no longer able to host (12%); authorities requested households to leave (12%); no valid tenancy agreement (9%); and local community does not accept IDP/returnee households living in the area (3%); REACH, *Key Multi-Sectoral Findings*, 14 December 2023, www.ecoi.net/en/document/2102373.html, p. 19. "Slightly more than half of fully assessed sites had formal or informal agreements that allow families to reside there (54%, 104 sites). (...) Only sites without a land agreement reported evictions or fears of evictions (...). Among sites facing evictions or fears of the same, 80 per cent of sites attributed the eviction or fear of eviction to a decision or pressure from authorities." Furthermore: "In more than one third of informal sites, at least some families are paying rent (36%, 69 sites)"; IOM, *Informal Sites Assessment 2022*, 2 October 2022, <https://bit.ly/3V4qZal>, p. 10. See also, IOM, *Progress Toward Durable Solutions in Iraq: Salah Al Din (December 2023)*, 22 January 2024, <https://bit.ly/3vUwyzn>, p. 7; REACH, *Iraq: REACH Informal Sites Profiling & Movement Intentions Survey*, 17 May 2023, www.ecoi.net/en/document/2092239.html, pp. 1, 5; and Section II.E.5.

⁶⁷² Employment and livelihood opportunities were identified as the top need among IDPs living in informal sites; REACH, *Iraq: REACH Informal Sites Profiling & Movement Intentions Survey*, 17 May 2023, www.ecoi.net/en/document/2092239.html, pp. 1, 4. See also, IOM, *Iraq: Informal Sites Assessment 2022*, 2 October 2022, <https://bit.ly/41bZzGc>, p. 8; and Section II.E.2.

⁶⁷³ IOM, *Iraq: Informal Sites Assessment 2022*, 2 October 2022, <https://bit.ly/41bZzGc>, p. 11. "Living conditions in these shelters are often inadequate, owing to issues such as overcrowding and limited access to drinking water and sanitation facilities"; IOM, *Progress Toward Durable Solutions in Iraq: Salah Al Din (December 2023)*, 22 January 2024, <https://bit.ly/3vUwyzn>, p. 7. "Evidence indicates that displacement-affected groups often live in precarious conditions, marked by overcrowded or illegally occupied houses with poor infrastructure and limited access to basic services. This also leaves them more

receive limited, if any, humanitarian assistance.⁶⁷⁴ Those considered to be particularly vulnerable are female-headed households and persons with disabilities.⁶⁷⁵ Many of the remaining IDPs and some returnees lack documentation, which inhibits freedom of movement, increases the risk of arrest and detention, and limits access to basic services.⁶⁷⁶

Some 166,000 IDPs, or nearly 15 per cent of the total IDP population, continue to live in the remaining IDP camps in the KR-I.⁶⁷⁷ IDPs in camps live in crowded conditions in inadequate shelters or in tents,⁶⁷⁸ where haphazard electrical wiring and the lack of fire-prevention measures mean that fires happen regularly, causing casualties and destroying shelters.⁶⁷⁹ Furthermore, IDPs in camps are particularly exposed to extreme weather conditions.⁶⁸⁰ Mainly in Dohuk and Erbil Governorates, many camp shelters are in need of upgrades.⁶⁸¹ In June 2022, the Governor of Dohuk approved the self-upgrading by IDPs of shelters in camps to concrete or mud brick shelters to reduce fire risk and to achieve a longer-term shelter solution.⁶⁸² As of early December 2023, over 3,200 shelters (tents) had been upgraded to concrete shelters.⁶⁸³ Access to education, health care and other basic services are limited in IDP camps.⁶⁸⁴ In some camps, freedom of

vulnerable to disease, leading to poor health outcomes"; UN Iraq, *Iraq Common Country Analysis 2022*, 27 July 2022, <https://bit.ly/42zehY9>, p. 2. See also, REACH, *Iraq: REACH Informal Sites Profiling & Movement Intentions Survey*, 17 May 2023, www.ecoi.net/en/document/2092239.html, p. 4; OCHA, *HTO 2023*, 23 February 2023, <https://bit.ly/3nFitGK>, p. 12; NRC, *The Unmet Needs of Iraq's Children in Informal Settlements*, September 2022, www.ecoi.net/en/document/2082613.html, pp. 7, 9, 11-13, 19; and Section II.E.

⁶⁷⁴ "Despite the vulnerability of those residing in informal sites, only 30 per cent of fully assessed informal sites received assistance in the three months prior to data collection, predominantly from humanitarian organizations (84%) and local charities (61%)"; IOM, *Iraq: Informal Sites Assessment 2022*, 2 October 2022, <https://bit.ly/41bZzGc>, p. 8.

⁶⁷⁵ *Ibid.*, pp. 11-12.

⁶⁷⁶ "The results of this assessment suggest that IDPs (36%), and to a lesser extent returnees (26%) are more likely to have reported missing documentation than host community HHs (19%) across the districts covered. The data also indicated that IDPs' increased vulnerability to missing documentation is due to them often being required to apply for documentation in their AoO and facing financial and/or security barriers to travel there. (...) Moreover, female-headed HHs (33%) were reportedly slightly more vulnerable to having missing documentation than male-headed HHs (26%), consistent with later findings that they often face additional barriers applying to documentation. (...) despite the fact that the vast majority of HHs with missing civil documentation did not report obtaining it as a priority need (83%), 49% of HHs with missing documentation reported missing documentation to be significantly (49%) or moderately (39%) connected to their reported top priority needs"; REACH, *Missing Civil Documentation in Iraq: Who, Why & How Important Is It?*, February 2023, <https://bit.ly/3AGRptJ>, p. 10. "The lack of civil documentation in informal sites restricts households' ability to freely move and return to their areas of origin and receive critical humanitarian assistance, ranging from food ration cards to accessing health and education services. (...)"; DRC, *Life in the Margins*, September 2022, www.ecoi.net/en/document/2078836.html, pp. 17, 19. See also Sections II.E.1 and III.A.1.b.

⁶⁷⁷ As at 31 August 2023, 166,330 IDPs were hosted in 25 formal IDP camps; IOM, *Iraq Displacement Dashboard*, accessed 28 January 2024, <https://bit.ly/3RGJqXr>. The IDP camps are located in areas under control of the KRG, including in the disputed territories; UNHCR, *Operational Context: KRI Situation – UNHCR and People of Concern Presence*, January 2024, <https://data.unhcr.org/en/documents/details/105838>. Qoratu Camp in Diyala (administered by Sulaymaniyah authorities) and Arbat Camp in Sulaymaniyah Governorate were closed in November and December 2023, respectively; NINA, *The Minister of Immigration Announces the Closure of the Second Camp for Displaced People in the Kurdistan Region*, 14 December 2023, <http://tinyurl.com/2dsdzud2>; NINA, *Immigration Ministry: Closing of the 'Qorto' Camp for Displaced People in Sulaymaniyah*, 16 November 2023, <https://bit.ly/3HnQTVb>. At the height of the displacement crisis, in 2017, over 800,000 IDPs were hosted in 135 formal camps; CCCM Cluster, *CCM Cluster Iraq Transition Strategy – Update: August 2022*, 11 August 2022, <https://bit.ly/3QTeWOT>, p. 2.

⁶⁷⁸ In Dohuk, "11 of the 15 camps are tented camps (...). Designed to be an emergency shelter solution, tents are not suitable for safe longer-term accommodation due to the combination of the tents' material and the shelters' proximity to each other," OCHA, *HTO 2023*, 23 February 2023, <https://bit.ly/3nFitGK>, p. 36.

⁶⁷⁹ See, e.g., Rudaw, *Fire Burns Five Caravans in Yazidi IDP Camp in Duhok Province*, 9 January 2024, <http://tinyurl.com/2xk2yvn8>; Shafaq News, *Fire in Erbil Camp Destroys Four Caravans*, 5 December 2023, <https://bit.ly/3vQ93w7>; Shafaq News, *Blaze Devastates Kabarto IDP Camp in Duhok*, 12 August 2023, <https://bit.ly/3OzFK6D>.

⁶⁸⁰ IDP camps "lack the infrastructure necessary to protect against high temperatures amid long power cuts of up to 17 hours per day, causing a large number of the displaced to experience frequent cases of fatigue. Asthma patients, in particular, suffer severe complications due to inhaling hot and polluted air for long periods. The high temperatures also cause the outbreak of big fires in several camps. During the high temperatures, the displaced suffer from the spread of dangerous insects and reptiles, especially snakes and scorpions"; Euro-Med Human Rights Monitor, *Iraq: IDPs in Camps Face Dire Conditions as Temperature Rises*, 22 July 2022, <https://bit.ly/3NxfGuf>. See also, UN Iraq, *Heavy Storms Hit Hard in Iraq, Become Harder for Displaced and most Vulnerable*, 7 February 2022, <https://bit.ly/445azaf>. IDPs in informal settlements also face sand and dust storms, heavy rains and drought; IOM, *Informal Sites Assessment 2022*, 2 October 2022, <https://bit.ly/3V4q7al>, p. 10.

⁶⁸¹ The majority of households in Erbil (78%) and Dohuk (74%) indicated that their shelter needed improvements, including to protect them "from hazards or climatic conditions". In Sulaymaniyah, 36% of the households shared this concern. The most common problems with shelter were: "leaking during heavy rain (45% of HHs), limited ventilation (23% of HHs), and leaking during light rain (16% of HHs)"; REACH, *Iraq: IDP Camp Profiling Round XVI*, 1 February 2023, <https://bit.ly/3A8RID6>, p. 8.

⁶⁸² CCCM Cluster, *CCCM Cluster Iraq Transition Strategy Update: August 2022*, 11 August 2022, <https://bit.ly/3QTeWOT>. "IDPs' ability to upgrade their shelters helps them improve the quality of their life, and reduces the risk of fire incidents that have been ravaging tented shelters, designed to be an emergency – rather than a long term – shelter solution. UNHCR continues to advocate for extending the self-upgrade authorization to tented IDP camps in other governorates, and to finding solutions to land ownership barriers"; UNHCR, *UNHCR Iraq 2022 Achievements*, 30 April 2023, <https://bit.ly/3LE33uN>, p. 5.

⁶⁸³ The lack of IDPs' financial resources is the primary reason for the limited progress in upgrading shelters; UNHCR Information, January 2024.

⁶⁸⁴ "Overall, 18% of school-aged children (6-17) were not enrolled in school. (...) Half of all in-camp IDP HHs reported issues with the quality of drinking water, with the most common concern reported being unclear water (35%) and unpleasant taste (32%). In Sheikhhan camp, 96% of HHs reported water quality issues, while they were also reported by 90% of HHs in Dawadia, 87% of HHs in Berseve 2 and Rwanga Community, and 75% of HHs in Khanke. (...) While 95% of in-camp IDP HHs reported having access to a sufficient amount of water for drinking and cooking, only 56% of HHs reported a sufficient

movement is severely restricted, impeding access to services outside the camps.⁶⁸⁵ Many IDPs struggle to access employment, are vulnerable to food insecurity, and poverty is widespread.⁶⁸⁶ As a result, many are reliant on humanitarian assistance, which is decreasing against a background of low funding and the gradual handover of responsibility to the Government.⁶⁸⁷

The KRG authorities in Dohuk Governorate, where all Yazidi IDPs are located, have repeatedly stated that those hosted in IDP camps must remain in the camps despite many other Yazidi IDPs living in urban areas and informal settlements in Dohuk Governorate.⁶⁸⁸

Starting in October 2020, the Federal Government gradually closed IDP camps or reclassified them as informal sites to encourage returns.⁶⁸⁹ Camp closures have often led to secondary displacement and, in some cases, premature returns to areas of origin.⁶⁹⁰

Limited new and secondary displacement continues to be reported, including as a result of unsuccessful attempts to return to areas of origin⁶⁹¹ and continued insecurity.⁶⁹² Due to fighting between the ISF and the YBŞ in Sinjar (Nineva Governorate) in early May 2022, over 10,400 Yazidis were (re-)displaced and sought shelter in IDP camps and urban areas in Dohuk Governorate. Many of them were former IDPs who had returned from Dohuk to Sinjar in 2020.⁶⁹³ Limited displacement is also reported as a result of Turkish military operations in northern Iraq.⁶⁹⁴ New and secondary displacement has also been caused by environmental factors, including floods and the degradation of arable land due to water scarcity.⁶⁹⁵

amount of water for personal hygiene purposes. Notably, 34% of IDP HHs in Arbat camp reported insufficient amounts of drinking water, as well as 15% of HHs in Ashti and 12% of HHs in Harshm camps. (...) 88% of IDP HHs reported at least one member needing access to healthcare services in the 30 days prior to data collection. Among all IDP HHs, 78% reported experiencing difficulties in accessing healthcare services, mainly related to healthcare costs (75%), distance to the treatment facility (22%), lack of medicines (8%), and waiting times (8%); REACH, Iraq: IDP Camp Profiling Round XVI, 1 February 2023, <https://bit.ly/3A8RID6>, pp. 8-9. See also, Kirkuk Now, IDPs under Tents of KRG Camps Consumed Last Winter's Kerosene, Await Baghdad to Warm Them, 13 November 2023, <https://bit.ly/4bayZms>; Kirkuk Now, Garbage Piles Up in IDP Camps, 20 August 2023, <https://bit.ly/45mnWmk>; Euro-Med Human Rights Monitor, Iraq: Disease Likely to Spread in IDP Camps, Urgent Need for Adequate Health Care Grows, 2 May 2023, <https://bit.ly/42lkVvb>; Rudaw, Power Cut Leaves Thousands of Iraqi IDPs in the Dark, 18 April 2023, <https://bit.ly/3NTnZRb>; Coalition for Religious Equality and Inclusive Development (CREID), Violence and Discrimination Against Women of Religious Minority Backgrounds in Iraq, 6 December 2022, <https://bit.ly/3Zp0cdM>, pp. 50-52; and Section II.E.

IDPs in Hasansham U2, Hasansham U3 and Khazer M1 camps (all in Nineva) who lack documentation are unable to leave the camps as documentation is required to pass checkpoints. Even if they hold documentation "any person wishing to travel to Mosul or Erbil needs a supporting letter from camp management, stamped by the camp Asayish, to pass through checkpoints"; OCHA, HTO 2023, 23 February 2023, <https://bit.ly/3nFitGK>, p. 37. "In some circumstances authorities restricted movements of displaced persons, and authorities did not allow some IDP camp residents to depart without specific permission, thereby limiting access to livelihoods, education, and services"; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also, REACH, Iraq: IDP Camp Profiling Round XVI, 1 February 2023, <https://bit.ly/3A8RID6>, p. 8; and Section II.D.1.b.

See Sections II.E.2, II.E.3 and II.E.4.

In IDP camps, the "reliance on charity might prove problematic for IDPs, given the phasing out of the humanitarian architecture [sic] and, in line with that, possible decline in assistance provided." The largest proportions of IDPs relying on such assistance were in camps administered by Dohuk (68% of HHs) and Erbil Governorates (47%); REACH, Iraq: IDP Camp Profiling, Round XVI, June-August 2022, 17 February 2023, <https://bit.ly/3pdJi5H>, p. 7. See also, Times of Israel, North Iraq Violence Displaces Yazidis once Again, 9 May 2022, <https://bit.ly/397JZFE>; OCHA, Humanitarian Needs Overview: Iraq, March 2022, www.ecoi.net/en/document/2070137.html, p. 99. On the gradual transfer of responsibility for the provision of services to conflict-affected populations to the Iraqi authorities, see Section II.E.1.

UNHCR information, January 2024.

OCHA, HTO 2023, 23 February 2023, <https://bit.ly/3nFitGK>, p. 8; REACH, Iraq: IDP Camp Profiling Round XVI, 1 February 2023, <https://bit.ly/3A8RID6>, p. 5; OCHA, Humanitarian Needs Overview: Iraq, March 2022, www.ecoi.net/en/document/2070137.html, p. 42.

See Section II.F.2.

See Section II.F.2.

"A total of 8,670 IDP movements were observed between July and September 2022, this includes 1,974 individuals displaced for the first time, 5,867 individuals who are in secondary displacement and 829 individuals who failed to return"; OCHA, HTO 2023, 23 February 2023, <https://bit.ly/3nFitGK>, p. 8. "Sinjar District in Nineva Governorate, Al-Daur District in Salah al-Din Governorate and Al-Muqadadiya District in Diyala Governorate saw the largest increase in IDP figures since [December 2022]. The increase is primarily due to security incidents and displacement from other locations in Sinjar, as well as access to new locations this round"; IOM, Iraq Master List Report 129, 18 June 2023, <https://bit.ly/3q2H1Lk>, p. 1. See also Sections II.B.1.b and III.A.1.

On 2 May 2022, the ISF launched an operation to dismantle checkpoints controlled by the YBŞ. As a result of the ensuing clashes, some 10,000 Yazidi civilians were displaced in what was described as "their 'largest exodus' since the 2014 genocide"; USCIRF, Factsheet: Religious Freedom amid Iraq's Political Crisis, January 2023, <https://bit.ly/3lmk57w>, p. 3; Houman Oliyai, The Yazidi Experience in Post-ISIS Iraq, March 2023, <https://bit.ly/40TLqND>, p. 2; NRC, Iraq: Conflict, Destruction Stopping Displaced Families from Returning to Sinjar, 18 May 2022, <https://bit.ly/3pl0aI9>; Kurdistan 24, Clashes in Sinjar Have Displaced over 10,000 People: Duhok Governor, 6 May 2022, <https://bit.ly/3Hsq81M>; and Section II.B.1.c.

See Section II.B.2.a.

"As of 15 June 2023, 13,920 families (83,520 individuals) remain displaced because of drought conditions" across ten governorates in central and southern Iraq; IOM, Climate-Induced Displacement: Southern Iraq, 10 July 2023, <https://bit.ly/3q5TqXC>, p. 1. Desertification "is set to drive massive domestic, and potentially international, migration flows in the future"; ECFR, Early Warning: How Iraq Can Adapt to Climate Change, 19 July 2022, <https://bit.ly/3FRHzc8>, p. 7. See also, WFP, Iraq Market Monitor Report, Issue No. 33: October 2022, 5 December 2022, <https://bit.ly/44qdMBp>, p. 1; France 24, Iraq Drought Displaces 1,200 Families in Parched South, 10 October 2022, <https://bit.ly/3mV2RyA>; and Section II.E.8.

2) IDP Returns

Following the end of major military operations against Da'esh in 2017, IDP returns started to exceed new internal displacement as of January 2018. As at 31 December 2023, close to five million IDPs (or four-fifths of the population displaced since 2014) had returned to 2,189 locations in nine governorates, primarily to Ninewa, Al-Anbar, Salah Al-Din, Diyala and Baghdad.⁶⁹⁶ While large-scale returns were recorded between 2018 and 2020, when an average of 500,000 IDPs returned to their homes every year, the rate of returns slowed down considerably with around 121,000 returns in 2021 and only 37,620 in 2022,⁶⁹⁷ with future large-scale returns considered “unlikely”.⁶⁹⁸ The vast majority of remaining IDPs do not intend to return in the foreseeable future and many indicate that they want to locally integrate in their area of displacement.⁶⁹⁹

Most returnees have been able to successfully return to and reintegrate in their areas of origin; however, challenges remain. While most have been able to recover their pre-conflict housing, some are reported to be living in critical shelter conditions such as in informal sites or in unfinished and abandoned buildings.⁷⁰⁰ There are also returnees who live with informal or irregular tenure.⁷⁰¹ While returnees report that they are generally able to access education, health services, water and electricity, many report that the capacities and the quality of these services do not meet their needs, especially in rural areas.⁷⁰² Livelihood

⁶⁹⁶ As of 31 December 2023, 4,863,072 returnees were identified; IOM, *Iraq Displacement Tracking Matrix*, accessed 28 January 2024, <https://iraqdtm.iom.int>. See also UNHCR, *IDP Returnees Population Geographical Distribution, September 2023*, 26 October 2023, <https://bit.ly/3MoHBLk>, p. 3. Returnees are identified as “IDPs who have returned to their place of habitual residence, that is, the place where they used to live at the time of the displacement causing event. IOM DTM Iraq considers as returnees all those displaced since January 2014 who have returned to their location of origin, irrespective of whether they have returned to their former residence or another shelter type. The definition of returnees is not related to the criteria of returning in safety and dignity, nor with a defined strategy for ensuring durable solutions”; IOM, *Progress Toward Durable Solutions in Iraq: Salah Al Din (December 2023)*, 22 January 2024, <https://bit.ly/3vUwyzn>, p. 2.

⁶⁹⁷ IOM, *Master List Reports*, accessed 28 January 2024, <https://bit.ly/3BI5v4A>; IOM, *Iraq Displacement Tracking Matrix*, accessed 28 January 2024, <https://iraqdtm.iom.int>. “Returns are far from being complete and the pace of new returns has slowed considerably over the past five years”; IOM, *Progress Toward Durable Solutions in Iraq: A Pilot Project in Ninewa Governorate*, 21 August 2023, <https://bit.ly/3LjllLV>, p. 3.

⁶⁹⁸ REACH, *MCNA X Key Findings*, March 2023, <https://bit.ly/42kefUc>, p. 19.

⁶⁹⁹ Among IDP households surveyed across Iraq between 15 June and 1 November 2023, nearly all expressed their intention to remain in their current location. Three-quarters intend to locally integrate and most reported feeling accepted by the population in the area of displacement; REACH, *Key Multi-Sectoral Findings*, 14 December 2023, www.ecoi.net/en/document/2102373.html, pp. 23, 26, 51. See also, REACH, *MCNA X Key Findings*, March 2023, <https://bit.ly/42kefUc>, p. 20. In some districts, IDPs expressed an intention to move elsewhere rather than to their area of origin; REACH, *Movement Intentions Among Out-of-Camp IDP Households*, March 2023, <https://bit.ly/3mXewgp>, p. 3. See also Section II.F.3.

⁷⁰⁰ “As displaced families return in ever increasing numbers to their communities of origin, many find that their homes require major repairs, exacerbating preconflict housing shortages in the country. This also results in people moving into crowded living conditions with relatives, renting or setting up temporary shelters in abandoned or destroyed buildings”; UN Habitat, *Iraq Country Profile*, 2023, <https://bit.ly/3OemsV4>, p. 1. Among returnee households surveyed across Iraq between 15 June and 1 November 2023, 57% of households reported that their housing, land or property was damaged or destroyed after 2014; REACH, *Key Multi-Sectoral Findings*, 14 December 2023, www.ecoi.net/en/document/2102373.html, p. 20. In a March/April 2022 survey across 14 districts in Al-Anbar, Diyala, Ninewa, Kirkuk and Salah Al-Din covering an estimated 80% of returnees, IOM found: “Few returnees live in houses with poor physical conditions, such as informal shelters, makeshift dwellings, unfinished or unenclosed buildings, or tents. There are minimal as are cases of returnees residing in homes that remain damaged. This is a positive development especially taking into account the damage caused by the conflict. Indeed, 59% of the returnee households indicated that their houses were damaged, destroyed, or looted. However, respondents managed to repair them to make them liveable again. (...) Eight in ten households are living in the same housing as they were prior to the conflict. Other respondents changed their residence because their previous home remains damaged or destroyed, or because they were renting before the war started. A very small proportion of households who changed living places cannot recover their pre-conflict housing because it was being occupied by others without permission, because it was confiscated by authorities, or because they are prevented from accessing it”; IOM, *Reimagining Reintegration: An Analysis of Sustainable Returns after Conflict*, 30 March 2023, <https://bit.ly/3mJ5LXv> (hereafter: IOM, *Reimagining Reintegration*, 30 March 2023, <https://bit.ly/3mJ5LXv>), p. 29. While the majority (95%) returned to their habitual residence, “4% live in critical shelter arrangement such as informal sites, unfinished and abandoned buildings, schools, religious structures, while 1% in private settings”; Shelter Cluster Iraq, *Iraq SNFI Factsheet, January-December 2022*, 1 February 2023, <https://bit.ly/3AtviCL>, p. 1. On the government’s compensation scheme for damaged/destroyed property under Law No. 20 of 2009 (and subsequent amendments), see Section II.D.3.a.

⁷⁰¹ In a March/April 2022 survey across 14 districts in Al-Anbar, Diyala, Ninewa, Kirkuk and Salah Al-Din covering an estimated 80% of returnees, IOM found that about one in three returnee households lived “with informal and irregular housing and tenure”. Lack of secure tenure “leaves families more exposed to sub-standard housing, to ownership disputes, and to mass eviction by authorities. It also tends to leave these households without formal documentation unable to apply for the compensation even if they are eligible”; IOM, *Reimagining Reintegration*, 30 March 2023, <https://bit.ly/3mJ5LXv>, p. 28.

⁷⁰² This is partially because many returnees return to areas where basic services are inconsistent, unavailable or otherwise insufficient. “The mismatch between expectations and government provision of public goods matters not only for reintegration but for evaluating residents’ confidence in institutions and in their own and future generations’ life prospects in the country”; IOM, *Reimagining Reintegration*, 30 March 2023, <https://bit.ly/3mJ5LXv>, p. 18. “Across all areas of return, only 39 per cent locations ensure an adequate provision of services and infrastructure (at least 11 out of the 14 selected services or facilities), although a very slight improvement was observed compared to 2021 (+4%). However, great discrepancies exist between conditions in urban or peri-urban areas – where the provision of services, except for Housing, Land and Property (HLP) programmes and offices for the Public Distribution Service (PDS), is ensured in most locations – and rural areas, where access to services is more challenging. (...) in 21 per cent of rural locations, access is guaranteed to only five services or fewer.” Furthermore: “Around 53 per cent of locations need rehabilitation or reconstruction of infrastructure and services, with peaks in Al Fares, Al Hamdaniya, Al Rutba, Balad and Kadhimia districts (over 80% of locations)”; IOM, *Overview of Return in Iraq: DTM Integrated Location Assessment VII*, 18 December 2022, <https://bit.ly/3Lz40pa>, pp. 5-6. For example: “In specific areas within Qayyarah subdistrict in Ninawa, returnees faced challenges related to housing, sanitation, clean water, and food scarcity”; IRC, *Protection Needs Overview April 2023 – September 2023*, 10 December 2023, <https://bit.ly/3vVRrPh>, p. 13. See also Section II.E.

opportunities continue to be a pressing need for returnees,⁷⁰³ and many are at risk of food insecurity.⁷⁰⁴ Female-headed households are particularly vulnerable, reporting higher levels of housing precarity, a weaker financial situation and higher reliance on aid.⁷⁰⁵

An estimated 12 per cent of returnees (over 600,000 individuals) have returned to areas with “severe conditions”, which “present very few conditions necessary for integration” in terms of access to livelihoods and basic services, and/or due to community tensions, unresolved housing, land and property (HLP) issues and/or insecurity.⁷⁰⁶ Many returnees reported distrust in their local communities, with over 40 per cent indicating that there are “irreconcilable social divisions”⁷⁰⁷ and fearing the return of violence.⁷⁰⁸ The Districts of Hawija (Kirkuk), Sinjar (Ninewa), and Shirqat (Salah Al-Din) were identified by the International Organization for Migration (IOM) as least favourable for reintegration.⁷⁰⁹

Conditions in areas of return do not always allow for the successful reintegration of returnees, and some returnees are forced into displacement again,⁷¹⁰ at times seeking readmission to camps.⁷¹¹ The closure and consolidation of IDP camps in Federal Iraq during 2020 and 2021 also resulted in failed returns and

⁷⁰³ “Access to employment/livelihoods opportunities continues to be the main need of returnees – with a slight decrease compared to July 2021, possibly due to the diminishing impact of the COVID-19 pandemic (74%, down 6%)”; IOM, *Overview of Return in Iraq: DTM Integrated Location Assessment VII*, 18 December 2022, <https://bit.ly/3Lz40pa>, p. 6. See also Section II.E.2.

⁷⁰⁴ Among returnees surveyed, one third of households “reported either not having enough money for food, or having enough money for food but not for other essential items”; IOM, *Reimagining Reintegration*, 30 March 2023, <https://bit.ly/3mJ5LXv>, pp. 4, 23, 25. See also, OCHA, *HTO 2023*, 23 February 2023, <https://bit.ly/3nFitGK>, p. 11. See also Section II.E.4.

⁷⁰⁵ IOM, *Poverty & Precarity: A Comparison of Female- and Male-Headed Households in Districts of Return*, 11 April 2023, <https://bit.ly/44ya4FR>, pp. 5-10. “Female returnees to ISIS-affected communities are at a higher risk of sexual and gender-based violence, particularly female-headed houses and those in rural areas”; UN Women, Zainab Qassim, an Iraqi Woman Mediator who Helped Reintegrate Families Accused of ISIS Affiliation into their Home Communities, 24 October 2022, <https://bit.ly/45eaWQp>. “Female heads of household, comprising an estimated 13 per cent of all IDP and returnee households, are at high risk [of GBV] because, as managers of the home, they must interact with men outside the family, or in domains traditionally dominated by males”; UN Iraq, *Iraq Common Country Analysis 2022*, 27 July 2022, <https://bit.ly/42zehY9>, p. 9. See also Section III.A.8.c.

⁷⁰⁶ Between May and August 2023, IOM assessed the living conditions of over 4.8 million returnees in 2,170 locations across 9 governorates, using “16 indicators grouped into two scales: (i) livelihoods and basic services, and (ii) social cohesion and safety perceptions.” The survey found 12% of the returnee population to be living in high severity conditions, mostly in Ninewa and Salah Al-Din. Furthermore, more than 1.7 million returnees were assessed to live in “hotspots of severity”, which are defined as locations that “score highly in terms of severity on at least one of the two scales (...) or if they score medium in terms of severity but also host relatively large numbers of returnees (at least 60,000 returnees in a subdistrict).” In its latest report, “Markaz Tuz Khurmatu in Tuz Khurmatu District, Salah al-Din Governorate was removed from the list of the hotspots due to an improvement in the security situation. At the same time, two subdistricts were added to the list: Al-Dujeel Center in Al Fares District and Markaz Tikrit in Tikrit District, both in Salah al-Din Governorate. In Markaz Tikrit, the worsening of conditions is driven by the poor provision of water and electricity. Other challenges include the slow recovery of agriculture, difficulties finding employment, poor provision of government services, water and electricity insufficiency, harassment at the checkpoints and tensions in public life”; IOM, *Return Index: Findings Round Nineteen*, October 2023, <https://bit.ly/3QkKEFp>. On IOM’s methodology and indicators to assess locations on a severity scale, see IOM, *Return Index: Methodological Overview Iraq*, May 2020, <https://bit.ly/3pexmR3>, pp. 1-2. In areas with high severity conditions, the sustainability of returns is questionable, according to IOM; IOM, *Iraq Crisis Response Plan 2022-2023*, 15 December 2022, <https://bit.ly/4178Tue>, p. 3.

⁷⁰⁷ “Many communities are heavily polarized, and households fear their communities may relapse into violence. The key drivers of social divisions vary by geographical area.” Irreconcilable social divisions are particularly prevalent in Hawija (82% of returnee households), Sinjar (62%), Baiji (61%), Fallujah (54%) and Ramadi (53%); IOM, *Reimagining Reintegration*, 30 March 2023, <https://bit.ly/3mJ5LXv>, pp. 4, 12, 15. See also, IRC, *Protection Needs Overview April 2023 – September 2023*, 10 December 2023, <https://bit.ly/3vVRrPh>, pp. 13-14; LSE, *The Islamic State is Defeated in Iraq, but its Legacy Lives On*, 8 December 2023, <https://bit.ly/3tUdOUY>.

⁷⁰⁸ This finding was particularly pronounced in Hawija (where 83% of returnee households reported fearing the return to violence), Kirkuk (66%), Heet (63%) and Shirqat (61%). Furthermore, 65% of returnee households said they felt “marginalized or neglected as citizens”, 57% reported feeling “unable to advance/prosper in the location over time” and 10% reported that they or a family member will need to migrate or displace again; IOM, *Reimagining Reintegration*, 30 March 2023, <https://bit.ly/3mJ5LXv>, pp. 4, 11-12, 15, 46-47.

⁷⁰⁹ “Sinjar is one of the most underdeveloped districts in Iraq and suffers from some of the most severe ISIL violence. Hawija and Shirqat were subjected to ISIL control for extended periods and were among the last to be retaken by Iraqi Security Forces”; IOM, *Reimagining Reintegration*, 30 March 2023, <https://bit.ly/3mJ5LXv>, p. 48. See also, IOM, *Return Index: Findings Round Eighteen*, June 2023, <https://bit.ly/3oVKwmc>, p. 2. On obstacles to return to Sinjar, see also Section II.D.3.b.

⁷¹⁰ Among IDP households surveyed across Iraq between 15 June and 1 November 2023, 4% of in-camp and 9% of out-of-camp IDP households reported that they attempted to return to their area of origin but were displaced again in the 12 months prior to data collection; REACH, *Key Multi-Sectoral Findings*, 14 December 2023, www.ecoi.net/en/document/2102373.html, p. 23. Reasons include “communal and tribal issues, inadequate services, or security concerns in their areas of origin”; IRC, *Protection Needs Overview April 2023 – September 2023*, 10 December 2023, <https://bit.ly/3vVRrPh>, p. 12. “Reasons for leaving include the lack of employment opportunities and governance failures due to territorial uncertainty over disputed administrative control between the Kurdistan Regional Government and the federal government in Baghdad”; LSE, *The Islamic State is Defeated in Iraq, but its Legacy Lives On*, 8 December 2023, <https://bit.ly/3tUdOUY>. Between January and April 2023, IOM recorded 299 failed returns (compared to 1,454 failed returns in the last three months of 2022), mostly to Sinjar (54%), Samarra (24%) and Al-Qaim (8%). Failed returns were mostly linked to a lack of services and livelihood opportunities, as well as insecurity or the presence of landmines or security actors; IOM, *Iraq Master List Report 129*, 18 June 2023, <https://bit.ly/3q2H1Lk>, p. 6. See also, REACH, *MCNA X Key Findings*, March 2023, <https://bit.ly/42kefUc>, p. 20; REACH, *Movement Intentions Among Out-of-Camp IDP Households*, March 2023, <https://bit.ly/3mXewgq>, p. 2. “(...) the phenomenon of failed returns is often underreported due to the difficulties in capturing failed returns and new arrivals of IDPs at the same time”; IOM, *Overview of Return in Iraq: DTM Integrated Location Assessment VII*, 18 December 2022, <https://bit.ly/3Lz40pa>, p. 11.

⁷¹¹ Readmission to the camps depends on available capacity; Kirkuk Now, *Shingal (Sinjar) Returnees back to IDP Camps*, 24 September 2023, <https://bit.ly/3tiVfc0>. “Between 2021-2022, over 1,000 families (4,700 individuals) have been recorded as reverse returns to Duhok”; OCHA, *HTO 2023*, 23 February 2023, <https://bit.ly/3nFitGK>, p. 36. See also, UNDP, *Affiliated with ISIS*, October 2022, www.ecoi.net/en/document/2082671.html, p. vi.

secondary displacement, often to informal sites.⁷¹² The closure of Jeddah-5 camp by the authorities in April 2023,⁷¹³ the last camp in Federal Iraq, left the remaining 1,566 residents, two-thirds of whom were children, with no option but to return, or to be secondarily displaced.⁷¹⁴

3) Obstacles to Return

The remaining IDPs are either unwilling or unable to return for a variety of reasons,⁷¹⁵ including destroyed or lost property and unresolved housing, land and property issues;⁷¹⁶ lack of access to services and livelihood opportunities;⁷¹⁷ fear or trauma;⁷¹⁸ and continued insecurity, including as a result of contamination

⁷¹² "The decision by the Government of Iraq (GoI) to close or reclassify IDP camps to informal sites (...) led to premature returns to areas where conditions are still severe or to situations of secondary displacement, especially to informal sites where IDPs have little access to public services or other forms of assistance. (...) Secondary displacement to non-camp areas stretches the absorption capacity of the often already vulnerable host communities and jeopardizes social cohesion"; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 62. See also, REACH, *Returns and Durable Solutions (ReDS) Governorate Profiles*, March 2023, <https://bit.ly/41i4vLz>, pp. 8, 10-11, 20-21, 30-31; REACH, *Rapid Assessment on Returns and Durable Solutions: Al-Rayhana Sub-District – Ana District – Anbar Governorate – Iraq*, 4 January 2023, <https://bit.ly/3XocN0b>, p. 1; UNDP, *Affiliated with ISIS*, October 2022, www.ecoi.net/en/document/2082671.html, p. vii; IOM, *Iraq Crisis Response Plan 2022-2023*, 15 December 2022, <https://bit.ly/4178Tue>, p. 3; NRC, *The Unmet Needs of Iraq's Children in Informal Settlements*, September 2022, www.ecoi.net/en/document/2082613.html, pp. 4, 9.

⁷¹³ The closure occurred "without adequate notification and preparation for the IDPs and the receiving communities"; UN Iraq, *Statement by the Office of the Humanitarian Coordinator for Iraq on the Closure of Jeddah 5 Camp*, 19 April 2023, <https://bit.ly/3Lq6SDN>.

⁷¹⁴ "In April 2023, the Ministry of Migration and Displacement hastily closed Jeddah 5, the last official camp for internally displaced people in federal Iraq, with little advance notice and despite concerns about camp residents' safety in their areas of origin"; HRW, *World Report 2024: Iraq*, 11 January 2024, www.ecoi.net/en/document/2103133.html. "In April 2023, the rapid closure of Jeddah 5 camp by the Iraqi Ministry of Migration and Displacement (MOMD) led to challenges for the 342 evicted families. These families, primarily from Ninawa, Anbar, Salah Al-Din, and Kirkuk governorates, returned or were displaced to areas within Ninawa. Many households were characterized as female-headed due to husbands' security-related absence or detention or perceived affiliation with armed groups, particularly ISIS. The closure of the camp compelled these families to return to their places of origin or enter secondary displacement, where they encountered significant challenges. (...) These challenges included destroyed homes, a lack of basic services, and deficient infrastructure"; IRC, *Protection Needs Overview April 2023 – September 2023*, 10 December 2023, <https://bit.ly/3vVRrPh>, pp. 12-13. See also, TNH, *In Iraq, a Rushed Camp Closure Fuels Unease over the Safety of IS Returns*, 24 August 2023, www.ecoi.net/en/document/2096352.html; Arab News, *UN Criticizes Iraq's Hasty Closing of Camp for Displaced*, 20 April 2023, <https://bit.ly/3Hav1q9>.

⁷¹⁵ "There is recognition that those who remain displaced face significant obstacles to pursuing durable solutions and require government and aid community assistance to attain such solutions"; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 62. Among IDP households surveyed across Iraq between 15 June and 1 November 2023, the main reasons for not wanting to return to their areas of origin included: damaged/destroyed house (37%); lack of livelihoods (30%); fear (25%); better living conditions in the area of displacement (21%); lack of financial means to return and restart (19%); absence of security forces (16%); and basic services are not enough/available; REACH, *Key Multi-Sectoral Findings*, 14 December 2023, www.ecoi.net/en/document/2102373.html, pp. 23, 51. Among IDPs surveyed in Al-Anbar, Kirkuk and Ninawa Governorates between July and September 2023, "79% conveyed their unwillingness to go back to their AoO, marking a substantial increase from the preceding quarter's (56%). Their primary reasons for this unwillingness were identified as the destroyed or damaged shelters (100%), the absence of basic services in the AoO (82%), a dearth of income resources in the AoO (64%), and a lack of essential civil documentation (45%)"; IRC, *Protection Needs Overview April 2023 – September 2023*, 10 December 2023, <https://bit.ly/3vVRrPh>, p. 9. Among IDP households surveyed by IOM in Salah Al-Din Governorate between May and July 2023, the main reasons for not returning to their area of origin included: house is destroyed (72%); no livelihood opportunities (67%); fear/concerns regarding the security situation (30%); tried to return but return was not sustainable (27%); prefer to remain in current location (23%); public services not functioning adequately (19%); security actors are locking return (9%); can't get security clearance (7%); IOM, *Progress Toward Durable Solutions in Iraq: Salah Al Din (December 2023)*, 22 January 2024, <https://bit.ly/3vUwvynz>, p. 12. See also, REACH, *Iraq: REACH Informal Sites Profiling & Movement Intentions Survey*, 17 May 2023, www.ecoi.net/en/document/2092239.html, pp. 5-6; REACH, *Returns and Durable Solutions (ReDS) Governorate Profiles*, March 2023, <https://bit.ly/41i4vLz>; REACH, *Movement Intentions Among Out-of-Camp IDP Households*, March 2023, <https://bit.ly/3mXewgq>, p. 1.

⁷¹⁶ Among IDP households surveyed across Iraq between 15 June and 1 November 2023, 72% of in-camp and 69% of out-of-camp IDP households reported that their housing, land or property was damaged or destroyed after 2014; REACH, *Key Multi-Sectoral Findings*, 14 December 2023, www.ecoi.net/en/document/2102373.html, p. 20. "(...) housing destruction remains not only one of the biggest obstacles to return faced by IDPs, but also one of the largest challenges to reintegrating and achieving durable solutions for those who have already returned"; IOM, *Where the Heart Is: Five Years of IOM Shelter Interventions in Iraq*, 21 February 2023, <https://bit.ly/40iL8a>. "In 66 locations [of no return], most or all houses are destroyed, with destruction being particularly prevalent in Makhmur (18), Tuz Khurmatu (8), Hatra (7) and Dabes (7) districts. There are 20 locations in Al-Ba'a'aj where more than half of the houses are destroyed, and seven in Tuz Khurmatu. (...) Residential destruction was identified as the most prevalent barrier to returns in 130 locations. This reason was most commonly reported in Hatra (25), Khanaqin (25), Al-Ba'a'aj (23) and Makhmur (16)"; IOM, *Barriers to Sustainable Return and Reintegration in Locations of No Return*, 19 June 2022, <https://bit.ly/41qFLz8>, pp. 5-6. See also, Shafaq News, *Al-Saadiyah District still Struggles 8 Years after its Liberation from ISIS*, 16 August 2023, <https://bit.ly/3slmdQ8>; REACH, *Iraq: REACH Informal Sites Profiling & Movement Intentions Survey*, 17 May 2023, www.ecoi.net/en/document/2092239.html, p. 6; HRW, *Iraq: Compensation for ISIS Victims too Little, too Late*, 9 May 2023, www.ecoi.net/en/document/2091661.html. On the government's compensation scheme under Law No. 20 of 2009 (and subsequent amendments), see Section II.D.3.a.

⁷¹⁷ Among out-of-camp IDPs with no intention to return that were surveyed between June and August 2022, 36% said that the reason to not return was a lack of livelihood options in their area of origin; REACH, *Movement Intentions Among Out-of-Camp IDP Households*, March 2023, <https://bit.ly/3mXewgq>, p. 2. "In 109 locations [of no return], the lack of services was cited as a reason for no returns"; IOM, *Barriers to Sustainable Return and Reintegration in Locations of No Return*, June 2022, <https://bit.ly/41qFLz8>, pp. 6-7. See also, REACH, *Iraq: REACH Informal Sites Profiling & Movement Intentions Survey*, 17 May 2023, www.ecoi.net/en/document/2092239.html, p. 6. Many areas of return are agricultural areas affected by climate change: "The areas of IDP return, especially Ninawa governorates, are primarily relying on rainfed agriculture and livestock keeping. The reduced rainfall is not providing a conducive environment for a sustainable return"; WFP, *Iraq Market Monitor Report*, Issue No. 33: October 2022, 5 December 2022, <https://bit.ly/44qdMBp>, p. 1.

⁷¹⁸ "Christian, Yazidi and Shabak communities, in particular, have faced severe violence and trauma that still hinder their desire to return home"; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 65. See also, REACH, *Iraq: REACH Informal Sites Profiling & Movement Intentions Survey*, 17 May 2023, www.ecoi.net/en/document/2092239.html, p. 6; and Section III.A.5.a.

of homes and land with explosive ordnance;⁷¹⁹ sporadic attacks by Da'esh;⁷²⁰ the presence of armed actors;⁷²¹ fear of reprisal acts;⁷²² and/or ethno-religious tensions.⁷²³ As of December 2022, IOM identified 312 locations where no lasting returns had taken place.⁷²⁴

Those unable to return often belong to vulnerable groups, such as ethnic or religious minorities group, female- or child-headed household, or people with a disability.⁷²⁵

a) Return Obstacles for Families Associated with Actual or Perceived Da'esh Members

Among Sunni Arab and Turkmen IDPs, there are individuals and entire families who are affiliated or perceived to be affiliated with Da'esh or are associated with actual or perceived Da'esh members through family or tribal relations. They face severe stigmatization by their communities of origin as well as local leaders and public service providers and particular challenges to return to their areas of origin (or to relocate elsewhere).⁷²⁶ In particular, some 10,000 Sunni Arab IDPs currently residing in camps in the disputed Hassan Sham area (referred to as the East Mosul Camps) face such stigmatization which they have indicated prevents them from returning to their areas of origin mainly in Ninewa Governorate. Returnees with perceived affiliation might also be exposed to harassment or retaliatory attacks upon return.⁷²⁷

⁷¹⁹ For example, in Beiji (Ninewa), "persistent insecurity in the area retards the return of the population. The International Organisation for Migration's (IOM) latest data shows that only around 15% of Beiji's population, approximately 31,530 individuals, have returned"; People in Need, *Rebuilding Livelihoods in Post-War Iraq*, 15 January 2024, <https://bit.ly/3Sb7MqT>. See also UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 50; UN News, *Iraq Must Seize 'Brief Window of Opportunity' to Turn Tide of Instability*, 2 February 2023, <https://bit.ly/42IOjHy>; IOM, *Barriers to Sustainable Return and Reintegration in Locations of No Return*, June 2022, <https://bit.ly/41qFLz8>, pp. 5, 7; and Section II.C.

⁷²⁰ "Attacks by ISIL were the most prevalent concern, in 195 locations, most commonly in Hatra (44), Khanaqin (34) and Makhmur (29)"; IOM, *Barriers to Sustainable Return and Reintegration in Locations of No Return*, June 2022, <https://bit.ly/41qFLz8>, p. 5. See also Section II.B.1.b.

⁷²¹ "Many returnees were concerned by the prevalence of PMF groups or remnants of ISIS and, in Sinjar, militias aligned with the PKK. (...) Many Christian IDPs refused to return to the town of Tal Kayf [Ninewa], citing fear of the PMF 50th Brigade that occupied it and the presence of the Tesferat detention center and court, which the ICRC reported may hold women and minors suspected of being ISIS family member"; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. "Checkpoints controlled by armed groups were also identified as a security concern in 40 locations, most commonly in Al-Musayab, Babylon governorate and Dabes and Daquq in Kirkuk governorate"; IOM, *Barriers to Sustainable Return and Reintegration in Locations of No Return*, June 2022, <https://bit.ly/41qFLz8>, p. 5. See also, SIPRI, *Iraq in 2023: Challenges and Prospects for Peace and Human Security*, 17 March 2023, <https://bit.ly/3lkdCKh>; Ceasefire Centre for Civilian Rights, *The Rise of Paramilitary Forces and the Security of Minorities in Iraq's Disputed Territories*, January 2022, <https://bit.ly/3SZT3iN>, pp. 17-18, 28-29; and Sections II.B.1.c, II.F.3.b and III.A.5.a.

⁷²² See Section II.F.3.a.

⁷²³ "Tribal and ethno-religious tensions were identified in 16 locations [of no return]. This reason for not returning was cited for seven locations in Al-Amerli in Tuz Khurmatu district, Salah al-Din governorate where the families displaced from these locations reside in Tuz Khurmatu urban centre. In Ninewa, there are three locations that cited ethno-religious tensions in Qerawan in Sinjar district, three in Markaz Al-Ba'aj in Al-Ba'aj district and two in Ayadiya in Telafar district. The same is also true of one location in Markaz Al-Muqadadiya, in Muqadadiya district, Diyala governorate"; IOM, *Barriers to Sustainable Return and Reintegration in Locations of No Return*, June 2022, <https://bit.ly/41qFLz8>, p. 7. "(...) thousands of Christians and Yazidis remain displaced. (...) In addition to contextual and socioeconomic factors underpinning returns, minority groups have demanded protection and guarantees as preconditions for return that both GoI and KRG have failed to provide. In the absence of a post-IS political arrangement and the lingering competition between the two governments in the disputed territories, displaced Yazidis and Christians remain reluctant to return home"; Manara Magazine, *The Political Marginalisation of Ethnic and Religious Minorities in Iraq*, 17 March 2022, <https://bit.ly/3FvR5kA>. See also Section III.A.5.a.

⁷²⁴ "Factors driving the lack of returns to these locations include security concerns, stemming largely from attacks by the Islamic State of Iraq and the Levant (ISIL), residential destruction and the blocking of returns by Popular Mobilization Forces (PMF) and Iraqi Security Forces (ISF)". Most locations of no return were found in Markaz Al-Ba'aj (Ninewa), Altal (Ninewa), Qaraj (Erbil), As-Saadiah (Diyala) as well as Markaz Al-Muqadadiyah (Diyala); IOM, *Iraq Master List Report 129*, 18 June 2023, <https://bit.ly/3q2H1Lk>, pp. 1, 6, 9. See also, IOM, *Barriers to Sustainable Return and Reintegration in Locations of No Return*, June 2022, <https://bit.ly/41qFLz8>, pp. 1-6.

⁷²⁵ UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 62.

⁷²⁶ "Families with perceived affiliations to armed groups continue to face stigmatization and security concerns"; IRC, *Protection Needs Overview April 2023 – September 2023*, 10 December 2023, <https://bit.ly/3vVRrPh>, p. 7. Female-headed households who returned from Al-Hol camp to their home areas "often face stigma owing to suspected affiliation with Da'esh and as a result of structural gender inequality"; UN Security Council, *Conflict-Related Sexual Violence: Report of the Secretary-General*, S/2023/413, 22 June 2023, <https://bit.ly/3vPI9xl>, para. 37. "According to the intention survey conducted by UNHCR in 2021, 70 per cent of the female-headed households [in IDP camps] mentioned they are unable to return due to the perceived ISIL affiliation of their family members"; OCHA, *HTO 2023*, 23 February 2023, <https://bit.ly/3nFitGK>, p. 37. "The number of people perceived as associated with ISIS and unable to return to their areas is estimated at about 250,000, most of whom are women and children"; UNDP, *Affiliated with ISIS*, October 2022, www.ecoi.net/en/document/2082671.html, pp. 14, 16. "There were 12 locations [of no return] in which families' affiliation with ISIL was identified as a barrier to returns, notably in Qaraj, Makhmur district (2), Qayyara, Mosul district and Markaz Baiji in Baiji district"; IOM, *Barriers to Sustainable Return and Reintegration in Locations of No Return*, June 2022, <https://bit.ly/41qFLz8>, p. 7. See also, European Union Agency for Asylum (EUAA), *Iraq: Arab Tribes and Customary Law*, April 2023, www.ecoi.net/en/document/2090538.html, pp. 64-65; and Section III.A.1.

⁷²⁷ "Returnees with perceived affiliation to extremist groups such as Da'esh might be exposed to harassment or retaliatory attacks, which might, in turn, reignite community violence and result in failed returns"; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 62; see also p. 37.

b) Return Obstacles for Yazidis

Yazidis make up approximately 20 per cent of the remaining IDPs who were displaced as a result of the conflict with Da'esh.⁷²⁸ Returns to Sinjar have been limited, including due to continued security concerns,⁷²⁹ unresolved housing, land and property issues,⁷³⁰ limited compensation and accountability,⁷³¹ as well as lack of basic services and livelihoods.⁷³² Yazidis also struggle to locally integrate in the KR-I as they have limited access to services and lack connections with patronage networks which could provide livelihoods.⁷³³

4) External Displacement and Returns

For decades, conflict and human rights violations and abuses have forced Iraqis to flee abroad in search of safety and protection, often following internal displacement. As of 31 December 2023, there were over

⁷²⁸ "(...) Yazidis constitute only 1 percent of Iraq's overall population, but they currently make up around 20 percent of the 1.2 million internally displaced persons in Iraq"; Houman Oliaei, *The Yazidi Experience in Post-ISIS Iraq*, March 2023, <https://bit.ly/40TLqND>, p. 2. "Sixty percent of the population of Sinjar remain displaced in camps and homes since 2014, when they fled ISIS attacks and Iraqi counterattacks"; HRW, *World Report 2024: Iraq*, 11 January 2024, www.ecoi.net/en/document/2103133.html.

⁷²⁹ Including the presence of numerous security actors, continued community tensions, political uncertainty and Turkish airstrikes. "Given large-scale fighting and abuses by ISIL during 2014, tribal disputes between Yazidis and Arabs remain a primary conflict risk due to the perceived affiliation of some tribes and individuals with ISIL"; Action Against Hunger, *Drivers of Conflict and Community Tensions in Post-War Iraq*, 5 May 2023, <https://bit.ly/3WseZEA>, p. 7. "One-third of [Yazidi and Sunni Arab] IDPs in Mosul and Dohuk reported that significant concerns about the effect of social tensions and clashes between security actors in Sinjar have prevented their return. (...) IDPs also described feeling unsafe because social structures that governed relationships between Sunni Arab and Yazidi communities have also ruptured, and many community leaders remain in displacement"; NRC, *How Housing, Land, and Property Rights Impact Returns to Sinjar, Iraq*, May 2022, www.ecoi.net/en/document/2073573.html, p. 7. "(...) minority communities have little confidence in the government's ability to ensure their safety and security or put in place meaningful and coherent reconciliation initiatives"; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 65. See also, HRW, *World Report 2024: Iraq*, 11 January 2024, www.ecoi.net/en/document/2103133.html; CTP-ISW, *Salafi-Jihadi Movement Weekly Update*, May 4, 2023, 4 May 2023, <https://bit.ly/3QTPAm9>; Rudaw, *Yazidis Say Alleged Mosque Attack Stokes Tensions in Shingal*, 28 April 2023, <https://bit.ly/42VQX7G>; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. The 2020 Sinjar Agreement is reported to have had little effect Yazidis' decision to return; SIPRI, *Iraq in 2023: Challenges and Prospects for Peace and Human Security*, 17 March 2023, <https://bit.ly/3lkdCKh>. See also Section II.B.1.c.

⁷³⁰ Without housing, land and property documentation, "returnees struggle to access government shelter support and compensation for their destroyed property. The lack of documentation also hampers livelihood prospects, particularly for the majority of the population who relied on agriculture-based livelihoods before 2014 and, without documentation to prove land ownership, are denied access to their own property on which to farm"; IOM, *Nine Years in Remembrance, the Road Ahead for Yazidi Genocide Survivors in Iraq*, 3 August 2023, <https://bit.ly/3OyVdEe>. Many Yazidis also lack property rights in Sinjar due to historic persecution and discrimination under the former Ba'athist governments. In a positive development, in December 2022, the Iraqi cabinet adopted a legal decree granting land ownership and property rights to Yazidis in Sinjar District: "The decree, which was drafted jointly by the Prime Minister's Office and UN-Habitat, grants land ownership and property rights in 11 collective townships (mujamma'a) in Sinjar District that were allocated to the Yazidi minority in 1975 but never formalized. The decree will facilitate the registration of Yazidi land rights and will convert the occupancy certificates of Yazidis to full land ownership titles issued by UN-Habitat"; UN Security Council, *Report of the Secretary-General: Implementation of Resolution 2631 (2022)*, S/2023/58, 25 January 2023, www.ecoi.net/en/document/2086294.html, para. 80. See also, Houman Oliaei, *The Yazidi Experience in Post-ISIS Iraq*, March 2023, <https://bit.ly/40TLqND>, p. 3. See also, EPIC, ISHM: January 1-12, 2023, 12 January 2023, www.ecoi.net/en/document/2087044.html; Government of Iraq/UN Habitat, *Joint Statement by Iraq's Prime Minister and the UN on the Decision to Grant Yazidis Ownership of their Lands in Sinjar after 47 Years of Denial*, 4 January 2023, <https://bit.ly/3ZtXi7V>.

⁷³¹ Those whose homes and other property has been looted, damaged or destroyed in Sinjar are entitled to financial compensation under the Law on Compensation (Law No. 20 of 2009). Also, financial compensation and other forms of reparation under the 2022 Law on Support to Female Yazidi Survivors would be critical for the return and reintegration of Yazidi survivors. However, "[P]eople interviewed said that the compensation procedures under both the Yazidi Survivors Law and Law No. 20 are complex, lengthy, expensive, and in some cases entirely inaccessible. The process under Law No. 20 in Sinjar, as in other areas of Iraq, has been plagued by procedural and processing inefficiencies and budgetary issues." And further: "Without compensation, many people lack the financial means to rebuild their homes and businesses, so returning home is not an option"; HRW, *Iraq: Compensation for ISIS Victims too Little, too Late*, 9 May 2023, www.ecoi.net/en/document/2091661.html. See also, IOM, *Progress Toward Durable Solutions in Iraq: A Pilot Project in Ninewa Governorate* (December 2023), 14 January 2024, <https://bit.ly/42aia6Q>, p. 5; NRC, *How Housing, Land, and Property Rights Impact Returns to Sinjar, Iraq*, May 2022, www.ecoi.net/en/document/2073573.html, p. 14. On Law No. 20 (and subsequent amendments) and the Law on Support to Female Yazidi Survivors, see also Section II.D.3.a.

⁷³² "Fundamental services such as electricity and water are not consistently available, and numerous health and education facilities are yet to be reconstructed after being destroyed during the war"; Rudaw, *Over a Thousand Yazidis Return to Shingal from Duhok Camps*, 1 November 2023, <https://bit.ly/3FHCZw5>. "The destruction of infrastructure and homes in Sinjar City and surrounding areas has diminished the availability of basic services and limited access to running water, electricity, healthcare and education"; IOM, *Nine Years in Remembrance, the Road Ahead for Yazidi Genocide Survivors in Iraq*, 3 August 2023, <https://bit.ly/3OyVdEe>. See also, Kirkuk Now, *Garbage Smoke Haunts 10 Villages in Shingal (Sinjar), Nineveh*, 8 January 2024, <https://bit.ly/3OeBCti>; HRW, *World Report 2024: Iraq*, 11 January 2024, www.ecoi.net/en/document/2103133.html; Kirkuk Now, *Shingal (Sinjar) Returnees back to IDP Camps*, 24 September 2023, <https://bit.ly/3tVf0c0>; UN Iraq, *Remarks by the SRSG for Iraq and Head of the United Nations Assistance Mission for Iraq (UNAMI), Ms. Jeanine Hennis-Plasschaert, at the 9th Annual Commemoration of the Yazidi Genocide: Towards a Sustainable Future for the Yazidis*, 3 August 2023, <https://bit.ly/4455i1b>; HRW, *Iraq: Political Infighting Blocking Reconstruction of Sinjar*, 6 June 2023, www.ecoi.net/en/document/2092983.html; HRW, *Iraq: Compensation for ISIS Victims too Little, too Late*, 9 May 2023, www.ecoi.net/en/document/2091661.html. On the slow reconstruction of Sinjar, see Section II.E.

⁷³³ "Most displaced Yazidis have also been unable to settle in the Kurdistan Region because they have limited access to basic government services, such as education and healthcare. Displaced Yazidis also face challenges finding a job in the Kurdistan Region's public sector, which is the main source of income for most Kurdish families. To gain access to the KRG's patronage system, Yazidis must be members of one of the Kurdish political parties, which requires them to identify as ethnic Kurds and show support for the Kurdish cause. The process of obtaining permits for private businesses is also challenging, since it requires a significant amount of investment, which is not available to most displaced Yazidis"; Houman Oliaei, *The Yazidi Experience in Post-ISIS Iraq*, March 2023, <https://bit.ly/40TLqND>, pp. 5-6. See also Section II.E.2.

215,000 Iraqi refugees and asylum-seekers in Türkiye, Jordan, Syria, Lebanon, Egypt, and other countries in North Africa.⁷³⁴ In addition, as of 20 January 2024, some 20,400 Iraqis were residing in Al-Hol and Roj camps in Al-Hassakeh Governorate in Syria.⁷³⁵ Between January and November 2023, over 20,500 first time applicants from Iraq lodged an asylum claim in EU Member States plus Norway and Switzerland.⁷³⁶

Since May 2021, Iraq has repatriated around 7,000 Iraqis with alleged Da'esh ties, mostly children and women, from Syria's Al-Hol camp.⁷³⁷ In Iraq, these returnees were initially transferred to Jeddah-1 centre in Ninewa prior to their return to their areas of origin.⁷³⁸

III. Assessment of International Protection Needs

UNHCR considers that individuals falling in one or more of the risk profiles outlined in this Section may be in need of international refugee protection, depending on the particular circumstances of the case. However, the profiles listed here are not necessarily exhaustive and may overlap. There is no hierarchy implied in the order in which the risk profiles are presented. The risk profiles are based on information available to UNHCR at the time of writing. A claim should not automatically be considered as without merit simply because it does not fall within any of the profiles identified here.

Depending on the particular circumstances of the case, family members or individuals otherwise closely associated with individuals of these profiles may also be in need of international refugee protection on the basis of their association with individuals at risk.

All claims lodged by asylum-seekers need to be considered on their merits according to fair and efficient status determination procedures and up-to-date and relevant country of origin information, whether they are assessed on the basis of the refugee criteria in the 1951 Convention, the refugee definitions in regional instruments, UNHCR's mandate, or complementary forms of protection based on broader international protection criteria.

Where relevant, particular consideration needs to be given to any past persecution to which applicants for international protection may have been subjected. Certain claims by asylum-seekers from Iraq, including of those possibly falling within risk profiles described in these International Protection Considerations, may require examination for possible exclusion from refugee status (see Section III.D).

⁷³⁴ Türkiye: 134,484; Jordan: 55,465; Syria: 13,259; Lebanon: 5,109; Egypt: 5,579; North Africa: 1,415; UNHCR, 31 December 2023.

⁷³⁵ The majority of these (20,138) reside in Al-Hol camp and have not been formally registered by UNHCR; UNHCR, 18 January 2024. The majority are from families perceived to be associated with Da'esh; UNDP, *Affiliated with ISIS*, October 2022, www.ecoi.net/en/document/2082671.html, pp. vii, 1-2.

⁷³⁶ A notable increase in first-time applications was recorded between July and November 2023 with over 2,000 applications each month; EUAA, *Latest Asylum Trends: November 2023*, 18 January 2024, <https://euaa.europa.eu/latest-asylum-trends-asylum>. In 2022, some 27,000 Iraqis lodged asylum claims in EU Member States plus Norway and Switzerland, representing a decrease of 6% compared to 2021; EUAA, *Latest Asylum Trends: Annual Overview 2022*, 22 February 2023, <https://bit.ly/3JWc4iS>.

⁷³⁷ By November 2023, 1,742 families (6,936 individuals) had relocated from Al-Hol camp to Jeddah-1 centre. In total, 967 families (3,873 individuals) subsequently returned to their areas of origin or a third location; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 63. See also, AFP, *Iraq Repatriates over 770 People from Syria's Al-Hol Camp: Security Official*, 12 November 2023, <https://bit.ly/3sxzNjI>; UN Security Council, *Implementation of Resolution 2682 (2023): Report of the Secretary-General*, S/2023/700, 26 September 2023, www.ecoi.net/en/document/2099191.html, para. 68; UN Institute for Disarmament Research (UNIDIR), *Coming Home: The Return and Reintegration of Families with Perceived ISIL Affiliation in Iraq*, April 2023, <https://bit.ly/3Hm2152>, p. 7; RAND Corporation, *In the Wreckage of ISIS: An Examination of Challenges Confronting Detained and Displaced Populations in Northeastern Syria*, 2023, <https://bit.ly/3MPzbMk>, pp. 18-20.

⁷³⁸ According to the Iraqi Government, as at early November 2023, some 900 families had departed the rehabilitation centre to return home; AFP, *Iraq Repatriates over 770 People from Syria's Al-Hol Camp: Security Official*, 12 November 2023, <https://bit.ly/3sxzNjI>. Returnees from Al-Hol "spend at least several months making further arrangements to facilitate their departure and return to the community (e.g., completing a provincial security clearance or identifying a sponsor (...)). The Government of Iraq designated Jeddah-1 as a 'Rehabilitation Centre,' suggesting that some form of targeted programming aimed at disengaging individuals from ISIL takes place there; however, [as of 2022] no formal rehabilitation programming has taken place due in part to a lack of resources"; United Nations University (UNU), *The Road Home from Al Hol Camp: Reflections on the Iraqi Experience*, December 2022, <https://bit.ly/3KRBXjh> (hereafter: UNU, *The Road Home from Al Hol Camp*, December 2022, <https://bit.ly/3KRBXjh>), pp. 7-8, see also pp. 44-47. "Once settled in Jeddah 1, Iraqis face barriers to return to their home communities such as a lack of housing, civil documentation, livelihoods, access to basic services, concerns about safety and security, and perceived affiliation with ISIS"; US Department of Defense, *Lead Inspector General Report*, 9 November 2023, <https://bit.ly/3OhVdJo>, p. 36. See also, UN Security Council, *Seventeenth Report of the Secretary-General on the Threat Posed by ISIL (Da'esh) to International Peace and Security and the Range of United Nations Efforts in Support of Member States in Countering the Threat*, S/2023/568, 31 July 2023, www.ecoi.net/en/document/2095987.html, para. 49; UNDP, *Community Reintegration: The Key to Returning One Million Internally Displaced Iraqis*, 6 April 2023, <https://bit.ly/3MxM2n>; and Section II.F.3.a.

The status of recognized refugees should be reviewed only if there are indications, in an individual case, that there are grounds for:

- i. Cancellation of refugee status which was wrongly granted in the first instance;
- ii. Revocation of refugee status on the grounds of Article 1F(a) or 1F(c) of the 1951 Convention; or
- iii. Cessation of refugee status on the basis of Article 1C(1-4) of the 1951 Convention.⁷³⁹

UNHCR considers that the current situation in Iraq does not warrant cessation of refugee status on the basis of Articles 1C(5) and 1C(6) of the 1951 Convention.

A. Risk Profiles

1) Individuals Suspected of Supporting Da'esh

a) Civilians Perceived to Be Supporting Da'esh

Individuals of mostly Sunni Arab identity, and particularly, but not exclusively, men and boys of fighting age⁷⁴⁰ from formerly Da'esh-held areas, are reported to collectively be suspected of being affiliated with, or supporting Da'esh.⁷⁴¹ Since 2014, civilians of this profile have regularly been subjected to a range of retaliatory acts of violence and abuses at the hands of State and non-State actors, including during anti-Da'esh military operations, during and after flight from Da'esh-held areas, following the retaking of these areas, as well as during ongoing security operations against Da'esh remnants.

As a general rule, the prosecution against persons reasonably suspected of criminal acts is entirely legitimate but must be in line with relevant law and must respect due process requirements. However, observers note that security actors regularly impute affiliation with Da'esh to individuals on the basis of broad and discriminatory, often overlapping criteria, including:⁷⁴²

- Religious and ethnic background (Sunni Arab or Turkmen);⁷⁴³
- Sex and age (men and boys of fighting age);⁷⁴⁴

⁷³⁹ UN General Assembly, *Convention relating to the Status of Refugees*, 28 July 1951, United Nations Treaty Series, Vol. 189, www.refworld.org/docid/3be01b964.html, p. 137.

⁷⁴⁰ On the reported arrest of children, see Section [II.D.1](#).

⁷⁴¹ "Since 2016, Iraqi civil and security apparatuses have subjected thousands to collective punishment for their perceived affiliation to Islamic State, denying them civil status documents necessary to access essential services and move about freely"; Amnesty International, *Amnesty International Report 2022/23: Iraq*, 28 March 2023, www.ecoi.net/en/document/2089537.html. See also, US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html.

⁷⁴² "Sources told DFAT that Iraqi and KRI security forces (including PMF groups) continued to detain Sunni Arabs with tenuous affiliations to Da'esh and, in some cases, subject them to torture in order to extract confessions"; Australia: Department of Foreign Affairs and Trade (DFAT), *DFAT Country Information Report: Iraq*, 16 January 2023, www.ecoi.net/en/document/2085737.html, para. 3.81. "This imputed affiliation is entirely arbitrary, and can be linked to an individual, tribal affiliation, or simply place of residence"; Boston University, *The Campaign to End Statelessness in Iraq*, March 2022, <https://bit.ly/3Z1yFPr>, p. 54. "Many IDPs and returnees are or have been subject to allegations by civilian authorities, armed and security actors as well as community members – often without formal criminal charges or evidence provided – that they and/or their family members are or have been affiliated with extremist groups"; Protection Cluster, *Protection Analysis Report: Right to Identity and Civil Documentation*, 31 October 2021, <https://bit.ly/3wifaa4>, p. 7. "As a result of widespread presumptions, many people have become terrorist suspects, including those who remained in territory controlled by those groups"; UN Human Rights Council, *Terrorism and Human Rights*, 9 September 2020, <https://bit.ly/3E4WQFr>, para. 30.

⁷⁴³ "In Iraq, international reports corroborate the reported use of 'anti-terrorism' laws to target Sunni citizens – especially in Sunni majority provinces such as Anbar, Salah al-Din, Kirkuk, and Ninewa (...). However, local news agencies – especially pro-government ones – tend to disguise this trend as a legitimate security campaign against the Islamic State. Triangulating alternative sources – such as the Sunni Association for Muslim Scholars – with pro-government news agencies, ACLED-Religion recorded nearly 190 events [between January 2021 and March 2022] targeting Sunni Muslims under trumped-up terrorism charges in eight Iraqi provinces"; ACLED, *Coding Religious Repression and Disorder: Outcomes and Critical Reflections from the ACLED-Religion Pilot Project*, 28 April 2022, <https://bit.ly/3q1Qdz3>. While the number of Sunni Turkmen is much smaller than that of Sunni Arabs, similar considerations apply in both cases. Sunni Turkmen are reported to be regularly considered to have sided with Da'esh when it took over Turkmen-majority areas, including the town of Tal Afar (Ninewa), in 2014. See US Department of State, *2022 Report on International Religious Freedom: Iraq*, 15 May 2023, www.ecoi.net/en/document/2091863.html; Ceasefire Centre for Civilian Rights, *The Rise of Paramilitary Forces and the Security of Minorities in Iraq's Disputed Territories*, January 2022, <https://bit.ly/3SZT3iN>, pp. 27-28. In Tal Afar (Ninewa), "Sunni [Turkmen] community members feel discriminated against and fear they cannot raise public views without being perceived as ISIL supporters"; Action Against Hunger, *Drivers of Conflict and Community Tensions in Post-War Iraq*, 5 May 2023, <https://bit.ly/3WseZEA>, p. 12.

⁷⁴⁴ US Department of State, *2023 Trafficking in Persons Report: Iraq*, 15 June 2023, www.ecoi.net/en/document/2093605.html; Terre des Hommes, *Understanding the Legal Pathways for Children in Contact with the Law Within the Iraqi Criminal Justice System*, March 2022, <https://bit.ly/3VDiZBq>, p. 11. "Over 200 Iraqi boys were detained in Baghdad after their transfer from northern Syria. They remained held without charge or trial on suspicion of belonging to Islamic State"; Amnesty International, *Amnesty International Report 2022/23: Iraq*, 28 March 2023, www.ecoi.net/en/document/2089537.html. See also Section [II.D.1](#).

- Family and tribal background,⁷⁴⁵ including place of origin;
- Residence in a formerly Da'esh-held area at the time of Da'esh control;⁷⁴⁶ and/or
- Holding no valid documents or documents issued by Da'esh.⁷⁴⁷

Persons suspected of involvement with or support for Da'esh are reportedly subjected to the same harsh treatment without due regard to the nature of their involvement, i.e. whether it was voluntary or forced and of a civilian or military nature.⁷⁴⁸

Arbitrary arrests of persons of this profile under the Anti-Terrorism Law of 2005 remain common,⁷⁴⁹ mostly on the basis of “wanted lists” administered by different security actors.⁷⁵⁰ Individuals of this profile are reported to be arbitrarily arrested and tried on the basis of questionable evidence such as information from secret informants and statements obtained under duress from the defendants or their relatives.⁷⁵¹ In some

⁷⁴⁵ For example, the Albu Nasir tribe experiences stigmatization and discrimination due to its association with the former Government of Saddam Hussein as well as their alleged support for Da'esh; The Guardian, *Rifts Remain in Saddam Hussein's Iraq Home Town 20 Years after his Fall*, 14 March 2023, <https://bit.ly/43iluvW>. “(...) broad interpretation of the notions of ‘membership’ or ‘association’ have in some cases led courts to convict women for simply being family members of alleged Islamic State in Iraq and the Levant fighters, or for performing basic services and tasks for them, such as household chores”; UN Human Rights Council, *Terrorism and Human Rights*, 9 September 2020, <https://bit.ly/3E4WQFr>, para. 18. See also, War on the Rocks, *Living in the Shadows: Iraq's Remaining Displaced Families*, 3 February 2022, <https://bit.ly/3s3dqav> (hereafter: War on the Rocks, *Iraq's Remaining Displaced Families*, 3 February 2022, <https://bit.ly/3s3dqav>).

⁷⁴⁶ Those who “stayed under ISIL control and its aftermath, (...) may be perceived to be associated with or supporters of the group in some contexts by both security actors and those returning alike”; IOM, *Reimagining Reintegration*, 30 March 2023, <https://bit.ly/3CleByA>, p. 8. “After ISIS was defeated, civilians who had lived under its rule for a long time, more than three years in some areas, began to be seen as ‘collaborators’ even if they did not actually join or support ISIS. They face discrimination, insecurity and difficult living conditions and struggle to meet basic needs. Furthermore, they risk retaliation from families affected by the crimes of ISIS. Those who fled Anbar and Nineveh during ISIS’ occupation are angry with those who did not flee, accusing them of supporting ISIS. Those who fled face threats if they return given the perception that one of their family members belonged to ISIS”; UNDP, *Challenges for the Return and Reintegration of Women and Children*, October 2022, www.ecoi.net/en/document/2082671.html, p. 1. See also, UN Human Rights Council, *Terrorism and Human Rights*, 9 September 2020, <https://bit.ly/3E4WQFr>, para. 30.

⁷⁴⁷ “(...) where a child/youth is suspected of affiliation with ISIL, if s/he does not have civil documentation, this is often treated as proof of affiliation and can easily lead to terrorism charges or charges on national security grounds”; Terre des Hommes, *Understanding the Legal Pathways for Children in Contact with the Law Within the Iraqi Criminal Justice System*, March 2022, <https://bit.ly/3VDiZBq>, p. 11. See also, Boston University, *The Campaign to End Statelessness in Iraq*, March 2022, <https://bit.ly/3Z1yFPr>, p. 53.

⁷⁴⁸ “Government officials, judges, and community leaders appear united in the view that ISIS supporters and sympathizers, irrespective of their actual histories, should be regarded as terrorists and subjected to the harshest punishments, and this indiscriminating perspective is reflected in Iraq’s counterterrorism legislation, which criminalizes membership without requiring proof of an act of terrorism. (...) This emphasis on the ideological threat posed by ISIS (...) overlooks the fact that many of those who lived in ISIS-controlled territory were coerced or had little choice but to cooperate with the ISIS regime”; USIP, *Disengaging and Reintegrating Violent Extremists in Conflict Zones*, May 2023, <https://bit.ly/43ILSi3>, p. 9. “ISIL affiliation is not based on a legal process, but draws upon community understandings of people who held certain roles under ISIL (such as senior leadership) or committed serious crimes on behalf of the group. Typically, the perception of affiliation attaches to first- or second-degree relatives, although it sometimes reaches up to fourth-degree relatives”; UN Women, *Women’s Participation in Local Mediation: Lessons from Iraq, Libya, Syria and Yemen*, 2022, www.ecoi.net/en/document/2081098.html, p. 23. “Some of these people were, in fact, Da’esh fighters or actively supported Da’esh as financial facilitators, trainers, or in administrative and support roles. Others reportedly had low-level involvement with Da’esh, such as being cooks or drivers, were married to Da’esh fighters (including by force), or had family members involved with Da’esh without themselves being involved. Some reportedly had no formal involvement with Da’esh at all”; Australia: Department of Foreign Affairs and Trade (DFAT), *DFAT Country Information Report: Iraq*, 16 January 2023, www.ecoi.net/en/document/2085737.html, para. 3.79. See also, EUAA, *Iraq: Arab Tribes and Customary Law*, April 2023, www.ecoi.net/en/document/2090538.html, p. 58; World Bank, *Local Peace Agreements and the Return of IDPs with Perceived ISIL Affiliation in Iraq*, January 2022, www.ecoi.net/en/document/2070776.html, p. 5.

⁷⁴⁹ “(...) there were numerous reports of arbitrary arrests and detentions, predominantly of Sunni Arabs, including internally displaced persons (IDPs). (...) Local media and human rights groups reported authorities arrested suspects in security sweeps without warrants, particularly under the antiterrorism law, and frequently held such detainees for prolonged periods without charge or registration. (...) Many reports of arbitrary or unlawful detention involved suspected members or supporters of ISIS and their associates and family members”; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also, CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 18; and Section II.D.1.

⁷⁵⁰ “(...) the ‘wanted list’ is not unified, and it is assessed differently depending on the agent in charge of the file”; CED, *Observations and Recommendations*, 31 March 2023, <https://bit.ly/3MjZtb0>, para. 27. “In each liberated community in Iraq, the government, PMU forces and Peshmerga begun screening the population for IS members who were hiding among civilians. All men and boys over the age of 13 were separated from the women and younger children. Their relation with IS was estimated based on eyewitness accounts and computerized databases”; Network for Religious and Traditional Peacemakers, *Iraq after the Territorial Defeat of Islamic State: Slow Recovery or Danger of After-Effects?*, March 2023, <https://bit.ly/3CrbG7P> (hereafter: Peacemakers Network, *Iraq after the Territorial Defeat of Islamic State*, March 2023, <https://bit.ly/3CrbG7P>), p. 22. “There are no official guidelines for who can be included on the terrorist list, and the process of dealing with those whose names are found on terrorist lists appears inconsistent and arbitrary. Estimates are that there are at least 100,000 men on those lists”; Boston University, *The Campaign to End Statelessness in Iraq*, March 2022, <https://bit.ly/3zFu0cm>, p. 54. See also, DRC, *Life in the Margins*, 16 September 2022, www.ecoi.net/en/document/2078836.html, p. 19; War on the Rocks, *Iraq's Remaining Displaced Families*, 3 February 2022, <https://bit.ly/3s3dqav>; World Bank, *Local Peace Agreements and the Return of IDPs with Perceived ISIL Affiliation in Iraq*, January 2022, www.ecoi.net/en/document/2070776.html, pp. 26-27.

⁷⁵¹ Da’esh suspects have, according to HRW, also been convicted and sentenced (including to death) on the basis of statements made by their family members in the process of disavowal or denunciation, which is often a requirement for these family members to obtain security clearance, accessing documentation, and to return to their areas of origin; EUAA, *Iraq: Arab Tribes and Customary Law*, April 2023, www.ecoi.net/en/document/2090538.html, p. 59. “Courts routinely accepted forced confessions as evidence, which in some ISIS-related counterterrorism cases was the only evidence considered. (...)”; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. See

cases, individuals have been arrested (and then convicted) due to name similarities,⁷⁵² or due to accusations based on personal or family disputes or for personal gain.⁷⁵³ PMF factions reportedly also use the threat of terrorism charges against Sunnis who criticize their activities and regularly harass them at checkpoints.⁷⁵⁴ Those arrested on terrorism charges, including women and children, are at risk of prolonged pre-trial detention in dire conditions⁷⁵⁵ in official and unofficial detention facilities, enforced disappearance, as well as torture and other forms of ill-treatment.⁷⁵⁶ They are regularly tried in expedited and unfair trials that result in long-term imprisonment or the death sentence under the overly broad legal provisions of the Anti-Terrorism Law.⁷⁵⁷ Convictions regularly do not take into account the level of individual responsibility

also, Shafaq News, *Life Imprisonment and Death Sentences: Abbas Village Traumatized by 'Testimonies from Within'*, 17 August 2022, <https://bit.ly/3q8lAqP>; CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 12. On the mechanisms relating to the disavowal of relatives, see Section III.A.1.b.

⁷⁵² "According to allegations presented to the [CED] delegation, the frequency of homonyms in Iraq also results in the detention of people whose names are similar to those of people accused of terrorism, particularly in the Governorates of Salah al-Din, Anbar, Nineveh, Diyala and Kirkuk. Available information indicates that no due diligence is carried out to check the real identity of the detained person"; CED, *Observations and Recommendations*, 31 March 2023, <https://bit.ly/3MjZtb0>, para. 27. See also, Euro-Med Human Rights Monitor, *Iraq: Violations Against Persons for Having Similar Names to Suspects Reveal Deplorable Negligence*, 14 February 2022, <https://bit.ly/3AJ2xpR>.

⁷⁵³ For example, HRW reported the case of a man who "said that his brothers were unjustly accused of terrorism after his family refused a militia's extortion attempts to provide it with partnership in his family's construction firm." They were sentenced to death; HRW, *Iraq: Unlawful Mass Executions Resume*, 24 January 2024, <https://bit.ly/49544G7>. "Neighbors may be rejected as a way to shield one's own household from suspicion, or because of old grudges"; Peacemakers Network, *Iraq after the Territorial Defeat of Islamic State*, March 2023, <https://bit.ly/3CrbG7P>, p. 24. "Residents of areas controlled by ISIS say that they remember everyone who joined or helped ISIS. Sometimes, allegations of these links can be malicious and involve abuse. Some may make allegations due to old grudges"; UNDP, *Challenges for the Return and Reintegration of Women and Children*, October 2022, www.ecoi.net/en/document/2082671.html, p. 18. See also, US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html; UNDP, *Community-Based Reconciliation & Reintegration in Iraq*, 28 June 2022, <https://bit.ly/3flpEJs>, p. 11; MEE, *Iraq Sentences Police Officer, Informant to Death over Deadly Bogus Operation*, 12 February 2022, <https://bit.ly/3lACJ3G>.

⁷⁵⁴ "Paramilitary militias in the PMF frequently threatened members of Sunni and minority communities with terrorism charges to silence their dissent, especially in areas where the militias have taken over local land and economic activities (...). On November 25 [2022], the head of the Iraqi Turkmen Front reported (...) that in Telafar, Ninewa Province, the PMF continued to verbally harass Sunni Turkmen at checkpoints"; US Department of State, 2022 Report on International Religious Freedom: Iraq, 15 May 2023, www.ecoi.net/en/document/2091863.html.

⁷⁵⁵ "According to a July [2022] report by the Baghdad Center for Human Rights, prisoners are separated according to sectarian affiliation, and some prison halls are specifically designated for either Shiites or Sunnis, where Sunni prisoners were reportedly subject to abuse and mistreated in comparison to Shiites"; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html.

⁷⁵⁶ "Lengthy pretrial detentions to include cases which frequently equaled or exceeded the maximum penalty for the alleged crime without due process or judicial review were a systemic problem, particularly for those accused of having ties to ISIS. (...) Reports from international human rights groups stated government forces, including Federal Police, the NSS, the PMF, and Asayish, abused prisoners and detainees, particularly Sunni Arabs"; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html. "Iraqi women [convicted under the Anti-Terrorism Law] are exposed to a range of violations, including physical abuse, torture and other forms of harm"; UNDP, *Challenges for the Return and Reintegration of Women and Children*, October 2022, www.ecoi.net/en/document/2082671.html, p. 56. "The majority of the boys [interviewed by HRW in the KR-I] said their interrogators tortured them to secure confessions. They described beatings with plastic pipes, electric cables, or rods, sometimes for hours. Nearly all said they eventually confessed to ISIS association, believing they had no other choice"; HRW, *Iraq Detains More than 1,000 Children as ISIS Suspects*, 17 February 2022, <https://bit.ly/45TznTN>. See also Section II.D.1.

⁷⁵⁷ "Terrorism trials in Iraq have generally been rushed, based on a defendants' confessions – often obtained under torture (...). The authorities have systematically violated the due process rights of suspects, such as guarantees in Iraqi law that detainees will see a judge within 24 hours, will have access to a lawyer throughout interrogations, and that their families will be notified and should be able to communicate with them during detention. If the defendant's fair trial guarantees have been violated, imposition of the death penalty would make the sentence arbitrary. Courts in Iraq regularly rely on uncorroborated confessions and ignore allegations that these confessions were obtained under torture"; HRW, *Iraq: Unlawful Mass Executions Resume*, 24 January 2024, <https://bit.ly/49544G7>. "Iraq's terrorism courts operate in a cursory fashion: capital and long custodial sentences are meted out following brief trials that lack basic safeguards in terms of rules of evidence and legal representation for the accused"; USIP, *Disengaging and Reintegrating Violent Extremists in Conflict Zones*, May 2023, <https://bit.ly/43lLSj3>, p. 6. According to the Combined Joint Task Force – Operation Inherent Resolve, "conviction rates of ISIS detainees remained high during the quarter [quarter 3 of 2023], with the overall conviction rate over 90 percent"; US Department of Defense, *Lead Inspector General Report*, 9 November 2023, <https://bit.ly/3OhVdJo>, p. 18. See also, Freedom House, *Freedom in the World 2023: Iraq*, May 2023, <https://bit.ly/3qei1V3>; Amnesty International, *Amnesty International Report 2022/23: Iraq*, 28 March 2023, www.ecoi.net/en/document/2089537.html; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html; UN Human Rights Committee, *Concluding Observations on the 6th Periodic Report*, 16 August 2022, www.ecoi.net/en/document/2077747.html, para. 26; CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 18; and Section II.D.1.

and the severity of the charges.⁷⁵⁸ Former prisoners and detainees who were acquitted of terrorism charges are reported to be at risk of re-arrest⁷⁵⁹ or reprisal attacks by security actors or their communities.⁷⁶⁰

UNHCR considers that, depending on the particular circumstances of the case, civilians perceived to be supportive of Da'esh **are likely to be in need of international refugee protection** on the basis of a well-founded fear of persecution at the hands of State or non-State actors for reasons of their imputed political opinion and/or their religion or ethnic identity, combined with a general inability of the State to provide protection from such persecution where the actors of persecution are non-State actors.

Claims by persons of this profile may give rise to the need to examine possible exclusion from refugee status.⁷⁶¹ In view of the particular circumstances and vulnerabilities of children, the application of the exclusion clauses to children needs to be exercised with great caution.⁷⁶² Where children associated with armed groups are alleged to have committed crimes, it is important to bear in mind that they may be victims of offences against international law and not only perpetrators.⁷⁶³

b) Families Associated with Actual or Perceived Da'esh Members

Families, and in particular women and children, associated with actual or perceived Da'esh members on account of their family or tribal relations,⁷⁶⁴ are reported to be stigmatized and subjected to a range of human rights violations and abuses at the hands of local authorities, security actors, tribes and

⁷⁵⁸ "Iraqi judges have sentenced defendants to death on the overbroad charge of mere 'membership of a terrorist organization,' without reference to any acts of violence. Under international law, application of the death penalty is strictly limited to the 'most serious crimes,' meaning intentional killing, or murder"; HRW, *Iraq: Unlawful Mass Executions Resume*, 24 January 2024, <https://bit.ly/49544G7>. The 2005 Anti-Terrorism Law does not adequately distinguish "between those who participated in violence and those who joined Daesh for survival and/or through coercion"; IBA, *Justice and Accountability for the Atrocities of Daesh*, 1 March 2023, <https://bit.ly/3C5LFum>, p. 20. "(...) judges generally did not determine any specific terrorist act and required simple proof of broadly interpreted 'membership' of or 'association' with a terrorist group for conviction of Islamic State in Iraq and the Levant defendants, often without any assessment of the evidence on which they relied"; UN Human Rights Council, *Terrorism and Human Rights*, 9 September 2020, <https://bit.ly/3E4WQFr>, para. 18. See also, CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 18; MENA Rights Group, *Report on Iraq's Implementation of the International Covenant on Civil and Political Rights since 2015*, 31 January 2022, <https://bit.ly/3u4kBHq>. Regarding the criminal responsibility of "women who provided shelter to their husbands or close relatives alleged to be terrorists", see UNDP, *Challenges for the Return and Reintegration of Women and Children*, October 2022, www.ecoi.net/en/document/2082671.html, pp. 57-58. HRW reported in February 2022 that over 1,000 children remained in captivity on terrorism charges "regardless of the extent of their involvement." Some children interviewed by HRW in the KR-I said that "they had been recruited to fight with ISIS, while others said that they worked as cooks, drivers, or simply participated in a few days of training. One 17-year-old said he believed he was arrested for working at a restaurant in Mosul that served ISIS members. A few said that they had no links to ISIS, other family members had"; HRW, *Iraq Detains More than 1,000 Children as ISIS Suspects*, 17 February 2022, <https://bit.ly/45TznTN>.

⁷⁵⁹ See Section II.D.1.b.

⁷⁶⁰ "The Middle East researcher interviewed for this report stated that (...) 'the fact that someone was previously detained means in the eyes of the community that they are linked to ISIS, even if found not guilty'"; EUAA, *Iraq: Targeting of Individuals*, January 2022, www.ecoi.net/en/document/2067451.html, p. 15.

⁷⁶¹ See Section III.D.

⁷⁶² For further guidance on the application of the exclusion clauses to children, see UNHCR, *Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees*, 22 December 2009, www.refworld.org/docid/4b2f46d2.html, paras 58-64.

⁷⁶³ The Paris Principles state: "Children who are accused of crimes under international law allegedly committed while they were associated with armed forces or armed groups should be considered primarily as victims of offences against international law; not only as perpetrators. They must be treated in accordance with international law in a framework of restorative justice and social rehabilitation, consistent with international law which offers children special protection through numerous agreements and principles"; UNICEF, *The Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups*, February 2007, www.refworld.org/docid/465198442.html, paras 3.6 and 3.7.

⁷⁶⁴ "Perceived affiliation currently takes many forms, though the most common is through a familial connection (e.g., through a parent or sibling who was actively involved with ISIS)." And further: "These families can be understood as representing a spectrum that ranges from adults who are fully ideologically and physically separated from the group (including those who never had any engagement with, or support for, ISIS at all), to a minority who are highly ideologically committed, though who have not been charged with any offences. They also comprise families in different locations which have been affected by ISIS to differing extents, and families at different stages in this reintegration process. Nonetheless, they all share the same label as 'ISIS-affiliated' today"; J. Cook, *Distinguishing Children from ISIS-Affiliated Families in Iraq and their Unique Barriers for Rehabilitation and Reintegration*, September 2023, <https://bit.ly/3vLzQtB>, pp. 43, 51. "In many cases, the involvement of one family member in the violence of IS marks every family member. This may happen even in the cases where individuals were forced to work in its bureaucracy, or they had nothing to do with the organization and its ideology"; Peacemakers Network, *Iraq after the Territorial Defeat of Islamic State*, March 2023, <https://bit.ly/3CrbG7P>, p. 23. "Such perceptions often ignore the fact that most displaced persons fled their homes to avoid or escape the armed group's rule"; HRW, *World Report 2023: Iraq*, 12 January 2023, www.ecoi.net/en/document/2085461.html. "Overall, authorities and communities classify persons as being from 'ISIS families' based on suspicions that one of their relatives was an ISIS member or sympathizer. These classifications are often applied in the absence of any evidence that these families have personally shown sympathy for ISIS, joined it or committed a crime in its name. There is no way for these families to challenge this description. Many may be distant relatives of ISIS suspects as uncles, cousins and so on"; UNDP, *Challenges for the Return and Reintegration of Women and Children*, October 2022, www.ecoi.net/en/document/2082671.html, p. 16. "Typically, the accusation of affiliation goes beyond the individual to the kin level and attaches to first- or second- degree relatives, although in some communities, it even reaches up to fourth-degree relatives"; World Bank, *Local Peace Agreements and the Return of IDPs with Perceived ISIL Affiliation in Iraq*, January 2022, www.ecoi.net/en/document/2070776.html, p. 5. See also, UN Women, *Zainab Qassim, an Iraqi Woman Mediator who Helped Reintegrate Families Accused of ISIS Affiliation into their Home Communities*, 24 October 2022, <https://bit.ly/45eaWQp>.

communities.⁷⁶⁵ The UN and human rights organizations have described the treatment of these families by the authorities and communities as “collective punishment”.⁷⁶⁶ The treatment of persons of this profile may differ depending on these families’ (perceived) level of closeness to Da’esh as well as a host of local factors.⁷⁶⁷ There is a general perception that Sunni Arabs and Turkmen who remain displaced were affiliated with Da’esh.⁷⁶⁸ Authorities, and the general population, also perceive those holding Da’esh-issued documentation as affiliated with Da’esh.⁷⁶⁹ There are concerns over the lack of due process for these families, as they are not given an opportunity to challenge the determination that they have been associated

⁷⁶⁵ “Many of those interviewed for this study stressed that there is nothing more severe or more dangerous than the label ‘ISIS woman’ and society’s rejection of you and your children who are not guilty”; UNDP, *Challenges for the Return and Reintegration of Women and Children*, October 2022, www.ecoi.net/en/document/2082671.html, p. 16. “These women and children were stigmatized because of their association with ISIS, leaving them at heightened risk of suicide, retaliation, and sexual exploitation”; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. “While ISIL fighters are prosecuted through the state legal system, families with perceived ISIL affiliation are being dealt with through a combination of intelligence, tribal, and state justice mechanisms”; EUAA, *Iraq: Arab Tribes and Customary Law*, April 2023, www.ecoi.net/en/document/2090538.html, p. 58. See also, UNDP, *Community-Based Reconciliation & Reintegration in Iraq*, 28 June 2022, <https://bit.ly/3flpEJs>, p. 6; Center for Civilians in Conflict (CIVIC), *Ignoring Iraq’s Most Vulnerable: The Plight of Displaced Persons*, April 2021, www.ecoi.net/en/document/2051872.html (hereafter: CIVIC, *The Plight of Displaced Persons*, April 2021, www.ecoi.net/en/document/2051872.html), p. 12.

⁷⁶⁶ “Continued collective punishment of families perceived as associated with ISIS, in parallel with the rapid closure of the camps, which are currently the only refuge for thousands of people, could displace thousands of women and children and endanger their lives. They cannot be held responsible for crimes they did not commit”; UNDP, *Challenges for the Return and Reintegration of Women and Children*, October 2022, www.ecoi.net/en/document/2082671.html, pp. 16, 27. See also, Amnesty International, *Amnesty International Report 2022/23: Iraq*, 28 March 2023, www.ecoi.net/en/document/2089537.html; War on the Rocks, *Iraq’s Remaining Displaced Families*, 3 February 2022, <https://bit.ly/3s3dgav>.

⁷⁶⁷ “How ISIS-affiliated families were generally received at the community level differed region to region and was based on highly individualised and localised factors. Their acceptance to be returned as well was significantly impacted by local perceptions of, and approaches to, ISIS-affiliated families and ultimately the children”; J. Cook, *Distinguishing Children from ISIS-Affiliated Families in Iraq and their Unique Barriers for Rehabilitation and Reintegration*, September 2023, <https://bit.ly/3vLzQIB>, p. 59. “(...) while community attitudes vary, in general there is enormous reluctance to accept ISIS-associated individuals or their families into communities. (...) Even within the most affected governorates of northern Iraq, however, there are significant variations in attitudes toward FPAs [families of perceived affiliation]”; USIP, *Disengaging and Reintegrating Violent Extremists in Conflict Zones*, May 2023, <https://bit.ly/43ILSJ3>, p. 8. For locale-specific variations of how communities and security actors perceive the return of families with perceived Da’esh association, see UNDP, *Challenges for the Return and Reintegration of Women and Children*, October 2022, www.ecoi.net/en/document/2082671.html, pp. 17-18. See also, USIP, *Disengaging and Reintegrating Violent Extremists in Conflict Zones*, May 2023, <https://bit.ly/43ILSJ3>, p. 8; Peacemakers Network, *Iraq after the Territorial Defeat of Islamic State*, March 2023, <https://bit.ly/3CrbG7P>, p. 23; UN Women, *Zainab Qassim, an Iraqi Woman Mediator who Helped Reintegrate Families Accused of ISIS Affiliation into their Home Communities*, 24 October 2022, <https://bit.ly/45eaWQp>.

⁷⁶⁸ “With the return of more displaced people to their areas of origin, Iraqis increasingly assume that anyone still living in the camps has an association with ISIS”; UNDP, *Challenges for the Return and Reintegration of Women and Children*, October 2022, www.ecoi.net/en/document/2082671.html, p. 16. “Many in Iraq consider those still living in camps (whether in Syria or Iraq) to be affiliated with ISIS, leading to societal exclusion. Although some Iraqis in the camps might indeed be ISIS-affiliated, there are insufficient judicial procedures to determine previous or current support for the group.” And further: “(...) the longer the displaced Iraqi community remains in al-Hol, the more stigmatized they might become among the broader Iraqi populace”; RAND Corporation, *In the Wreckage of ISIS: An Examination of Challenges Confronting Detained and Displaced Populations in Northeastern Syria*, 2023, <https://bit.ly/3MPzbMk>, pp. 14, 19. See also, HRW, *World Report 2023: Iraq*, 12 January 2023, www.ecoi.net/en/document/2085461.html.

⁷⁶⁹ “Communities under ISIS control faced the dilemma of either registering life-cycle events with ISIS and risking affiliation with the group or leaving these critical events unregistered. (...) Individuals that were registered under ISIS authorities are highly stigmatised as the State considers documents issued by ISIS authorities as proof of affiliation”; Geneva Graduate Institute, *Legal Documentation for Persons Living under the Control of Non-State Armed Groups: Humanitarian Needs and Responses*, 2 December 2022, <https://bit.ly/3WJC6uL>, p. 24.

with Da'esh.⁷⁷⁰ Family members associated with a real or perceived Da'esh member have also been arrested *in lieu* of wanted persons to exert pressure on the suspect to surrender or confess.⁷⁷¹

Need for security clearance

Families associated with actual or perceived Da'esh members must obtain security clearance from relevant security actors in order to exercise their basic rights, including to:

- Enjoy freedom of movement,⁷⁷² including to return to their home areas or relocate to another area;⁷⁷³
- Access administrative procedures such as obtaining or replacing civil documentation and registering the birth of their children;⁷⁷⁴
- Access courts or judicial mechanisms⁷⁷⁵ and claim compensation for damage or destruction of their properties as a result of the conflict with Da'esh;⁷⁷⁶ and
- Access other rights and basic services.⁷⁷⁷

Often, obtaining security clearance involves undergoing a process to disavow or denounce relatives (practices often referred to as *ikhbar* and *tabriya'a*),⁷⁷⁸ either before a court or as part of a tribal justice

⁷⁷⁰ UNDP, *Challenges for the Return and Reintegration of Women and Children*, October 2022, www.ecoi.net/en/document/2082671.html, p. 16; War on the Rocks, *Iraq's Remaining Displaced Families*, 3 February 2022, <https://bit.ly/3s3dgav>.

⁷⁷¹ US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html; Fanack, *Iraqi Prisons: Horrors Behind Bars*, 14 July 2022, <https://bit.ly/3EWkrZL>.

⁷⁷² Including to temporarily leave IDP camps, e.g., to visit a hospital: "Because of this perceived affiliation, these households (...) had limited freedom of movement, including the ability to seek medical treatment, due to the risk of arrest or inability to reenter the camps where they resided. Humanitarian organizations reported female heads of household in multiple IDP camps struggled to obtain permission to move and were subject to verbal and physical harassment, including rape, sexual assault, and exploitation, by government forces and camp residents. (...) In formerly ISIS-controlled Anbar, Duhok, Kirkuk, Ninewa, and Salah al-Din Provinces, humanitarian agencies reported movement restrictions for families with relatives suspected of ISIS affiliation"; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also, NPR, *A Life in Limbo for the Wives and Children of ISIS Fighters*, 15 March 2022, <https://n.pr/3iM5DAV>; HRW, *Human Rights Watch Submission to the UN Human Rights Committee*, January 2022, www.ecoi.net/en/document/2075228.html.

⁷⁷³ See below "Obstacles to return or relocation".

⁷⁷⁴ "Any bureaucratic procedure includes security checks on relatives, especially for households with close relatives perceived of being affiliated with ISIL"; IOM, *Reimagining Reintegration*, 30 March 2023, <https://bit.ly/3M4jHnA>, p. 32. "A 'security clearance' is considered mandatory for internally displaced persons willing to obtain a set of official documents, including civil certificates that prove their identity and nationality. (...) Without a security clearance, children born in areas formerly controlled by ISIS cannot be registered"; UNDP, *Challenges for the Return and Reintegration of Women and Children*, October 2022, www.ecoi.net/en/document/2082671.html, p. 19. "While security screenings help the GOI and security forces identify and arrest ISIS affiliates, including those who have committed gross human rights violations and crimes, the security screening process has been used to punish the families and relatives of alleged ISIS affiliates and has made them vulnerable to various abuses. Linking security clearance with access to civil documentation constitutes one of the most visible examples of collective punishment and discrimination that affects thousands of Iraqi families from Sunni-majority areas once under ISIS control"; CIVIC, *The Plight of Displaced Persons*, April 2021, www.ecoi.net/en/document/2051872.html, p. x. See also, HRW, *Submission to the UN Human Rights Committee*, January 2022, www.ecoi.net/en/document/2075228.html; Protection Cluster, *Protection Analysis Report: Right to Identity and Civil Documentation*, 31 October 2021, <https://bit.ly/3wifaa4>, p. 7; and below "Accessing civil documentation".

⁷⁷⁵ Security "screening remains necessary in order to submit a complaint, to ask for a search for a disappeared person, or to access the broader range of rights under the martyr category. If the disappeared person is on one of the 'wanted lists', the family and relatives lose all entitlements and have no access to any form of truth and justice. This reality was highlighted in the interviews during the visit. It is also reflected in most of the State party's replies to the Committee's urgent action requests, where the authorities state that the disappeared persons were affiliated with terrorist groups, without providing any further information or evidence about proceedings initiated, specific criminal charges brought, or arrest warrants issued against the disappeared person"; CED, *Observations and Recommendations*, 31 March 2023, <https://bit.ly/3MjZtb0>, para. 26. For example, key informants in Al-Qa'im (Al-Anbar) reported that families with alleged Da'esh links required "security clearance to access courts or judicial mechanisms." Furthermore, it was reported that there was a "risk these households or individuals faced to be arrested or detained while approaching judicial facilities"; REACH, *Perceptions on Governance, Safety and Security, and Community Tensions: Markaz Al-Kaim Sub-District*, February 2022, 31 March 2022, <https://bit.ly/43NagHB>, p. 15.

⁷⁷⁶ "Legally, everyone who experienced such loss is eligible for compensation. However, the Iraqi government has essentially denied all claims by families with perceived affiliations to the Islamic State. If the government confirms that one family member, regardless of the degree, joined the Islamic State, the whole family is denied"; War on the Rocks, *Iraq's Remaining Displaced Families*, 3 February 2022, <https://bit.ly/3s3dgav>. "In a press conference on 31 January 2021, a senior commander from the Anbar Operations Command criticized security forces and community leaders for allowing families with a perceived ISIS affiliation to return to their areas of origin and apply for compensation. He said his command would continue to 'trace' and 'chase' families believed to be affiliated with ISIS to ensure that they received no compensation for damages to their property. (...) For families with a perceived affiliation with ISIS, [the compensation law] is applied in a discriminatory manner, however. Many families have submitted applications for compensation but have not yet received it. The authorities prevent some families with a member listed as wanted for his affiliation with ISIS from submitting applications. As a result, many of these families will not have the necessary resources to rebuild their homes"; UNDP, *Challenges for the Return and Reintegration of Women and Children*, October 2022, www.ecoi.net/en/document/2082671.html, pp. 16, 21-22. However, reportedly "in 2022, Prime Minister Mohammad Shiya al-Sudani cancelled the mandatory security check for the residents of the territories formerly invaded by Daesh. As such, some individuals reported their concerns that without this security check, even Daesh members will be able to apply for compensation under the Martyrs' Law and so abuse the system that should benefit survivors"; IBA, *Justice and Accountability for the Atrocities of Daesh*, 1 March 2023, <https://bit.ly/3C5LFum>, p. 37. UNHCR is aware that the Prime Minister's decision has not been implemented at the time of writing; UNHCR information, January 2024. On the compensation schemes, see also Section [II.D.3.a](#).

⁷⁷⁷ "Without this clearance, Iraqis (especially in liberated areas) are not allowed to move freely inside their country. They cannot be employed, rent property, qualify for any government benefits such as health care or obtain birth and death certificates"; UNDP, *Challenges for the Return and Reintegration of Women and Children*, October 2022, www.ecoi.net/en/document/2082671.html, p. vi. "Families and individuals with perceived affiliation to extremists

mechanism.⁷⁷⁹ The process to obtain security clearance is frequently complex or confusing, expensive and/or applied in a discriminatory manner.⁷⁸⁰ While required by security actors, undergoing these mechanisms does not in all cases absolve these families from the perception that they are associated with

remain extremely vulnerable to discrimination and rights violations. They must undergo security clearance procedures to access public services, including to obtain civil documentation, return to their areas/communities of origin, and to exercise their overall basic rights"; OCHA, *Humanitarian Needs Overview 2022: Iraq*, 27 March 2022, <https://bit.ly/3qPutUV>, p. 91. IOM reported that some former public sector employees were unable to return to their former employment because they were "found or suspected to have some association with ISIL when the group was in control of the area and thus fail to obtain a security clearance"; IOM, *Reimagining Reintegration*, 30 March 2023, <https://bit.ly/3M4jHnA>, p. 24. See also, NRC, *The Unmet Needs of Iraq's Children in Informal Settlements*, September 2022, <https://bit.ly/3SaMK9Q>, p. 6.

⁷⁷⁸ Tabriya is "a tribal-based disavowal process by which a female publicly disavows male family members (often husbands) (...). While this is not legally required and is viewed by many as a form of collective punishment, it is still a prominent practice (...); J. Cook, *Distinguishing Children from ISIS-Affiliated Families in Iraq and their Unique Barriers for Rehabilitation and Reintegration*, September 2023, <https://bit.ly/3vLzQIB>, p. 54. "In many cases, families have been compelled by civilian authorities, armed and security actors and/or community and tribal leaders to renounce ties with family members who are perceived or accused of being affiliated with extremist groups, as a precondition to obtain such [security] clearance. (...) Two interrelated mechanisms are often utilized for this purpose, either in parallel or interchangeably. The first, *tabrea'a*, is the process whereby one disavows one's incriminated relative and pledges to sever all bounds with him. As a tribal mechanism, *tabrea'a* has no foundation in Iraqi law. The second, *ikhbar* (notification of offence), is the process whereby one reports his/her relative with alleged ties to extremist groups in front of an investigative judge. It usually entails a complaint being filed under Article 4 of the Anti-Terrorism Law of 2005. It is both an accusation and a legal complaint and, as such, it is not a pledge to disavow a relative. However, the process is seen as an implied disavowal of that family member and therefore has the same social implications as *tabrea'a*"; Protection Cluster, *Protection Analysis Report: Right to Identity and Civil Documentation*, 31 October 2021, <https://bit.ly/3wifaa4>, p. 8. "Aid agencies (...) described how *tabriya'a* – even before applying for a security clearance – is now a precondition for families to apply for a range of administrative procedures, including obtaining civil IDs"; War on the Rocks, *Iraq's Remaining Displaced Families*, 3 February 2022, <https://bit.ly/3s3dgav>. See also, USIP, *Disengaging and Reintegrating Violent Extremists in Conflict Zones*, May 2023, <https://bit.ly/43ILSi3>, p. 11; UNHCR, *Iraq: Civil and Identity Documentation* – 2021, 26 April 2022, <https://bit.ly/3wzB1c6>, p. 2. For returns from Al-Hol/Jeddah-1 centre: "(...) authorities in some locations required returnees to disavow accused relatives, whereas other locations were less strict"; UNU, *The Road Home from Al Hol Camp*, December 2022, <https://bit.ly/3KRBXjh>, p. 27.

⁷⁷⁹ "Ikhbar" "refers to a formal, state-related process that takes place in front of a judge (known in legal terms as 'notification of offence') and involves a person severing all ties with any relative accused of supporting ISIL. Female heads of household are usually required to disavow husbands who are missing or imprisoned, and there are instances where they have also had to disavow imprisoned or missing sons, including children"; UNIDIR, *Coming Home: The Return and Reintegration of Families with Perceived ISIL Affiliation in Iraq*, April 2023, <https://bit.ly/3Hm2152>, p. 11. The person has to make a "time-consuming and expensive criminal complaint at court against the family member or relative suspected IS membership. The court then issues an arrest warrant for the relative, and the plaintiff receives a certificate indicating willingness to testify against the relative, a procedure which at least in principle allows the plaintiff to receive the clearance. The outcomes of the court processes can be very unpredictable as the allegations of IS links can be arbitrary and subject to abuse"; Peacemakers Network, *Iraq after the Territorial Defeat of Islamic State*, March 2023, <https://bit.ly/3CrBGT7P>, p. 24. This process "is deeply problematic, as it requires women to take responsibility for the actions of their husbands, and bars them from accessing documentation unless they denounce their husbands"; Boston University, *The Campaign to End Statelessness in Iraq*, March 2022, <https://bit.ly/3zFu0cm>, pp. 55-56. See also, Network for Religious and Traditional Peacemakers, *Iraq after the Territorial Defeat of Islamic State: By Slow Recovery or Danger of After-Effects?*, March 2023, <https://bit.ly/45zVgY7>, p. 24; UNDP, *Challenges for the Return and Reintegration of Women and Children*, October 2022, www.ecoi.net/en/document/2082671.html, p. vi; World Bank, *Local Peace Agreements and the Return of IDPs with Perceived ISIL Affiliation in Iraq*, January 2022, www.ecoi.net/en/document/2070776.html, p. 25. On the sentencing of alleged Da'esh affiliates on the basis of their relatives disavowing them, see also footnote 751.

⁷⁸⁰ "Iraq's security clearance process is also opaque and fraught with legal, social, and financial obstacles (...); Rand Corporation, *In the Wreckage of ISIS*, 2023, <https://bit.ly/3WfJQOV>, p. 33. "Security clearance processes often lack transparency, whereby outcomes are unpredictable and often with no available legal remedies for individuals denied clearance. (...) These processes create significant anguish, stress and anxiety, and embed guilt by association and collective punishment. Additionally, the processes often have large administrative costs and further isolate already marginalized individuals and families"; OCHA, *Humanitarian Needs Overview 2022: Iraq*, 27 March 2022, <https://bit.ly/3qPutUV>, footnote 218.

Da'esh,⁷⁸¹ and families may incur further stigma or harassment as a result.⁷⁸² Furthermore, if the head of family failed to obtain security clearance, it taints the whole family.⁷⁸³

Accessing civil documentation

In addition to the prerequisite of having security clearance to obtain or replace missing or expired civil documentation such as civil identity cards, birth and death certificates,⁷⁸⁴ marriage and divorce certificates, welfare cards, and passports,⁷⁸⁵ families associated with actual or perceived Da'esh members are subject to discrimination and additional legal and administrative requirements.⁷⁸⁶ For example, in March 2021, the Court of Cassation in Baghdad issued a decision requiring women who are perceived to be affiliated with a member of Da'esh to provide either evidence of incarceration or a death certificate prior to being able to obtain documentation.⁷⁸⁷ In March of 2022, an additional barrier for the issuance of documentation to children was introduced as courts started to require that families with perceived Da'esh affiliation provide

⁷⁸¹ "(...) completing tabrea'a or ikhbar does not necessarily result in increased acceptance, or resulting opportunities to return to areas of origin. Indeed, in many cases the process can be perceived by some actors as a confirmation of affiliation to extremist groups. This is particularly notable as processes to secure many documents – for example the housing card – can require the approval or buy-in of local authorities, such as the mukhtar"; DRC, *Life in the Margins*, September 2022, www.ecoi.net/en/document/2078836.html, p. 19. "An encouraging (though small-scale) UNDP community survey noted that communities are generally more willing to accept back women and children from ISIS-affiliated families, but noted that certain conditions must be met to do so including psychological rehabilitation (75 percent), disavowal of families in courts (68 percent), public apology (59 percent), and community service (22 percent) amongst others. Yet, many ISIS-affiliated families still felt rejected by their communities even after going through these steps"; J. Cook, *Distinguishing Children from ISIS-Affiliated Families in Iraq and their Unique Barriers for Rehabilitation and Reintegration*, September 2023, <https://bit.ly/3vLzQtb>, pp. 58-59.

⁷⁸² "A court procedure against a husband may, for example, compromise a woman's inheritance rights and risk her losing her support network. Many women face an unbearable situation; either they denounce their husbands or remain social outcasts unable to obtain security clearance"; Network for Religious and Traditional Peacemakers, *Iraq after the Territorial Defeat of Islamic State: By Slow Recovery or Danger of After-Effects?*, March 2023, <https://bit.ly/45zVgY7>, p. 24. "(...) the stigma in people's minds is in many cases so strong that whether the woman has a certificate [security clearance] or not, she together with her children, remains an outcast in the eyes of the community"; Peacemakers Network, *Iraq after the Territorial Defeat of Islamic State*, March 2023, <https://bit.ly/3CrBG7P>, p. 24. "(...) some women refuse to complete it [tabriya'a] because they do not want to betray their husbands and sons or fear retaliation from their husband's family. (...) Additionally, there is no guarantee that women who do tabriya'a will be accepted back into their communities because it is only one factor of many that determine whether the local community will accept them"; War on the Rocks, *Iraq's Remaining Displaced Families*, 3 February 2022, <https://bit.ly/3s3dgav>. See also, UNDP, *Challenges for the Return and Reintegration of Women and Children*, October 2022, www.ecoi.net/en/document/2082671.html, p. 20. The disavowal process "could also have significant implications for children who may thus be disavowed from their father publicly, and also identified publicly as belonging to an ISIS-affiliated family"; J. J. Cook, *Distinguishing Children from ISIS-Affiliated Families in Iraq and their Unique Barriers for Rehabilitation and Reintegration*, September 2023, <https://bit.ly/3vLzQtb>, p. 54.

⁷⁸³ "(...) these security clearances still applied to the family unit, meaning that if the head of household failed the vetting process, his wife and children would similarly be without a clearance"; World Bank, *Local Peace Agreements and the Return of IDPs with Perceived ISIL Affiliation in Iraq*, January 2022, www.ecoi.net/en/document/2070776.html, p. 25.

⁷⁸⁴ "Women who were married to ISIL members are particularly disadvantaged because they are required to prove the circumstances of their husbands' death and proof of marriage"; IOM, *Pathways to Reintegration: Iraq Families Formerly Associated with ISIL*, February 2021, <https://bit.ly/3ggwJSE>, p. 17. "One displaced woman said that her 5-year-old son, who was born in an ISIS hospital, cannot obtain a valid Iraqi birth certificate without his father's consent. With her husband's death not officially declared, she still needs his signature on everything, including proof of parentage and for enrolling her son in school"; UNDP, *Challenges for the Return and Reintegration of Women and Children*, October 2022, www.ecoi.net/en/document/2082671.html, p. 21. See also, US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html; War on the Rocks, *Iraq's Remaining Displaced Families*, 3 February 2022, <https://bit.ly/3s3dgav>.

⁷⁸⁵ HRW, *World Report 2023: Iraq*, 12 January 2023, www.ecoi.net/en/document/2085461.html; NRC, *The Unmet Needs of Iraq's Children in Informal Settlements*, September 2022, <https://bit.ly/3SaMK9O>, p. 18; DRC, *Life in the Margins*, 16 September 2022, www.ecoi.net/en/document/2078836.html, pp. 6, 12, 18. See also Section II.F.3.a.

⁷⁸⁶ "Displaced families, especially those with perceived ties to ISIS, including victims and survivors of ISIS crimes, were often unable to obtain or replace vital civil status documents (...); US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. "Families with perceived affiliation face a range of challenges when applying for civil documentation and registering children born during the conflict: the need to obtain security clearance from intelligence actors, a raft of additional extra-legal procedural and administrative requirements, and community stigmatisation"; DRC, *Life in the Margins*, September 2022, www.ecoi.net/en/document/2078836.html, p. 19. The lack of civil documentation "disproportionately affects displaced women – especially widows, divorcees and women whose husbands are missing or deceased – and children across the region (...) [displaced applicants are] subjected to a background check by intelligence and security forces. If the person or one of his/her relatives appears on one of the various 'wanted lists', the application will most likely be denied"; E. van Eijk, *Displaced, Unwanted and Undocumented. Children Born into Iraqi and Syrian Families with (Perceived) Terrorist Affiliations*, 2022, <https://bit.ly/3FzZVi2>, p. 16. See also, HRW, *World Report 2023: Iraq*, 12 January 2023, www.ecoi.net/en/document/2085461.html; War on the Rocks, *Iraq's Remaining Displaced Families*, 3 February 2022, <https://bit.ly/3s3dgav>; Protection Cluster, *Protection Analysis Report: Right to Identity and Civil Documentation*, 31 October 2021, <https://bit.ly/3wifaa4>, p. 8.

⁷⁸⁷ This is "an impossibility for many households where the head of household died or disappeared during the conflict"; DRC, *Life in the Margins*, 16 September 2022, www.ecoi.net/en/document/2078836.html, p. 19. "(...) key informants consistently referenced this decision as the primary barrier to accessing civil documentation and which, so long as it remains in place, severely limits the ability of children from families with perceived ISIL affiliation from accessing documentation. While the definition of an ISIL affiliate is opaque, this appears likely to apply to persons against whom an arrest warrant was issued by an investigative judge; those listed in the various security databases; or potentially others whose information was shared by informants or listed in ISIL documents"; UNU, *The Road Home from Al Hol Camp: Reflections on the Iraqi Experience*, December 2022, <https://bit.ly/3KRbXih>, p. 32. In particular, the process for investigating the disappearance of a person and declaring them dead "as is required to allow the families to request support, claim reparation, and try to clarify their administrative and legal status", is complex and unclear, involving multiple court systems and actors; see CED, *Observations and Recommendations*, 31 March 2023, <https://bit.ly/3MjZtb0>, paras 3-10. See also, Boston University, *The Campaign to End Statelessness in Iraq*, March 2022, <https://bit.ly/3zFu0cm>, p. 54.

DNA samples from up to three male paternal relatives.⁷⁸⁸ Finally, Iraq's High Judicial Council in July 2022 reaffirmed the requirement of multiple DNA tests and confirmed that birth registration of children born to foreign Da'esh fighters was not permitted.⁷⁸⁹ Furthermore, the issuance of documentation may require the individuals to return to their home area, which is not possible for those fearing reprisals or who are blocked from returning.⁷⁹⁰ Additional requirements are reported to have been introduced at the local level.⁷⁹¹ Female-headed households⁷⁹² face additional obstacles related to their gender when seeking to obtain security clearance and/or documentation for themselves or their children.⁷⁹³

As a result of these manifold obstacles, many persons of this profile lack valid civil documentation,⁷⁹⁴ which in turn increases the risk of arbitrary arrest and detention, and impacts on their freedom of movement and their ability to access employment, health care, education and social security benefits, as well as to inherit property or remarry.⁷⁹⁵ Children who lack documentation as a result of their perceived Da'esh affiliation are

⁷⁸⁸ "In March of 2022, following a request from the Forensics Department of the Ministry of Health in Baghdad, courts widely began requiring that families with perceived affiliation seeking proof of paternal lineage – a requirement to obtain a birth certificate and other civil documents for a child – provide DNA samples from up to three male paternal relatives, an increase on the single sample ordinarily required. Even if it is possible to secure these samples, the lengthy processing time (at least one year and often much longer), the requirement to travel to Baghdad (the only location where DNA can be processed), and the cost and complexity involved make the process largely inaccessible"; UNU, *The Road Home from Al Hol Camp: Reflections on the Iraqi Experience*, December 2022, <https://bit.ly/3KRBXjh>, pp. 32-33. "According to anecdotal reports, mothers have attempted to exhume the dead bodies of the fathers of their children to prove the father's death in order to obtain birth certificates"; Boston University, *The Campaign to End Statelessness in Iraq*, March 2022, <https://bit.ly/3zFu0cm>, p. 55. See also, DRC, *Life in the Margins*, 16 September 2022, www.ecoi.net/en/document/2078836.html, p. 19.

⁷⁸⁹ DRC, *Life in the Margins*, 16 September 2022, www.ecoi.net/en/document/2078836.html, p. 19.

⁷⁹⁰ See below "Obstacles to return or relocation" and footnote 1407.

⁷⁹¹ "Each governorate has its own specific approach to documentation of IS families. There is no clear, centralized policy, but rather a haphazard set of different directives by different authorities to local offices. For instance, in the western governorates of Al-Anbar, NRC reported that officials received specific directives from the Ministry of Interior to issue civil IDs for children, regardless of their families' suspected affiliation. On the other hand, in the governorates of Ninewa, NRC reports that directives were issued to authorities to refuse granting IDs to children suspected of being born to parents with IS affiliations"; Boston University, *The Campaign to End Statelessness in Iraq*, March 2022, <https://bit.ly/3zFu0cm>, p. 54.

⁷⁹² "A significant number of returning ISIS-affiliated families are female-headed households due to the large numbers of adult males in prison, missing, or killed in the conflict"; J. Cook, *Distinguishing Children from ISIS-Affiliated Families in Iraq and their Unique Barriers for Rehabilitation and Reintegration*, September 2023, <https://bit.ly/3vLzQIB>, p. 58.

⁷⁹³ "Particularly female headed households often face legal impasses, as mothers with husbands who were IS members find it extremely difficult to obtain security clearance or civil documentation for themselves and their children"; Peacemakers Network, *Iraq after the Territorial Defeat of Islamic State*, March 2023, <https://bit.ly/3CrbG7P>, p. 24. "Displaced female-headed families face greater administrative obstacles due to legal complications and the social status of women linked to tribal customs and traditions. Sometimes a woman cannot, on her own, obtain a security clearance or civil documents for herself and her children. Women with husbands who have been arrested, are wanted by the security forces or are missing and whose fate is unknown, find themselves in serious trouble. They cannot obtain a security clearance and thus cannot renew their documents and obtain their civil rights"; UNDP, *Challenges for the Return and Reintegration of Women and Children*, October 2022, www.ecoi.net/en/document/2082671.html, p. 20, see also p. ix. "Generally, multiple requirements for documents compound broader dynamics which already make it more difficult for women to claim HLP and inheritance rights, transfer services or benefits to their name in the case of a husband's absence, or even secure custody over their children. (...) Indeed, women without documents may face challenges asserting their rights in their families and during and after marriage, including for example in securing inheritance and alimony, which would greatly strengthen their ability to make decisions about their own lives after divorce or in other independent living situations"; DRC, *Life in the Margins*, 16 September 2022, www.ecoi.net/en/document/2078836.html, pp. 20-21. Denouncing a male relative in court requires the presence of witnesses, however finding these may prove difficult "because people either worry about testifying against someone who might have been wrongly accused, or they are concerned that the accused might eventually return and pose a threat to them"; The World, *4 Years Later, the Legacy of ISIS Prevents these Iraqi Children from Going to School*, 10 April 2023, <https://bit.ly/43BnnEi>. See also, CIVIC, *The Plight of Displaced Persons*, April 2021, www.ecoi.net/en/document/2051872.html, p. 15.

⁷⁹⁴ "(...) many ISIS-affiliated families [are unable] to meet the thresholds of documentation and evidence required to obtain national documentation for children such as birth certificates or national identification cards. This is particularly difficult if male family members are dead, missing, or in prison"; J. Cook, *Distinguishing Children from ISIS-Affiliated Families in Iraq and their Unique Barriers for Rehabilitation and Reintegration*, September 2023, <https://bit.ly/3vLzQIB>, p. 60. Some may hold Da'esh-issued documents which are however not recognized by the government: "IS-issued documents are considered invalid by the Iraqi authorities, who refuse to recognize documents issued by non-state actors so as not to legitimize IS in any way. (...) If a child was born under IS governance, the child's birth certificate will not be recognized, and if a couple was married, their marriage certificate will not be accepted. Many individuals also had their documents confiscated by Iraqi security forces for perceived affiliation with these groups"; Boston University, *The Campaign to End Statelessness in Iraq*, March 2022, <https://bit.ly/3Z1yFPp>, pp. 53-54. "Conflict and subsequent control of some areas by ISIL (Islamic State in Iraq and the Levant) resulted in issues related to the issuance of identity documents for Iraqi children, including birth certificates and identification (ID) cards. Moreover, the loss of public records and the inability to register marriages increased the complexity faced by families, especially children and youth. It is also worth noting that lack of civil documentation may be due to confiscation by armed groups or the issuance of alternative civil documents by Islamic State groups in the areas controlled by them. (...) Lack of marriage registration documents and missing deceased parents (specifically the father from whom children inherit nationality in Iraq) are two additional barriers related to the issuance of birth certificates and IDs for children/youth"; Terre des Hommes, *Understanding the Legal Pathways for Children in Contact with the Law Within the Iraqi Criminal Justice System*, March 2022, <https://bit.ly/3VDiZBq>, p. 11.

⁷⁹⁵ The inability to obtain or renew civil documentation "has the ripple effect of preventing children from being enrolled in school or having their families access government support and services including healthcare or pensions (...)"; J. Cook, *Distinguishing Children from ISIS-Affiliated Families in Iraq and their Unique Barriers for Rehabilitation and Reintegration*, September 2023, <https://bit.ly/3vLzQIB>, p. 60. See also, OCHA, *HTO 2023*, 23 February 2023, <https://bit.ly/3nFitGK>, p. 12; UNDP, *Challenges for the Return and Reintegration of Women and Children*, October 2022, www.ecoi.net/en/document/2082671.html, pp. 18-19; NRC, *The Unmet Needs of Iraq's Children in Informal Settlements*, September 2022, <https://bit.ly/3SaMK9Q>, p. 21; DRC, *Life in the Margins*, 16 September 2022, www.ecoi.net/en/document/2078836.html, pp. 14-15; 19-20; UNHCR, *Access to Civil Documentation by IDPs and IDP Returnees in Iraq: 2022-2023*, 24 August 2022, <https://bit.ly/43gTGbT>, p. 1. See also Section II.E.1.

regularly deprived of accessing education⁷⁹⁶ and are at risk of statelessness.⁷⁹⁷ Lawyers assisting families with perceived affiliation to Da'esh, e.g., to obtain security clearance or access documentation, are reported to face harassment, which hinders legal representation for persons of this profile.⁷⁹⁸

Obstacles to return or relocation

Sunni Arab and Turkmen IDPs who are associated with actual or perceived Da'esh members through family or tribal relations face particular challenges to return to their area of origin.⁷⁹⁹ These families must undergo a return process, which includes obtaining security clearance from various security actors in the area of origin, often coupled with the requirement to disavow relatives accused of supporting Da'esh.⁸⁰⁰ The UN has systematically advised against the requirement to disavow relatives as it stigmatizes family members and is carried out outside any legal framework and without due process. Local stakeholders in the area of origin, including tribal leaders, *mukhtars* (head of local administration), local dignitaries, victims and relatives, are often involved in the vetting process and in facilitating the return of IDPs to their communities, including through reconciliation agreements⁸⁰¹ and guarantees that the returning individuals do not pose a

⁷⁹⁶ "Missing documentation is a common issue with many ISIS-affiliated families who are unable to get national documentation, and thus cannot access education. One case worker noted she cannot register some children for school in the camp as 'instructions came [from the government] to not let in any student that has a statement or any affiliation with ISIS,' such as ISIS-issued birth certificates"; J. Cook, *Distinguishing Children from ISIS-Affiliated Families in Iraq and their Unique Barriers for Rehabilitation and Reintegration*, September 2023, <https://bit.ly/3vLzQitB>, p. 55. "The process to acquire documentation is interlinked with security clearance of the children's parents, presenting further barriers to attend school and amounting to collective punishment of tens of thousands of children"; DRC, *Life in the Margins*, September 2022, www.ecoi.net/en/document/2078836.html, p. 15. "While Iraq's birth registration rate for children is more than 95%, the latest statistics show that that in the Ninewa governorate (the main governorate occupied by IS) only 76.6% of children's births are registered. (...) it has been estimated that many children in the several governorates occupied by IS at various points in time do not have birth certificates or any other civil documentation"; Boston University School of Law, *The Campaign to End Statelessness in Iraq*, March 2022, <https://bit.ly/3Dq22SY>, pp. 52-53. "In federal Iraq, the Minister of Labour and Social Affairs (MoLSA) has established a committee to help provide civil documentation to all children who are living in IDP camps, orphanages, and out-of-camp areas. If implemented, such measures could help significantly reduce vulnerability among IDP families. This process is not yet functioning in the urban areas, and it still excludes children born to parents with perceived affiliation with ISIL. Therefore, those children remain without civil proper civil documents"; OCHA, HTO 2023, 23 February 2023, <https://bit.ly/3nFitGK>, p. 14. Lacking civil documentation also impacts children's access to health care, housing, social safety nets and freedom of movement, and leaves them at risk of detention or arrest; see Sections [II.E.1](#) and [III.A.9](#).

⁷⁹⁷ "The issue of statelessness is also a significant ongoing concern with these children unless citizenship can be conferred. Such cases become more complex when the mothers were minors at the time of birth, where child marriages are not legally recognised, and in cases where women have had multiple children with multiple fathers (e.g., where men died, and women remarried, sometimes multiple times)"; J. Cook, *Distinguishing Children from ISIS-Affiliated Families in Iraq and their Unique Barriers for Rehabilitation and Reintegration*, September 2023, <https://bit.ly/3vLzQitB>, p. 60. "Absent a consistent, countrywide plan to document children of Iraqi mothers and ISIS fathers, those children were at risk of statelessness"; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also, Boston University, *The Campaign to End Statelessness in Iraq*, March 2022, <https://bit.ly/3zFu0cm>, p. 57; and Section [III.A.9](#).

⁷⁹⁸ "Lawyers who attempt to assist such persons [with perceived IS affiliations] also frequently face harassment, which severely limits reliance on the legal system to rectify the situation"; Boston University, *The Campaign to End Statelessness in Iraq*, March 2022, <https://bit.ly/3Z1yFPr>, p. 53. "(...) legal actors do not offer counselling or representation in relation to tabra'a or ikhbar due to multiple protection concerns. Among others, the process (...) poses serious risks to the safety of the lawyers representing such cases, as they would risk to be themselves perceived by the authorities as being affiliated to extremist groups"; Protection Cluster, *Protection Analysis Report: Right to Identity and Civil Documentation*, 31 October 2021, <https://bit.ly/3wifaa4>, p. 8. See also, War on the Rocks, *Iraq's Remaining Displaced Families*, 3 February 2022, <https://bit.ly/3s3dgav>.

⁷⁹⁹ "Such perceptions and suspicions present a major impediment to safe return because many IDPs in camps have at least tertiary familial connections to ISIS members – although familial ties should not connote stigmatization of being an 'ISIS family'"; RAND Corporation, *In the Wreckage of ISIS: An Examination of Challenges Confronting Detained and Displaced Populations in Northeastern Syria*, 2023, <https://bit.ly/3MPzbMk>, p. 33. "Families with perceived affiliation to the group often find their return blocked by security actors, experience community rejection and stigmatization, and are at high risk of revenge attacks and violence"; UN Women, Zainab Qassim, an Iraqi Woman Mediator who Helped Reintegrate Families Accused of ISIS Affiliation into their Home Communities, 24 October 2022, <https://bit.ly/45eaWQp>. See also, Ceasefire Centre for Civilian Rights, *The Rise of Paramilitary Forces and the Security of Minorities in Iraq's Disputed Territories*, January 2022, <https://bit.ly/3SZT3iN>, p. 28.

⁸⁰⁰ "(...) many women from ISIS-affiliated families were obliged to undergo tabriya – a tribal-based disavowal process by which a female publicly disavows male family members (often husbands) in order to be accepted back into a community and advance legal processes such as getting civil documentation"; J. Cook, *Distinguishing Children from ISIS-Affiliated Families in Iraq and their Unique Barriers for Rehabilitation and Reintegration*, September 2023, <https://bit.ly/3vLzQitB>, p. 54. "For Iraqis who were displaced during the ISIL conflict to return home, they need to meet several key steps. First, in order to return to their place of origin (...) people who lived in ISIL occupied territory are required to complete an administrative process established by authorities in that area. Although the process varies between provinces (and even districts) it typically requires a security clearance issued at the provincial level by an assortment of security and political actors, and – for those with perceived ISIL affiliation – (...) potentially disavow any relatives accused of supporting ISIL"; UNIDIR, *Coming Home: The Return and Reintegration of Families with Perceived ISIL Affiliation in Iraq*, April 2023, <https://bit.ly/3Hm2152>, p. 10. "Individuals in some IDP camps require government permission to return to their areas of origin, and government officials frequently denied these security clearances for displaced households with perceived ISIS affiliation"; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also above "Need for security clearance".

⁸⁰¹ "Between 2015 and 2020, numerous communities across Iraq signed local peace agreements aimed at setting the foundations for peaceful future relations between internally-displaced persons (IDPs) accused by some community members and security actors of siding with ISIS, and their 'home' communities, members of which include those who rejected or fought against ISIS, or were victims to its practices. A key component of each peace agreement was to facilitate the return of IDPs accused of ISIS affiliation from camps to their home communities"; UN Women, Zainab Qassim, an Iraqi Woman Mediator who Helped Reintegrate Families Accused of ISIS Affiliation into their Home Communities, 24 October 2022, <https://bit.ly/45eaWQp>. For an analysis of different local peace agreements in Al-Anbar, Ninewa, Kirkuk, and Salah Al-Din "aimed at facilitating the return of families with perceived ISIL affiliation while simultaneously addressing community security concerns", see World Bank, *Local Peace Agreements and the Return of IDPs with Perceived ISIL Affiliation in Iraq*, January 2022, www.ecoi.net/en/document/2070776.html, p. 5.

security threat.⁸⁰² For those lacking documentation⁸⁰³ and/or with no or limited social networks, particularly female heads of household, the process is reported to be particularly challenging.⁸⁰⁴

In some areas,⁸⁰⁵ returns of families associated with actual or perceived Da'esh members have been blocked by either security actors, including due to the lack of security clearance,⁸⁰⁶ and/or (segments of the) local communities.⁸⁰⁷ Some were reported to be pressured to make “blood money” payments to the

⁸⁰² “While the process of return is government-led, key local stakeholders such as tribal leaders and mukhtars play a vital role in facilitating access to the return process. (...) Mukhtars and tribal leaders sometimes agree to sponsor their constituents, although this is more likely if there is a family connection; more often, a sponsor is a relative who holds a respected position such as a government employee or a member of the security forces”; UNIDIR, *Coming Home: The Return and Reintegration of Families with Perceived ISIL Affiliation in Iraq*, April 2023, <https://bit.ly/3Hm2152>, p. 12. “As part of the security clearance and resettlement process, approval from the mukhtar – a local community leader – is typically required; the mukhtar vouches for the good conduct of returning IDPs and guarantees their safety from reprisals. However, some mukhtars have been unable to guarantee returnees’ safety because of communal hostility driven by perceived returnee ties to ISIS”; RAND Corporation, *In the Wreckage of ISIS: An Examination of Challenges Confronting Detained and Displaced Populations in Northeastern Syria*, 2023, <https://bit.ly/3MPzbMk>, p. 33. “But before they can return to their hometowns, tribal elders must hold council and give their approval”; Arab News, *For Iraqis back from Syria, Life on Hold in ‘Rehabilitation’ Camp*, 23 May 2022, <https://arab.news/j39f6>. Similarly, for returnees from Al-Hol/Jeddah-1 centre: “In many areas, the relevant mukhtar is asked to issue a letter confirming ‘that the family is ‘clean’ and that there are no objections to their return. In most places, the tribal leaders and mukhtars also inform the relatives of the Jeddah-1 returnees as well as victim families in the community of the planned return, and in many cases hold small meetings to discuss community concerns and ‘solve problems before they happen’. The degree to which community members (including victim’s families) can influence the approval process varies by location”; UNU, *The Road Home from Al Hol Camp*, December 2022, <https://bit.ly/3KRBXjh>, pp. 27-28. See also, UNDP, *Affiliated with ISIS*, October 2022, www.ecoi.net/en/document/2082671.html, p. 19. For an example of the positive involvement of local stakeholders and the local community facilitating the return of 1,200 families perceived to be affiliated with Da’esh to Muhalabiya Sub-District (Ninewa), see pp. 70-73 of the same report. See also, World Bank, *Local Peace Agreements and the Return of IDPs with Perceived ISIL Affiliation in Iraq*, January 2022, www.ecoi.net/en/document/2070776.html, p. 7.

⁸⁰³ “Civil documents are essential in obtaining security clearance for households and individuals willing to return. (...) When returning without essential personal documentation, families could be exposed to security and protection risks. (...) Many women face issues in obtaining death or divorce certificates from deceased or missing husbands with links to ISIL; they also face issues obtaining children’s birth certificates”; IOM, *Reimagining Reintegration*, 30 March 2023, <https://bit.ly/3M4jHnA>, p. 32. See also UNU, *The Road Home from Al Hol Camp*, December 2022, <https://bit.ly/3KRBXjh>, pp. 31-33; and above “Accessing civil documentation”.

⁸⁰⁴ “People with weak social networks cannot turn to relatives or community leaders to help generate community acceptance or secure a trustworthy sponsor. Female heads of household (and potentially other profiles) are at risk of accepting sponsorship arrangements that open them up to exploitation and abuse, or alternatively, face indefinite displacement if they cannot secure one”; UNIDIR, *Coming Home: The Return and Reintegration of Families with Perceived ISIL Affiliation in Iraq*, April 2023, <https://bit.ly/3Hm2152>, p. 21. Regarding those seeking to return from Al-Hol/Jeddah-1 centre: “Female-headed households and children may face significantly higher barriers for reintegration, especially for individuals that have weak social networks that affect their ability to identify a sponsor to help approve their returns to communities of origin”; US Department of Defense, *Lead Inspector General Report*, 9 November 2023, <https://bit.ly/3OhVdJo>, p. 36. See also, UNU, *The Road Home from Al Hol Camp*, December 2022, <https://bit.ly/3KRBXjh>, pp. 29-30; UNDP, *Affiliated with ISIS*, October 2022, www.ecoi.net/en/document/2082671.html, pp. 19.

⁸⁰⁵ Cases of blocked return include locations in Babel (Al-Musayab District), Ninewa (Al-Ba’aj and Qayrawan Sub-District), Al-Anbar (Heet, Rutba and Al-Qa’im Districts) and Salah Al-Din (Shirqat and Tuz Khurmat Districts); IOM, *DTM Return Index: Findings Round Nineteen – Iraq*, October 2023, <https://bit.ly/3QKKEFp>, p. 1 (and earlier reports). “Although there have been recent developments in some areas of Ninewa, such as the KRG’s announcement permitting families to return to disputed parts of Hamdaniya (Hassansham Villages) and Tel-Afar (Zummar and Rabea villages), the complete implementation of these approvals is yet to be observed. Some families are still waiting for clearance approvals from the authorities”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 37. The district head of Shirqat (Salah Al-Din) said in May 2023 that “several hundred ISIS families directly implicated in terrorist acts or providing support to the group have not yet returned. These individuals are ineligible for repatriation under any circumstances”; Shafaq News, *Al-Shirqat District Administration Succeeds in Reintegrating ISIS Families, Acknowledges Ongoing Challenges*, 9 May 2023, <https://bit.ly/3MvmvHd>.

⁸⁰⁶ “In some instances, IDPs are from areas of origin that are blocked from return by security actors”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 62. “PMF units prevented residents, including Sunni Arabs and members of ethnic and religious minority groups, from returning to their homes after government forces ousted ISIS.” And further: “On November 25 [2022], the head of the Iraqi Turkmen Front reported that the PMF had not allowed Sunni Turkmen to return to their villages in Tuz-Khurmat District, Salah al-Din Province. The PMF, however, allowed Shia Turkmen to return to their villages”; US Department of State, *2022 Report on International Religious Freedom: Iraq*, 15 May 2023, www.ecoi.net/en/document/2091863.html. “Blocked returns are commonly enforced by security actors on the ground, usually on the grounds of the IDPs families not possessing the required documentation (usually a security clearance) to leave the area if displacement or re-enter the area of origin”; UNIDIR, *Coming Home: The Return and Reintegration of Families with Perceived ISIL Affiliation in Iraq*, April 2023, <https://bit.ly/3Hm2152>, p. 7. “An official in the Iraqi Ministry of Interior estimated the number of people from families perceived as associated with ISIS and unable to return to their homes at about 250,000. (...) [This] de facto ban on returns is a punishment for those who some clans, authorities, local communities or the Popular Mobilization Forces believe were sympathetic to ISIS or had a relative affiliated with or cooperating with ISIS”; UNDP, *Affiliated with ISIS*, October 2022, www.ecoi.net/en/document/2082671.html, p. vi. “The denial of security clearance constitutes a de facto ban on movement for the affected individuals and makes it impossible for them to return”; CIVIC, *The Plight of Displaced Persons*, April 2021, www.ecoi.net/en/document/2051872.html, p. 12. For example, an estimated 7,500 families who have been displaced from the formerly Da’esh-held Sub-District of Jurf Al-Sakhar/Jurf Al-Nasr (Babel) since 2014 continue to be blocked from returning by Kataib Hezbollah, which cites security concerns on account of these families’ perceived affiliation with Da’esh; Shafaq News, *Between Displacement and Return: Jurf al-Sakhar’s Inhabitants Face Security Hurdles and Political Exploitation*, 9 April 2023, <https://bit.ly/421Qd0p>; Arab News, *Daesh and the Hashd Enable Each Other’s War to Dominate Iraq*, 27 February 2023, <https://bit.ly/45uYlly>. PMF leaders in 2023 and 2021 have publicly encouraged implementing the “model” of Jurf Al-Sakhar to other areas such as Tarmiyah (Salah Al-Din); Washington Institute, *The Jurf al-Sakhar Model: Militias Debate How to Carve Out a New Enclave North of Baghdad*, 20 February 2023, <https://bit.ly/3BiOqtu>; Rudaw, *Iraqi Militia Calls for Evacuation of Sunni Areas to Cut Support for ISIS*, 3 May 2021, <https://bit.ly/41oF1cZ>. See also, Diyaruna, *Presence of Iran-Backed Militias Complicates Return of Displaced Iraqis*, 5 January 2023, <https://bit.ly/3WpUbha>.

⁸⁰⁷ UNDP, *Affiliated with ISIS*, October 2022, www.ecoi.net/en/document/2082671.html, pp. 17-18. In April 2023, Yazidis in Sinjar protested the return of 25 Sunni Arab families who had been displaced to Mosul, holding signs that read “No to ISIS Return”; The Cradle, *Yazidis Protest Return of Sunni Arab Families to Sinjar*, 28 April 2023, <https://bit.ly/3oZTYoc>. “(...) the increase in Daesh activity hinders the willingness of communities to allow the return and

victims of Da'esh before being allowed to return.⁸⁰⁸ Those who do not receive the required security clearance and/or acceptance from local stakeholders/communities either remain in protracted displacement,⁸⁰⁹ or if they nevertheless return, put themselves at risk of reprisal acts, including retaliatory killings based on tribal justice.⁸¹⁰

For those unable or unwilling to return to their home area, relocation to a third location requires security clearance and approval from the local authorities, as well as, in certain areas, having a sponsor.⁸¹¹

Discrimination and reprisals

In their home areas, and depending on local dynamics (presence of armed actors, level of community reconciliation, availability of justice and compensation mechanisms, and ethno-religious and tribal tensions or disputes) and the individual circumstances (in particular their social and tribal ties), families associated with actual or perceived Da'esh members may face discrimination (e.g., in relation to accessing basic

rehabilitation of these families. With every new attack, the rejection of their return becomes stronger"; CFRI, *Daesh: Which Outlook for Iraq in 2023?*, 13 March 2023, <https://bit.ly/3LJiEe6>. "In Saladin governorate, the clans and families of ISIS victims still do not allow talk about the return of families and their integration into society. Even those who have obtained security and judicial clearances are not welcome to return. (...) In some areas, the feelings behind societal rejection may be local and sometimes personal. Some women confirmed that their local communities stipulated that, in return for allowing them to come back to their homes, they abandon their male children even if the boy is only one day old. The reasons for rejection and hostility vary not just from one district to another but even from one residential group to another. Residents of areas controlled by ISIS say that they remember everyone who joined or helped ISIS"; UNDP, *Affiliated with ISIS*, October 2022, www.ecoi.net/en/document/2082671.html, pp. 17-18. "The KRG also continues to prevent Arab families from returning to villages on the border with Syria, from which they fled during fighting between the Peshmerga and IS in 2014"; Freedom House, *Freedom in the World 2023: Iraq*, May 2023, <https://bit.ly/45w1S9F>. "The KRG continued to prevent thousands of Arabs from returning home to villages in the Rabia subdistrict and Hamdaniya district [Nineva], areas where KRG forces had pushed ISIS out and taken territorial control in 2014 but allowed local Kurdish villagers to return to those same areas"; HRW, *Submission to the UN Human Rights Committee*, January 2022, www.ecoi.net/en/document/2075228.html. See also, Kirkuk Now, *Part of Sunni Arabs Unable to Return to Shingal (Sinjar)*, 4 July 2023, <https://bit.ly/3pLhRkI>; Shafaq News, *Yazidi Council Rejects the Return of Sunni Arab Families to Sinjar over IS Ties*, 29 April 2023, <https://bit.ly/3ISS9Aw>. Similarly, with regards to returns from Al-Hol/Jeddah-1 centre: "In some locations, key local stakeholders categorically rejected the return of any Iraqis from Al Hol, regardless of their profile or the completion of security clearance"; UNU, *The Road Home from Al Hol Camp*, December 2022, <https://bit.ly/3KRBXjh>, p. 16.

⁸⁰⁸ "In view of national reconciliation, many challenges are directly linked with Iraq's specific 'tribal' sociocultural character. Particularly in rural areas and small towns the civic legal system has little practical authority, therefore reconciliation processes must take into account the tribal customary models. The relations between disputing parties are regulated by means of the so called 'musalahah'-system according to which the offending party, whether family or clan or tribe, must compensate the offence by offering a 'diya', blood money and meet other case specific conditions in order settle the issue. The tribes are, however, not unified and in many cases split between IS related offenders and victims"; Network for Religious and Traditional Peacemakers, *Iraq after the Territorial Defeat of Islamic State: By Slow Recovery or Danger of After-Effects?*, March 2023, <https://bit.ly/45zVgY7>, p. 25. See also CIVIC, *The Plight of Displaced Persons*, April 2021, www.ecoi.net/en/document/2051872.html, pp. 8, 17-18; IOM, *Managing Return in Anbar: Community Responses to the Return of IDPs with Perceived Affiliation*, 26 March 2020, <https://bit.ly/3BW5pAC>, pp. 9, 14-15; and Section III.A.12.

⁸⁰⁹ "For returnees who go through formal return channels, they require local sponsorship, and many noted they were unable to secure local sponsorship and thus had no route to return to their community (...); J. Cook, *Distinguishing Children from ISIS-Affiliated Families in Iraq and their Unique Barriers for Rehabilitation and Reintegration*, September 2023, <https://bit.ly/3vLzQtB>, p. 58. "Some attempts to return families in the villages of Amerli, Salman Pak, Daquq, Al Bashir, Dibis and Tuzkhurmatu have failed. The main stumbling blocks are the security concerns of the Popular Mobilization Forces, particularly the Shiite Turkmen, even though the families involved have been vetted by the by the National Security Advisory and Iraqi Military Intelligence"; UNDP, *Affiliated with ISIS*, October 2022, www.ecoi.net/en/document/2082671.html, p. 18. See also, UNIDIR, *Coming Home: The Return and Reintegration of Families with Perceived ISIL Affiliation in Iraq*, April 2023, <https://bit.ly/3Hm2152>, p. 21; UNU, *The Road Home from Al Hol Camp*, December 2022, <https://bit.ly/3KRBXjh>, p. 30.

⁸¹⁰ "One returnee described how tribal support can determine if return is feasible: 'The tribal leaders inform members in the community that [the returnee] is coming back and asks them if they agree with his return or not. If the community members say no, the tribal leaders inform the person who wants to return that the tribe will not cover them. That means that if the person returns, they will be solely responsible for their own family's protection. In this case the person will not return because he would fear revenge'; UNIDIR, *Coming Home: The Return and Reintegration of Families with Perceived ISIL Affiliation in Iraq*, April 2023, <https://bit.ly/3Hm2152>, p. 7. "For blocked returns, usually linked to perceived ISIL affiliation their returns may pose risks not only to themselves but their family members who have already returned (in some cases because they disavowed these relatives to be able to come back)"; IOM, *Reimagining Reintegration*, 30 March 2023, <https://bit.ly/3M4jHnA>, p. 34. "Many families with ties to the terrorist organisation are now barred from returning home because of the prospect of retaliatory killings, known as 'blood revenge' or *tha'r* in Arabic"; Brussels International Center, *No War yet no Peace: Why a Million Iraqis Remain Exiled in their own Country*, 18 January 2023, <https://bit.ly/42xpR6v>. Local peace agreements "often committed signatories and the wider community to uphold the rule of law, and this led to a move away from collective punishments and the referral of cases to the state justice system"; World Bank, *Local Peace Agreements and the Return of IDPs with Perceived ISIL Affiliation in Iraq*, January 2022, www.ecoi.net/en/document/2070776.html, p. 29.

⁸¹¹ UNHCR, *Ability of Iraqis to Legally Access and Settle Durably in Proposed Areas of Internal Relocation*, November 2022, www.refworld.org/docid/63720e304.html. See also Section III.C.3.c.

services or employment),⁸¹² as well as threats and societal rejection.⁸¹³ Families associated with actual or perceived Da'esh members may also be at a heightened risk of eviction and property confiscation.⁸¹⁴ In some cases, persons of this profile experience violent reprisals, including physical attacks, destruction of homes, forced expulsion and killings.⁸¹⁵ PMF and tribes have in some cases also taken punitive measures against Sunni Arab communities, including in response to perceived Da'esh attacks.⁸¹⁶

Particular concerns for women and girls

Women and girls of this profile, and in particular those without male support, are at heightened risk of harassment, sexual violence and exploitation, including during interactions with security actors and

⁸¹² "Several interviewees noted that other families would not want their children to go to school with a child from an ISIS-affiliated family. There was a concern about bullying or other stigmatisation for children upon return to school, where children may face discrimination from peers. This may include false accusations being levelled against them, or fear of revenge acts against their families and children." And further: "In local neighbourhoods, children were also noted to be from 'ISIS families', and non-ISIS affiliated families may restrict their children from playing or interacting with them"; J. Cook, *Distinguishing Children from ISIS-Affiliated Families in Iraq and their Unique Barriers for Rehabilitation and Reintegration*, September 2023, <https://bit.ly/3vLzQtB>, pp. 56, 58. "Employers who check women's backgrounds often consult local mukhtars, who report on the women's alleged links to ISIS. Usually, they are not employed"; UNDP, *Challenges for the Return and Reintegration of Women and Children*, October 2022, www.ecoi.net/en/document/2082671.html, p. 23. Assessments in the Sub-Districts of Jalawla (Diyala), Markaz Samarra (Salah Al-Din), Al-Forat (Al-Anbar) and Suleiman Beg (Salah Al-Din) revealed that families with perceived Da'esh affiliation faced more challenges to access livelihoods and basic services; REACH, *Rapid Assessment on Returns and Durable Solutions (ReDS): Governorate Profiles - Diyala - Iraq*, February 2023, 29 March 2023, <https://bit.ly/43S9q4O>, p. 7; REACH, *Rapid Assessment on Returns and Durable Solutions, Markaz Samarra Sub-District - Samarra District - Salah Al-Din Governorate, Iraq*, November 2021, 2 February 2022, <https://bit.ly/43SbxFM>, p. 10; REACH, *Rapid Assessment on Returns and Durable Solutions, Markaz Al-Garma Sub-District - Al-Forat Sub-District - Heet District - Al-Anbar Governorate, Iraq*, October 2021, 28 January 2022, <https://bit.ly/42EQ8ze>, p. 10; REACH, *Rapid Assessment on Returns and Durable Solutions, Suleiman Beg Sub-District - Tooz Khurmato District - Salah Al-Din Governorate, Iraq*, August 2021, 24 January 2022, <https://bit.ly/3qviz53>, pp. 8, 9. In Al-Qaim (Al-Anbar), key informants "reported that there was a general fear that returnee households may have members with alleged links to ISIL and feared this may lead to serious security incidents. On the other hand, one older returnee KI reported that households with members with alleged links to ISIL may face movement restrictions which will block their access to basic needs items. Additionally, one community leader KI reported that returnees with alleged links to ISIL may face discrimination and exploitation at work based on their security status"; REACH, *Rapid Assessment on Returns and Durable Solutions: Markaz Al-Kaim Sub-District - Al-Kaim District - Al-Anbar Governorate - Iraq (February 2022)*, 31 March 2022, <https://bit.ly/3CmVnZm>, p. 7. The situation of those missing documentation is particularly challenging; see above "Need for security clearance" and "Accessing civil documentation".

⁸¹³ "Particular vulnerabilities existed for returnees with affiliations to armed groups, as they were at risk of exploitation, discrimination, and security concerns. (...) Discrimination and the fear of arrest or persecution were prevalent, leading to difficulties in reintegration into society"; IRC, *Protection Needs Overview April 2023* – September 2023, 10 December 2023, <https://bit.ly/3vVrRPh>, p. 13. In many formerly Da'esh-held areas, "residents or security forces marked the homes of families perceived as affiliated with ISIS with an 'X' or graffiti indicating ISIS"; UNDP, *Challenges for the Return and Reintegration of Women and Children*, October 2022, www.ecoi.net/en/document/2082671.html, p. 23. For example, in Al-Qaim (Al-Anbar), some returnee families reported "feelings and experiences of discrimination due to having remained in Al-Qa'im during the ISIL occupation." Another returnee reported: "There are people writing threatening statements on the walls of our homes such as 'You are Daesh' and 'We will harm you'." Another one said: "Because one of my family members joined ISIL, people call us names and tell us that we do not deserve to live"; IOM, *Mental Health and Psychosocial Support Needs Assessment: Al-Qa'im, Anbar (November – December 2022)*, 5 June 2023, <https://bit.ly/3MQxWMQ>, p. 6. See also, The Economist, *Failing to Reintegrate Iraq's Sunni Rebels Could Prove Costly*, 24 August 2023, <https://econ.st/3R8VnmH>.

⁸¹⁴ "Families perceived to be affiliated with IS living in displacement are particularly vulnerable to confiscation or takeover of their property"; Freedom House, *Freedom in the World 2023: Iraq*, May 2023, <https://bit.ly/45w1S9F>. For example, in the Sub-Districts of Amerli (Salah Al-Din), Al-Saadiya (Diyala), Al-Rayhana (Al-Anbar), Al-Atheem (Diyala) and Zummar (Nineva): "Families with alleged links to ISIL were commonly reported as being at higher risk of eviction compared to other vulnerable groups"; REACH, *Rapid Assessment on Returns and Durable Solutions: Al-Amerli Sub-District - Tooz Khurmato District - Salah Al-Din Governorate - Iraq (September 2022)*, 4 January 2023, www.ecoi.net/en/document/2085011.html, pp. 2, 5; REACH, *Rapid Assessment on Returns and Durable Solutions: Al-Rayhana Sub-District - Ana District - Anbar Governorate - Iraq (August 2022)*, 3 January 2023, www.ecoi.net/en/document/2085013.html, p. 7; REACH, *Rapid Assessment on Returns and Durable Solutions: Zummar Sub-District - Telafar District - Nineva Governorate - Iraq (August 2022)*, 1 December 2022, www.ecoi.net/en/document/2083099.html, p. 8; REACH, *ReDS Assessment: Al-Saadiya Sub-District - Khanaqin District - Diyala Governorate: Preliminary Findings Presentation, Iraq*, 31 August 2022, <https://bit.ly/43PPpfj>, p. 8; REACH, *Rapid Assessment on Returns and Durable Solutions: Al-Atheem Sub-District - Al-Khalis District - Diyala Governorate - Iraq (June 2022)*, 30 June 2022, <https://bit.ly/43Sc1vA>, p. 9.

⁸¹⁵ "Concerns about revenge attacks, particularly targeted at male youth, were highlighted where these could be seen in relation to 'the sins of the father' (targeting the male youth in the absence of the father for ISIS-affiliated crimes committed)"; J. Cook, *Distinguishing Children from ISIS-Affiliated Families in Iraq and their Unique Barriers for Rehabilitation and Reintegration*, September 2023, <https://bit.ly/3vLzQtB>, p. 58. "On June 25 [2023], security sources in Nineva province said that unidentified individuals used explosives to demolish a house under construction that belongs to a family that has perceived ties to ISIS militants. The explosion, which occurred in the Qayyarah subdistrict, south of Mosul, did not result in casualties"; EPIC, ISHM: June 22 – July 6, 2023, 6 July 2023, www.ecoi.net/en/document/2094612.html. "Some government forces, including PMF units, forcibly displaced individuals due to perceived ISIS affiliation or for ethnosectarian reasons"; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. "Reprisal violence has been committed against the families of people associated or perceived as associated with ISIS"; UNDP, *Challenges for the Return and Reintegration of Women and Children*, October 2022, www.ecoi.net/en/document/2082671.html, p. 3. See also, TNH, *In Iraq, a Rushed Camp Closure Fuels Unease over the Safety of IS Returns*, 24 August 2023, www.ecoi.net/en/document/2096352.html; IOM, *Obstacles to Returnee Reintegration in Iraq: Safety, Security and Social Relations*, 31 December 2021, <https://bit.ly/3P6QUSe>, p. 15.

⁸¹⁶ "According to international human rights organizations, some Shia militias, including some operating under the PMF umbrella, continued to commit physical abuses and were implicated in several attacks on Sunni civilians, allegedly to avenge ISIS crimes against Shias"; US Department of State, *2022 Report on International Religious Freedom: Iraq*, 15 May 2023, www.ecoi.net/en/document/2091863.html. Sunni Arab returnees in Diyala "say they are often viewed with suspicion by authorities and neighbors due to their perceived affiliation with the extremists. When remnants of the group stage attacks on civilians or security forces, it often prompts a spiral of retaliatory attacks. In the Sunni village of Jalaylah, nine people, including women and children, were killed in a gruesome attack in late February [2023], two months after they were blamed for allowing a Daesh attack on a neighboring village, according to security officials. Residents accuse members of the nearby Shiite village Albu Bali, where Daesh killed nine in December [2022], of carrying

authorities when seeking to obtain security clearance, during the disavowal process, or when obtaining documentation or humanitarian assistance.⁸¹⁷ Displaced families associated with actual or perceived Da'esh members, and in particular female-headed households, are reported to have been denied humanitarian assistance, including food, water, non-food items and health care on account of their association.⁸¹⁸

Women and girls may also be at risk of “honour-based” violence at the hands of their families on account of the perception that they have been sexually exploited by Da'esh.⁸¹⁹

UNHCR considers that, depending on the particular circumstances of the case, civilians falling into the following categories **are likely to be in need of international refugee protection** on the basis of a well-founded fear of persecution at the hands of State or non-State actors for reasons of their imputed political opinion and/or their religion or ethnic identity, combined with a general inability of the State to provide protection from such persecution where the actors of persecution are non-State actors:

- a) Civilians who are prevented from returning to their home areas on account of their familial or tribal association with actual or perceived Da'esh members;
- b) Children whose birth has not been registered and/or who lack civil documentation on account of their familial or tribal association with actual or perceived Da'esh members.

Other persons of this profile, depending on the particular circumstances of the case, **may be in need of international refugee protection** on the basis of their imputed political opinion and/or their religious or ethnic identity.

UNHCR further considers that individuals providing legal services to Da'esh suspects and families associated with real or perceived Da'esh members **may be in need of international refugee protection** on the basis of their association with individuals at risk.

out the attack in revenge. They say the perpetrators belong to local militias using weapons given to them by the state”; Arab News, *Spiking Violence Strains Sectarian Ties in Iraqi Province*, 26 March 2023, <https://bit.ly/42sMjwA>. On 26 October 2021, “IS militants attacked the Shi’a village of Al Rashad near the town of Muqaddiya in Diyala, killing at least 15 civilians and wounding dozens. (...) After the attack, some 3,000 fighters from the victims’ tribes, supported by Popular Mobilization Forces (PMF) units, attacked the nearby Sunni village of Nahr Al Imam, accusing its residents of harbouring IS militants. This retaliation resulted in the death of 11 civilians, destruction of the village mosque and medical facility, the razing of agricultural lands and the displacement of dozens of families”; Clingendael, *A Stubborn Threat: Islamic State in Iraq in Early 2022*, 17 May 2022, <https://bit.ly/3nsdcil>, pp. 4-5. See also, CTP-ISW, *Iran Update*, May 19, 2023, 19 May 2023, www.ecoi.net/en/document/2092324.html; Jamestown Foundation, *The Islamic State Gains New Operational Foothold in Iraq’s Hamrin Mountains*; *Terrorism Monitor* Volume: 20 Issue: 1, 14 January 2022, www.ecoi.net/en/document/2066880.html.

⁸¹⁷ “IDP women are also at heightened risk of sexual exploitation and abuse and collective punishment if they are perceived to be affiliated with ISIL or other extremist groups”; UN Iraq, *Iraq Common Country Analysis* 2022, 27 July 2022, <https://bit.ly/42zehY9>, p. 9. “Some testimonies indicate that the stereotype that these women are from families affiliated with ISIS makes it easier to exploit them”; UNDP, *Challenges for the Return and Reintegration of Women and Children*, October 2022, www.ecoi.net/en/document/2082671.html, p. 23. “Sometimes, even women forced into joining violent extremist groups through subordination to a man (husband, father or son) have been stigmatized and attacked repeatedly, including in State detention centres”; UNDP, *Challenges for the Return and Reintegration of Women and Children*, October 2022, www.ecoi.net/en/document/2082671.html, p. 40. “Women and girls in IDP camps whose family members have alleged ties to ISIS endure a complex system of sexual exploitation, sex trafficking, and abuse by armed actors residing in the camps, security and military officials, and camp personnel controlling access to humanitarian assistance and services”; US Department of Labor, *2021 Findings on the Worst Forms of Child Labor: Iraq*, 28 September 2022, www.ecoi.net/en/document/2082746.html. “In some cases, women who do attempt the process to (re)issue their documentation have reported instances of harassment and exploitation – including sexual harassment and exploitation – in accessing related offices and in associated travel”; DRC, *Life in the Margins*, 16 September 2022, www.ecoi.net/en/document/2078836.html, pp. 20-21. See also, The World, *4 Years Later, the Legacy of ISIS Prevents these Iraqi Children from Going to School*, 10 April 2023, <https://bit.ly/43BnnEj>; UN Human Rights Committee, *Concluding Observations on the 6th Periodic Report*, 16 August 2022, www.ecoi.net/en/document/2077747.html, para. 24; REACH, *Rapid Assessment on Returns and Durable Solutions: Al-Rayhana Sub-District, Anbar*, August 2022, <https://bit.ly/3WPSGcx>, p. 14; CIVIC, *The Plight of Displaced Persons*, April 2021, www.ecoi.net/en/document/2051872.html, p. 16; and Section III.A.8.c and III.A.8.i.

⁸¹⁸ UN Human Rights Committee, *Concluding Observations on the 6th Periodic Report*, 16 August 2022, www.ecoi.net/en/document/2077747.html, para. 24. “In 2018, some Iraqi lawyers trying to represent individuals suspected of being affiliated with the Islamic State were detained by security forces and accused of supporting terrorism. This caused a chilling effect and made many Iraqi organizations hesitate before providing assistance to communities with perceived affiliations. International nongovernmental organizations are safeguarded from most of the harassment and intimidation exercised by security forces and, therefore, are able to take on this work despite the perceived risk. However, with Iraqi nongovernmental organizations unable to cater to the needs of this population, without the support of international agencies, these internally displaced Iraqis will likely not be able to access basic services necessary for their survival”; War on the Rocks, *Iraq’s Remaining Displaced Families*, 3 February 2022, <https://bit.ly/3s3dqay>. See also, NPR, *A Life in Limbo for the Wives and Children of ISIS Fighters*, 15 March 2022, <https://n.pr/3tcsxav>; and Section II.E.

⁸¹⁹ “Although some communities issued edicts and took steps to absolve women of perceived guilt associated with their sexual exploitation by ISIS fighters, so-called ‘honor’ killings remained a risk. Communities generally did not accept children born to ISIS fighters”; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also Section III.A.8.f.

Claims by individuals of this profile may give rise to the need to examine possible exclusion from refugee status.⁸²⁰ In view of the particular circumstances and vulnerabilities of children, the application of the exclusion clauses to children needs to be exercised with great caution.⁸²¹ Where children associated with armed groups are alleged to have committed crimes, it is important to bear in mind that they may be victims of offences against international law and not only perpetrators.⁸²²

2) *Individuals Opposing, or Perceived to Be Opposing, the Government, Influential Officials or Politicians, or the ISF, Including PMF Factions Operating Outside State Control*

Individuals who criticize, or are perceived to criticize, government officials or influential politicians (particularly those with connections to armed groups), or the ISF (including PMF factions operating outside State control), as well as individuals who call for political change, or who report corruption or abuse by these actors,⁸²³ are reported to be targeted for violence by these actors.⁸²⁴ During his visit to Iraq in August 2023, the UN High Commissioner for Human Rights “raised concerns about shrinking civic space and encouraged the Government to protect journalists, activists and human rights defenders from intimidation and interference.”⁸²⁵

⁸²⁰ See Section III.D.

⁸²¹ For further guidance on the application of the exclusion clauses to children, see UNHCR, *Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees*, 22 December 2009, www.refworld.org/docid/4b2f4f6d2.html, paras 58-64.

⁸²² UNICEF, *The Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups*, February 2007, www.refworld.org/docid/465198442.html, paras 3.6 and 3.7. See also footnote 763.

⁸²³ “Ahmed Mulla Talal, a well-known television personality, ran a 10-minute satirical interview with the actor Iyad al-Tae, who was dressed as an Iraqi general, on the misappropriation of funds and the sale of senior positions in the military. Following this episode, both Talal and Tae were arrested. The government’s Communication and Media Commission (CMC) suspended Talal’s programme due to ‘a clear insult to the Iraqi army and all its members’. Similarly, arrest warrants were issued to journalist Suadad al-Salihi for her role in criticizing the Iraqi army’s independence; to journalist Muntadhar Nasser for his criticism of the elite; and to Mohammed Na’na and Laith Shubbar for criticizing Prime Minister al-Sudani. In June 2022, an arrest warrant was issued against Sarmad al-Taie for openly criticizing Faiq Zaidan and Qasim Sulaimani, the former head of Iran’s Revolutionary Guards Corps (IRGC) Quds Force, on a live television broadcast”; Chatham House, *Tackling Iraq’s Unaccountable State*, December 2023, <https://bit.ly/3SrSFL0>, p. 33. “Certain topics are known taboos. For example, users avoid commenting on government corruption, criticizing officials, or denouncing armed groups due to a credible fear of reprisals by the government, political parties, ethnic and sectarian forces, terrorist groups, or criminals – especially because the perpetrators of such abuses typically enjoy impunity”; Freedom House, *Freedom on the Net 2023: Iraq*, 4 October 2023, www.ecoi.net/en/document/2100683.html. “(...) local NGOs reported journalists and political activists faced arrests and harassment throughout the year for statements critical of the government, Iran, and militias. (...) Individuals were not able to criticize the government publicly or privately without fear of reprisal”; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also, Front Line Defenders, *Human Rights Defender and Journalist Yasser Al-Hamdani Acquitted*, 9 June 2023, <https://bit.ly/3KBz0E4>.

⁸²⁴ “Iran-backed militias that do not follow the official command structure of Iraq’s armed forces and, alongside Saraya al-Salam, engage in violent intimidation of political opponents, at times resorting to kidnapping and murder”; Freedom House, *Freedom in the World 2023: Iraq*, May 2023, <https://bit.ly/3gei1V3>. “Although the state is responsible for a significant number of these unlawful detentions, the situation is rendered more complex by the fact that a large number of abductions and torture against peaceful demonstrators in Iraq are committed by armed actors operating outside state control. When this is the case, survivors often recount not knowing exactly who detained and tortured them and where the violations occurred”; GCHR, *Patterns of Torture in Iraq*, September 2022, <https://bit.ly/3NTGm8z>, p. 12. See also, MEI, *Taking Stock of the First 100 Days of Iraq’s New Government*, 31 January 2023, <https://bit.ly/3IMzu8G>. For examples of targeting by these actors, see subsequent footnotes.

⁸²⁵ UN Security Council, *Implementation of Resolution 2682 (2023): Report of the Secretary-General*, S/2023/700, 26 September 2023, www.ecoi.net/en/document/2099191.html, para. 54.

Those being targeted include a number of partially overlapping profiles, such as journalists and other media professionals;⁸²⁶ civil society activists;⁸²⁷ human rights defenders;⁸²⁸ political analysts;⁸²⁹ and protestors.⁸³⁰

According to reports, individuals are also singled out solely on account of their political views expressed on social media.⁸³¹

In 2022, the CoR also reintroduced two controversial laws that would, if passed, severely curtail the rights to freedom of expression and peaceful assembly.⁸³²

⁸²⁶ See Section III.A.6.

⁸²⁷ "Millitamen kidnap activists, torture them for several days, and then release them to coerce them to cease their antiregime activity. Iranian media and media outlets linked to Iran-backed militias spread false reports about activists to justify their targeting and issued explicit threats to activists and critics set to be targeted next days, and then release them, so as to coerce them to cease their antiregime activity"; Freedom House, *Freedom in the World 2023: Iraq*, May 2023, <https://bit.ly/3qe1V3>. Ahead of planned protests to commemorate the Tishreen protests in October 2022, the ISF searched "the homes of civil society activists in the Governorates of Baghdad, Babil, Najaf, Dhi Qar and Basra, with the aim of preventing them from participating in these popular protests"; GCHR, *GCHR's 25th Periodic Report on Human Rights Violations in Iraq*, 16 December 2022, <http://bit.ly/3JzAzD5>. See also, Shafaq News, *Activist Larry Abbas Kidnapped and Tortured in Dhi Qar Intelligence Department*, Source Reveals, 13 July 2023, <https://bit.ly/3Q2yiHw>; UNAMI/OHCHR, *Update on Accountability in Iraq*, June 2022, www.ecoi.net/en/document/2075658.html.

⁸²⁸ "Like activists across the civil society space, their [environmental activists'] efforts have been met with harassment, intimidation, and threats. In February 2023, a prominent environmental activist was abducted, tortured, and held for two weeks by an unidentified armed group"; HRW, *World Report 2024: Iraq*, 11 January 2024, www.ecoi.net/en/document/2103133.html. "Retaliation against environmental human rights defenders in Iraq has been on the rise. State-backed armed groups and state security officials have been reportedly involved in acts of extrajudicial punishment against human rights defenders"; Front Line Defenders, *Environmental Human Rights Defender Jassim Al-Asadi Released by his Kidnappers after 2 Weeks*, 15 February 2023, <https://bit.ly/3GaapUN>. See also, OHCHR, *UN High Commissioner for Human Rights Volker Türk Concludes his Official Visit to Iraq*, 9 August 2023, <https://shar.es/afNSGx>; Front Line Defenders, *Human Rights Defender and Journalist Yasser Al-Hamdani Acquitted*, 9 June 2023, <https://bit.ly/3KBz0E4>; Arab News, *Daesh and the Hashd Enable each other's War to Dominate Iraq*, 27 February 2023, <https://arab.news/iugam>; Iraqi Civil Society Solidarity Initiative et al., *Urgent Appeal on Human Rights Defenders in Iraq*, 12 December 2022, <https://bit.ly/42UviZL>; GCHR, *Challenges Faced by Human Rights Defenders in Iraq Following the 'October Popular Movement'*, 5 May 2022, <https://bit.ly/3QAYdmj>, p. 4; UN Special Rapporteur on Human Rights Defenders, *Iraq: Detention and Criminalisation of Ammar Al-Helfi* (Joint Communication), 4 April 2022, <https://bit.ly/3wo47er>.

⁸²⁹ For example, on 22 October 2023, "unidentified militants used explosives to attack the offices of the Rafidain Center for Dialogue, an independent Iraqi policy institute in the city of Najaf. Footage captured by surveillance cameras indicates that at least two explosive devices were employed in the early morning attack. The bombings caused extensive damage to the building, which was empty at the time, but there were no reports of casualties. A statement by the Center said this was the fourth time its offices have been attacked"; EPIC, ISHM: October 19-26, 2023, 26 October 2023, www.ecoi.net/en/document/2100067.html. See also, New York Times, *As Iraq Tries to Chill Critics, its Newest Target Is Social Media*, 16 July 2023, <https://bit.ly/3KqghCIV>; Shafaq News, *Iraqi Premier Draws Criticism for Increasing Crackdowns on Political Dissents*, 1 April 2023, <https://bit.ly/40CUIHo>; France 24, *Iraq's Saddam-Era Laws Being Used to Silence Critics*, 25 March 2021, <https://f24.my/7V6YI>; CNN, *Arrest Warrants for Two Iraqi Government Critics Spark Outrage*, 22 March 2021, <https://cnn.it/3lrf2rL>; BBC, *Hisham Al-Hashimi: Leading Iraqi Security Expert Shot Dead in Baghdad*, 7 July 2020, <https://bbc.in/3QPKD0C>.

⁸³⁰ "Violent repression of protesters and arrests of journalists covering protests continued in 2023"; HRW, *World Report 2024: Iraq*, 11 January 2024, www.ecoi.net/en/document/2103133.html. Occasional protests over corruption, unemployment, and lack of public services continued after the end of the Tishreen protests, mostly at the local level, and have at times been met with excessive force by the ISF, including physical attacks, arrests and the use of live ammunition. For example, on 6 December 2022, in Nasiriyah (Thi-Qar), the ISF reportedly used live ammunition to disperse a protest against the sentencing of activist Haider al-Zaidi to three years imprisonment over a tweet in which he allegedly criticized the PMF. At least two protestors were reportedly killed and 17 wounded; AP, *2 Killed in Iraq Protest over Activist's Prison Sentence*, 7 December 2022, <https://bit.ly/3iR9PCy>. "In typical fashion the Iraq Security Forces responded by not bringing the police responsible for the three deaths to justice but rather arrested a number of people including a few businessmen they accused of inciting the demonstrations"; Musings on Iraq, *Activist Imprisoned over Tweet Leads to Deadly Protests in Iraq*, 13 December 2022, <https://bit.ly/3J90DV0>. See also, CIVICUS, *Reports and Monitoring Missions Document Extreme Repression and Violence Against Activists*, 18 August 2022, <https://bit.ly/3VKE9h0>; NINA, *Civilian Shot Down During Protests in Nasiriyah*, 27 July 2022, <https://bit.ly/3JiiCXr>; GCHR, *Iraq: GCHR's 23rd Periodic Report on Human Rights Violations in Iraq*, 24 June 2022, <https://bit.ly/3fWQiz1>; and Section II.A.1.a.

⁸³¹ Security forces routinely arrest internet users, and physical attacks against journalists, activists, and social media users due to their online activity are common"; Freedom House, *Freedom on the Net 2023: Iraq*, 4 October 2023, www.ecoi.net/en/document/2100683.html. "Social media users and bloggers have faced defamation suits from government officials for criticizing corruption and misgovernance. (...) Authorities arrest individuals, some of them ordinary citizens with no background in activism, shortly after they post messages critical of authorities on social media, including the app Clubhouse, indicating that Iraqi and Kurdish authorities are constantly monitoring online platforms"; Freedom House, *Freedom in the World 2023: Iraq*, May 2023, <https://bit.ly/3qe1V3>. "Civil society organizations reported their activists' social media pages were monitored by government and militia forces, and that the activists faced harassment or criminal charges filed against them based on what they posted on Facebook and other social media platforms"; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html (with examples). See also, HRW, *Iraq: Activist Imprisoned for Peaceful Criticism of Security Forces*, 6 December 2022, www.ecoi.net/en/document/2083400.html.

⁸³² At the time of writing, these laws have not been passed. "The proposed draft Law on Freedom of Expression and Peaceful Assembly would give the Iraqi authorities the cover of a democratically adopted law to arbitrarily prosecute anyone who makes public comments that violate 'public morals' or 'public order'. Under the proposed draft Law on Cybercrimes, meanwhile, those posting online content that is deemed to undermine the vaguely defined 'country's supreme economic, political, military, or security interests' could face a sentence of up to life imprisonment and a fine of up to 50 million Iraqi Dinars (around \$38,000 USD)"; Amnesty International, *Iraq: Draft Laws Threaten Rights to Freedom of Expression and Peaceful Assembly*, 18 July 2023, <https://bit.ly/3KdXtz0>. These two draft laws have been re-submitted throughout the years despite being criticized by civil society and human rights organizations; Freedom House, *Freedom on the Net 2023: Iraq*, 4 October 2023, www.ecoi.net/en/document/2100683.html; GCHR, *GCHR's 25th Periodic Report on Human Rights Violations in Iraq*, 16 December 2022, <http://bit.ly/3JzAzD5>; Shafaq News, *Iraq's Lawyers Reject the Designation of the Freedom of Expression Law, Calls for Substantial Amendments*, 23 March 2023, <https://bit.ly/40AxXda>; Article 19 et al., *Drop Draft Digital Content Legislation and Protect Free Speech Online*, 16 March 2023, www.ecoi.net/en/document/2089053.html; Euro-Med Human Rights Monitor, *Why Iraq's Cybercrimes Draft Law Must Be Amended*, 8 January 2023, <https://bit.ly/3mYQysu>; Reporters Without Borders (RSF), *Draconian Bills Resubmitted to Iraqi Parliament*, 20 December 2022, <https://bit.ly/3Z6KsN8>.

During the 2019-2020 Tishreen protests, attacks against persons of this profile significantly increased, primarily in Baghdad and Southern Iraq.⁸³³ According to reports, threats and attacks persist outside the context of the Tishreen protests.⁸³⁴ UNAMI/OHCHR described the resulting situation for government critics as “an environment of fear and intimidation that continues to severely restrict the enjoyment of the rights to freedom of expression and peaceful assembly.”⁸³⁵

Forms of targeting include threats, defamation campaigns and incitement of violence (including via social media);⁸³⁶ physical attacks;⁸³⁷ torture and other forms of ill-treatment;⁸³⁸ arbitrary arrest, detention and politically motivated criminal prosecution (e.g., for “insulting” State institutions and spreading “false or

⁸³³ “Concerns regarding the targeting of human rights defenders, civil society activists and journalists by State security forces and unidentified armed elements in the context of the multifaceted demonstrations concerning, among other issues, unemployment, corruption, the lack of provision of public services and the restriction of public freedoms, that have taken place in Iraq since October 2019, have been raised in several communications by Special Procedures mandate holders”; UN Special Rapporteur on Human Rights Defenders, Iraq: Threats, Attacks and Criminalisation of Karar Al-Assaf (Joint Communication), 7 January 2022, <https://bit.ly/3FLRU7F>. See also Section II.A.1.a.

⁸³⁴ “Armed actors continued to threaten to kill or disappear activists as well as relatives of dead or disappeared protesters and activists (...)”; Amnesty International, *Amnesty International Report 2022/23: Iraq*, 28 March 2023, www.ecoi.net/en/document/2089537.html. “From 1 May 2021 to 30 April 2022, UNAMI/OHCHR continued to document incidents aimed at suppressing dissent and criticism carried out by ‘unidentified armed elements’. Specifically, UNAMI/OHCHR documented 26 incidents targeting activists, including: one targeted killing, three attempted targeted killings, five violent assaults, one house raid, 14 attacks using improvised explosive devices, one abduction, one property destruction and numerous non-violent threats”; UNAMI/OHCHR, *Update on Accountability in Iraq*, June 2022, www.ecoi.net/en/document/2075658.html, p. 10 (see examples on pp. 10-11).

⁸³⁵ “Persistent impunity with respect to targeted attacks against protestors, persons seeking accountability for these attacks, and activists and critics espousing views critical of armed elements and affiliated political actors, propagates an environment of fear and intimidation that continues to severely restrict the enjoyment of the rights to freedom of expression and peaceful assembly”; UNAMI/OHCHR, *Update on Accountability in Iraq*, June 2022, www.ecoi.net/en/document/2075658.html, p. 10. See also, OHCHR, *UN High Commissioner for Human Rights Volker Türk Concludes his Official Visit to Iraq*, 9 August 2023, <https://shar.es/afNSGx>; GCHR, *Challenges Faced by Human Rights Defenders in Iraq Following the ‘October Popular Movement’*, 5 May 2022, <https://bit.ly/3OAYdmj>.

⁸³⁶ “(...) human rights defenders and activists raised serious concerns with the Human Rights Office of the UN Assistance Mission for Iraq (UNAMI) about online threats and the hacking of their social media accounts by unidentified actors. These attacks, they said, were in retaliation for their human rights work or because they had made demands for accountability for the human rights violations and abuses they endured during the crackdown”; OHCHR, *Mapping and Addressing Threats to Civic Space Online*, 20 June 2023, <https://bit.ly/3OeKGP6>. “Paramilitary militias harassed activists and new reform-oriented political movements online and in person, including through online disinformation, bot attacks, and threats or use of physical violence to silence them and halt their activities.” Activists living abroad also report receiving online threats; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. “Affiliated with Iran-linked militias, Sabereen News is an exceptionally prolific spreader of threats and violent incitement. This Telegram channel often posts photos of individuals with their names and locations, using blatant language – ‘you’re next’ and ‘watch out’ – to encourage vigilantism. YouTube, in particular, is host to countless videos that share the names and photos of activists. Dramatic video montages accuse those featured of being Zionists and American spies. Targeted hit lists are also spread through memes on Facebook, Twitter, and Telegram. (...) Sometimes, militias will post the personal phone numbers and home addresses of their ‘enemies,’ inviting their followers to find them”; TIMEP, *Hate Speech, Social Media and Political Violence in Iraq: Virtual Civil Society and Upheaval*, 11 February 2021, <https://bit.ly/3K2na6a>. Disinformation, including accusing protestors of receiving foreign support or of promoting non-Islamic behaviours or beliefs, is spread by security actors and government officials; LSE, *Disinformation in Iraqi Media*, October 2021, <https://bit.ly/3eDsnUZ>, pp. 14-15. See also, GCHR, *Challenges Faced by Human Rights Defenders in Iraq Following the ‘October Popular Movement’*, 5 May 2022, <https://bit.ly/3OAYdmj>, p. 8; Elbarlament (peacebuilding and democracy support organization), *Online Violence Towards Women in Iraq*, February 2022, <https://bit.ly/3RrKASV>, p. 22. On the (sexualized) defamation campaigns against women activists, protestors and human rights defenders, see also Section III.A.8.b.

⁸³⁷ For example, on 8 March 2022, “activist and outspoken critic of the Sadrist movement, Dhurgham Majid, was severely beaten by sticks and stones allegedly by bodyguards of Sadrist MP Suha al-Sultani (...)”; Rudaw, *Iraqi Activist Critically Injured in Babil*, 9 March 2022, <https://bit.ly/3w6DKy1>. “On February 19 [2022], security sources in Dhi-Qar said that Munther al-Badri, a local activist who had represented protesters demanding jobs survived an assassination attempt in Nasiriyah. On the following day, police sources in Babylon province said that unidentified assailants set the home of local Hilla [Babel] activist Ali al-Marzougi on fire after stealing its contents”; EPIC, ISHM: February 17-24, 2022, 24 February 2022, www.ecoi.net/en/document/2068457.html. See also, NINA, *Unidentified Individuals Attack an Activist in Dhi Qar*, 14 January 2023, <https://bit.ly/3ZAoM6i>; NINA, *The House of an Activist Attacked with Hand Grenade, South of Hilla*, 16 December 2022, <https://bit.ly/3ZGdrZ3>; NINA News, *An Explosive Device Targets the House of an Activist in Kufa District, Najaf*, 3 April 2022, <https://bit.ly/38lcNKE>; NINA, *Unidentified Gunmen Rob and Burn the House of an Activist in Babylon*, 20 February 2022, <https://bit.ly/3McD7FE>.

⁸³⁸ For example, on 15 September 2022, “independent lawmakers called on the judiciary and PM Kadhimi to hold the head of the Popular Mobilization Commission accountable for a wave of recent arrests deemed extrajudicial. The call came after a tribal leader in Diwaniyah, who had criticized PMF leaders, died shortly after he was detained, and allegedly tortured, by the paramilitary force”; EPIC, ISHM: September 15-22, 2022, 22 September 2022, www.ecoi.net/en/document/2079737.html. See also, Shafaq News, *Activist Larry Abbas Kidnapped and Tortured in Dhi Qar Intelligence Department, Source Reveals*, 13 July 2023, <https://bit.ly/3Q2yiHw>; CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 32; GCHR, *Challenges Faced by Human Rights Defenders in Iraq Following the ‘October Popular Movement’*, 5 May 2022, <https://bit.ly/3OAYdmj>, p. 10; GCHR, *Iraq: Torture in Iraqi Prisons... Pain Behind Bars*, 21 March 2022, <https://bit.ly/3MBkqy3>; and Section II.D.1.a.

biased information”);⁸³⁹ as well as abduction and extra-judicial killing.⁸⁴⁰ In response to the targeted attacks and widespread impunity, many activists are reported to have gone into hiding, engage in self-censorship, or stopped their political activities altogether.⁸⁴¹ The fate of others who were abducted or disappeared in the context of the Tishreen protests remains unknown.⁸⁴²

Despite government pledges to hold perpetrators accountable, the authorities have been unable to protect persons of this profile.⁸⁴³ Investigations into killings and abductions are reported to rarely result in the identification and prosecution of perpetrators, especially if PMF factions operating outside State control are

⁸³⁹ “The Iraqi penal code of 1969 includes various defamation-related crimes and is often employed to threaten or punish journalists, publishers, and internet users”, including articles 435, 434, 403, 210 and 211; Freedom House, *Freedom on the Net 2023: Iraq*, 4 October 2023, www.ecoi.net/en/document/2100683.html; Republic of Iraq, *Penal Code, Law No. 111 of 1969*, July 1969, www.refworld.org/docid/452524304.html. “Vaguely worded laws have been used to target and silence journalists, activists, and rival politicians, including in the KRI. In many cases, spurious anti-defamation lawsuits are less about proving the individual committed a crime, but rather about using the legal proceedings themselves as a punishment or way to control the activities of the person being charged”; HRW, *World Report 2024: Iraq*, 11 January 2024, www.ecoi.net/en/document/2103133.html. “The elite has used its influence over the judicial authorities to restrict free expression and protest”; Chatham House, *Tackling Iraq’s Unaccountable State*, December 2023, <https://bit.ly/3SrSFLQ>, p. 32. “CSOs reported an unprecedented level of legal harassment via two main types of lawsuits: 1) false accusations of criminal activity; and 2) vague punishment for ‘dissent’ or ‘slander’ following public comments and criticism of government actors. While these suits were often filed against Tishreen protesters, they were also used against activists, HRDs [human rights defenders], and journalists. Sometimes referred to as malicious, fraudulent, or nuisance lawsuits, these suits tend to cite rarely used articles from the penal code and rely on extremely broad legal interpretations”; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. The CED “is concerned about the recent waves of criminal prosecution against human rights defenders and other actors for alleged ‘defamation’ or ‘violation of public decency’. Such prosecutions are allegedly initiated against the authors of critical positions about State policies or actions, and the publication of what is considered a defamatory statement constitutes an aggravating circumstance. The accused incur a fine and imprisonment for up to seven years for defamation and two years for violation of public decency”; CED, *Observations and Recommendations*, 31 March 2023, <https://bit.ly/3MjZtb0>, para. 91. For example, on 5 December 2022, based on Article 226, a criminal court in Baghdad sentenced activist Haidar Al-Zaidi to three years in prison for his alleged criticism on Twitter of Abu Mahdi Al-Muhandis, the former head of the PMF Commission; HRW, *Iraq: Activist Imprisoned for Peaceful Criticism of Security Forces*, 6 December 2022, www.ecoi.net/en/document/2083400.html. See also, New York Times, *As Iraq Tries to Chill Critics, its Newest Target Is Social Media*, 16 July 2023, <https://bit.ly/3KqhcIV>; Shafaq News, *Iraqi Premier Draws Criticism for Increasing Crackdowns on Political Dissents*, 1 April 2023, <https://bit.ly/40CUiHo>; HRW, *Iraq: Environmentalists Face Retaliation*, 23 February 2023, www.ecoi.net/en/document/2087603.html; NINA, *Security Forces Arrest an Activist in Babylon for Insulting and Defaming*, 2 January 2023, <https://bit.ly/3QHK2JW>. In a new development, activists are reportedly arrested by the PMF under the pretext of being affiliated with the banned Ba’ath Party; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html.

⁸⁴⁰ “Milicias have threatened, assaulted, kidnapped, tortured, raped in captivity, assassinated, and planted explosive devices at the homes of multiple critics and activists (and their family members), particularly those involved in the Tishreen protest movement”; Freedom House, *Freedom in the World 2023: Iraq*, May 2023, <https://bit.ly/3ge1V3>. “(...) between 1 October 2019 and 15 May 2021, UNAMI/OHCHR documented 48 incidents of attempted or executed targeted killings of protestors, activists and critics, mostly shootings by ‘unidentified armed elements’, resulting in at least 32 deaths and injuries to 21 others. UNAMI/OHCHR also recorded the abduction and ill-treatment of at least 32 protestors and activists by ‘unidentified armed elements’ and the ongoing disappearance of at least 20 others”; UNAMI/OHCHR, *Update on Accountability in Iraq*, June 2022, www.ecoi.net/en/document/2075658.html, pp. 3-4. See also, NINA, *A Civilian Activist Survived an Assassination Attempt in Najaf*, 28 October 2022, <https://bit.ly/3WfDVih>; GCHR, *Challenges Faced by Human Rights Defenders in Iraq Following the ‘October Popular Movement’*, 5 May 2022, <https://bit.ly/3OAYdmi>, pp. 6-8.

⁸⁴¹ “(...) media and social activists faced various forms of pressure and intimidation from authorities, making the primary limitation on freedom of expression self-censorship due to a credible fear of reprisals by the government, political parties, ethnic and sectarian forces, militias, terrorist and violent extremist groups, or criminal gangs”; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. “(...) Iraqi activists are increasingly wary of directing criticism at religious and political figures for fear of pressure or punishment. Some activists use accounts with fictitious names in order to protect themselves from government surveillance and from extra-governmental armed groups. (...) Ultimately, these pressures are pushing many journalists and activists to leave their homes”; Washington Institute, *Activist Haidar al-Zaidi’s Prison Sentence and Growing Pressures on Iraqi Activists*, 16 December 2022, <https://bit.ly/3yMzBNb>. See also, Freedom House, *Freedom on the Net 2023: Iraq*, 4 October 2023, www.ecoi.net/en/document/2100683.html; New York Times, *As Iraq Tries to Chill Critics, its Newest Target Is Social Media*, 16 July 2023, <https://bit.ly/3KqhcIV>; UNAMI/OHCHR, *Update on Accountability in Iraq*, June 2022, www.ecoi.net/en/document/2075658.html, p. 10.

⁸⁴² “In a February 8 [2022] statement, the Baghdad Foundation for the Defending of Victims of Opinion in Iraq (BFDVOI) reported 491 unidentified deceased persons, likely protesters killed or disappeared during the protests of 2019-2020, were buried by authorities in nine locations between 2020-2021 in Baghdad, Karbala, and Najaf. The BFDVOI criticized authorities for failing to reveal the fate of hundreds of protesters, activists, and journalists who disappeared during and after the Tishreen protests”; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also, Diyaruna, *Fate of Iraq’s Forcibly Disappeared still a Mystery*, 7 January 2022, <https://bit.ly/3zn1eNx>; and Section II.D.3.a.

⁸⁴³ “Only powerful [Shi’ite] militias have the ability to operate in public defiance of any possible opposition – or complacency – coming from government security forces”; Jamestown Foundation, *Kidnapping of Elizabeth Tsurkov Opens Window into Iraqi Shia Militia Politics*, in: *Terrorism Monitor* Vol. 21 (23), 1 December 2023, <https://bit.ly/496n6fi>. See also, GCHR, *Challenges Faced by Human Rights Defenders in Iraq Following the ‘October Popular Movement’*, 5 May 2022, <https://bit.ly/3OAYdmi>, pp. 4, 8; Bertelsmann Foundation, *Iraq Country Report 2022*, 23 February 2022, www.ecoi.net/en/document/2069660.html.

suspected to have been involved.⁸⁴⁴ In a positive development, as at June 2022, financial compensation has been paid to the families of most protestors and activists killed during the Tishreen protests.⁸⁴⁵

Family members, lawyers, judges and activists seeking accountability with respect to the killing and disappearance of persons of this profile have also been singled out for threats, abduction and extra-judicial killing.⁸⁴⁶

PMF factions are also reported to carry out violent attacks against government officials and party members if they criticize these factions or are affiliated with political rivals,⁸⁴⁷ including those affiliated with the former Government of Prime Minister Al-Kadhimi.⁸⁴⁸ Forced closures of and attacks on rival party offices have also been reported.⁸⁴⁹

Anti-corruption, law enforcement and judicial officials engaged in combatting illegal practices such as unlawful killings, corruption and/or criminal activities involving those with links to armed factions are also at risk of being targeted by those involved in such practices.⁸⁵⁰

⁸⁴⁴ "Despite the formation of investigative committees since 2019, tangible results in terms of truth or justice remain elusive"; UN Iraq, *Iraq Common Country Analysis* 2023, January 2024, p. 47. "Very few prosecutions of members of security forces or affiliated militias have taken place for their role in violence against protestors and activists." The Fact-Finding Committee established in October 2020 "has yet to publish any findings"; Amnesty International, *Iraq: Four Years after Tishreen Protests, no Justice for State and Militia Violence*, 27 September 2023, www.ecoi.net/en/document/2097818.html. "Repeated promises to investigate and prosecute members of Iran-backed militias responsible for a wave of assassinations, assassination attempts, and kidnappings of activists across southern Iraq have largely not been upheld by political leaders. Several named suspects are protected by political parties, and the overwhelming majority of cases remain unsolved"; Freedom House, *Freedom in the World* 2023: Iraq, May 2023, <https://bit.ly/3qej1V3>. For example, an investigation into the killing of protestors in Nasiriyah (Thi-Qar) on 6 December 2022 (see footnote 830) "obfuscated more facts about the culprits than it revealed, bringing back memories of the bloody suppression of the protests in 2019, when hundreds of young Iraqis died at the hands of militias and government forces"; MEI, *Taking Stock of the First 100 Days of Iraq's New Government*, 31 January 2023, <https://bit.ly/3IMzu8G>. See also Section II.D.3.a.

⁸⁴⁵ See Section II.D.3.a.

⁸⁴⁶ "The Delegation also received testimonies of threats, reprisals, and intimidations suffered by victims, human rights defenders, lawyers, civil society organizations and other individuals who actively participate in the search and investigation process in the form of threatening messages through calls, emails, letters, and social media. (...) This trend is confirmed under the Urgent Action procedure where reprisals have been signalled in 30 registered cases"; CED, *Observations and Recommendations*, 31 March 2023, <https://bit.ly/3MjZtb0>, para. 89. See also, Amnesty International, *Iraq: Four Years after Tishreen Protests, no Justice for State and Militia Violence*, 27 September 2023, www.ecoi.net/en/document/2097818.html; Freedom House, *Freedom in the World* 2023: Iraq, May 2023, <https://bit.ly/3qej1V3>; GCHR, *Iraq: GCHR's 26th Periodic Report on Human Rights Violations in Iraq*, 6 February 2023, <https://bit.ly/3BzbqVC>; CIVICUS, *Reports and Monitoring Missions Document Extreme Repression and Violence Against Activists*, 18 August 2022, <https://bit.ly/3VKE9h0>; UNAMI/OHCHR, *Update on Accountability in Iraq*, June 2022, www.ecoi.net/en/document/2075658.html, pp. 5, 11.

⁸⁴⁷ For example, on 3 December 2023, "the State of Law coalition of Nouri al-Maliki said that its main office in Basra was attacked with a rocket propelled grenade (RPG), adding that the offices of some of its members who are running for election were also attacked, without providing further information. Other news reports on December 4 said that an office of the Dawa party (also led by Nouri al-Maliki) in Najaf was also attacked by an RPG launched by unidentified militants. At least one other Dawa party office in al-Kut in Wasit province was attacked this week as well. A statement by the Dawa party implied that the attacks were a reaction by followers of Muqtada al-Sadr to a social media post by one of Maliki's staffers that included an insult to Sadr and his late father"; EPIC, ISHM: November 30 – December 7, 2023, 7 December 2023, www.ecoi.net/en/document/2101954.html. "Even lawmakers who dare remind the public of the militias' role in extrajudicial killings and other gross abuses are not immune from legal harassment and threats"; MEI, *Taking Stock of the First 100 Days of Iraq's New Government*, 31 January 2023, <https://bit.ly/3IMzu8G>. In August 2022, Sadrist reportedly threatened Federal Supreme Court judges following the court's ruling that the court did not have the authority to dissolve the parliament as demanded by Al-Sadr; EPIC, ISHM: August 18-25, 2022, 25 August 2022, www.ecoi.net/en/document/2078317.html. On 4 July 2022, PMF supporters reportedly "attacked the office of a Sunni member of the Iraqi parliament. MP Raad Dehlaki, head of Siyada Coalition bloc in Diyala, previously demanded the withdrawal of the Shia militias from the Sunni-populated provinces of Iraq"; Bas News, *Hashd al-Shaabi Supporters Attack Sunni MP's Office in Diyala*, 5 July 2022, <https://bit.ly/3z34nRE>. See also, IOHR, *Threats and Attacks Against Members of Parliament (MPs) who Do not Belong to Influential Forces*, 3 August 2023, <https://bit.ly/3OKKuYU>; Shafaq News, *Activist Karrar Abdulkarim Released in Maysan*, 24 August 2022, <https://bit.ly/3KmD3CV>; Shafaq News, *Khashan Accuses Armed Sadrists of Assaulting Him*, 14 August 2022, <https://bit.ly/3QIQi3f>.

⁸⁴⁸ IRGC-linked PMF factions were reported to be "spearheading a vendetta to punish al-Kadhimi and 'his spy team' [Iraqi National Intelligence Service/INIS]", whom they accuse "of complicity in the U.S. assassination of Qassem Soleimani and Abu Mahdi al-Muhandis. Upon taking office, Sudani initiated sweeping changes in the leadership of the INIS. The INIS chief was sacked, and he and other senior officers are facing corruption charges that appear to have been initiated at the militias' behest"; MEI, *Taking Stock of the First 100 Days of Iraq's New Government*, 31 January 2023, <https://bit.ly/3IMzu8G>. See also, US Department of Defense, *Lead Inspector General Report*, 7 February 2023, <https://bit.ly/3F0ecDy>, p. 33. On the use of politically motivated corruption charges to "discredit political rivals" by previous governments, see also Washington Post, *A U.S. Ally in Iraq Vowed to Tackle Corruption. Torture and Extortion Followed*, 21 December 2022, <https://wapo.st/3Yb0nc5>.

⁸⁴⁹ Bas News, *Sadr's Supporters Storm Hikma Headquarters in Baghdad*, 6 December 2023, <https://bit.ly/48M9TbG>; IOHR, *Threats and Attacks Against Members of Parliament (MPs) who Do not Belong to Influential Forces*, 3 August 2023, <https://bit.ly/3OKKuYU>; NINA, *The HQ of the Emtidad Movement in Hilla Targeted with Two Incendiary Bombs*, 3 July 2022, <https://bit.ly/3OXGQYw>; Al-Monitor, *Iran-Linked Militias Torch KDP Office, after IRGC Strike on Erbil*, 6 April 2022, <https://bit.ly/3FTa87n>; and Section II.B.1.a.

⁸⁵⁰ "Under both the federal government and the KRG, whistleblowers, investigators, journalists, and private individuals raising corruption concerns have faced arrests, charges of defamation, violence, intimidation, and slander"; Freedom House, *Freedom in the World* 2023: Iraq, May 2023, <https://bit.ly/3qej1V3>. See also, US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html; Al-Monitor, *Iraqi Judges in Crosshairs of Drug Dealers with Powerful Connections*, 23 February 2022, <https://bit.ly/3ioVFP8>.

Iraqis working for the international coalition forces, for example as interpreters or drivers, have also been singled out for deaths threats and killings by IRGC-linked PMF factions who consider them to be “traitors” and “collaborators”.⁸⁵¹ However, at the time of writing, no recent reports of such targeting were available.⁸⁵²

UNHCR considers that, depending on the particular circumstances of the case, individuals opposing or perceived to be opposing government officials, influential officials or politicians, or the ISF, including PMF factions operating outside State control, **are likely in need of international refugee protection** on the basis of a well-founded fear of persecution at the hands of State or non-State actors for reasons of their political opinion or imputed political opinion, combined with a general inability of the State to provide protection from such persecution where the actors of persecution are non-State actors.

UNHCR further considers that persons seeking accountability for the targeting of individuals of this profile, including family members, **are likely in need of international refugee protection** on the basis of their association with individuals at risk.

Iraqis working for the international coalition forces **may be in need of international refugee protection** for reasons of their political opinion or imputed political opinion.

Claims by former law enforcement officials and former employees of the international coalition may give rise to the need to examine possible exclusion from refugee status. In some cases, claims by former protestors may also give rise to the need to examine possible exclusion from refugee status.⁸⁵³

For guidance on journalists and other media professionals, see Section III.A.6.

3) Individuals Opposing, or Perceived to Be Opposing, the KRG or those Affiliated with the KRG

Individuals who criticize or are perceived to criticize the KRG authorities, the dominant ruling parties, or others with political influence in the KR-I, or who allege government abuse or corruption in the KR-I, are reported to be targeted by the authorities, influential government and party officials and party-affiliated security forces.⁸⁵⁴ Those falling under this profile are reported to include in particular journalists and other

⁸⁵¹ “Milicias in Iraq have described the translators as traitors. Iraqis driving equipment and logistics convoys on behalf of the U.S.-led coalition have been targeted”; Washington Post, *They Served Alongside U.S. Soldiers. Now they Fear that Iran’s Allies in Iraq Will Strike Back*, 12 November 2020, <https://wapo.st/3PGBg58>. Threats reportedly intensified following the killing of Qassem Soleimani and Abu Mahdi Al-Muhandis in 2020; Foreign Policy, *Biden Vowed no Afghan Interpreters Left Behind. What about Iraqi Interpreters?*, 29 July 2021, <https://bit.ly/3LcSFeT>; Arab News, *Iraqi interpreters Face Death Threats from Iranian-Backed Militias*, 27 February 2021, <https://arab.news/mrkyt>; The Times, *Iraqi Interpreters Ask Britain for Sanctuary after Death Threats*, 26 February 2021, <https://bit.ly/3yvFDBz>; BBC, *Iraqi Interpreters ‘Stalked by Death Squads’ for Helping the British*, 30 December 2020, <https://bbc.in/3ZCJqSa>.

⁸⁵² The Norwegian Country of Origin Information Centre, Landinfo, during its mission to Iraq in March and April 2022 consulted several sources on the continued targeting of individuals affiliated with the international coalition forces: “Employees responsible for security and human rights at an international organization in Baghdad (2022) informed Landinfo that people who have worked for the Americans can still be exposed. This was confirmed by a representative of the regional security office at the US consulate in Erbil, who stated that also people who have worked for US forces/authorities some time ago are now given protection in the US (...). However, it was emphasized that the problem was far less in the KRI than in the federally governed Iraq, it thus appears that threats against Iraqis who have worked for US and other foreign forces are still taking place, and the most up-to-date sources therefore point to them risking violence or other sanctions.” Landinfo further found that while most available reports of targeting related to interpreters, there was no information indicating that Iraqis who worked in other positions for the coalition would not equally be singled out; [unofficial translation from Norwegian]; Landinfo, *Irak: Trusler mot Personer som har Arbeidet for Internasjonale Styrker: Situasjonen etter August 2021*, 8 March 2023, www.ecoi.net/en/document/2091077.html, pp. 2, 8. For reported attacks against US targets, see also Sections II.B.1.a and II.B.2.b.

⁸⁵³ On violence committed by some protestors in the context of the Tishreen protests, see Section II.A.1.a.

⁸⁵⁴ “The right to freedom of expression and assembly has been under threat, with security forces in the Kurdistan Regional Government (KR-I) suppressing journalists, activists, and critics”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 16. Both the KDP and the PUK “are suppressing dissent in their respective zones”; ICG, *Staving Off Instability in the Near and Distant Futures*, 6 February 2023, www.ecoi.net/en/document/2086447.html. In recent years, the KRG authorities “have used a range of defamation and incitement legal provisions against critics, including journalists, activists, and other dissenting voices”; HRW, *Kurdistan Region of Iraq: Arrests to Deter Protest*, 28 August 2022, www.ecoi.net/en/document/2077997.html. See also, Freedom House, *Freedom on the Net 2023: Iraq*, 4 October 2023, www.ecoi.net/en/document/2100683.html; Washington Institute, *Barzani’s Failures on Freedom of Expression in Iraqi Kurdistan*, 4 August 2022, <https://bit.ly/3EHPTL7>; GCHR, *GCHR’s Periodic Report on Human Rights Violations in the Kurdistan Region*, 2 May 2022, <https://bit.ly/3Ykmgai>; CIVICUS, *Iraq Kurdistan: Ongoing Retaliation Against Anyone who Criticises the Governing Authorities*, 8 March 2022, <https://bit.ly/3Yl8let>; UNAMI/OHCHR, *Freedom of Expression in the Kurdistan Region of Iraq*, May 2021, www.ecoi.net/en/document/2051316.html, p. 4.

media professionals,⁸⁵⁵ members of rival or opposition political parties,⁸⁵⁶ civil society activists,⁸⁵⁷ religious figures⁸⁵⁸ and protestors,⁸⁵⁹ the profiles of whom may overlap. Forms of targeting include intimidation, harassment, physical assault, arbitrary arrest and *incommunicado* detention,⁸⁶⁰ as well as politically motivated criminal prosecution (e.g., on charges of espionage and undermining national security).⁸⁶¹ The authorities have also targeted for harassment, arrest and prosecution individuals who have posted criticism of the local or regional authorities on social media.⁸⁶² Such repressive measures have reportedly created an atmosphere of fear and intimidation.⁸⁶³ Attacks on persons of this profile are rarely investigated and are largely committed with impunity.⁸⁶⁴

⁸⁵⁵ See Section III.A.6.

⁸⁵⁶ "In August [2022], Kurdish authorities arrested dozens of journalists and activists in advance of planned protests called for by KRG critics. Three of those arrested and briefly detained were members of the Iraqi parliament"; HRW, *World Report 2023: Iraq*, 12 January 2023, www.ecoi.net/en/document/2085461.html. See also, Freedom House, *Freedom in the World 2023: Iraq*, May 2023, <https://bit.ly/3qej1V3>; GCHR, *GCHR's Periodic Report on Human Rights Violations in the Kurdistan Region*, 31 August 2022, <https://bit.ly/3hh106J>.

⁸⁵⁷ "(...) KRG forces (primarily Asayish), arrested and detained protesters and activists critical of (...) the KRG (...)"; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also, HRW, *World Report 2023: Iraq*, 12 January 2023, www.ecoi.net/en/document/2085461.html; GCHR, *GCHR's Periodic Report on Human Rights Violations in the Kurdistan Region*, 31 August 2022, <https://bit.ly/3hh106J>.

⁸⁵⁸ "After a sermon delivered on 31st December 2021, the Ministry of Awqaf (Religious Affairs) in the Kurdistan Region banned cleric Dr Sayed Ahmed Penjwini, an imam and preacher from a mosque in Erbil, from giving sermons due to his criticism of the security authorities and the local government in relation to their mishandling and arrest of student protesters and other innocent citizens. (...) In December 2021, a number of other clerics were also targeted for criticising the authorities" (with further examples); CIVICUS, *Iraq Kurdistan: Ongoing Retaliation Against Anyone who Criticises the Governing Authorities*, 8 March 2022, <https://bit.ly/3Yl8let>. See also, GCHR, *GCHR's Periodic Report on Human Rights Violations in the Kurdistan Region*, 1 February 2022, <https://bit.ly/3WaqgAl>.

⁸⁵⁹ In late 2023 and into 2024, protests and strikes by teachers over unpaid salaries were organized in Sulaymaniyah. It was reported that protest organizers faced threats and arrests; Kirkuk Now, *Sulaymaniyah Teachers under Pressure Arresting Organizers of Demonstrations, Threats of Dismissal*, 22 January 2024, <https://bit.ly/48BL6al>. In 2020, 2021 and 2023, protests across the KR-I denouncing corruption, poverty, and unemployment were violently suppressed by the security forces and numerous protesters were arrested during and ahead of planned protests. The US Embassy in Baghdad expressed concern over "reports of the use of tear gas and rubber-coated bullets to disperse protesters and the detention of journalists, civil society activists, and members of parliament in the Iraqi Kurdistan Region (IKR) in the run up to and during protests held in Sulaimaniyah on August 6 [2022]"; US Embassy in Baghdad, *Reports of Detention of Politicians, Journalists, and Civil Society Activists in IKR*, 8 August 2022, <https://bit.ly/3H2fhLs>. See also, Freedom House, *Freedom in the World 2023: Iraq*, May 2023, <https://bit.ly/3qej1V3>; HRW, *Kurdistan Region of Iraq: Arrests to Deter Protest*, 28 August 2022, www.ecoi.net/en/document/2077997.html; UN General Assembly, *Opinion No. 71/2021*, 15 December 2021, <https://bit.ly/3XdnucN>, paras 9, 71; UNAMI, *UNAMI Condemns Violence in Sulaymaniyah Governorate, Urges KR Authorities to Safeguard Freedom of Assembly and Expression*, 8 December 2020, <https://bit.ly/3HAfEs0>.

⁸⁶⁰ For example: "In February 2023, activist Kazal Mustafa was arrested because of a social media post and charged with insulting police. She was later released on bail. In December 2022, a court in Duhok sentenced Kurdish artist Bland Amedei to six months in prison after he published a song online declaring support for a group of activists who had previously been arrested because of their opposition to the ruling parties"; Freedom House, *Freedom on the Net 2023: Iraq*, 4 October 2023, www.ecoi.net/en/document/2100683.html. See also, US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html; RSF, *Violence Against Reporters Covering Protests in Iraqi Kurdistan*, 9 August 2022, <https://bit.ly/3qX4JUB>; Committee to Protect Journalists (CPJ), *Iraqi Kurdish Authorities Detain, Raid, Harass Journalists and Media Outlets Covering Protests*, 9 August 2022, <https://bit.ly/3P6TcPv>; UNAMI/OHCHR, *Trials in the Kurdistan Region of Iraq*, December 2021, www.ecoi.net/en/document/2069700.html. See also Sections II.D.1.b and III.A.6.b.

⁸⁶¹ HRW, *World Report 2024: Iraq*, 11 January 2024, www.ecoi.net/en/document/2103133.html. "Kurdistan regional authorities often use regional laws against journalists and activists exercising basic rights like freedom of assembly, including the Press Law and the Law to Prevent the Misuse of Telecommunications Equipment. These laws prohibit, among other things, misusing cell phones and email – or more broadly the internet – to threaten someone, using profanities, spreading misinformation, sharing images counter to the public's values, and sharing private information, even if true"; HRW, *Kurdistan Region of Iraq: Arrests to Deter Protest*, 28 August 2022, www.ecoi.net/en/document/2077997.html. In other cases, charges under Penal Code, as amended by Law No. 21 (2003) of the KR-I, were brought against individuals on account of their public criticism of authorities; UNAMI/OHCHR, *Trials in the Kurdistan Region of Iraq*, December 2021, www.ecoi.net/en/document/2069700.html, pp. 5-6. "The legal provisions criminalising both defamation and the spread of misinformation have been used to bring charges against individuals for acts ranging from posting critical comments about Asayish in a social media chat group, to publishing an online article accusing a high-ranking member of Government of failing to support the interests of the Kurdistan Region, to allegedly inciting the population to break the COVID-19 curfew"; UNAMI/OHCHR, *Freedom of Expression in the Kurdistan Region of Iraq*, May 2021, www.ecoi.net/en/document/2051316.html, p. 10. See also, Freedom House, *Freedom on the Net 2023: Iraq*, 4 October 2023, www.ecoi.net/en/document/2100683.html; The New Arab, *Prisoners in Erbil Facing Dire Conditions after Launching Hunger Strike*, 28 July 2022, <https://bit.ly/3A7XVtA>; and Sections II.D.1.b and III.A.6.b.

⁸⁶² CPJ, *Journalist Omed Baroshky Arrested in Iraqi Kurdistan*, 21 July 2023, <https://cpj.org/?p=301574>; Freedom House, *Freedom in the World 2023: Iraq*, May 2023, <https://bit.ly/3qej1V3>; UNAMI/OHCHR, *Freedom of Expression in the Kurdistan Region of Iraq*, May 2021, www.ecoi.net/en/document/2051316.html, p. 10.

⁸⁶³ HRW, *Kurdistan Region of Iraq: Arrests to Deter Protest*, 28 August 2022, www.ecoi.net/en/document/2077997.html; Amnesty International, *Kurdistan Region of Iraq: Authorities Must End Protests-Related Repression*, 15 June 2021, www.ecoi.net/en/document/2053869.html, p. 3; OHCHR, *Freedom of Expression Increasingly Curtailed in Kurdistan Region of Iraq: UN Report*, 12 May 2021, <https://shar.es/afzKD5>.

⁸⁶⁴ UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 16; Freedom House, *Freedom on the Net 2023: Iraq*, 4 October 2023, www.ecoi.net/en/document/2100683.html; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. A lawsuit filed by the father of a man killed during a protest in Kifri in January 2020 against a Peshmerga commander and six of his bodyguards was reportedly "ignored" for 18 months, and the father was urged to "settle the case through the tribal reconciliation." The commander and the guards were finally arrested in August 2022 following an order of the Ministry of Peshmerga; Kirkuk Now, *Peshmerga Commander, Six Guards Arrested on Charges of Killing Demonstrator*, 9 August 2022, <https://bit.ly/3hKMsu8>. The government claimed in April 2022 that the public prosecutor had investigated ten alleged instances of torture and that four victims had received compensation; OHCHR, *Experts of the Committee Against Torture Praise Iraq's Human Rights Training in Police and Military Colleges, Ask about Overcrowding in Prisons and the Continued Use of the Death Penalty*, 27 April 2022, <https://bit.ly/3G7xhTV>.

According to reports, family members of real or perceived KRG critics as well as their lawyers have, at times, also been subjected to harassment, intimidation and arrest by KRG authorities or unknown actors.⁸⁶⁵

UNHCR considers that, depending on the particular circumstances of the case, individuals opposing or perceived to be opposing the KRG authorities, the dominant ruling parties or others with political influence in the KR-I **are likely in need of international refugee protection** on the basis of a well-founded fear of persecution at the hands of the State for reasons of their political opinion or imputed political opinion, and/or other relevant Convention grounds.

Depending on the particular circumstances of the case, family members of individuals of this profile as well as lawyers representing these individuals **may be in need of international refugee protection** on the basis of their association with individuals at risk.

For guidance on journalists and other media professionals, see Section III.A.6.

4) Individuals Opposing or Perceived to Be Opposing Da'esh

In an apparent effort to undermine security and the functioning and overall legitimacy of the Government,⁸⁶⁶ and despite having lost territorial control and its ability to systematically target persons of this profile, Da'esh, in areas where it maintains a presence,⁸⁶⁷ continues to target civilians opposing or perceived to be opposing Da'esh with violence, including intimidation; extortion and kidnapping;⁸⁶⁸ and killing, including by execution, IEDs on roads, magnetic bombs attached to vehicles, sniper and machine gun fire, and attacks against homes.⁸⁶⁹ The burning of agricultural fields and equipment owned by persons of this profile has also been reported.⁸⁷⁰

⁸⁶⁵ "(...) not only activists were abused, but their lawyers as well. Activists' lawyers were forced to go through unnecessary procedures, as they stepped in to defend activists and prisoners of conscience, apparently to obstruct and influence the defense process"; Euro-Med Human Rights Monitor, *Iraqi Kurdistan: Discriminatory Policies Against Prisoners of Conscience, Their Lawyers*, 1 June 2022, <https://bit.ly/3XKn7o>. For example, on 6 August 2022, *Asayish* forces raided the home of Taha Ahmed Saeed, a leader in the New Generation Movement, in Sulaymaniyah and then arrested him at his father's home, also confiscating and searching the mobile phones of his brother and sister before returning them; HRW, *Kurdistan Region of Iraq: Arrests to Deter Protest*, 28 August 2022, www.ecoi.net/en/document/2077997.html. After the sentencing of five journalists and activists in February 2021, one of their brothers publicly criticized the outcome of the trial and the Erbil Appeals Court issued a warrant for his arrest; UNAMI/OHCHR, *Human Rights and Freedom of Expression: Trials in the Kurdistan Region of Iraq*, December 2021, www.ecoi.net/en/document/2069700.html, pp. 3, 12-13. See also, Amnesty International, *Kurdistan Region of Iraq: Authorities Must End Protests-Related Repression*, 15 June 2021, www.ecoi.net/en/document/2053869.html, pp. 1, 3.

⁸⁶⁶ See Section II.B.1.b.

⁸⁶⁷ See Sections II.B.1.b and II.B.2.c.

⁸⁶⁸ Da'esh is reported to use kidnapping for different motives, including financial gain, political/ideological reasons (e.g., if the victim is affiliated with the ISF/Peshmerga, the government or a tribe opposed to Da'esh, or if the victim refuses to join or support Da'esh) and on sectarian grounds (e.g., the victim belongs to a religious group considered as "infidel" or "apostate" by Da'esh). Criminal and non-criminal motives may overlap. Depending on the motive(s), the treatment may vary, i.e. the kidnapped individual may be freed upon the payment of ransom, or may be executed. A security official who works in disputed territories told Al-Monitor that Da'esh uses kidnappings as a major source of income. However, if those kidnapped "are part of the security forces then they kill them"; Al-Monitor, *Islamic State Wipes Out Entire Army Outpost in Iraq's Diyala*, 21 January 2022, <https://bit.ly/3NKcV5m>. Da'esh militants are reported to demand financial contributions ("zaka") from villagers in some areas under their influence: "Local villagers in the Hamrin Mountains [Diyala] have reported that the al-Nada village is out of Iraqi government control and still under IS influence. As a result (...) farmers are forced to pay a monthly tribute to IS of around \$50 in order to avoid retaliation"; Jamestown Foundation, *The Islamic State Gains New Operational Foothold in Iraq's Hamrin Mountains*, Terrorism Monitor Vol. 20(1), 14 January 2022, www.ecoi.net/en/document/2066880.html. In June 2022, security sources reported the burning of a rock quarry in Diyala after its owner refused to pay Da'esh; Shafaq News, *ISIS Sleeper Cells Use Security Titles to Commute and Wage Attacks in Diyala*, 21 June 2022, <https://bit.ly/3tU5BNc>. See also Sections II.B.1.b and II.B.2.c. For examples, see also sources in subsequent footnotes.

⁸⁶⁹ For examples, see sources in subsequent footnotes.

⁸⁷⁰ For example, on 5 June 2022, "ISIS operatives set fire to grain belonging to a local police officer in the Rashad region [Kirkuk] (...). This was part of ISIS's economic war against the Iraqi government"; ITIC, *Spotlight on Global Jihad* (June 8-15, 2022), 16 June 2022, <https://bit.ly/3xKmMBK>. "On May 23, 2022, ISIS operatives set fire to grain owned by Tribal Mobilization members in the village of Kawamat, in the Daquq region [Kirkuk], and destroyed a transformer belonging to an Iraqi government 'spy'"; ITIC, *Spotlight on Global Jihad* (May 26-June 1, 2022), 2 June 2022, <https://bit.ly/3OD4VUq>. "On May 20, 2022, ISIS operatives set fire to wheat owned by a mukhtar (village leader) and Tribal Mobilization fighters in the Daquq region [Kirkuk] (...)" ITIC, *Spotlight on Global Jihad* (May 19-25, 2022), 26 May 2022, <https://bit.ly/3M20qRm>. In early April 2022, "[T]he Iraqi oil ministry reported that ISIS operatives had captured civilians at a gas station about 25 kilometers west of al-Rutba in western Iraq. They set a fuel tanker on fire and abducted one of the gas station employees. (...) ISIS's media outlets reported that the gas station had been set on fire because its owner was a Popular Mobilization Forces fighter (...)" ITIC, *Spotlight on Global Jihad* (April 7-13, 2022), 14 April 2022, <https://bit.ly/38e1rrz>. On Da'esh's "economic war" as a means to undermine the government's legitimacy, see also Section II.B.1.b.

Those targeted by Da'esh include in particular:⁸⁷¹

- **Civilians (suspected of) cooperating with the ISF or the Peshmerga** or refusing to cooperate with Da'esh.⁸⁷² Da'esh has also launched attacks on villages to intimidate residents and prevent them from collaborating with the authorities and/or to force them to support Da'esh;⁸⁷³
- **Government officials**, primarily at the municipal level.⁸⁷⁴ Ex-government officials may in some cases remain at risk of attack;⁸⁷⁵
- **Civil servants**, in particular at the local level,⁸⁷⁶ as well as judges and prosecutors, particularly those involved in cases brought against Da'esh suspects under the Anti-Terrorism Law;⁸⁷⁷
- **Political party members** across the political spectrum;⁸⁷⁸

⁸⁷¹ Certain profiles, including members of the ISF, government officials, politicians, election candidates and civil servants, are singled out by different actors for attack. Given that many incidents are not fully investigated or the results of the investigations are unknown, it is often difficult to identify the actor and their motives. Furthermore, both Da'esh and PMF factions are reported to target individuals of these profiles on account of their real or perceived political opinion or criminal motives, or a combination of the two.

⁸⁷² Da'esh "uses targeted assassinations against Sunnis who cooperate with government forces, and systematically attacks village leaders and other civilians who have cooperated with armed groups and anti-ISIS forces"; UNDP, *Challenges for the Return and Reintegration of Women and Children*, October 2022, www.ecoi.net/en/document/2082671.html, p. 25. Da'esh's online propaganda aims "to intimidate civilians accused of being 'spies' and collaborating with Iraqi forces against IS"; European Eye on Radicalization (EER), *Assessing the Threat of the Islamic State in Iraq*, 5 May 2022, <https://bit.ly/3ZXS9FE>. Da'esh targets "civilians accused by Da'esh of collaborating with Iraqi authorities"; UN Security Council, *Implementation of Resolution 2576 (2021): Report of the Secretary-General*, S/2022/103, 10 February 2022, www.ecoi.net/en/document/2068387.html, para. 24. For example, on 11 September 2023, "ISIS announced that it had executed two 'spies' operating for the Iraqi government in the Al-Kubaisa area, western Iraq [Al-Anbar]. ISIS released photos documenting the execution (...); ITIC, *Spotlight on Global Jihad* (September 7-13, 2023), 14 September 2023, <https://bit.ly/3ZDLW2w>. On 9 May 2023, "ISIS operatives entered the home of an Iraqi government 'agent' in the village of Albu Ghantus, in the Tarmiyah area [Salah Al-Din], and shot him to death"; ITIC, *Spotlight on Global Jihad* (May 11-17, 2023), 18 May 2023, <https://bit.ly/3CCNNda>. On 1 July 2022, Da'esh fighters reportedly executed a shepherd in Hatra District (Nineva) because of "his cooperation with the Iraqi security forces in the fight against terrorism"; GCHR, Iraq: GCHR's 24th Periodic Report on Human Rights Violations in Iraq, 8 August 2022, <https://bit.ly/3D0oEui>. For further examples of the abduction and execution of alleged government "spies" and "collaborators", and the burning of homes and agricultural fields in Al-Anbar, Diyala, Nineva and Salah Al-Din Governorates, see, e.g., Shafaq News, *ISIS's Ghost Gets Around Between Saladin and Kurdistan*, 13 March 2023, <https://bit.ly/3mSB0yF>; ITIC, *Spotlight on Global Jihad* (June 16-22, 2022), 23 June 2022, <https://bit.ly/3bsc5MH>; ITIC, *Spotlight on Global Jihad* (April 7-13, 2022), 14 April 2022, <https://bit.ly/38e1rrz>.

⁸⁷³ "In late October [2021], eleven people were killed and others wounded following an ISIS attack on a village in Diyala province, where civilians were targeted in al-Hawasha, near the town of Muqadadiya. The attack was reportedly launched because villagers were either unable or unwilling to pay the ransom for two villagers who had been kidnapped by ISIS"; Soufan Center, *IntelBrief: The Islamic State is not Finished in Iraq and Syria*, 1 November 2021, <https://bit.ly/401u3tt>. Da'esh attacks against villages reportedly aim to "either force locals to pay taxes to the Islamic State or drive them out"; Musings on Iraq, *Islamic State's Summer Offensive in Iraq Ends in August*, 6 September 2021, <https://bit.ly/3lhGQFK>.

⁸⁷⁴ For example, on 23 August 2022, "security sources in Kirkuk said that ISIS militants attacked the village of al-Batakhia, near the western subdistrict of al-Riyadh [Kirkuk]. The attack killed the village mukhtar and a member of the security forces, and wounded two members of the slain mukhtar's family"; EPIC, ISHM: August 18-25, 2022, 25 August 2022, www.ecoi.net/en/document/2078317.html. "On August 13, 2022, IEDs were activated in the home of the mukhtar of the village of Al-Sumoud, south of Daquq [Kirkuk]. The village leader is known as collaborator with the Iraqi government"; ITIC, *Spotlight on Global Jihad* (August 11-17, 2022), 18 August 2022, <https://bit.ly/3PZRqa9>. See also, NINA, *A Mukhtar Injured by Gunshots by Gunmen South of Mosul*, 27 November 2023, <https://bit.ly/42i8RSA>; Shafaq News, *ISIS Militants Execute Two Persons they Abducted more than 1.5 Years Ago*, 9 January 2023, <https://bit.ly/3y2PqPm>; Bas News, *IS Executes Two Iraqi Civilians*, 10 January 2023, <https://bit.ly/3QSi7XS>; NINA, *A Mukhtar Assassinated Northwest of Mosul*, 29 December 2022, <https://bit.ly/3GJxjKF>.

⁸⁷⁵ For example, on 3 October 2021, "the home of Abdullah Jabouri, a former Iraqi MP, was targeted by gunfire. (...) One of his bodyguards was killed and three others were wounded"; ITIC, *Spotlight on Global Jihad* (September 14 – October 6, 2021), 7 October 2021, <https://bit.ly/3LIWNpc>. See also, NINA, *A Number of People Injured in a Booby-Trapped Motorcycle Targeted the Convoy of a Former MP in Kanaan District, Diyala*, 14 September 2021, <https://bit.ly/38z50ZE>.

⁸⁷⁶ Shafaq News, *Iraq's Federal Intelligence Agency Thwarts an ISIS Plot Targeting a Court in Nineveh*, 25 January 2023, <https://bit.ly/3JFF8ek>; NINA, *Two Oil Ministry Employees Injured in a Bomb Explosion West of Mosul*, 11 June 2022, <https://bit.ly/39BtgST>; EPIC, ISHM: March 31 – April 7, 2022, 7 April 2022, <https://bit.ly/3burMTX>; NINA, *A Government Employee Injured in an Armed Attack in Diyala*, 17 February 2022, <https://bit.ly/37VN2At>; NINA, *The Arrest of an ISIS Detachment that Planned to Assassinate Figures in Salah Al-Din*, 15 July 2021, <https://bit.ly/3Leou3i>.

⁸⁷⁷ "According to statistics published on Feb. 11 [2022], 74 judges have been killed in Iraq since 2003. All of them were assigned to corruption, terrorism and drug cases." According to Fadel Abu Ragheef, a security expert in the Development Research Center: "Judges played a major role in issuing arrest warrants against terrorist leaders, which turned them into targets"; Al-Monitor, *Iraqi Judges in Crosshairs of Drug Dealers with Powerful Connections*, 23 February 2022, <https://bit.ly/3ioVfP8>. On 12 March 2021, Da'esh militants broke into several homes in a village south of Tikrit targeting alleged "collaborators", including "the home of a lawyer working in a government court: He was killed"; ITIC, *Spotlight on Global Jihad* (March 11-17, 2021), 18 March 2021, <https://bit.ly/3NmActQ>. On violence against judges, prosecutors and lawyers, see also Section [II.D.3.a](#).

⁸⁷⁸ "ISIS also targeted the home of prominent Sunni politician Khamis al Khanjar east of Al Rutbah, Anbar province, on June 29 [2023], likely to emphasize ISIS's continued relevance in Iraq amid a historic low in ISIS activity. (...) ISIS said that the attack was a 'reminder to all leaders of ... [Shi'a] or Sunni traitors' that ISIS will target them"; CTP-ISW, *Salafi-Jihadi Movement Weekly Update*, July 5, 2023, 6 July 2023, www.ecoi.net/en/document/2094748.html. See also, Al Jazeera, *Gunmen Kill 11 in Roadside Attack in Eastern Iraq*, 1 December 2023, <https://aje.io/u63o85>.

- **Policemen and off-duty members of the ISF⁸⁷⁹ and the Peshmerga.⁸⁸⁰** Ex-members of the police and the ISF and the Peshmerga may in some cases remain at risk;⁸⁸¹ and
- **Tribal leaders and members of tribes associated with the government.⁸⁸²**

In some instances it has been reported that family members, drivers and bodyguards have also been targeted on account of their association with individuals with the above profiles.⁸⁸³

In areas with a continued Da'esh presence, UNHCR considers that, depending on the particular circumstances of the case, individuals opposing or perceived to be opposing Da'esh **may be in need of international refugee protection** on the basis of a well-founded fear of persecution at the hands of non-State actors for reasons of their (imputed) political opinion and/or other relevant Convention grounds, combined with a general inability of the State to provide protection from such persecution. Such individuals include:

- a) Civilians (suspected of) cooperating with the ISF or the Peshmerga or refusing to cooperate with Da'esh;
- b) Government officials, including former government officials;
- c) Civil servants, judges and prosecutors;
- d) Political party members;

⁸⁷⁹ Da'esh regularly attacks police stations, military bases, and ISF convoys and checkpoints. In addition, Da'esh singles out members of the security forces, including off-duty personnel, for attacks on their homes, kidnapping and assassination; UN Security Council, *Implementation of Resolution 2576 (2021): Report of the Secretary-General*, S/2022/103, 10 February 2022, www.ecoi.net/en/document/2068387.html, para. 24. For example, on 16 September 2023, "IEDs were activated in two houses belonging to Iraqi national security personnel, east of Rutba [Al-Anbar]. Both houses were destroyed. No casualties were reported"; ITIC, *Spotlight on Global Jihad* (September 14-20, 2023), 21 September 2023, <https://bit.ly/3LN0EyK>. On 20 May 2023, "several ISIS operatives broke into the home of a senior member of the Tribal Mobilization in the village of Albu Khalifa, near Al-Tarmiyah [Salah Al-Din]. The senior official and his escort were shot dead, and two other escorts were wounded"; ITIC, *Spotlight on Global Jihad* ((May 18-24, 2023)), 28 May 2023, <https://bit.ly/469QORTK>. On 29 April 2023, alleged Da'esh fighters kidnapped two individuals in Gwer (Erbil), located in the disputed territories. They executed one of them "who was reportedly in the Iraqi army"; Bas News, *Islamic State Kidnaps Two People in Gwer Area, Kills One*, 29 April 2023, <https://bit.ly/3NnYnLZ>. On 18 April 2023, alleged Da'esh fighters attacked the home of an Iraqi Army soldier in Diyala and executed him and his wife; Rudaw, *Iraqi Soldier, Wife Killed in Suspected ISIS Attack in Diyala*, 19 April 2023, <https://bit.ly/3MdmTXA>. Da'esh's online messages "aim to attack and intimidate PMFs, local tribal forces, state security forces and Kurdish Peshmerga stationed in rural areas"; EER, *Assessing the Threat of the Islamic State in Iraq*, 5 May 2022, <https://bit.ly/3ZXs9FE>. A senior field commander told MEE that Da'esh fighters "usually target soldiers who leave their units on holiday"; MEE, *Iraqi Forces Chase Shadows in the Hunt for Islamic State*, 5 February 2022, <https://bit.ly/40aXBF1>. See also, ITIC, *Spotlight on Global Jihad* (January 26 – February 1, 2023), 2 February 2023, <https://bit.ly/41lIA67>; Shafaq News, *ISIS Militants Execute Two Persons they Abducted more than 1.5 Years Ago*, 9 January 2023, <https://bit.ly/3y2PqPm>.

⁸⁸⁰ "(...) tens of attacks by the regrouping militants of the Islamic State in Iraq and Levant ISIS targeted the Peshmerga forces in Diyala, Kirkuk and Ninewa borderlines"; Kirkuk Now, *Joint Brigades to Secure Disputed Territories Await Budget Endorsement*, 19 March 2022, <https://bit.ly/3leGsrC>. See e.g., Bas News, *IS Militants Behead Kurdish Man, Abduct Another in Kirkuk*, 29 August 2022, <https://bit.ly/3AWiCKa>; Shafaq News, *Peshmerga Commander Survives Explosion in Tuz Khurmatu*, 12 May 2022, <https://bit.ly/3PoPsb5>; ITIC, *Spotlight on Global Jihad* (February 3-9, 2021), 10 February 2022, <https://bit.ly/3MlwFW1>; Nalia Radio & Television (NRT), *Peshmerga Member Wounded in Sniper Attack on Barricades in Kirkuk*, 7 January 2022, <https://bit.ly/3PkcOzd>.

⁸⁸¹ For example, on 23 May 2022, Da'esh militants reportedly killed "a former spokesperson for Diyala Police", during an attack on his house in Jalawla (Diyala) and wounded his wife and child; Bas News, *Second Attack in Hours: IS Kills Civilian, Wounds Others in Khanaqin*, 24 May 2022, <https://bit.ly/3N4amvf>. See also, Musings on Iraq, *Security in Iraq Oct 8-14, 2022*, 19 October 2022, <https://bit.ly/3SlnQis>; NINA, *Two Former Members of the Awakening Were Injured in an Armed Attack West of Baghdad*, 9 October 2022, <https://bit.ly/3TSihPx>; NINA, *ISIS Kills a Worker of Digging Wells West of Kirkuk*, 9 August 2021, <https://bit.ly/3G0qz8v>; NINA, *A Group, Carried Out Terrorist Operations, Including Attacking the House of Former Babylon Governorate Police Chief, Arrested*, 5 July 2021, <https://bit.ly/3dbKFvm>.

⁸⁸² For example: "On September 15, 2023, Saeed al-Jassem, a senior commander in the Tribal Mobilization, was targeted by gunfire in the Al-Tarmiyah district (...). Jassem, who serves as chairman of the Council of Tribal Chiefs of Al-Tarmiyah, and another man, apparently his security guard, were wounded"; ITIC, *Spotlight on Global Jihad* (September 14-20, 2023), 21 September 2023, <https://bit.ly/3LN0EyK>. In June 2022, "IS claimed responsibility for the kidnapping and summary execution in a desert area of Ninevah of a man from the Jughayfa tribe they claimed was a member of the Iraqi security forces. (...) The Jughayfa tribe is known for withstanding an IS siege for over a year in the city of Haditha in Anbar province. Multiple fighters from the tribe have since been killed by IS in retaliation, including on video"; Al-Monitor, *Iraq's Northwest Wary as IS Executions, Cross-Border Movement Continue*, 5 July 2022, <https://bit.ly/3RTalX7>. Da'esh online propaganda "show raids and assassinations against Sunni tribes accused of collaborating in the defeat and expulsion of IS from those areas"; EER, *Assessing the Threat of the Islamic State in Iraq*, 5 May 2022, <https://bit.ly/3ZXs9FE>. See also, CTP-ISW, *Salafi-Jihadi Movement Weekly Update*, May 24, 2023, 26 May 2023, <https://bit.ly/3vPaegY>; Al-Monitor, *Islamic State Continues to Menace Iraqi-Syrian Border*, 16 July 2022, <https://bit.ly/3cq5BP3>; Bas News, *IS Beheads Four Shepherds in North of Iraq*, 26 March 2022, <https://bit.ly/3Ligs68>.

⁸⁸³ For example, on 14 December 2022, the son of the mukhtar of the village of Al-Sayyid Hamad in Al-Nimrud District (Ninewa) was killed in a targeted attack on account of his father's reported opposition to Da'esh; NINA, *The Son of the Mukhtar Was Killed by an Explosive Device Southeast of Mosul*, 14 December 2022, <https://bit.ly/3kxmEmv>. See also, ITIC, *Spotlight on Global Jihad* (July 20-26, 2023), 27 July 2023, <https://bit.ly/45aPbAk>; NINA, *The People of a Village West of Kirkuk Kill an ISIS Terrorist and Free two Abductees*, 21 January 2023, <https://bit.ly/3iV7EOP>; NRT, *Police Officer, Driver Killed in Ambush in Kirkuk*, 18 January 2023, <https://bit.ly/407EdsZ>; Bas News, *IS Executes Two Iraqi Civilians*, 10 January 2023, <https://bit.ly/3QSi7XS>; Bas News, *IS Abducts Kurdish Child in Kirkuk*, 13 August 2022, <https://bit.ly/3SX8APF>; EPIC, *ISHM: January 27 – February 3, 2022*, 3 February 2022, <https://bit.ly/3N1CLCb>; EPIC, *ISHM: December 30, 2021 – January 6, 2022*, 6 January 2022, www.ecoi.net/en/document/2066765.html.

- e) Policemen and off-duty members of the ISF and the Kurdish security forces, including ex-members;⁸⁸⁴
- f) Tribal leaders and members of tribes associated or perceived to be associated with the government.

Depending on the particular circumstances of the case, family members of and others associated with persons of this profile **may be in need of international refugee protection** on the basis of their association with individuals at risk.

5) Members of Religious and Minority Ethnic Groups and Individuals Perceived as Contravening Strict Islamic Rules

a) Members of Religious and Minority Ethnic Groups

Overview

Iraq is home to a number of distinct ethnic groups, with Arabs constituting the majority in Federal Iraq, while Kurds make up the majority in the KR-I. In addition, there are ethnic Turkmens,⁸⁸⁵ Black Iraqis,⁸⁸⁶ Assyrians,⁸⁸⁷ Roma (Dom),⁸⁸⁸ Shabak,⁸⁸⁹ Kavkaz⁸⁹⁰ and Armenians.⁸⁹¹ The majority of the population

⁸⁸⁴ "Members" refers to personnel who served in the ISF or the Peshmerga at the time of their flight from Iraq, and who fear harm on account of their former position should they return to Iraq (provided they have genuinely and permanently renounced military and armed activities at the time of their asylum application).

⁸⁸⁵ While there are no reliable estimates of the number of Turkmens in Iraq, including as a result of (forced) assimilation during the former Ba'athist governments, they are generally considered to be the third largest ethnic group after Arabs and Kurds. "Turkmens (...) are spread across the country, residing almost exclusively in the northern towns and villages stretching from Tal Afar through Mosul, Erbil, Altun Kopri, Kirkuk, Tuz Khurmatu, Kifri and Khanaqin"; Kirkuk Now, *Concerns of Sectarian Conflict post ISIS Offensives*, 26 May 2022, <https://bit.ly/3Jf7dYQ>. "Most of them are Sunni and Shiite Muslims, but some of them are Christian (Catholic)." Baghdad also has a sizable presence of Turkmens, including in several Turkmen-majority neighbourhoods (...). Others settled in "Babylon, Amarah [Missan], Basra, Karbala, Kut [Wasit] or (...) Haditha, Al-Anbar governorate"; Masarat (Baghdad-based NGO that focuses on minorities), *Minorities: Turkmens*, 2023, <https://bit.ly/3JsTLiY>. See also a map depicting Turkmen areas available at: Amwaj.media, *Deep Dive: Article 140 and the Future of Iraq's Turkmens*, 17 February 2023, <https://bit.ly/3JBHbYV>.

⁸⁸⁶ Estimates of Iraqis of African descent range between 500,000 and 2 million. Most of them are Shi'ites. They are reported to reside in economically marginalized areas in Basra Governorate, primarily in the outskirts of Basra City and Al-Zubair, in the adjoining Governorates of Thi-Qar, Missan and Wasit, as well as in Baghdad's Sadr City; Atlantic Council, *Black Iraqis Have Been Invisible for a Long Time. Their Vibrant Culture and Struggle Must Be Recognized*, 24 March 2023, <https://bit.ly/40FfJl9>; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html; AFP, *In Iraq, Centuries-Old Black Community still on the Margins*, 2 June 2022, <https://bit.ly/3A84fT1>; Masarat, *Minorities: Black Iraqis*, 2022, <https://bit.ly/3JsTLiY>.

⁸⁸⁷ "The Assyrians are an ethnically, linguistically, and religiously distinct minority in the Middle East. (...) They constitute a minority in Iraq (600,000 Assyrians in the so-called Assyrian triangle in the north of Iraq, and in Baghdad and Mosul (...)); CREID, *Violence and Discrimination Against Women of Religious Minority Backgrounds in Iraq*, 6 December 2022, <https://bit.ly/3Zp0cdM>, p. 315.

⁸⁸⁸ "Roma are spread in small groups all over Iraq, especially in Diwaniyah, and they live in villages or at the outskirts of cities or districts and sub-districts, but there are currently no statistics available about Roma in Diwaniyah"; Kirkuk Now, *Diwaniyah Gypsies Receive Coronavirus Vaccine Effortlessly*, 26 March 2022, <https://bit.ly/3luc0xs>. "The Roma population of Iraq is estimated to be between 50,000 – 200,000. Geographically, they have historically lived in 'isolated villages in southern Iraq, primarily in al-Qadisiya Governorate', as well as 'isolated villages and neighbourhoods around major cities, including Baghdad, Mosul, Basra, and elsewhere in southern Iraq'. There is also a significant Roma population in the KR-I, particularly around the outskirts of Dohuk." Many are believed to have been displaced since 2003, including more recently by Da'esh, given "the historic presence of Roma around the outskirts of Mosul, and (...) their contemporary persecution by extremist militias due to their perceived immorality"; Sarah Edgcombe, *Roma in Iraq and Syria: On the Margins of IDP Protection*, Researching Internal Displacement: Working Paper No. 9, December 2021, <https://bit.ly/3lMgmAg>, pp. 9, 11, 13. Areas where Roma have traditionally settled include the outskirts of cities and towns, including Baghdad (Abu Ghraib, Al-Kamaliya), Babel, Basra, Diyala (Kanaan District), Mosul (Hamam Al-Ali), Kirkuk (Taza), Thi-Qar (Al-Shatra), in addition to some isolated villages in southern Iraq; Masarat, *Minorities: Kawliyah*, 2023, <https://bit.ly/3JsTLiY>.

⁸⁸⁹ "The Shabak number between 350,000 and 400,000, three-fourths of whom are Shia"; US Department of State, *2022 Report on International Religious Freedom: Iraq*, 15 May 2023, www.ecoi.net/en/document/2091863.html. "All the Shabak villages are located in a flat area that represents the Nineveh Plain. (...) The Shabak live in the district of Hamdaniya, Nimrud sub-district, Bartella sub-district, Bashiqa sub-district, Tal Kaif district, and in 70 villages and complexes. In addition to this, there is a Shabak presence inside the city centre of Mosul (...)." Furthermore: "(...) the Shia community in south Iraq does not recognise the Shabak as Shia as they have some different traditions"; CREID, *Violence and Discrimination Against Women of Religious Minority Backgrounds in Iraq*, 6 December 2022, <https://bit.ly/3Zp0cdM>, pp. 101-102. See also Annex 1 of the report for a full list of Shabak villages. Due to Da'esh persecution, many Shabak fled to the KR-I and southern Iraq; Masarat, *Minorities: Shabaks*, 2023, <https://bit.ly/3JsTLiY>. See also, Kirkuk Now, *Ninewa Plains Support Constitutional Roadmap for Disputed Territories*, 8 January 2023, <https://bit.ly/3mKCjPi>.

⁸⁹⁰ "Leaders of the Kavkaz (the unified name for the Circassian, Chechen, and Dagestani groups) community report a population of approximately 50,000 members, located in Baghdad, Ninewa, Sulaymaniyah, Erbil, Kirkuk, and Diyala Provinces. Most identify as Sunni Muslims who migrated from the Caucasus to Iraq during the wars between the Ottoman and Russian empires following forced displacement"; US Department of State, *2022 Report on International Religious Freedom: Iraq*, 15 May 2023, www.ecoi.net/en/document/2091863.html.

⁸⁹¹ "Today, there are an estimated (3000-4000) Armenians left in Iraq, with less than 100 Armenians Catholics. The majority still reside in Baghdad, Basra, Erbil (in Ankawa district) and Zakho. In addition to the two Armenians village (Havresc and Avzrog) in the Kurdistan-Iraq region. There are also a few but increasing numbers of Armenians from other Christian denominations (Anglicans and Protestants). The capital Baghdad remains the main center of their presence with around 1000 Armenians" [figures as of 2017]; CFRI, *The Armenians of Iraq since 2003: Two Decades of Progress or Regression*, 7 July 2023, <https://bit.ly/3sS0dN2>. "Armenian leaders report a population of approximately 12,000 Armenian Christians, both the Armenian Apostolic Church (Armenian Orthodox) and Armenian Catholic in the country, including in the IKR"; US Department of State, *2022 Report on International Religious Freedom: Iraq*, 15 May 2023, www.ecoi.net/en/document/2091863.html.

adheres to either Shi'ite or Sunni Islam.⁸⁹² Furthermore, there are communities of various Christian denominations,⁸⁹³ Yazidis,⁸⁹⁴ Sabaeen-Mandaeans,⁸⁹⁵ Kaka'is,⁸⁹⁶ Zoroastrians,⁸⁹⁷ Baha'is⁸⁹⁸ and a very small number of Jews.⁸⁹⁹ Since 2016 the national identity card no longer displays the holder's religion, but

⁸⁹² "According to 2010 government statistics – the most recent available – 97 percent of the population is Muslim. Shia Muslims, predominantly Arabs but also including Turkmen, Farsi Kurds, and others, constitute 55 to 60 percent of the population. Sunni Muslims are approximately 40 percent of the Muslim population, of which Arabs constitute 24 percent, Kurds 15 percent, and Turkmen the remaining 1 percent. Shia, although predominantly located in the south and east, are the majority in Baghdad and have communities in most parts of the country. Sunnis form the majority in the west, center, and north of the country"; US Department of State, 2022 Report on International Religious Freedom: Iraq, 15 May 2023, www.ecoi.net/en/document/2091863.html. Iraq "has an estimated 61-64% Shi'a and 29-34% Sunni Muslims"; USCIRF, Factsheet: Religious Freedom amid Iraq's Political Crisis, January 2023, www.ecoi.net/en/document/2092181.html, p. 1.

⁸⁹³ "The majority of Iraq's Christians are Chaldean Catholics; almost 20% are members of the Assyrian Church of the East. There are approximately 2000 registered members of Evangelical churches in the IKR. (...) There are 14 recognized Christian denominations"; Open Doors International, *World Watch List 2024: Iraq*, January 2024, <https://bit.ly/47IOoHr>, pp. 2, 4. "Prior to 2002 there were between 800,000 and 1.4 million Christians in the country, but that figure had reportedly fallen to less than 150,000, located primarily in the Ninewa Plain"; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html. "Approximately 67 percent of Christians are Chaldean Catholics (an eastern rite of the Roman Catholic Church), and nearly 20 percent are members of the Assyrian Church of the East. The remainder are Syriac Orthodox, Syriac Catholic, Armenian Catholic, Armenian Apostolic, and Anglican and other Protestants and evangelical Christians"; US Department of State, 2022 Report on International Religious Freedom: Iraq, 15 May 2023, www.ecoi.net/en/document/2091863.html. "There are 14 officially recognised Christian sects in Iraq"; Reuters, Factbox: Iraq's Christian Denominations, 1 March 2021, <https://reut.rs/3ZFZXL>. See also, CFRI, *Christians in Post-2003 Iraq: Fragmentation Dynamics, Ethnic and Sectarian Fault Lines*, 11 August 2023, <https://bit.ly/451NzZf>; Masarat (Iraqi NGO), *Minorities: Christians*, 2023, <https://bit.ly/3JsTLjY>. Open Doors International reported that members of non-traditional Christian churches experience discrimination at the hands of traditional churches: "Changing church affiliation (e.g., by moving from an Orthodox to an Evangelical congregation) is often punished by the refusal of rights. Leaders of Orthodox and Catholic churches have been known to refuse to perform marriages for members attending Evangelical churches." Individuals who changed to a non-traditional church are reported to face rejection from their family/community: "In southern and central regions of Iraq, Christians who have moved from a historical church community to join a non-traditional Christian group can face threats and opposition from family members, tribal leaders and society around them. Bishops of historical church communities have also been known to refuse to hold weddings for members who have been visiting Evangelical churches." And further: "Changing church (from an Orthodox to an Evangelical congregation, for example) is also often punished by refusing rights or losing employment."; Open Doors International, *World Watch List 2024: Iraq*, January 2024, <https://bit.ly/47IOoHr>, pp. 1, 3-4.

⁸⁹⁴ "Yezidi leaders state that most of the 400,000 to 500,000 Yazidis in the country are located in Ninewa Province and the IKR. Approximately 170,000 to 200,000 Yazidis remain internally displaced as of August [2022], compared with 200,000 to 230,000 as of October 2020"; US Department of State, 2022 Report on International Religious Freedom: Iraq, 15 May 2023, www.ecoi.net/en/document/2091863.html. Yazidis "mainly live in the north and western-north of Iraq, namely in the area surrounding Sinjar Mountain (...), in Shekhan District to the eastern-north of it, in some villages and towns of Talkeef District, in Beshiqa [all in Ninewa], and in Zakho and Semel districts in Dohuk governorate"; Masarat, *Minorities: Yazidis*, 2023, <https://bit.ly/3JsTLjY>.

⁸⁹⁵ "Estimates of the size of the Sabean-Mandean community vary, but according to Sabean-Mandean leaders, 10,000 to 15,000 members remain in the country, mainly in the south, with between 450 and 1,000 living in the IKR and Baghdad"; US Department of State, 2022 Report on International Religious Freedom: Iraq, 15 May 2023, www.ecoi.net/en/document/2091863.html. "Sabian Mandaean settlements near rivers in South Iraq (...). The major cities in which they lived are Al-Basrah, Attayeb in Maysan, Al-Amarah, Al-Kahlai, Al-Majar Alkabeer, Al-Misharrah, Al-Nasiriyah, Suq Al-Shuioh, as well as Mandily and Wasit." Others settled in Baghdad, Qadisiyah, Al-Anbar, Kirkuk and the KR-I; Masarat, *Minorities: Sabian Mandaean*, 2023, <https://bit.ly/3JsTLjY>. See also, Amwaj.media, *Iraq's Sabean-Mandaeans Live on Brink of Extinction*, 6 April 2021, <https://bit.ly/3FymDGA>.

⁸⁹⁶ "According to Kaka'i (also known as Yarsani) activists, their community has approximately 120,000 to 150,000 members located in the Ninewa Plain and in villages southeast of Kirkuk as well as in Diyala and Erbil; the KRG estimates there are 110,000 to 200,000 Kaka'i"; US Department of State, 2022 Report on International Religious Freedom: Iraq, 15 May 2023, www.ecoi.net/en/document/2091863.html. "The Kakai minority lives within the Kurdish regions of Iraq, namely the governorates of Erbil, Sulaymaniyah, Kirkuk, and Halabja, with a small minority in Dohuk"; CREID, *Violence and Discrimination Against Women of Religious Minority Backgrounds in Iraq*, 6 December 2022, <https://bit.ly/3Zp0cdM>, p. 189. "In Nineveh Plains, the Kakayis are mainly settled in Qaraqush, the center of Hamdaniya district southwest of Mosul, particularly in the villages of Zangel, Majidiyah, Tulaband, Wardak with Kabarli, where over 20,000 Kaka'is live. (...) Their villages were a target for extremist militants of (...) ISIS whom persecuted them as 'idol worshippers'"; Kirkuk Now, *Main Road of Kaka'i Village in Nineveh Paved*, 13 March 2022, <https://bit.ly/3M1xXLS>. See also, Masarat, *Minorities: Kaka'*, 2023, <https://bit.ly/3JsTLjY>; Fanack, *Kakaism in Iraq: Long History and Ongoing Persecution*, 1 December 2022, <https://bit.ly/3n9ONRE>.

⁸⁹⁷ In the KR-I, Zoroastrianism is recognized and registered with the KRG Ministry of Endowment and Religious Affairs (MERA). "According to the KRG MERA, there are approximately 80,000 to 100,000 Zoroastrians in the IKR, while a Zoroastrian religious leader estimated there are approximately 50,000 Zoroastrians throughout the country"; US Department of State, 2022 Report on International Religious Freedom: Iraq, 15 May 2023, www.ecoi.net/en/document/2091863.html. In Federal Iraq, according to Huda Sheikhmos, a representative of Zoroastrianism in Kurdistan, "Zoroastrians are still afraid to openly declare their religion, especially in Muslim-majority areas, for fear of the notions instilled in people under ISIS", with some accusing them of "worshipping fire and multiple deities"; Fanack, *Zoroastrianism in Iraq: Challenges and Misconceptions*, 10 March 2023, <https://bit.ly/42nVXCb>.

⁸⁹⁸ "Baha'i leaders report fewer than 2,000 members, spread throughout the country in small groups, including approximately 100 families in the IKR"; US Department of State, 2022 Report on International Religious Freedom: Iraq, 15 May 2023, www.ecoi.net/en/document/2091863.html. "In recent years many of them settled in Iraqi Kurdistan, especially in Sulaymaniyah, due to better security and social stability. (...) there are no accurate estimates of Baha'is numbers in Iraq. However, they are estimated at several thousand (...); Masarat, *Minorities: Baha'*, 2023, <https://bit.ly/3JsTLjY>.

⁸⁹⁹ "According to media organizations, following the death by stroke of a Jewish doctor in 2021, only four Jewish citizens remain in federal Iraq. According to unofficial statistics from the KRG Ministry of Endowments and Religious Affairs (MERA), there are possibly as few as 100 to as many as 250 Jewish individuals in the IKR. Jewish leaders report that most do not openly acknowledge their religion for fear of persecution or violence by extremist actors"; US Department of State, 2022 Report on International Religious Freedom: Iraq, 15 May 2023, www.ecoi.net/en/document/2091863.html. In 2022, the CoR unanimously passed a law which criminalizes any attempts to "normalize" relations with Israel, with penalties ranging from imprisonment to the death sentence. At the time of writing, the law has not come into force as the President has not yet signed it. "While the law does not target Judaism (...) it 'promot[es] an environment of antisemitism' in a country where Jews were the targets of mob violence leading to mass emigration of the community in the 1940s and 1950s"; USCIRF, Factsheet: Religious Freedom amid Iraq's Political Crisis, January 2023, www.ecoi.net/en/document/2092181.html, p. 2. See also, Reuters, *Iraq Makes it Illegal to Attempt Normalising Ties with Israel*, 26 May 2022, <https://reut.rs/3JoZwPF>. The law criminalizing normalization with Israel was reportedly in part a response to a controversial September 2021 conference in Erbil, in which participants expressed their support for normalizing ties with Israel and for Iraq to join the Abraham Accords. Parties from across the political spectrum and Shi'ite militant groups condemned the conference, with participants variably described as "Zionists", "traitors", and "collaborators", and calls for their arrest or death. Several

the application process still requires the prospective card holder to self-identify as either Muslim, Yazidi, Sabaeen-Mandaeen, Jewish, or Christian, thus forcing members of non-recognized religious communities as well as atheists to either identify as one of these, or forgo an identity card (and hence be unable to undertake a range of administrative processes and access basic services).⁹⁰⁰

Federal Iraq and the disputed territories

The 2005 Constitution provides for freedom of religion and refers specifically in this context to Muslims, Christians, Yazidis, and Sabaeen-Mandaeans; no explicit mention is made of other religions nor of atheists.⁹⁰¹ The practice of the Baha'i faith remains prohibited in Federal Iraq.⁹⁰²

While the Iraqi authorities are reported to generally respect freedom of religion⁹⁰³ and the election law provides for minority quotas at the federal and governorate level,⁹⁰⁴ minority groups report legal,⁹⁰⁵

participants had arrest warrants issued against them by the federal authorities and at least one government employee was dismissed from her job in the Ministry of Culture; World Politics Review, *The Push for Normalization of Iraq's Relations with Israel just Backfired*, 31 May 2022, <https://bit.ly/3PdWJLj>; NINA, *Najaf Friday Sermon: We Will not Allow Normalization in Iraq Because it Is a Betrayal of Islam*, 29 April 2022, <https://bit.ly/3duxQg1>; Iraqi News Agency, *Nadhmi: A Dismiss Decision to an Employee Participated in Normalization Con with Israel*, 29 September 2021, <https://bit.ly/3dyBTIn>; Al-Monitor, *Israel Hails Declaration by Iraqi Group in Favor of Normalization*, 28 September 2021, <https://bit.ly/3w8tNMS>; Al-Bawaba, *Iraq Arrests 3 'Public' Figures for Partaking in Erbil Israel Normalization Venue*, 26 September 2021, <https://bit.ly/3ApQFKf>.

900 "(...) the online application still requests this information, and a data chip on the card still contains data on religion. (...) The only religions that may be listed on the national identity card application are Christian, Sabaeen-Mandean, Yezidi, Jewish, and Muslim. There is neither a distinction between Shia and Sunni Muslims, nor a designation of Christian denominations. Individuals practicing other faiths may only receive identity cards if they self-identify as Muslim, Yezidi, Sabaeen-Mandean, Jewish, or Christian. Without an official identity card, one may not register a marriage, enroll children in public school, acquire passports, or obtain some government services. Passports do not specify religion." And further: "Zoroastrian, Kaka'i, and Baha'i leaders again reported that their religion was listed as 'Islam' on their federal identification cards, a common problem reported by members of unrecognized religious groups due to the country's constitution and the personal status law"; US Department of State, *2022 Report on International Religious Freedom: Iraq*, 15 May 2023, www.ecoi.net/en/document/2091863.html. "(...) marriages of religious minorities not recognized by the Constitution are not recognized by the Iraqi government and their marriage contracts cannot be endorsed by the Iraqi civil status courts"; UNHCR, *Iraq Statelessness Study: Statelessness and Risks of Statelessness in Iraq: Faiili Kurd and Bidoon Communities* (September 2022), 26 October 2022, www.ecoi.net/en/document/2081191.html (hereafter: UNHCR, *Iraq Statelessness Study*, 26 October 2022, www.ecoi.net/en/document/2081191.html), p. 8. See also, Open Doors International, *World Watch List 2024: Iraq*, January 2024, <https://bit.ly/471OoHr>, p. 8; Boston University, *The Campaign to End Statelessness in Iraq*, March 2022, <https://bit.ly/3Z1yFPp>, p. 32. See also Section III.A.5.e.

901 US Department of State, *2022 Report on International Religious Freedom: Iraq*, 15 May 2023, www.ecoi.net/en/document/2091863.html.

902 In Federal Iraq, Law No. 105 of 1970, which prohibits the practice of the Baha'i faith and prescribes 10 years imprisonment for those practising it, remains in force, although it is reportedly not enforced. The KRG Ministry of Endowment and Religious Affairs recognizes the Baha'i religion; UN Human Rights Committee, *Concluding Observations on the 6th Periodic Report*, 16 August 2022, www.ecoi.net/en/document/2077747.html, para. 30. "The Baha'i community continues to suffer from legal discrimination, as its religious activity continues to be banned, and Baha'is are not recognized as members of a minority religion, preventing them from registering themselves. Since Baha'i marriages are unregistered, children born to such marriages effectively become stateless"; Freedom House, *Freedom in the World 2023: Iraq*, May 2023, <https://bit.ly/3qej1V3>. To date, the constitutionality of Law No. 105 of 1970 has not been determined by the Federal Supreme Court; CFRI, *Baha'is in Iraq: From the Realm of Shadows to the Demand for Recognition*, 2 June 2023, <https://bit.ly/3PfvElz>. See also footnote 900.

903 "Representatives of minority religious groups, including Christians and Yezidis, continued to state that while the central government did not generally interfere with religious observances and even provided security for religious sites, including churches, mosques, shrines, and religious pilgrimage sites and routes, local authorities in some regions continued to verbally harass and impose restrictions on their activities"; US Department of State, *2022 Report on International Religious Freedom: Iraq*, 15 May 2023, www.ecoi.net/en/document/2091863.html.

904 At the federal level, a total of nine quota seats are reserved for members of minority groups, including five for Christians from Baghdad, Ninewa, Kirkuk, Erbil, and Dohuk; one for a Yazidi from Ninewa; one for a Sabaeen-Mandaeen from Baghdad; one for a Shabak from Ninewa; and one for a Faiili Kurd from Wasit. Not all minorities are granted quota seats, including Iraqis of African descent, Roma and Kaka'i; US Department of State, *2022 Report on International Religious Freedom: Iraq*, 15 May 2023, www.ecoi.net/en/document/2091863.html; Manara Magazine, *The Political Marginalisation of Ethnic and Religious Minorities in Iraq*, 17 March 2022, <https://bit.ly/3FvR5kA>. The Human Rights Committee noted "with regret that Iraqis of African descent have not been allocated any quota and that there are reports that they are not adequately represented in public life"; UN Human Rights Committee, *Concluding Observations on the 6th Periodic Report*, 16 August 2022, www.ecoi.net/en/document/2077747.html, para. 40. In a first, two Kaka'i candidates were elected as part of the Kurdish lists in the 2021 CoR elections; Kirkuk Now, *Two Elected Kaka'i MPs to Fight for a Quota Seat*, 16 October 2021, <https://bit.ly/39L6gQY>. Quota seats also exist at the governorate level: five seats for Christians in Baghdad, Dohuk, Erbil and Ninewa, and one seat each for Sabaeen-Mandaeans (Baghdad), Faiili Kurds (Wasit), Shabaks (Ninewa) and Yazidis (Ninewa); Bas News, *Iraq Parliament Amends Provincial Elections Law Ahead of Vote*, 27 March 2023, <https://bit.ly/3LPINrG>.

905 The 2005 Constitution explicitly recognizes Iraq's ethnic and cultural diversity and affords protections and guarantees to minority groups. However, several constitutional and other legal provisions appear to compete with these guarantees. For example, the Constitution guarantees the "Islamic identity" of the majority of the Iraqi people, declares Islam to be the official state religion, mandates that Islam be considered a "foundation source of legislation", and states that no law may be enacted that contravenes the "established provisions of Islam"; see Articles 2(1), 2(1A) and 2(2). Several legal provisions restrict constitutional guarantees: "Civil laws provide a simple process for a non-Muslim to convert to Islam. Personal status laws and regulations prohibit the conversion of Muslims to other religions, and they require the administrative designation of children as Muslims if either parent converts to Islam or if one parent is considered Muslim, even if the child is a product of rape. Civil status law allows women who are identified in their official documents as non-Muslims to marry Muslim men, but it prohibits Muslim women from marrying non-Muslims. Muslim men may only marry women of the Christian, Jewish, or Sabaeen-Mandean faith." Most of these contradictions have to date not been tested in court and, accordingly, the full scope of the protection of the freedom of religion remains unclear; US Department of State, *2022 Report on International Religious Freedom: Iraq*, 15 May 2023, www.ecoi.net/en/document/2091863.html. The UN Human Rights Committee expressed concern "over the existence of legal provisions that negatively impact the Covenant's guarantees on the freedom of religion and belief, including article 17 of the Personal Status Law, which does not allow a Muslim woman to marry a non-Muslim man, and article 26 of the Unified National Identity Card Law, which does not allow a Muslim to convert to another religion

political,⁹⁰⁶ and economic discrimination and marginalization.⁹⁰⁷ Members of minority communities are also regularly faced with hate speech,⁹⁰⁸ stigmatization and societal exclusion based on misperceptions and negative stereotypes related to their faith and rituals, origin, lifestyle, professions and clothing.⁹⁰⁹

and states that any child born in a marriage between a Muslim and a non-Muslim is identified as Muslim”; UN Human Rights Committee, *Concluding Observations on the 6th Periodic Report*, 16 August 2022, www.ecoi.net/en/document/2077747.html, para. 30. See also, Republic of Iraq, *Constitution of the Republic of Iraq*, 15 October 2005, www.refworld.org/docid/454f50804.html.

906 “The political representation of Christians is very low (1.5%). (...) Christians hold some senior positions in the national parliament and government, but are generally under-represented in both.” Furthermore: “In general, Christians are not allowed to reach the highest ranks in certain institutions, such as the armed forces. They have sometimes been challenged to become Muslim in order to receive promotion”; Open Doors International, *World Watch List 2024: Iraq*, January 2024, <https://bit.ly/471OoHr>, pp. 2, 6-7. Black Iraqis are “not represented in politics, and members held no senior government positions. Furthermore, they stated discrimination kept them from obtaining government employment”; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. (...) minority groups often lack meaningful political representation amid political rivalries among the dominant communities, despite legal mechanisms intended to protect minority rights”; UNDP, *Reimagining the Social Contract in Iraq*, 12 June 2022, <https://bit.ly/3xVbZ8V>, p. 13. Kaka’is say they are “excluded from all admin and security positions in their regions”; Kirkuk Now, *Two Elected Kaka’i MPs to Fight for a Quota Seat*, 16 October 2021, <https://bit.ly/39L6aQY>. See also, Amwaj.media, *Deep Dive: Article 140 and the Future of Iraq’s Turkmen*, 17 February 2023, <https://bit.ly/3JBHbyV>; NINA, *The Head of the Yazidi Bloc Accuses the Governor of Nineveh of Marginalizing and Excluding his People*, 11 December 2022, <https://bit.ly/3kcPXdg>; Daraj, *Iraqi Armenians: Minority on the Brink of Extinction*, 15 June 2021, <https://bit.ly/3mVJQvH>. While minorities are generally marginalized at the political level, this applies even more so to women belonging to minority communities; CREID, *Violence and Discrimination Against Women of Religious Minority Backgrounds in Iraq*, 6 December 2022, <https://bit.ly/3Zp0cdM>. “Christians can often only sell their houses for 60% of their value. (...) Christians often struggle to find employment and reportedly feel vulnerable to exploitation in workplaces. As men are often the primary family providers, job loss can have a considerable effect.” Furthermore: “The online application for a national identity card requests information about a person’s religion, and the data chip on the card still contains data on religion. This has resulted in discrimination against Christians in employment”; Open Doors International, *World Watch List 2024: Iraq*, January 2024, <https://bit.ly/471OoHr>, pp. 4-6. “(...) minority communities suffer from serious direct and indirect discrimination in access to services”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 65. “Non-Muslim minorities, especially Kaka’is and Yazidis, also face discrimination and exclusion in the labor market, including employment in the government, judiciary, and public sector. Worse still, because of prevailing misconceptions, they cannot open or work at bakeries, restaurants, or butcher shops, ostensibly for not following Islamic tradition while carrying out animal slaughter or preparing meals. Moreover, their foodstuffs and produce, such as cheese, bread, yogurt, meat, and so on, are often boycotted ostensibly for not being halal (religiously permissible) or hygienic”; MEI, *Addressing Challenges to Tolerance and Religious Diversity in Iraq*, 5 July 2023, <https://bit.ly/489eXXF>. “Although minority citizens in Iraq are experiencing lower levels of armed violence based on their identity, discrimination against them seems to have worsened in the wake of the Islamic State occupation”; SIPRI, *Iraq in 2023: Challenges and Prospects for Peace and Human Security*, 17 March 2023, <https://bit.ly/3lkdCKh>. Discrimination in the labour market on the basis of ethnic and religious identity and the lack of necessary connections to major political parties was reported by all minority communities. Kaka’i men reported that they are at times pressured to shave their moustache in order to access employment in the public sector and that Muslims would refuse to buy from Kaka’i-owned grocery stores. Sabaeen-Mandaeen men are largely limited to working in gold and silver crafting and are “absent from other commercial activities such as managing restaurants or food stores, as Muslims have reservations in dealing with them in these areas.” Chaldean men reported that they “do not obtain jobs within the public sector due to the control of the dominant political parties”; CREID, *Violence and Discrimination Against Women of Religious Minority Backgrounds in Iraq*, 6 December 2022, <https://bit.ly/3Zp0cdM>. See also, Rudaw, *Kurds, Turkmen Angry about Unfair Police Employment in Kirkuk*, 26 September 2023, <https://bit.ly/3LL24tE>; UNDP, *Reimagining the Social Contract in Iraq*, 12 June 2022, <https://bit.ly/3xVbZ8V>, p. 26.

908 “Christians are regularly subjected to smear campaigns online, on national TV stations and by radical Islamic groups”; Open Doors International, *World Watch List 2024: Iraq*, January 2024, <https://bit.ly/471OoHr>, p. 7. “Minorities continue to face hate speech and different forms of deeply ingrained prejudice that stem primarily from common misconceptions and lack of respect (and disregard) for diversity and inclusivity. In addition to grappling with the ramifications of the conflict, minorities are still treated with disdain, and their cultural resources and practices are viewed with derision. In April 2023, Yazidis became the target of a campaign of hate speech and false accusations, which included rhetoric that condoned the crimes committed against them by IS”; MEI, *Addressing Challenges to Tolerance and Religious Diversity in Iraq*, 5 July 2023, <https://bit.ly/489eXXF>. For example, on 31 March 2023, Muqtada Al-Sadr reportedly called upon members of the Abrahamic religions to “embrace the true religion” and convert to Islam; Bas News, *Al-Sadr Calls on the People of the Abrahamic Religion to Convert to Islam*, 1 April 2023, <https://bit.ly/3MbIrQU>. See also, Institute of Development Studies (IDS)/CREID, *Deeply Ingrained Prejudice Fuels Hate Speech in Iraq*, 8 January 2021, <https://bit.ly/3K2lVE6>.

909 “Education is Islam-centered and some official teaching syllabus in governmental schools and universities defines Christians as infidels and enemies and incite jihad against them”; Open Doors International, *World Watch List 2024: Iraq*, January 2024, <https://bit.ly/471OoHr>, p. 6. “Minorities scattered across northern Iraq are not only living on the geographical margins of peri-urban areas but also on the margins of society and its structures, with mere symbolic political representation, frozen social mobility, and constant stigmatization where negative stereotypes abound and are frequently espoused as facts”; MEI, *Addressing Challenges to Tolerance and Religious Diversity in Iraq*, 5 July 2023, <https://bit.ly/489eXXF>. Sabaeen-Mandaeans are falsely accused of witchcraft, the worship of planets and stars, and impurity. “Being categorized and labeled as najis [impure] in a Muslim majority country means being socially excluded in so many ways in life. Not eating food or drinking with them, not shaking hands at public and private events and occasions, or using the daily necessities that they use, or hardly finding a barber to have their hair cut or not finding someone to serve them in café’s, are frequent examples of what Mandaean are going through on the daily basis (...). These misconceptions have put many Mandaean at risk, violence and persecution over time”; Dhiaa Kareem, *The Mandaeans in Iraq Today: Perceptions, Stereotypes, Prejudices, and Exclusion*, in: *Journal of Babylon Center for Humanities Studies* Vol. 13(1), 2023, <https://bit.ly/3JJU1LJ>, pp. 66, 68-70. Kaka’is are regularly considered as “dirty” and “infidels”, “accused of superstition, blasphemy and heresy”, and suspected of engaging in deviant sexual behaviours. Kaka’i men are ridiculed and harassed because of their traditional moustache, which makes them easily identifiable. For centuries, Yazidis have been mistakenly labeled “devil-worshippers” and “infidels”. There is also a widespread belief that Yazidis do not wash for 40 days, resulting in non-Yazidis not buying from them or refusing to provide them with medical treatment. Others avoid contact with Yazidis altogether; CREID, *Violence and Discrimination Against Women of Religious Minority Backgrounds in Iraq*, 6 December 2022, <https://bit.ly/3Zp0cdM>, pp. 214-215, 225-233, 285-286, 290-292. “Historically, the Roma of Iraq have gained employment as entertainers – singing, dancing and playing music at events such as parties and weddings, while some have also participated in the selling of alcohol and sex work. (...) with the post-Saddam regime rise in extremist militias and the institutionalisation of religious conservatism, the Roma have been increasingly portrayed as un-Islamic and therefore a threat to the morality of majority society”; Sarah Edgcumbe, *Roma in Iraq and Syria: On the Margins of IDP Protection*, *Researching Internal Displacement: Working Paper No. 9*, December 2021, <https://bit.ly/3lMgmAq>, p. 9. “(...) the legacy of slavery has an enduring negative impact on the Black Iraqi community. Most noticeable is the dehumanizing, disturbingly common practice of referring to Black Iraqis as ‘abd’ (slave), which encapsulates the ‘otherness’ and subjugation that Black Iraqis experience”; International Republican Institute (IRI), *Living in the Shadows: The Enduring Marginalization of Black Iraqis*, 28 October 2020, <https://bit.ly/3QLqD8Q>. See also, Arab NGO Network for Development, *Is it*

Depending on their geographic location, economic status and local power dynamics, members of religious minority groups hide their religious identity to varying degrees and seek to assimilate to majority behaviours and traditions.⁹¹⁰ This particularly impacts women and girls of minority groups, who are regularly faced with harassment and violence if they do not abide by prevailing customs.⁹¹¹

Ethnic and religious minority communities traditionally do not have strong political or tribal networks, which has made them particularly vulnerable to persecution and displacement, including during Iraq's civil war (2006-2008) and more recently at the hands of Da'esh (2014-2017).⁹¹² As a result, the number of religious

Enough to Formally Recognize Religious Minorities? – Saad Salloum, 30 November 2022, <https://bit.ly/40s9B5a>; Kirkuk Now, *Witchcraft, Planet Worship, and Impurity: Deceptively Negative Stereotype Portrayal of Mandeans*, 24 October 2022, <https://bit.ly/3TFc8Hi>; Eurasia Review, *Who Are The Yazidis?* – Analysis, 15 March 2022, <https://bit.ly/3nm0R2f>.

⁹¹⁰ “The historical churches (Assyrian Church of the East, Syrian Orthodox Church, Syrian Catholic Church, Chaldean Catholic Church and Armenian Orthodox Church) are seriously affected by violence, intolerance and discrimination, especially from militant Islamic groups and non-Christian leaders. They also face discrimination from government authorities. Evangelical churches in Baghdad and Basra are also targets of violence by radical Islamic groups and non-Christian leaders, and face discrimination by the authorities”; Open Doors International, *World Watch List 2024: Iraq*, January 2024, <https://bit.ly/47lQoHr>, p. 1. “The isolation and concealment of the Mandaean religion, traditions and identities in the school, military and the workplace fearing the consequences of being identified and discriminated became additional reasons for the lack of knowledge of local communities about them (...). As a result of the abuses and attacks on the Mandaean minority, many were forced to resort to doing things that were not part of their customs, traditions or religious belief (...), e.g. Mandaean women wear hijab in conservative cities in the middle and south Iraq.” Furthermore, “many were forced to participate in and follow the customs and traditions of the Iraqi tribes, attend their community events and pay some fees like the rest of the tribe members so that the tribe protect them and defend them in case they encounter any risks or getting involved in social problems.” In the same vein, most Mandeans use Islamic/Arabic names for their children, attend Shi’ite religious occasions and adjust their traditional clothing and use of their language in public; Dhihaa Kareem, *The Mandeans in Iraq Today: Perceptions, Stereotypes, Prejudices, and Exclusion*, in: *Journal of Babylon Center for Humanities Studies* Vol. 13(1), 2023, <https://bit.ly/3JJU1Lj>, pp. 68-70. “(...) experience of being a minority is very much informed by where a person is situated – they may be a religious minority in Iraqi Kurdistan (such as the Shabak Shia) but be a majority in another part of the country (for example, in Najaf).” For example: “The context of extreme discrimination led the Kakai to conceal their identity in public.” Kaka is reported pretending to fast during Ramadan. “Young [Yazidi] women are forced to wear headscarves by their families so that they won’t be different from others and recognised as being Yazidi. If they were to be recognised as being Yazidi, they would be exposed to marginalisation and verbal harassment”; CREID, *Violence and Discrimination Against Women of Religious Minority Backgrounds in Iraq*, 6 December 2022, <https://bit.ly/3Zp0cdM>, pp. 13, 20, 215, 275. “(...) because of the stigmatization and persecution experienced by the Roma, they often identify as a different ethnic group, such as Kurdish, Arab or Turkmen. This attempt at assimilation is often a survival mechanism rather than a genuine affiliation with the other named ethnicity”; Sarah Edgcumbe, *Roma in Iraq and Syria: On the Margins of IDP Protection*, Researching Internal Displacement: Working Paper No. 9, December 2021, <https://bit.ly/3lMgmAg>, p. 13.

⁹¹¹ “Among the challenges that affect minority women is the widespread phenomenon of harassment in Iraqi society, especially of minority women, because they are not covered with a hijab, and are therefore identifiable as being non-Muslim. This makes them more vulnerable to harassment. As a result, Sabeen-Mandaean families forbid women to work, for fear of them being harmed.” Furthermore: “In the marketplace, the Yazidi woman is subjected to verbal harassment because of her traditional clothes, which don’t incorporate a headscarf. Some Yazidi women are afraid to go to Mosul without a hijab as they would be exposed to verbal harassment and unkind looks from others. This contributes to the restriction of Yazidi women’s freedom, both by themselves and also by their community.” And further: the “threat of harassment restricts Christian women’s movements as they become fearful of leaving their homes and travelling in public, especially after dark. Some Christian women have also changed their dress to not be so visible”; CREID, *Violence and Discrimination Against Women of Religious Minority Backgrounds in Iraq*, 6 December 2022, <https://bit.ly/3Zp0cdM>, pp. 170, 275, 384. See also Sections III.A.5.b and III.A.8.c.

⁹¹² “Daesh specifically targeted religious minorities such as Yazidis, Christians, Shabak communities and others for destruction in an attempt to annihilate religious pluralism, and with an intent to destroy their distinct ethno-religious identities”; IBA, *Justice and Accountability for the Atrocities of Daesh*, 1 March 2023, <https://bit.ly/3C5LFum>, p. 12. “Minorities have been the most vulnerable as violence has become widespread since 2003. Thousands of minorities were displaced during the Sunni-Shiite civil war in 2006. In 2008, violence against Christians in Mosul forced thousands to flee to the KRI. The emergence of ISIS in 2014 led to the most severe wave of displacement and violence against minorities”; Al Sharq Strategic Research, *Political Representation of Iraq’s Minorities: Tool for Dominant Parties?*, March 2022, <https://bit.ly/3n29zmn>. See also, Fanack, *Iraq’s Minorities Among the Country’s Most Threatened Communities*, 23 May 2023, <https://bit.ly/3QeLnlf>; IDS/CREID, *Engaging with Religious Inequality in Humanitarian Response: A Case Study from Iraq 2014-2019*, 26 October 2022, <https://bit.ly/3FNU47V>, p. 6; Ceasefire Centre for Civilian Rights, *The Rise of Paramilitary Forces and the Security of Minorities in Iraq’s Disputed Territories*, January 2022, <https://bit.ly/3SZT3iN>, p. 5.

minority communities has significantly declined over the past decades, leaving the remaining communities more isolated and vulnerable.⁹¹³

Since 2014, several ethno-sectarian militias have been established as a form of self-protection and to fight Da'esh.⁹¹⁴ They have often had to align themselves with stronger security actors, primarily the PMF and the Peshmerga.⁹¹⁵ This alignment has, however, not resulted in greater political representation for

⁹¹³ Only the KRG governorates as well as Ninewa and Kirkuk “have an officially listed population of Christians (...). Few Christians are left in Baghdad and Basra. The situation is particularly difficult for Christians in the south and center of the country. Christians have left most of the provinces, except for a small group of converts with a Muslim background.” And further: “Government officials at all levels are reported to threaten Christians and ‘encourage’ them to emigrate”; Open Doors International, *World Watch List 2024: Iraq*, January 2024, <https://bit.ly/47IQoHr>, pp. 2-4. “Since 2003, many minorities have been displaced due to insecurity, often migrating to the KRI – which was seen as calmer, safer and more tolerant – and in many cases out of Iraq altogether”; SIPRI, *Iraq in 2023: Challenges and Prospects for Peace and Human Security*, 17 March 2023, <https://bit.ly/3lkdCKh>. For example, only some 200 Armenians remain in Basra, which used to have a “vibrant Armenian community” since the 18th century. The “presence of the Armenians in Mosul is now extinct, and in near extinction in Kirkuk”; CFRI, *The Armenians of Iraq since 2003: Two Decades of Progress or Regression*, 7 July 2023, <https://bit.ly/3sS0dN2>. See also, The National, *Fight to Protect Endangered Iraqi Christians Continues after Years of War*, 20 March 2023, <https://bit.ly/40huW1z>; Dhiya Kareem, *The Mandaean in Iraq Today: Perceptions, Stereotypes, Prejudices, and Exclusion*, in: *Journal of Babylon Center for Humanities Studies* Vol. 13(1), 2023, <https://bit.ly/3JJU1LJ>, p. 74; The New Arab, *For Iraq’s Displaced Yazidis, the Genocide Is Ongoing*, 29 September 2022, <https://bit.ly/3ZbQxY7>; The Red Line, *Iraqi Minorities Face Upheaval amid Renewed Iraqi Crisis*, 18 September 2022, <https://bit.ly/42s7P61>; Kirkuk Now, *Christians in Hamdaniya Consider Migration*, 30 July 2022, <https://bit.ly/3K7ld8t>; Rudaw, *Kakais in Kirkuk Decry Years of Neglect*, 11 March 2022, <https://bit.ly/3FwYEaq>. On Christian converts, see Section III.A.5.d.

⁹¹⁴ Following the fall of Mosul to Da’esh on 10 June 2014, minorities in the disputed “areas were relying on the KRG’s Peshmerga forces to prevent their towns from falling to ISIS. However, as ISIS advanced into Sinjar and the Ninewa Plains in August 2014, the KRG withdrew without warning, paving the way for atrocities against local communities.” And further: “(...) several Christian, Shabak, and Kaka’i forces were formed. (...) These new factions filled a legitimacy gap caused by the failure of the ISF and the Peshmerga and allowed minorities to participate directly in defending their communities”; Ceasefire Centre for Civilian Rights, *The Rise of Paramilitary Forces and the Security of Minorities in Iraq’s Disputed Territories*, January 2022, <https://bit.ly/3SZT3iN>, p. 12.

⁹¹⁵ For example, the Shi’ite “Hashd Al-Shabak” (30th Brigade) and the Christian “Babylon Brigade” (50th Brigade) are part of the PMF in the Ninewa Plains; several Turkmen factions in Kirkuk, Tuz Khurmatu and Tal Afar are part of the PMF; the Yazidi YBŞ in Sinjar is affiliated with the PKK and receives funding from the PMF; and the Kaka’i brigade was incorporated into the KRG’s Ministry of Peshmerga. The 50th Brigade, while led by a Chaldean Christian from Baghdad named Rayan Al-Kildani, is reportedly mostly made up of Shi’ite Shabak and Shi’ite Arab men from Baghdad and southern Iraq and is ideologically close to Iran-backed PMF factions; Washington Institute, *Profile: Kataib Babiliyoun (50th PMF Brigade)*, updated 27 November 2023, <https://bit.ly/4951BeV>. The 50th Brigade’s relationship with the local Christian population has been described as “tense”; Clingendael, *Trapped in a Vicious Cycle: Factors of instability in the Nineveh Plains*, May 2021, <https://bit.ly/3KA09lw>, pp. 20-21. “By recruiting fighters from local communities and creating new factions, the PMFs have militarised and politicised ethno-religious and sectarian identities”; Al Jazeera, *Iran-Backed PMFs Are Destabilising Iraq’s Disputed Regions*, 8 May 2021, <https://bit.ly/3K3ewo2>.

minorities.⁹¹⁶ In some cases, minority groups' affiliation with these security actors has changed local power dynamics and increased inter-communal tensions.⁹¹⁷

In the ethno-religiously mixed Ninewa Plains,⁹¹⁸ various security actors exercise local control and compete over territory and economic resources.⁹¹⁹ Intercommunal tensions are prevalent,⁹²⁰ including vis-à-vis Sunni Arabs, Turkmen and Shabaks,⁹²¹ and between the Christian and Shabak communities.⁹²² Leaders and members of minority communities have reported instances of harassment, extortion, physical abuse, abduction and unlawful deprivation of liberty at the hands of the PMF.⁹²³ In mixed Christian and Shabak

⁹¹⁶ Rather, "the cooptation of minorities within these formations enhances their political marginalization, while allowing the dominant powers to present an image of diverse composition and support." In the 2021 CoR elections, the "Babylon Movement" led by Al-Kildani won four out of five seats allocated to Christians under the quota system, while the Shabak quota seat went to Waad Qado, the former leader of the 30th Brigade. "The PMF's encroachment on the minority quota is strongly resented by some members of those minority communities, who maintain that the winning candidates lack real ties to the communities they supposedly represent"; Ceasefire Centre for Civilian Rights, *The Rise of Paramilitary Forces and the Security of Minorities in Iraq's Disputed Territories*, January 2022, <https://bit.ly/3SZT3iN>, pp. 6, 9. See also, EPIC, ISHM: May 11-18, 2023, 18 May 2023, www.ecoi.net/en/document/2092119.html; The Red Line, *Iraqi Minorities Face Upheaval amid Renewed Iraqi Crisis*, 18 September 2022, <https://bit.ly/42s7P61>; Manara Magazine, *The Political Marginalisation of Ethnic and Religious Minorities in Iraq*, 17 March 2022, <https://bit.ly/3FvR5kA>.

⁹¹⁷ "For example, in Kirkuk city, Sunni Turkmen outnumber Shia Turkmen, but backing from the PMFs has emboldened Shia Turkmen, who have become more politically assertive. This may lead to new intra-Turkman fractures as the Shia consolidate power in the centre of Kirkuk. A similar dynamic is playing out in the district of Telafar among Turkmen. (...) Among the Yazidis, intra-communal divisions are also growing deeper. Areas that fall under the influence of pro-Iranian PMFs and the PKK have challenged the traditional power structures of the community. This was reflected in the tensions over the election of a new Yazidi leader after the passing of Tahsin Said Beg in 2019"; Al Jazeera, *Iran-Backed PMFs Are Destabilising Iraq's Disputed Regions*, 8 May 2021, <https://bit.ly/3K3ewo2>. See also, Al-Monitor, *Three Princes Compete for Yazidi Leadership to Succeed late Prince*, 20 August 2019, <https://bit.ly/3JJJsRQ>.

⁹¹⁸ The Ninewa Plains include the Districts of Tel Kayf, Hamdaniyah and Shekhan, all of which are territories disputed between the Federal Government and the KRG. The area is traditionally home to a range of ethnic and religious groups, which has "made it an epicentre of sectarian tensions and disputes" for decades: it was subjected to the Arabization and demographic engineering policies during the Ba'ath period, continues to be part of the ongoing dispute over control between the Federal Government and the KRG, and was occupied by Da'esh, which "mercilessly targeted the Plains' ethnoreligious non-Sunni minorities, especially indigenous Yazidis, Christians and Turkmen." The Ninewa Plains were "historically populated predominantly by Syriac Christians (mainly Assyrians and Chaldeans). A minority of Shabaks (Sunni and Shiite) inhabited the rural areas of Hamdaniya, and particularly its Bartilla subdistrict. Shekhan district was inhabited mainly by Kurds with a Yazidi majority. While it is difficult to assess the current estimates, it appears that the majority of inhabitants in the Nineveh Plains are currently Shabaks (majority Shia, minority Sunni), followed by the Christian population, the Yazidis, the Kurds, Arab Muslims, the Kaka'is and Turkmen"; Clingendael, *Trapped in a Vicious Cycle: Factors of Instability in the Nineveh Plains*, May 2021, <https://bit.ly/3KA09lw>, pp. 3, 5. See also, SIPRI, *Post-Conflict Reconstruction in the Nineveh Plains of Iraq: Agriculture, Cultural Practices and Social Cohesion*, November 2022, <https://bit.ly/3Lwth3G>, including map on p. 4; Manara Magazine, *The Political Marginalisation of Ethnic and Religious Minorities in Iraq*, 17 March 2022, <https://bit.ly/3FvR5kA>.

⁹¹⁹ "(...) the proliferation of security actors with competing political objectives undermines social cohesion, as it fuels intergroup competition and exacerbates ethnosectarian tensions in the province"; SIPRI, *Post-Conflict Reconstruction in the Nineveh Plains of Iraq: Agriculture, Cultural Practices and Social Cohesion*, November 2022, <https://bit.ly/3Lwth3G>, p. 6. "The fragmentation of the security architecture and territorial control has divided up the region among the various security forces, each exerting control within their territory. Major highways and checkpoints are often manned by different groups, making travel difficult and trapping residents and humanitarian workers in particular areas." For an overview of the distribution of security actors in the Ninewa Plains, including the Iraqi Army, the Peshmerga/Asayish, the Assyrian Ninewa Plains Protection Units (NPU), and the PMF (including the Shabak-led 30th Brigade and the Christian-led 50th Brigade), see Clingendael, *Trapped in a Vicious Cycle: Factors of Instability in the Nineveh Plains*, May 2021, <https://bit.ly/3KA09lw>, pp. 15-16. Government efforts to reign in the PMF factions have not yielded results: For example, the 50th Brigade, which "nominally answers to Iraq's prime minister in his role as commander-in-chief of the armed forces (...) has proven to be one of the least controllable units in the Iraqi security forces." Despite repeated orders to withdraw from checkpoints, at the time of writing it was yet to do so; Washington Institute, *Profile: Kataib Babiliyoun (50th PMF Brigade)*, updated 27 November 2023, <https://bit.ly/4951BeV>. See also, Ceasefire Centre for Civilian Rights, *The Rise of Paramilitary Forces and the Security of Minorities in Iraq's Disputed Territories*, January 2022, <https://bit.ly/3SZT3iN>, pp. 13-14 (see also overview of minority PMF factions in the disputed territories on p. 14 of the report).

⁹²⁰ "In post-IS Nineveh, underlying grievances between and within different groups have emerged or re-emerged as displaced communities have returned to their homes and their areas of origin. Although most research participants reported having good relations with people from other communities, these relations are fragile, and there are tensions simmering below the surface. Even if people do not readily admit it, IS occupation has had a profound and enduring impact on intercommunity relations in the Nineveh Plains"; SIPRI, *Post-Conflict Reconstruction in the Nineveh Plains of Iraq: Agriculture, Cultural Practices and Social Cohesion*, November 2022, <https://bit.ly/3Lwth3G>, p. 20.

⁹²¹ "Overall, there is a prevailing distrust of Sunnis, whether they are Arab, Shabak or Turkmen, due to suspicions of connection or complicity with IS. Perceptions of Sunni collective guilt are not uncommon, and this has created tensions and divisions both between and within communities"; SIPRI, *Post-Conflict Reconstruction in the Nineveh Plains of Iraq: Agriculture, Cultural Practices and Social Cohesion*, November 2022, <https://bit.ly/3Lwth3G>, p. 20. See also Section III.A.1.

⁹²² "Tensions have arisen between and within communities due to the demographic shifts in the wake of the conflict. (...) This is particularly present between Assyrians and Shabaks, as Shabaks have moved into and bought property in the areas vacated by Assyrians. Many Assyrians view this as forced demographic change, as Shabaks are seen to be supported by Shiite authorities and militias. At the same time, Shabaks feel they are legally moving into good available land"; LSE, *The Islamic State is Defeated in Iraq, but its Legacy Lives On*, 8 December 2023, <https://bit.ly/3tUdOUY>. "Tensions between Christians and Shabaks in particular are undermining social cohesion in the Nineveh Plains. As part of a broader concern by the Christian community about the influx of Shabaks (after successive waves of displacement) into areas where Christians have traditionally resided, tensions over land ownership stand out"; SIPRI, *Post-Conflict Reconstruction in the Nineveh Plains of Iraq: Agriculture, Cultural Practices and Social Cohesion*, November 2022, <https://bit.ly/3Lwth3G>, p. 20. See also, Clingendael, *Trapped in a Vicious Cycle: Factors of Instability in the Nineveh Plains*, May 2021, <https://bit.ly/3KA09lw>, p. 15.

⁹²³ "There were reports of Iran-aligned PMF groups also arbitrarily or unlawfully detaining Kurds, Turkmen, Christians, and other members of minority groups in Ninewa Province. There were numerous reports of 30th and 50th PMF Brigades' involvement in extortion, illegal arrests, kidnappings, and detention of individuals without warrants. Informed sources reported the 30th PMF Brigade continued to operate secret prisons in several locations in Ninewa Province,

areas of Hamdaniyah District, Christians accuse the PMF and local authorities of demographic engineering by confiscating and redistributing Christian land and homes to families of Shi'ite PMF fighters.⁹²⁴

In areas where Da'esh maintains a presence, especially in disputed territories of Diyala, Kirkuk, Ninewa and Salah Al-Din Governorates, Da'esh targets members of minority groups for kidnappings and killings,⁹²⁵ and has launched attacks on Shi'ite,⁹²⁶ Kurdish⁹²⁷ and Kaka'i villages with mortars and gunfire.⁹²⁸ The burning of agricultural fields and equipment has also been reported.⁹²⁹ Furthermore, Da'esh reportedly continues to attempt to launch attacks against Shi'ite pilgrims and mosques in Baghdad and other parts of

which held unknown numbers of detainees arrested on sectarian-based and reportedly false pretenses. Leaders of the 30th PMF Brigade allegedly forced families of the detainees to pay large sums of money in exchange for the release of their relatives"; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html. In July 2019, the leaders of the 30th and the 50th Brigade (Waad Qado and Rayan Al-Kildani) were placed under US sanctions for "serious human rights abuse, including persecution of religious minorities"; US Department of the Treasury, Treasury Sanctions Persons Associated with Serious Human Rights Abuse and Corrupt Actors in Iraq, 18 July 2019, <https://bit.ly/2GizopR>. "Although Qado is no longer the brigade's commander, he still wields significant influence in the unit and was elected to parliament in 2021"; Washington Institute, Profile: Hashd Al-Shabak (PMF Brigade 30), 22 June 2022, <https://bit.ly/3v1m3vp>. See also, Washington Institute, Profile: Kataib Babilayoun (50th PMF Brigade), updated 27 November 2023, <https://bit.ly/4951BeV>.

In May 2023, Chaldean Patriarch Louis Sako, the most senior Christian religious leader in Iraq, "accused Rayyan al-Kildani and his group [50th Brigade] of 'stealing the properties' of Christians in Baghdad and Ninewa"; EPIC, ISHM: May 11-18, 2023, 18 May 2023, www.ecoi.net/en/document/2092119.html. "Christians, particularly community leaders, believe that Shabaks are receiving financial support from external actors in order to buy historically Christian land and properties often above market price. This is interpreted by many Christians as an attempt to change the ethnocultural landscape of the area by changing its demographic composition. Coupled with the land ownership issue, perceptions of demographic re-engineering have perpetuated a belief that there is a concerted strategy by the Shia political actors in Baghdad to support the Shabaks over Christians and others in the Nineveh Plains"; SIPRI, Post-Conflict Reconstruction in the Nineveh Plains of Iraq: Agriculture, Cultural Practices and Social Cohesion, November 2022, <https://bit.ly/3Lwth3G>, p. 20. "The 30th Brigade largely operates from depopulated towns such as the Christian towns of Bartella, Bazwiya and Bashiqa, seizing control over uninhabited land and vacant homes"; Clingendael, Trapped in a Vicious Cycle: Factors of instability in the Nineveh Plains, May 2021, <https://bit.ly/3KA09lw>, p. 20. See also p. 27 of the same report. See also, Ceasefire Centre for Civilian Rights, The Rise of Paramilitary Forces and the Security of Minorities in Iraq's Disputed Territories, January 2022, <https://bit.ly/3SZT3iN>, pp. 20-21; Clingendael, Trapped in a Vicious Cycle: Factors of instability in the Nineveh Plains, May 2021, <https://bit.ly/3KA09lw>, pp. 20, 27.

For example, on 9 March 2023, "a Shiite ('rejectionist') civilian was kidnapped and executed near the Tuz Khormato region (...); ITIC, Spotlight on Global Jihad (March 9-15, 2023), 16 March 2023, <https://bit.ly/3FHvVQs>. See also, Bas News, IS Kidnaps Two Kurdish Shepherds in Garmiyan, 15 January 2023, <https://bit.ly/3lVmxlc>; ITIC, Spotlight on Global Jihad (May 12-18, 2022), 19 May 2022, <https://bit.ly/3x0kkkl>; ITIC, Spotlight on Global Jihad (September 2-13, 2021), 14 September 2021, <https://bit.ly/3wnlkWO>.

For example, on 19 December 2022, Da'esh attacked the predominantly Shi'ite village of Albu Bali in Al-Khalis District (Diyala), killing eight civilians. "Claiming the bloody attack on the Telegram messaging service, ISIS did not refer to civilians but claimed it had targeted 'rawafid' ['rejectionists'] militiamen,' a term used to describe members of the Shia-led former paramilitary group Hashed al-Shaabi"; Arab Weekly, Five Years after its Defeat, Periodic ISIS Attacks still Claim Lives in Iraq, 20 January 2023, <https://bit.ly/3ZMeAho>; Shafaq News, ISIS Exploits the Security Vacuums in Diyala to Attack Civilians, Source, 20 December 2022, <https://bit.ly/3HabOLN>. "On July 24, 2022, Shiite civilians were targeted by gunfire in the Shiite village of Sayyid Nasser, in the Al-Khalees region [Diyala] (...). A total of 12 people were killed and wounded, including an Iraqi soldier"; ITIC, Spotlight on Global Jihad (July 21-27, 2022), 28 July 2022, <https://bit.ly/3zzENDV>. On 23 May 2022, "[A]t least five people were killed (...) after Islamic State (IS) militants carried out an attack targeting farmers in the disputed Kurdish province of Kirkuk. The incident took place in [the Shi'ite Turkmen] Bashir village of Taza sub-district, Kirkuk province, where the militants had set fire to a number of agricultural fields in Baladagh Dukishman, Kurdistan Region's Counter-Terrorism Service said in a statement. Iraqi security forces and locals gathered at the site to extinguish the fire before they were attacked by IS insurgents (...); Bas News, Five People Killed in IS Attacks Near Kirkuk, 23 May 2022, <https://bit.ly/3N65XaS>. On 30 April 2022, there was "(...) mortar fire against Shiite towns and villages [in Diyala]. (...) several residents were wounded, and several houses sustained damage"; ITIC, Spotlight on Global Jihad (April 27 – May 4, 2022), 8 May 2022, <https://bit.ly/3N5hjMy>. See also, ITIC, Summary of ISIS Activity Around the Globe in 2022, 19 February 2023, <https://bit.ly/3IDAN2p>; Kirkuk Now, Concerns of Sectarian Conflict post ISIS Offensives, 26 May 2022, <https://bit.ly/3Jf7dYQ>.

Since 2018, "at least 24 villages in Khanaqin district of Diyala province have been evacuated by its Kurdish residents, deserting dozens of farms and orchards. According to local residents, the main reason for the evacuation of the villages was the security situation and lack of confidence in the Iraqi Security Forces ISF to protect them from the hands of the extremist militants of the Islamic State of Iraq and the Levant ISIL"; Kirkuk Now, 24 Villages in Khanaqin Evacuated, Dozens of Farms and Orchards Deserted, 22 December 2022, <https://bit.ly/3ZF4nF>. Between 4 and 6 December 2021, Da'esh attacked and briefly took over the Kurdish village of Liheban in the disputed Dibis District (Kirkuk); ITIC, Spotlight on Global Jihad (December 2-8, 2021), 9 December 2021, <https://bit.ly/3OucA84>. See also, Kurdistan 24, Villagers Repel Suspected ISIS Attack in Eastern Kirkuk, 9 March 2022, <https://bit.ly/3UeuCkq>.

"The KRG reported that ISIS forces killed one Kaka'i during [2021] and that there were several attacks and raids of villages in the territories whose control is disputed by the national government and the KRG. Although Kaka'i human rights activists did not report any serious attacks by ISIS during the year [2022], they said fear of future attacks and a feeling of general insecurity caused Kaka'i members to evacuate several towns in Diyala and Kirkuk Provinces"; US Department of State, 2021 Report on International Religious Freedom: Iraq, 2 June 2022, www.ecoi.net/en/document/2073956.html. "(...) attacks have been carried out on different villages and areas of Kirkuk, including the Kakayi and Kurdish villages of Daquq district [Kirkuk]"; Kirkuk Now, Concerns of Sectarian Conflict post ISIS Offensives, 26 May 2022, <https://bit.ly/3Jf7dYQ>. See also, CFRI, The Kaka'i of Iraq, from US-Invasion to Confronting the ISIS Invasion, 9 June 2023, <https://bit.ly/3RiPwDw>; Bas News, Ten Kakayi Villages so far Vacated in Iraq due to Instability, 5 May 2021, <https://bit.ly/3IFF8C4>; Rudaw, Kakai Villages Emptied by ISIS Attacks in Khanaqin, 27 September 2020, <https://bit.ly/3OsJapF>; USIP, Threat to Kakai Community Poses Broader Challenges for Iraq's Democracy, 27 July 2020, <https://bit.ly/3JQOltt>.

For example, on 24 May 2022, "ISIS operatives set fire to grain owned by the 'infidel' Kaka'i sect in the village of Zanqar, south of Daquq, in the southern part of the city of Kirkuk, and destroyed a transformer"; ITIC, Spotlight on Global Jihad (May 26 – June 1, 2022), 2 June 2022, <https://bit.ly/3OD4VUg>. "Nearly 75,000 square meters of wheat was burned in a fire incident (...) in the disputed Kurdish province of Kirkuk, a local official confirmed. (...) It was not clear if the field belonged to the Kurdish or Arab farmers. Since 2017, when the Iraqi Army took control of the Kurdish areas in Kirkuk, Salahaddin, Diyala, and Nineveh, every year with the beginning of the harvesting season, repeated fire incidents cause massive damage to farmlands, especially those belonging to the Kurdish farmers. Many cases were reported as arson, caused by either Islamic State (IS) militant or Arab settlers who burn Kurdish Farmers' crops to force them out of their villages"; Bas News, First Crop Fire Incident this Year Burns 75,000 sqm of Farmland in Kirkuk, 19 May 2022, <https://bit.ly/3t5BtT9>. See also, Bas News, Kirkuk: Fire Engulfs Farmland in Kakayi Village, 24 May 2022, <https://bit.ly/3Zf5Vmn>.

the country.⁹³⁰ At least 2,500 Yazidis⁹³¹ and hundreds of Shi'ite Turkmen,⁹³² Shabaks,⁹³³ and Christians, including men, women and children, are reported to remain missing after having been abducted by Da'esh in 2014.⁹³⁴ Nearly 90 mass graves have been discovered,⁹³⁵ and many survivors continue to suffer from the long-term effects of the violence they have faced.⁹³⁶ Yazidi women freed from Da'esh captivity and children born of rape face societal rejection and are at risk of abuse.⁹³⁷

Minority communities in the disputed territories are also vulnerable on account of these areas' unresolved legal status and the resulting security gaps and political competition.⁹³⁸ In Kirkuk and other disputed territories, Kurds assert that since the unsuccessful independence referendum in 2017, local authorities

⁹³⁰ Due to heightened security measures in Baghdad, the holy cities of Kerbala and Najef, as well as along pilgrimage routes ahead and during Shi'ite religious holidays, attacks are regularly prevented by the ISF; Shafaq News, *PMF Thwart Attempted Bombing Targeting Arbaeen Pilgrims*, 4 September 2023, <https://bit.ly/3Rh4piw>; ITIC, *Spotlight on Global Jihad* (February 16-22, 2023), 23 February 2023, <https://bit.ly/40IBOL8>; NINA, *Two Mortar Shells Fell Near the Shrine of Imam Zine El Abidine in Daquq District*, 15 September 2022, <https://bit.ly/3JEGqW3>; Iraq News Agency, *PMF Foils an ISIS Attack to Target the Pilgrims of Arbaeen South of Samarra*, 12 September 2022, <https://bit.ly/40t4MZt>; NINA, *The PMF Thwarts a Plan to Target the Arbaeen Pilgrims in Anbar*, 9 September 2022, <https://bit.ly/3qz4ZKY>; Crisis24, *Iraq: Authorities Increase Security Nationwide for Arba'een Pilgrimage Sept. 16-17*, 7 September 2022, <https://bit.ly/3JEabGg>; Al-Monitor, *Suicide Attack Thwarted as Iraqi Shiites Celebrate Ashura*, 10 August 2022, <https://bit.ly/3my6iPe>.

⁹³¹ "Over 2,500 Yazidi women and children captured by ISIL remain missing to this day. Some may have died while others may still be enslaved"; UNITAD, *Report on Sexual Violence Against Women and Girls Committed by ISIL in Iraq*, 3 December 2023, www.ecoi.net/en/document/2101999.html, para. 126. "(...) there has been no systematic effort by the Iraqi authorities to rescue them or ensure their return. Instead, families and Yazidi volunteers have largely driven all such rescue efforts"; HRW, *World Report 2023: Iraq*, 12 January 2023, www.ecoi.net/en/document/2085461.html. Many Yazidi women and children "are believed to remain living with the families of deceased ISIS fighters, either in hiding or in detention camps, or held captive by armed groups in Syria"; HRW, *Submission to the Committee Against Torture and Other Cruel, Inhuman, or Degrading Punishment*, March 2022, www.ecoi.net/en/document/2071301.html. See also, Kurdistan 24, *Kurdistan Region President, Yazidi Activist Nadia Murad Discuss Situation of Yazidis*, 19 October 2023, <https://bit.ly/3tUWmPK>; BBC, *Fighting to Free the Women and Children Enslaved by IS*, 6 July 2023, www.ecoi.net/en/document/2094752.html.

⁹³² "According to Ninewa Governorate's Advisor for Women's Affairs Sukina Ali (...), 900 Shia and Sunni Turkmen kidnapped by ISIS were still missing at the end of [2022]"; US Department of State, *2022 Report on International Religious Freedom: Iraq*, 15 May 2023, www.ecoi.net/en/document/2091863.html. "According to local activists and civil society organizations in Tal Afar [Ninewa], out of 1,300 people kidnapped during the rule of ISIS, including hundreds of women and children, only 48 people have been released, including 23 women and 25 men. Among the 23 surviving girls and women, 'they confessed to being raped and forced to abortion by the organization's fighters'"; Kirkuk Now, *National Team Collects Blood Samples of Relatives to Uncover Fate of Tal Afar Missing*, 4 July 2022, <https://bit.ly/3RJIMG2>. Other have likely not been registered as missing due to stigma; see Section III.A.8.d.

⁹³³ "According to Shabak parliamentarian Mohammed Ibrahim (a Shia of Ninewa), 233 Shabak individuals kidnapped by ISIS in 2014 were still missing"; US Department of State, *2022 Report on International Religious Freedom: Iraq*, 15 May 2023, www.ecoi.net/en/document/2091863.html. The kidnapping of Shabak women and girls by Da'esh "is not always acknowledged or spoken openly about in the community because of the shame attached to the violations carried out against women and girls by Daesh"; CREID, *Violence and Discrimination Against Women of Religious Minority Backgrounds in Iraq*, 6 December 2022, <https://bit.ly/3Zp0cdM>, p. 98.

⁹³⁴ "Hundreds of Assyrian Christian, Shabak and Shi'a Turkmen women were also abducted from areas under ISIL control, and the fate of many of them remains unknown"; CED, *Information on the Visit and Findings*, 31 March 2023, <https://bit.ly/3MgQs2i>, para. 21. See also AFP, *'Dead or Alive': Iraq's Yazidis Await Daesh-Abducted Kin*, 26 April 2023, <https://arab.news/mkx24>; and Section III.A.8.d.

⁹³⁵ See Section II.D.2.a.

⁹³⁶ "Many [Yazidis] still struggle with mental trauma after years of torture, inhumane treatment, and the struggle of coming to terms with the disappearance of family members"; Refugees International, *Refugees International Condemns the Renewed Hate Speech and the Targeting of the Yazidi Community in Sinjar, Northern Iraq*, 8 May 2023, <https://bit.ly/42NsXD3>. "(...) among the Turkmen Shia, the fact that the religious leaders chose not to speak out against the rape, kidnappings and sexual assault that some Turkmen Shia women experienced at the hands of ISIS and other Islamist militia has had severe psychological repercussions for survivors, and obfuscated their opportunities of seeking restorative justice"; CREID, *Violence and Discrimination Against Women of Religious Minority Backgrounds in Iraq*, 6 December 2022, <https://bit.ly/3Zp0cdM>, p. 18. "Yet some of the most vulnerable peoples it [Da'esh] targeted, such as Yazidis and Christian Assyrians, remain under existential threat. For these peoples, the Islamic State was a nightmarish manifestation of a larger plight, which existed before the group's rise and continued following its decline"; Newline Magazine, *Iraq's 'Other' Minorities still Endangered*, 26 April 2022, <https://bit.ly/3yFBdc1>. See also, UNAMI, *UN Iraq on Commemoration of 2014 Atrocities Against Yazidis in Sinjar: Peace, Development, and Accountability Key for the Community to Flourish*, 3 August 2022, <https://bit.ly/3Kvn5GF>.

⁹³⁷ "Some Yazidi religious leaders and community members deemed that children born of rape during ISIS captivity were neither welcomed nor recognized as Yazidis. Many Yazidi women survivors of ISIS atrocities said they were compelled to leave their children in orphanages in Syria or abandon their children so they could rejoin their Yazidi community. According to Yazidi sources, these children were also under threat of so-called 'honor' and retribution killings. Many Yazidis feared that the children would grow up radicalized to violence due to the possibility of their exposure to violent radicalization in IDP camps or informal settlement areas and because they had experienced rejection. Reports from the al-Hol detention camp noted that some Yazidi women preferred remaining in the camps with their children rather than leave them behind"; US Department of State, *2022 Report on International Religious Freedom: Iraq*, 15 May 2023, www.ecoi.net/en/document/2091863.html. See also Sections III.A.8.d and III.A.9.

⁹³⁸ "Minority groups in the Nineveh Plains often complain of being caught in the middle of this ongoing struggle for administrative control. In their competition for the political loyalty of minorities, the Iraqi government and the KRG have each tried to sway community leaders to support their policies." Furthermore, intercommunal competition and tensions are also caused by "the divergent political affinities of minority groups, with some supporting Kurdish parties and others more in favour of following the Iraqi government, as well as tensions within the communities themselves." The report found that "community leaders are more likely than community members to report greater intergroup tensions and irreconcilable differences. Some see in this an attempt by elites to instrumentalize intergroup divisions for personal political interests, particularly in the context of disputes between the Iraqi government and the KRG (...); SIPRI, *Post-Conflict Reconstruction in the Nineveh Plains of Iraq: Agriculture, Cultural Practices and Social Cohesion*, November 2022, <https://bit.ly/3Lwth3G>, pp. 5-6, 22. "(...) since the significant part of the minorities' population lives in the disputed areas, they suffer from the security gaps between the Erbil and Baghdad governments"; Al Sharq Strategic Research, *Political Representation of Iraq's Minorities: Tool for Dominant Parties?*, March 2022, <https://bit.ly/3n29zmn>. In Daquq in southern Kirkuk, "the Kakais are located directly along the confrontation lines where members of the Iraqi security forces and ISIS often clash, endangering the lives of the minority group. (...) the threat of ISIS in the area continues to pose a significant security threat to locals"; Rudaw, *Kakais in Kirkuk Decry Years of Neglect*, 11 March 2022, <https://bit.ly/3FwYEaq>. See also Section II.A.5.

have engaged in the marginalization of Kurdish residents and the renewed “Arabization” of the areas.⁹³⁹ Tensions over housing, land and property issues between Arabs who had been settled in the area by the former Ba’athist Governments and Kurds and other minorities continue in light of the disputed territories’ unresolved status, and at times result in localized acts of violence.⁹⁴⁰

Yazidis and other minorities in Sinjar (Ninewa) are also impacted by the uneasy presence of multiple security actors and prevailing regional tensions, which, *inter alia*, result in Turkish airstrikes and drone attacks against alleged PKK/YBŞ targets.⁹⁴¹ Civilians in the ethno-religiously diverse Bashiqa Sub-District (Ninewa) are reported to have been killed and wounded as a result of attacks on the Turkish Zilkan military base located in the area since 2015.⁹⁴²

In light of the weak rule of law, impunity for past abuses, and minorities’ vulnerability,⁹⁴³ there have been instances of various actors, including the PMF, Da’esh, vigilantes and criminal groups assaulting, kidnapping and killing members of religious minorities for sectarian or opportunistic/criminal motives (e.g., on account of their perceived wealth), or a combination of the two.⁹⁴⁴ Since 2003, thousands of properties

⁹³⁹ In Kirkuk, “Kurds claim policies favoring Arabization have occurred since 2017, when Rakan Saeed al-Jabouri was appointed as acting governor of Kirkuk [replacing the elected Kurdish governor] following the contentious Kurdish independence referendum”; Amwaj.media, *Deep Dive: Article 140 and the Future of Iraq’s Turkmens*, 17 February 2023, <https://bit.ly/3JBHbVv>. According to a KDP media official in Diyala, in 2021, “the Iraqi government facilitated the Arabization of Kurdish territories in Diyala by ostracizing and marginalizing the Kurds in security and administrative government positions in the disputed territories in Diyala”; US Department of State, *2021 Report on International Religious Freedom: Iraq*, 2 June 2022, www.ecoi.net/en/document/2073956.html. See also, PUK Media, *Kirkuk and Khanaqin Face Arabization Officially*, 10 March 2022, <https://bit.ly/42rkvbv8>; Bas News, *Baghdad-Appointed Governor of Kirkuk Presses to Replace Kurds by Non-Indigenous Arabs*, 29 May 2021, <https://bit.ly/3K5qw8k>.

⁹⁴⁰ “Over the past five years, agricultural land has been intensely contested in Kirkuk, Khanaqin, and sometimes in Duzkhurmatu and the Nineveh Plain”; Kirkuk Now, *Arab and Kurdish Farmers in Desperate Confrontation over Land*, 13 December 2022, <https://bit.ly/3TBnziY>. See also, Bas News, *Kurdish Farmers’ Lands in Kirkuk under Threat from Arab Settlers*, 17 May 2023, <https://bit.ly/4391Rq3>; Bas News, *PM Barzani Condemns Attack on Kurdish Farmers in Kirkuk*, 21 April 2023, <https://bit.ly/3NbgNiU>; Rudaw, *Resettled Arabs Attack Kurdish Farmers in Kirkuk, Injuring Two*, 7 December 2022, <https://bit.ly/407rYN6>; Kirkuk Now, *Arab Settlers Demand Reparation in Khanaqin*, 25 May 2022, <https://bit.ly/3M2z95h>; Kirkuk Now, *Saddam Era Officers Demand ‘Houses’ in Kirkuk*, 10 March 2022, <https://bit.ly/40aGaF0>.

⁹⁴¹ “(...) Iraq’s mainly Kurdish north (...) is also home to other ethnic and religious groups: Assyrians, Turkmen, and Yazidis. These minorities too have been caught up in the conflict along with Turks, Kurds and Arabs”; Reuters, *As Turkey Intensifies War on Kurdish Militants in Iraq, Civilians Are Suffering*, 10 October 2023, <https://bit.ly/46NTRN4>. In 2022, “Turkish airstrikes struck facilities used by Sinjar Resistance Unit (YBS) Yazidi fighters affiliated with the PKK in Sinjar District, reportedly killing and wounding many Yazidi civilians. (...) Local officials added that the continued attacks in Sinjar, in addition to creating an unstable security situation, terrified the Yazidi people and pushed them to leave Sinjar”; US Department of State, *2022 Report on International Religious Freedom: Iraq*, 15 May 2023, www.ecoi.net/en/document/2091863.html. See also Sections [II.B.1.c](#) and [II.B.2.a](#).

⁹⁴² See Section [II.B.2.a](#).

⁹⁴³ “Christians are an easy target. Compliance with the tribes’ age-old customs and traditions is often more important than adherence to government law, as tribes are usually above the law. (...) Corruption is rampant across Iraq, and Christians are exploited in this way.” And further: “Most of the perpetrators of crimes against Christians are not held accountable. The central government cannot control militias, particularly in the Nineveh Plains. In spite of the large number of Christian properties being seized (an estimated 78% of all properties belonging to Christians who left the country), the number of those brought to justice is nominal”; Open Doors International, *World Watch List 2024: Iraq*, January 2024, <https://bit.ly/47IOoHr>, pp. 4, 7. “A fragile state, weak rule of law and the unchecked proliferation of militia groups have encouraged both systematic and opportunistic crimes against Iraq’s religious minorities”; CREID, *Submission to UNSR on FoRB by the Coalition for Religious Equality and Inclusive Development (CREID) on Violence Linked to Intolerance and Discrimination Based on Religion or Belief in Iraq*, 2019, <https://bit.ly/3K6UYiH>, p. 7. Sabaeen-Mandaeans and other minorities are reported to “seek safety from the clans [Muslim tribes] in the absence of effective law enforcement”. However, they may still be discriminated against by the tribe on account of their religion; CREID, *Violence and Discrimination Against Women of Religious Minority Backgrounds in Iraq*, 6 December 2022, <https://bit.ly/3ZpOcdM>, p. 186. See also Section [II.D.3.a](#).

⁹⁴⁴ A victim may be singled out for kidnapping for reasons of economic profit and/or in order to pursue a political/ideological aim or based on sectarian motives. “(...) Christians have been subjected to opportunistic kidnapping and ransom demand, since their society’s social structure is not tribal, unlike that of the larger groups of Arabs and Kurds. Sometimes, kidnapping Christians and other minorities become a financing techniques for armed groups and militias, and/or a way to prove their control over some areas, send a message, or intimidate others”; CFRI, *Christians in Post-2003 Iraq: Fragmentation Dynamics, Ethnic and Sectarian Fault Lines*, 11 August 2023, <https://bit.ly/451NzZf>. Between October 2022 and September 2023, Open Doors International recorded the killing of four Christians “for faith-related reasons”, without providing further details for security reasons. Additionally, 35 Christians experienced mental or physical abuse. While no abductions or killings of priests were recorded in this period, “it remains a threat.” In response to this violence, Iraq’s ranking rose from position 18 to position 16 in the 2024 World Watch List of the 50 countries where Christians face the most extreme persecution; Open Doors International, *World Watch List 2024: Iraq*, January 2024, <https://bit.ly/47IOoHr>, pp. 5-6. “The kidnapping of Christians also often comes in the form of organized crime, having both financial and religious motives.” And further: “Motives for attacks are mixed but this does not necessarily rule out anti-Christian motivation”; Open Doors International, *World Watch List 2023: Iraq*, December 2022, <https://bit.ly/3TLaBiG>, pp. 31, 40. See also lists of incidents in 2022 on pp. 40-41. “(...) the Mandaean, known for their traditional community occupations as being goldsmiths, silversmiths and jewellers, were significantly more frequently targeted for theft and murder than their Muslim counterparts”; Dhiaa Kareem, *The Mandaeans in Iraq Today: Perceptions, Stereotypes, Prejudices, and Exclusion*, in: *Journal of Babylon Center for Humanities Studies* Vol. 13(1), 2023, <https://bit.ly/3JJU1LJ>, p. 66. “Sabaeen-Mandaeans have been targeted by thieves, putting their lives and property at risk. As a result, many of them emigrated or left the profession [as silver and goldsmiths]”; CREID, *Violence and Discrimination Against Women of Religious Minority Backgrounds in Iraq*, 6 December 2022, <https://bit.ly/3ZpOcdM>, p. 172. Similarly, attacks against liquor shops and their Christian and Yazidi owners may be for sectarian motives (i.e. “un-Islamic” behaviour) and/or criminal/economic interests; see Section [III.A.5.b](#). See also, Hammurabi Human Rights Organization (Iraqi NGO), *Annual Report 2021 on the Human Rights Situation in Iraq*, 16 July 2022, <https://bit.ly/3FYDPFj>, pp. 7, 16-17. In February 2020, an armed group attacked and destroyed a medical centre in a Roma village in Southern Baghdad. “The hate crime nature of the attack is confirmed and aggravated by the threatening message left by the armed group: ‘Roma don’t deserve medical services’. Roma in Iraq are already ostracized from society at large and

belonging to Christians and members of other minority communities who had been displaced have been illegally seized by powerful individuals, militias and criminal networks.⁹⁴⁵ Since 2021, around 200 properties have reportedly been returned to their rightful owners following interventions by Muqtada Al-Sadr.⁹⁴⁶

Black Iraqis continue to face systematic discrimination and marginalization in all aspects of life, as a result of which many are reported to live in extreme poverty with high rates of illiteracy and unemployment and very limited social mobility.⁹⁴⁷ Due to the combined effects of stigmatization, arbitrariness in government procedures, illiteracy and poverty, Black Iraqis face difficulties to obtain or renew civil documentation, and may hence be at risk of statelessness.⁹⁴⁸

Similarly, members of the Roma (Dom) community⁹⁴⁹ face systematic political, social and economic exclusion and discrimination, and, as a result, they live in “extreme” poverty on the “absolute margins of society”.⁹⁵⁰ Administrative instructions which distinguished their civil identification documents from those

messages like these are indeed threats and intimidation designed to terrorise the targeted population”; MRGI, *Armed Group Destroys Medical Centre for Roma in Southern Baghdad*, 4 May 2020, <https://bit.ly/3Khfo0W>. See e.g., Bas News, *Unknown Assaults Set Fire to Kurdish Kakayi Man's Car in Kirkuk*, 26 July 2022, <https://bit.ly/3z2Krym>; Bas News, *Barzani Headquarters Condemns Hashd Al-Shaabi's Torture of Kurdish Kakayi Peshmerga*, 24 July 2022, <https://bit.ly/3ZeXyao>; Bas News, *House of Christian Family Attacked with Explosive Device in South of Iraq*, 30 November 2021, <https://bit.ly/3z7Mn93>.

⁹⁴⁵ “Land belonging to Christians has been seized and at least 70% of the properties left behind by Christians fleeing the country have been illegally seized by organized criminal groups, especially in Baghdad. (...) Reports include document tampering and forgery against Christian properties in Iraq. According to research, the perpetrators also include Iraqi politicians.” In 2023, Open Doors International recorded the confiscation or damaging of at least 10 private Christian properties (compared to at least 100 in 2022); Open Doors International, *World Watch List 2024: Iraq*, January 2024, <https://bit.ly/47IOoHr>, pp. 4, 6. “On August 6 [2022], Chaldean Patriarch Cardinal Louis Raphael Sako (...) warned that ‘some political parties are still confiscating Christian properties in several areas of Ninewa province and other areas in the IKR such as the town of Ankawa, the village of Hazar Jot (Akre district), and the village of Bardah Rasch (Amedi district). The necessary procedures to return these usurped properties have not taken place until today, despite our follow-up”; US Department of State, *2022 Report on International Religious Freedom: Iraq*, 15 May 2023, www.ecoi.net/en/document/2091863.html. “Crimes against Sabean-Mandaean continue to be committed with the aim of spreading terror and forcing them to leave their homeland, enabling the perpetrators to seize their property. This is an ongoing crime which has yet to be resolved”; CREID, *Violence and Discrimination Against Women of Religious Minority Backgrounds in Iraq*, 6 December 2022, <https://bit.ly/3Zp0cdM>, p. 188.

⁹⁴⁶ In early January 2021, Muqtada Al-Sadr ordered the establishment of a committee “to restore the houses and properties of Christians and other minorities who submitted complaints against those who seized their properties”; US Department of State, *2022 Report on International Religious Freedom: Iraq*, 15 May 2023, www.ecoi.net/en/document/2091863.html. In December 2022, a member of the Sadr-led committee said that 200 “houses, agricultural land, factories, and shops in Baghdad, Nineveh, Basra, and Kirkuk” had been returned to their rightful Christian and Sabaeen-Mandaean owners; Rudaw, *Sadr-Led Committee Returns at least 200 Occupied Properties to their Christian Owners*, 17 December 2022, <https://bit.ly/3nryHOY>. See also, NINA, *Al-Sadr's Office Clarifies the Mechanism for Receiving Complaints of Usurped Properties from Christian and Other Minorities*, 18 June 2022, <https://bit.ly/3zPQHv0>; ACLED, *Religion Overview 19-25 February 2022*, 4 March 2022, <https://bit.ly/3JNVnd1>.

⁹⁴⁷ “Black Iraqis are not only living on the geographical margins of urban agglomerations but also on the margins of society and its structures, with no political representation, no tribal umbrella, locked social mobility, and the constant stigma of being called abd (‘slaves’), fahma (‘piece of coal’), or other ethnophobias in everyday interactions.” And further: “(...) activists in Iraq calling for Black Iraqi rights continue to face violent oppression as members of the community and its activists have become targets of radical groups in recent years and have, unfortunately, opted to tone down their demands. (...) Structural racism and the absence of a tribal umbrella have relegated most black Iraqis to the margins of the economy and locked them into a number of small manual jobs as domestic help or performers. According to their representatives, the population also suffers from low educational attainment rates, unemployment, and poverty”; Atlantic Council, *Black Iraqis Have Been Invisible for a Long Time. Their Vibrant Culture and Struggle Must Be Recognized*, 24 March 2023, <https://bit.ly/40FfUj9>. “A survey in 2011 reported illiteracy rates among Black Iraqis at 80 percent, a figure more than twice as high as the national average, and believed to be largely unchanged since then”; New York Times, *A Black Iraqi's Sudden Career in TV News: ‘They Wanted to See All Colors’*, 4 February 2022, <https://nyti.ms/39UtMEt>. “The vast majority lives in slums, while the rest live in illegal housing or local areas with poor public services. (...) Marriages between African Iraqis and other Iraqis are rare, and if they do occur, they will result in births called ‘Muwallad.’ The look of contempt towards these is not less severe than that directed to their predecessors, which prompted many Iraqis to refrain from involving in this type of relationship with the African Iraqis”; Fanack, *Africans of Iraq: A Continuous Marginalization and an Unknown Future*, 4 November 2021, <https://bit.ly/3A4Jurh>. See also, US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html; AFP, *In Iraq, Centuries-Old Black Community still on the Margins*, 2 June 2022, <https://bit.ly/3A84fT1>; GCHR, *Challenges Faced by Human Rights Defenders in Iraq Following the ‘October Popular Movement’*, 5 May 2022, <https://bit.ly/3OAYdmi>, p. 15.

⁹⁴⁸ “The stigmatization and discrimination this population faces creates risks of statelessness. These risks can be attributed to discrimination from officials working at civil registry offices, who often treat individuals from this community with suspicion, disrespect, and harassment, all of which can impede their access to civil documentation. In addition, because of the poverty and exclusion they have experienced for centuries, many individuals suffer from low levels of education. High illiteracy rates lead to many lacking civil documentation, both because they lack awareness of the importance of status documents and because they are marginalized from access to public information, such as documentation awareness campaigns”; Boston University School of Law, *The Campaign to End Statelessness in Iraq*, March 2022, <https://bit.ly/3Z1yFPr>, pp. 61-62.

⁹⁴⁹ The community is “referred to colloquially by pejorative names that have been formulated and applied by others. In the Kurdish region of Iraq (KRI) they are often simply referred to as ‘Gypsies’, but in federal Iraq, they are often referred to as ‘Kawliyah’, a highly derogatory and contemptuous term which demeans the bearer”; Sarah Edgcombe, *Roma in Iraq and Syria: On the Margins of IDP Protection*, Researching Internal Displacement: Working Paper No. 9, December 2021, <https://bit.ly/3IMqmAg>, p. 5.

⁹⁵⁰ Experts “described the poverty experienced by Roma communities in similar terms: extreme in nature, affecting all elements of life and exacerbated by marginalisation and stigmatization by both the public and authorities. They are shunned by the public (...), perceived by public officials as non-citizens and under-researched by the humanitarian community. Whilst not all Iraqi Roma are IDPs, many likely are, and their enforced positionality on the absolute margins of society renders them extremely vulnerable”; Sarah Edgcombe, *Roma in Iraq and Syria: On the Margins of IDP Protection*, Researching Internal Displacement: Working Paper No. 9, December 2021, <https://bit.ly/3IMqmAg>, p. 11. The Dom “often live on informal and squatted land without access to basic infrastructure and services such as electricity, water, and healthcare”; Boston University School of Law, *The Campaign to End*

held by other Iraqis were reportedly removed in 2020;⁹⁵¹ however, in practice, many Dom continue to hold these stigmatizing documents.⁹⁵² A small number of Faii Kurds⁹⁵³ and Bidoon⁹⁵⁴ also remain stateless or have been unable to obtain official documentation,⁹⁵⁵ which in turn can restrict their freedom of movement and access to justice, public services, formal employment and housing.⁹⁵⁶ Faii Kurds also say that many have been unable to obtain compensation for property confiscated by the former Government of Saddam

Statelessness in Iraq, March 2022, <https://bit.ly/3Z1yFPr>, p. 58. Roma villagers in Al-Zuhour (Qadisiyah) were described to be living in poor conditions with limited access to employment and no running water. Villagers spoke of derogatory treatment and physical abuse; Al Jazeera (video), *Iraqi Roma Persecuted: Minority Say they Are Excluded*, 29 April 2022, <https://bit.ly/3zir6cVW>. The director of the Human Rights Commission in Qadisiyah said that in the village of Al-Zuhour, “many are exposed to diseases, especially infectious and skin diseases, because of their residence in areas unfit for habitation.” Basic health services are limited and most villagers depend on daily work; Kirkuk Now, *Diwaniyah Gypsies Receive Coronavirus Vaccine Effortlessly*, 26 March 2022, <https://bit.ly/3luc0xs>.

⁹⁵¹ “(...) some Dom do possess an ID card, but the documents will often contain the word ‘exemption,’ which excludes them from accessing government employment. Placing this word on documents is not required by law, but local civil registration officials often include it at their own discretion. According to anecdotal reports, when Dom present this ID to officials, they face problems registering their children, and the addition of this word can be stigmatizing in other ways. Another word authorities sometimes print on civil status documents is ‘Ghajari,’ which specifies that the document holder is Dom. The designation can sometimes lead to the ID holder being discriminated against in obtaining benefits and services, leaving them with a lesser form of citizenship than other Iraqi nationals”; Boston University School of Law, *The Campaign to End Statelessness in Iraq*, March 2022, <https://bit.ly/3Z1yFPr>, pp. 59-60. “In 2020, the Iraqi Ministry of Interior issued instructions to the directorates of nationality of all province [sic] to remove the word ‘gypsy’ from the civil status identity and the word ‘exception’ from the nationality certificate, a step for equality among citizens. This action made it easier for Roma to obtain a national card (...)”; Kirkuk Now, *Diwaniyah Gypsies Receive Coronavirus Vaccine Effortlessly*, 26 March 2022, <https://bit.ly/3luc0xs>. See also, Jinha Women’s News Agency, *Iraq Ends a Historical Discrimination Against the Gypsies: National Identity Without Giving any Information about their Origin*, 2 January 2021, <https://bit.ly/42NbyeD>.

⁹⁵² “However, to benefit from these directives the holder of such a card needs to submit a request to a government office in order to obtain a new identification document. Dom community members report that they suffer regular humiliation from officials, including that their attempts to renew their documents are regularly rejected. Because of the discrimination and abuse many Dom suffer at the hands of authorities, they fear any engagement with government officials, which prevents many of them from trying to obtain documents that do not distinguish them from other Iraqi nationals”; Boston University School of Law, *The Campaign to End Statelessness in Iraq*, March 2022, <https://bit.ly/3Z1yFPr>, p. 60.

⁹⁵³ Faii Kurds, unlike the majority of Kurds, are Shi’ites and speak a Kurdish dialect that differs from the Kurdish dialects spoken in northern Iraq (Sorani and Badini). There are an estimated 1.5 million Faii Kurds in Iraq. They are mostly settled in the eastern parts of Diyala (including in Jalawla, Khanaqin, Mandali and Balad Ruz), Wasit, Missan and Basra Governorates; Kirkuk Now, *Mandali Turned into District Again*, 13 March 2023, <https://bit.ly/3Je1WAA>; Masarat, *Minorities: Faii Kurds*, 2023, <https://bit.ly/3JsTLiY>. The 2006 Nationality Law repealed Decree No. 666 of 1980 of the now defunct Revolutionary Command Council, which reportedly stripped 250,000-300,000 Faii Kurds and others of their citizenship due to their alleged support for Iran, and provides reinstatement for those who were “denaturalized on political, religious, racist or sectarian grounds”, subject to submission of an application; Republic of Iraq, *Iraqi Nationality Law*, Law 26 of 2006, 7 March 2006, www.refworld.org/docid/4b1e364c2.html, arts. 17, 18; Republic of Iraq, *Resolution No. 666 of 1980 (Nationality)*, 26 May 1980, www.refworld.org/docid/3ae6b51d28.html. “The application process requires documented proof of Iraqi origins, and for people whose families were not included in the 1957 census, the required documentation is difficult to source, particularly for individuals who have lost documents after decades of living outside Iraq. (...) alternatives such as the use of witnesses or relatives can be used to establish Iraqi lineage in the absence of 1957 registration or for groups who have had their records confiscated or destroyed (such as the Faii Kurds)”; UNHCR, *Iraq Statelessness Study*, 26 October 2022, www.ecoi.net/en/document/2081191.html, pp. 6-8. See also p. 10 of the same report.

⁹⁵⁴ ‘Bidoon’ is Arabic for “without” and has become shorthand for *bidoon jinsiya*, or “without nationality”. Bidoon are Sunni Muslims who became stateless after Kuwait became independent in 1961. When Iraq invaded Kuwait in 1990, many Bidoon had their loyalty to Kuwait questioned and fled to Iraq. “While in Iraq, Bidoon received support from the former regime as a reward for their purported loyalty to Iraq and not Kuwait. They were provided with nationality certificates and passports as ‘makramiya’ (honoured in Arabic) but also benefited from a certain degree of flexibility in registration and the issuance of documentation. Most of the Bidoon in Iraq were naturalized because of their links to tribes in southern Iraq and upon the fact that they did not declare Kuwait as their place of birth. According to UNHCR 2014 study, it seems that most of the Bidoon who still lack nationality documentation are those who continue to declare Kuwait as their place of birth. Bidoon communities are reported to primarily reside in southern Iraq, including Thi-Qar, Basrah and Wasit Governorates, with smaller numbers in Salah Al-Din and Ninewa Governorates. Limited information is available as to the communities’ situation in Iraq, including the size of the community and the proportion that are naturalized as Iraqi citizens. Figures from 2006 estimated that 54,500 Bidoon resided in Iraq at the time”; UNHCR, *Iraq Statelessness Study*, 26 October 2022, www.ecoi.net/en/document/2081191.html, pp. 10-11.

⁹⁵⁵ “(...) the complexity of procedures to obtain documentation, lack of required documents/evidence, lack of awareness about procedures, practical hurdles (such as distance to reach civil affairs and nationality departments, financial barriers, etc.), and at times, (real and/ or perceived) discrimination, are reported to hinder some individuals/families from obtaining nationality documents or proof of nationality. Lack of proof of nationality and barriers to accessing documentation can leave persons at risk of statelessness and prevent access to rights”; OCHA, *HTO 2023*, 23 February 2023, <https://bit.ly/3nFitGK>, p. 12. A UNHCR study focusing on the Faii Kurds and Bidoon was conducted in Baghdad, Diyala, Wasit, Missan, Thi-Qar, Basra, Qadisiyah, Najef, Muthanna and Kerbala at the end of 2021. The study showed that the vast majority (95%) of the surveyed Faii Kurd heads of household have (re)acquired their Iraqi nationality. Among those with Iraqi nationality, 2% do not possess the Iraqi nationality certificate, the main document proving Iraqi nationality. Half of those without nationality or unaware of their nationality said that they had initiated the process to (re)acquire Iraqi nationality. Among the surveyed Bidoon, 94% were found to possess Iraqi nationality (some have another nationality, mainly Kuwaiti). 4% of heads of households with an Iraqi nationality do not possess the Iraqi nationality certificate. Those indicating that they do not have a nationality identified themselves as either Iraqis or, to a lesser extent, Kuwaitis. Most have taken steps to acquire a nationality. For both Faii Kurds and Bidoon, the number of women found without nationality or without nationality certificate was significantly higher than the number of men. Reasons for not having been able to (re)acquire nationality or obtain a nationality certificate, included: complexity of procedures, costs (including civil suits fees, transportation and other fees), lack of required documents, lack of knowledge about the procedures, and the distance to relevant offices; UNHCR, *Iraq Statelessness Study*, 26 October 2022, www.ecoi.net/en/document/2081191.html, pp. 18-20, 23-25.

⁹⁵⁶ For further information on challenges encountered by Faii Kurds and Bidoon without nationality or nationality certificate (with some differences between the two communities), see UNHCR, *Iraq Statelessness Study*, 26 October 2022, www.ecoi.net/en/document/2081191.html, pp. 20-21, 25-26.

Hussein.⁹⁵⁷ Children born to a Yazidi mother as a result of rape by Da'esh are also at risk of statelessness.⁹⁵⁸

Kurdistan Region

The KRG authorities are reported to generally respect freedom of religion.⁹⁵⁹ Despite guaranteed representation in the Kurdistan Regional Parliament through a total of 11 quota seats,⁹⁶⁰ minority communities complain of political marginalization and cooptation by the ruling parties⁹⁶¹ and discrimination in the labour market.⁹⁶² Members of religious minorities also reported societal harassment and discrimination.⁹⁶³

A high-level committee established in 2020 to resolve outstanding land disputes affecting Christian communities reportedly ordered the payment of compensation to those whose lands had been confiscated

⁹⁵⁷ Kurdistan 24, *KDP President Barzani Proposes Establishing a Research Center of Feyli Kurds*, 2 May 2023, <https://bit.ly/3q1moz1>; Shafaq News, *The Continuing Struggle for Justice: The Plight of the Feyli Kurds in Iraq*, 7 April 2023, <https://bit.ly/3ZZcTfE>.

⁹⁵⁸ See Section III.A.9.

⁹⁵⁹ In line with the KRG Law on Protection of the Right of Components (Law No. 5 of 2015), there are seven officially recognized minority religions: Yazidi, Christian, Sabaeen-Mandaeen, Kaka'i, Shabak, Faili Kurds, Zoroastrians; Independent Human Rights Commission Kurdistan Region, *Law Number (5) for 2015 to Protect Rights of Minorities at Kurdistan Region of Iraq*, 2015, <https://bit.ly/3lkrW5l>. Assyrian men "stated that the most positive thing is the complete freedom of worship for Christians in the Kurdistan Region. This is in contrast to the women, who stated that they have problems praying in their own homes and cannot wear religious symbols"; CREID, *Violence and Discrimination Against Women of Religious Minority Backgrounds in Iraq*, 6 December 2022, <https://bit.ly/3Zp0cdM>, p. 357.

⁹⁶⁰ Eleven out of 111 seats are allocated to minority candidates, including five for Chaldo-Assyrians, five for Turkmens, and one for an Armenian. Yazidis, Shabaks, Sabaeen-Mandaeans, Kaka'is, and Faili Kurds, which the authorities consider as either "Kurds" or "Arabs", are not allocated quota seats; US Department of State, *2022 Report on International Religious Freedom: Iraq*, 15 May 2023, www.ecoi.net/en/document/2091863.html. See also, Bas News, *Yezidi Community Calls for Representation in KRI Parliament*, 30 March 2023, <https://bit.ly/3KszUTN>; UN Human Rights Committee, *Concluding Observations on the 6th Periodic Report*, 16 August 2022, www.ecoi.net/en/document/2077747.html, para. 41; Manara Magazine, *The Political Marginalisation of Ethnic and Religious Minorities in Iraq*, 17 March 2022, <https://bit.ly/3FvR5kA>. Ahead of parliamentary elections in the KR-I, the allocation of minority quota seats has become a major point of contention between the KDP and the PUK; 1001 Iraqi Thoughts, *Elections in Iraqi Kurdistan Delayed Again*, 14 July 2023, <https://bit.ly/3Y8fCUE>; NRT, *Kurdistan Minority Quota Seat Explainer*, 5 May 2023, <https://bit.ly/44CIUgF>; Amwaj.media, *Iraqi Kurdish Politics in Gridlock over Minority Representation*, 14 April 2022, <https://bit.ly/44CWUXH>.

⁹⁶¹ "(...) the participation of minorities remains ineffectual due to the dominance of the ruling parties, despite an outwardly favourable environment to religious freedoms (...)" Manara Magazine, *The Political Marginalisation of Ethnic and Religious Minorities in Iraq*, 17 March 2022, <https://bit.ly/3FvR5kA>. See also, Bas News, *Yezidis Renew Call for Quota Seats in Kurdistan Parliament as Election Preparations Step Up*, 19 March 2023, <https://bit.ly/3yQsMKb>; NINA, *Sako: One Christian Political Party Controls the Capabilities of Christians in the Kurdistan Region*, 4 February 2023, <https://bit.ly/3JUPNIR>; The Red Line, *Iraqi Minorities Face Upheaval amid Renewed Iraqi Crisis*, 18 September 2022, <https://bit.ly/42s7P61>; UN Human Rights Committee, *Concluding Observations on the 6th Periodic Report*, 16 August 2022, www.ecoi.net/en/document/2077747.html, para. 41; Al Sharq Strategic Research, *Political Representation of Iraq's Minorities: Tool for Dominant Parties?*, March 2022, <https://bit.ly/3n29zmn>.

⁹⁶² "To gain access to the KRG's patronage system, Yazidis must be members of one of the Kurdish political parties (the KDP or the Patriotic Union of Kurdistan <PUK>), which requires them to identify as ethnic Kurds and show support for the Kurdish cause"; Houman Oliaei, *The Yazidi Experience in Post-ISIS Iraq*, March 2023, <https://bit.ly/40TLqND>, p. 6. "Arabs in the Kurdish region and minorities, including the Turkmen and Yazidis, feel sidelined in the new order, as do Kurds without ties to one of the two key parties that serve as gatekeepers to opportunities in the Kurdish region"; AP, *Kurds Remain Biggest Winners from US-Led Invasion of Iraq*, 22 March 2023, <https://bit.ly/42ujX6A>. Assyrians also reported "discrimination on the basis of ethnic and religious identity, and because they lack the required connections to major political parties. Being a member of a party is required for both obtaining work and getting promoted at work. It is widely acknowledged that there is unofficial discrimination in both public and private sector employment, with sensitive posts reserved for Muslims"; CREID, *Violence and Discrimination Against Women of Religious Minority Backgrounds in Iraq*, 6 December 2022, <https://bit.ly/3Zp0cdM>, p. 322. See also Section II.E.2.

⁹⁶³ Sabaeen-Mandaeen women in Erbil reported religious discrimination when interacting with the wider society, e.g., when working, including "the imposition of social and religious restrictions, such as the imposition of the veil, the call to change religion (often communicated in an intimidating way), and a refusal by the majority to mix with Sabaeen-Mandaeen people." Assyrians reported discrimination and harassment based on negative stereotypes such as considering them "infidels" or, in the case of women, "dirty and immoral". Assyrians also reported that they face ridicule and constant attempts to convert them. Assyrian women were found to "prefer to stay away from making strong relations with religious majority people. Unfortunately, this further isolates them from public life, reiterating their presence in the home and confirming their restricted freedom and choices. The most significant issue related to clothing is being forced to wear the hijab, despite it not being part of Assyrian clothing. This is unique to women, and when they choose not to wear it, they immediately identify themselves as Assyrian, which increases the discrimination and challenges they face." Christian Chaldeans reported discrimination in the fields of employment, education, health care and day-to-day interactions with Muslims; CREID, *Violence and Discrimination Against Women of Religious Minority Backgrounds in Iraq*, 6 December 2022, <https://bit.ly/3Zp0cdM>, pp. 169, 324-336, 357-360, 367-370, 374, 396-399. Zoroastrians in Dohuk reported not being able to practise openly and facing threats and discrimination, including over social media; Kirkuk Now, *Zoroastrians Face Discrimination in Dohuk*, 17 April 2021, <https://bit.ly/40nTvKz>. In Dohuk, "some local sheikhs have labelled Zoroastrians as infidels on social media"; Reuters, *Zoroastrians Make a Comeback in Northern Iraq, but still Face Stigma*, 30 September 2020, <https://reut.rs/3TmZexe>.

pre- or post-2003.⁹⁶⁴ At the same time, incidents of land confiscation by influential individuals continues to be reported.⁹⁶⁵

In the KR-I, members of religious and minority ethnic groups are impacted by Turkish and Iranian airstrikes and drone attacks, which also result in the killing and displacement of civilians.⁹⁶⁶

UNHCR considers that, depending on the particular circumstances of the case, members of religious and minority ethnic groups originating from the disputed territories **are likely to be in need of international refugee protection** on the basis of their religion and/or ethnicity,⁹⁶⁷ their political opinion or imputed political opinion, and/or other relevant grounds.

In other areas of Federal Iraq, UNHCR considers that, depending on the particular circumstances of the case, members of religious and minority ethnic groups **may be in need of international refugee protection** on the basis of their religion, their ethnicity, their political opinion or imputed political opinion, and/or other relevant grounds.

Regarding the international protection needs of Sunnis (Arab and Turkmen) suspected of supporting Da'esh, see Section III.A.1.

b) Individuals Perceived as Contravening Strict Islamic Rules

Various hardline Sunni and Shi'ite armed groups, vigilantes and segments of society harass and physically attack persons considered as contravening strict interpretations of Islamic rules in terms of dress, social behaviour and occupations, with atheists and secular-minded individuals, members of religious minority groups, women belonging to minority groups and individuals with diverse SOGIESC particularly vulnerable.⁹⁶⁸

⁹⁶⁴ US Department of State, *2022 Report on International Religious Freedom: Iraq*, 15 May 2023, www.ecoi.net/en/document/2091863.html. "Properties were also confiscated (such as farmland serving as a source of income). For example, 750,000 m² of land was taken from Christians in Ainkawa (Erbil). In addition, at the end of April 2021, approximately 1,000 dunams of agricultural land belonging to local farmers was seized by the Kurdistan Regional Government (KRG) authorities. A commission that registered the seizure of Christian property recorded 55 cases in Dohuk alone"; Open Doors International, *World Watch List 2022: Iraq*, 2022, <https://bit.ly/3TqEbej>, p. 6. "(...) the Kurdistan Regional Government (KRG) established a committee on 21 April [2020] to investigate the issue of minority-owned property expropriation in Kurdistan, starting with Christian-owned properties. A report published by the Ninewa Study Center estimated that in Dohuk governorate alone 56 villages (amounting to 47,000 acres of land) were illegally expropriated from Christian families"; ACLED, *Religion Overview 17-23 April 2021*, 30 April 2021, <https://bit.ly/3n0y2II>. See also, Chaldean Archbishop of Mosul and Aqrah Najib Mikhael Moussa: *Decisions to Return the Property of Christians Are only Nominal*, 7 November 2022, <https://bit.ly/3zaRTb2>.

⁹⁶⁵ "Confiscation and seizure of Christian lands and other properties in both the Kurdish region as well as the rest of Iraq continued"; Open Doors International, *World Watch List 2024: Iraq*, January 2024, <https://bit.ly/47IOoHr>, p. 6. CREID, *Violence and Discrimination Against Women of Religious Minority Backgrounds in Iraq*, 6 December 2022, <https://bit.ly/3Zp0cdM>, pp. 333-334; Chatham House, *Cultural Heritage Predation in Iraq: The Sectarian Appropriation of Iraq's Past*, March 2022, <https://bit.ly/3lka8Y3>, pp. 21-22; Christian Solidarity Worldwide, *Assyrian Christians Arrested after Attempted Land Grab*, 12 May 2022, <https://bit.ly/3Jp8qwg>.

⁹⁶⁶ "Both Turkey and Iran also continued airstrikes and – in Turkey's case – ground operations in various areas of the Iraqi Kurdistan Region (IKR) allegedly targeting members of the Kurdistan Workers' Party (PKK). In recent years, these attacks hit predominantly Christian villages as well, causing severe damage to civilian property and forcing many Christians to flee"; Open Doors International, *World Watch List 2024: Iraq*, January 2024, <https://bit.ly/47IOoHr>, p. 1. See also, Rudaw, *Koya Christians Celebrate Christmas in Fear*, 25 December 2022, <https://bit.ly/3GKh4V3>; Rudaw, *Turkey-PKK Conflict Hinders Christians from Returning to Duhok Villages*, 26 April 2022, <https://bit.ly/3z3ICDS>. See also Section II.B.2.a.

⁹⁶⁷ Some communities, e.g., Assyrians, Chaldeans, Syriacs and Yazidis, may consider themselves both distinct ethnic and religious groups; MEI, *Addressing Challenges to Tolerance and Religious Diversity in Iraq*, 5 July 2023, <https://bit.ly/489eXXF>; Masarat, *Minorities*, 2023, <https://bit.ly/3JsTLjY>; Houman Oliaei, *The Yazidi Experience in Post-ISIS Iraq*, March 2023, <https://bit.ly/40TLqND>, p. 4; CREID, *Violence and Discrimination Against Women of Religious Minority Backgrounds in Iraq*, 6 December 2022, <https://bit.ly/3Zp0cdM>, p. 8.

⁹⁶⁸ "The main source of the pressure on Iraqi Christians following the territorial loss of Islamic State (IS) has been the Shia militias backed by Iran. (...) Christians in Iraq report that the country is becoming increasingly Islamic. (...) In central and southern Iraq, Christians often do not publicly display Christian symbols like a cross as this can lead to harassment or discrimination at checkpoints, universities, workplaces or government buildings. (...) Islamic dogma and rhetoric rule daily life, and Islamic leaders (especially Shiites) continue to influence social, religious and political life. Social control of women is on the rise, and even Christian women in Baghdad and Basra are forced to cover up in order to move around safely outside their homes." Furthermore: "Outspoken Christians [of non-traditional Christian communities] have regularly become targets in central and southern Iraq. Blasphemy laws can be used against them if they are suspected of carrying out outreach among Muslims"; Open Doors International, *World Watch List 2024: Iraq*, January 2024, <https://bit.ly/47IOoHr>, pp. 1-4; see also p. 6. "Although media and human rights organizations said security conditions in many parts of the country continued to improve, reports of societal violence, by Iran-aligned militia groups continued. Members of non-Muslim minority groups reported abductions, threats, pressure, and harassment to force them to observe Islamic customs"; US Department of State, *2022 Report on International Religious Freedom: Iraq*, 15 May 2023, www.ecoi.net/en/document/2091863.html. Sabaeen-Mandaeen women can easily be identified by their dress, which "opens them up to threats and verbal abuse. Sabaeen-Mandaeen women, both young and old, also suffer from sexual harassment in public, because of not wearing the hijab, and in the workplace because of the precarious nature of their employment." And further: Yazidi women from Bashiqa (Ninewa), who can be easily identified by their traditional clothing, reported that "[T]hey are subjected to harassment and disturbance because of clothes that differ from the clothes of Muslim women, and therefore this harassment is unique to Yazidi women. Also, Yazidi women in universities are subjected to harassment because of their clothes. An absence of a veil or headscarf is considered a sin from the perspective of Muslim women"; CREID, *Violence and*

Premises such as nightclubs, brothels, massage parlours and liquor shops have repeatedly been targeted in Baghdad, Basra and other cities and their owners subjected to physical attacks and extortion.⁹⁶⁹ In January 2023, a 2016 law banning the import, sale and production of alcohol, which was motivated by the Islamic prohibition on alcohol, was published in the Official Gazette, making it enforceable.⁹⁷⁰

Authorities in Federal Iraq and in the KR-I have used vague legal provisions relating to public integrity and decency to arrest and prosecute social media users who were deemed to have posted indecent or immoral content.⁹⁷¹ Certain activities considered to violate Islamic morality are prohibited and result in arrests.⁹⁷²

Discrimination Against Women of Religious Minority Backgrounds in Iraq, 6 December 2022, <https://bit.ly/3Zp0cdM>, pp. 185, 297. In late 2022, a video emerged on social media showing a 17-year-old girl being harassed and attacked by hundreds of men for dressing 'immodestly' at a public event in Sulaymaniyah City; LBC, *Shocking Footage Shows Male Mob Attacking Girl, 17, for Dressing 'Immodestly' at Iraqi Motorcycle Show*, 4 January 2023, <https://bit.ly/3SmwLp>; DW, *Iraqi Kurdistan: 16 Arrested after Video of Girl's Assault*, 31 December 2022, <https://bit.ly/3lrN4y1>. See also ACLED, *Religious Repression and Disorder Snapshots: 2020-2021*, 3 February 2022, <https://bit.ly/3n9DIWc>; and Sections III.A.5.e, III.A.8.b and III.A.11.

⁹⁶⁹ "Sabean-Mandean, Yezidi, and Christians continued to report fear of importing and distributing alcohol and spirits, despite receiving permits. Christian, Yezidi, and Sabean-Mandean store owners, especially those operating with alcohol sales licenses, reported that PMF militias blackmailed and attacked them;" US Department of State, *2022 Report on International Religious Freedom: Iraq*, 15 May 2023, www.ecoi.net/en/document/2091863.html. Increased attacks on liquor stores were reported between October 2021 and February 2022, when ACLED documented "over 35 'morality-driven' attacks (...), mostly involving the targeting of liquor stores with IEDs." According to ACLED, "intra-Muqawama competition" over the extortion of taxes from these stores were likely behind these attacks; ACLED, *The Muqawama and its Enemies*, 23 May 2023, www.ecoi.net/en/document/2092727.html. See e.g., NINA, *An Explosive Device Defused Inside a Women's Salon in Kirkuk*, 15 September 2023, <https://bit.ly/46gVklC>; NINA, *A Stun Bomb Explodes Near a Liquor Store in Central Baghdad*, 15 October 2022, <https://bit.ly/3eA6rdo>; NINA, *Security Forces Thwart Targeting a Shop Selling Alcoholic with an IED in Central Baghdad*, 5 September 2022, <https://bit.ly/3Ldi1Hh>; EPIC, ISHM: July 21-28, 2022, 28 July 2022, www.ecoi.net/en/document/2076280.html; EPIC, ISHM: July 7-14, 2022, 14 July 2022, www.ecoi.net/en/document/2075535.html; Shafaq News, *Liquor Depot Blasted in Al-Diwaniyah*, 16 June 2022, <https://bit.ly/3n2AIm9>; NINA, *Explosion of a Shop Selling Alcoholic Drinks in the Tourist Resort of Babylon*, 11 June 2022, <https://bit.ly/3OmJmqS>; NINA, *Unidentified Persons Demolished a Store for Selling Alcoholic in Diwaniyah*, 13 April 2022, <https://bit.ly/3L8apFe>.

⁹⁷⁰ Minority shop owners and producers expressed concern that the ban would make them more vulnerable to extortion by powerful armed actors. According to Hamzeh Hadad of the Washington-based Center for a New American Security, "the alcohol ban could disproportionately affect Christians and other non-Muslim religious minorities"; AP, *Iraq's Crackdown on Booze, Social Media Posts Raises Alarm*, 10 March 2023, <https://abcn.ws/3yxwbxi>. In August 2023, the Federal Supreme Court ruled that the ban was constitutional; Bas News, *Iraq's Top Court Upholds Alcohol Ban's Constitutionality*, 28 August 2023, <https://bit.ly/45MTfPY>; BBC, *Iraq Alcohol Ban: Christian Political Party Appeals, Saying it Is Undemocratic*, 6 March 2023, <https://bbc.in/42d2dwu>. "The law is unlikely to be enforced in the northern autonomous Kurdish region"; Irish Times, *Iraqi Authorities Fear Backlash Following Measures to Enforce a Ban on Alcohol*, 8 March 2023, <https://bit.ly/3JwEu1D>. See also, NINA, *A Number of Violating Liquor Store Owners Arrested in Central Baghdad*, 28 March 2023, <https://bit.ly/3nwek7Y>.

⁹⁷¹ "In January 2023, the Iraqi government launched a campaign to target 'indecent content' online. The same month, the Ministry of Interior launched a platform that allows Iraqis to denounce or report any social media content that 'violates public morals, contains negative and indecent messages, and undermines social stability.' Over 96,000 complaints were received in a month. As a result, six people were sentenced to prison terms but have since been released. The campaign uses article 403 of the Iraqi penal code, which criminalizes published material that 'violates public integrity or decency'; HRW, *World Report 2024: Iraq*, 11 January 2024, www.ecoi.net/en/document/2103133.html. "Since the launch of the online platform, bloggers and social media activists have raised concerns over the lack of legal clarity on what is considered to be 'derogatory or degrading' content. That lack of clarity has led to increasing online self-censorship"; UN Security Council, *Implementation of Resolution 2631 (2022): Report of the Secretary-General*, S/2023/340, 11 May 2023, www.ecoi.net/en/file/local/2092084/N2312267.pdf, para. 54. "Among those targeted were people who posted videos of music, comedy skits and sarcastic social commentary. Some showed dance moves deemed provocative, used obscene language or raised sensitive social issues such as gender relations in Iraq's predominantly conservative society"; AP, *Iraq's Crackdown on Booze, Social Media Posts Raises Alarm*, 10 March 2023, <https://abcn.ws/3yxwbxi>. See also, Freedom House, *Freedom on the Net 2023: Iraq*, 4 October 2023, www.ecoi.net/en/document/2100683.html; See also, Amnesty International, *Iraq: Draft Laws Threaten Rights to Freedom of Expression and Peaceful Assembly*, 18 July 2023, <https://bit.ly/3KdXzt0>; New York Times, *As Iraq Tries to Chill Critics, its Newest Target Is Social Media*, 16 July 2023, <https://bit.ly/3KqHClV>. In August and September 2022, several TikTok users were reportedly arrested and charged in Dohuk Governorate for the alleged misuse of the medium. According to the public prosecutor of Duhok's Sumel Sub-District, two users were arrested for "speaking against religion and the community on TikTok and asking the youth to participate while also using vulgar and sexual language"; Rudaw, *Woman Arrested for Alleged TikTok 'Misuse' in Duhok*, 12 September 2022, <https://bit.ly/3ItT5dC>.

⁹⁷² "(...) government authorities introduced several new regulations criminalizing acts considered disrespectful of Muslim sanctities. The local government in Karbala governorate announced that it would begin to implement its 2012 Karbala Sanctity Law that criminalizes actions deemed 'to go against the religiosity of the governorate' (...). It also announced the formation of a special committee to 'follow-up its implementation' (...). Among the criminalized acts are displaying women's clothing in store windows or on sidewalks, singing or playing music in public, and establishing or running gambling dens (...). Despite this declaration, the governorate had already previously prosecuted people for morality-related crimes under this law last year. (...) in Iraqi Kurdistan, the Erbil Governor's Office issued guidelines restricting 'night parties' and prohibiting both alcohol consumption in public and gambling (...). The same guidelines also include a clause allowing the governor to unilaterally cancel or reschedule events if they coincide with religious occasions or days of national mourning. These guidelines come after an Egyptian singer performed a much-publicized concert in Baghdad close to the death anniversary of the Prophet Muhammad's daughter, eliciting criticism from Iraqi officials and social media users (...)." Furthermore, "a recent increase in moral policing in Iraqi Kurdistan continued last week, with the arrest of 28 individuals for partaking in a game of roulette. State forces also confiscated gambling materials and shut down the hall where the game was hosted. On 15 December 2021, the government of Iraqi Kurdistan announced the prohibition of gambling as part of a new set of moral policing guidelines released to ensure the preservation of 'public morals and traditions'; ACLED, *ACLED Religion Overview 29 January – 4 February 2022*, 10 February 2022, <https://bit.ly/3zjJl1u>. The Iraq authorities have also arrested persons purported to be offering magical services or practicing sorcery; ACLED, *ACLED Religion Overview 19-25 March 2022*, 31 March 2022, <https://bit.ly/3G57GMe>. See also, NINA, *For Violating the Sanctity of the Governorate...a Restaurant in Karbala Closed*, 8 January 2024, <https://bit.ly/3u6Yqgt>; NINA, *A Number of Charlatans and Witches Arrested in Maysan*, 28 November 2023, <https://bit.ly/3Rou8Ga>; NINA, *A Man Practicing Witchcraft and Sorcery Arrested North of Babylon*, 23 October 2022, <https://bit.ly/3KzmzJw>.

Authorities also arrested individuals for insulting Islam or religious figures, including via posts on social media.⁹⁷³ Followers of heterodox Shi'ite groups have also been targeted for arrest and violent assault.⁹⁷⁴

UNHCR considers that, depending on the particular circumstances of the case, individuals perceived as contravening strict Islamic rules **may be in need of international refugee protection** on the basis of their religion or membership of a particular social group.

c) Individuals in Mixed Marriages

By law, interfaith marriages are permitted for Muslim men with women belonging to one of the “religions of the book” (i.e. Christians, Jews, Sabaeen-Mandaeans). Muslim women, however, are not permitted to marry outside their faith. Such marriages cannot be registered and will therefore not be legally recognized.⁹⁷⁵

Inter-sect marriages between Sunnis and Shi'ites are socially acceptable and common, especially among the middle class in demographically heterogeneous cities.⁹⁷⁶ In some cases, persons entering into inter-sect marriages, particularly women in more rural areas and from working class families, may face familial/tribal objection and repercussions, including “honour”-based violence.⁹⁷⁷

⁹⁷³ “(...) in Iraqi Kurdistan, Kurdish Security forces arrested a Kurdish politician (...) for a post on his Twitter account that was deemed insulting to Iraq's top Shiite cleric, Ali Al Sistani. The tweet ignited a wave of unrest across Iraq, and prompted a mob of Popular Mobilization Forces (PMF) supporters to storm the headquarters of the Kurdistan Democratic Party (KDP) in Baghdad and to set it on fire. The KDP denounced the tweet, stating that the person who published it was no longer affiliated with their party”; ACLED, ACLED Religion Overview 26 March – 1 April 2022, 7 April 2022, <https://bit.ly/3M9U71U>. See also, The New Arab, Iraq Jails Cult Leader who Claimed to Be Angel Gabriel and Followers, 12 June 2023, <https://bit.ly/48G3eAf>; Shafaq News, Security Forces Mobilized to Arrest an Activist for Insulting Muhammad Sadiq Al-Sadr, 21 November 2021, <https://bit.ly/3K29pTR>; Rudaw, Rudaw, Iraqi Man Sentenced to 2 Years in Prison for 'Insulting' Prophet Mohammed on Facebook, 13 May 2020, <https://bit.ly/3TXSvu0>.

⁹⁷⁴ For example, followers of Shi'ite cleric Mahmoud Al-Sarkhi have been subjected to arrest and prosecution in central and southern Iraq on account of their “erroneous” interpretation of Islam and for following what is considered an “ideological deviation”; MENA Affairs, Prosecution of Sarkhi Supporters and the Demolition their Mosques in Iraq: Clash of Religious Beliefs or Sociopolitical Interactions?, 6 May 2022, <https://bit.ly/3M2bd1K>. In April 2022, “Iraq's Interior Ministry said that its forces had shut down buildings belonging to a ‘heretical movement’ and arrested an unspecified number of that movement's members for ‘offending the sentiments and beliefs’ of the general public. The Ministry's actions targeted the followers of Mahmoud al-Sarkhi, a fringe Shia cleric whose preachings against mainstream Shia practices had caused a significant backlash among Iraq's Shia community. In particular, a recent statement by a follower of Sarkhi's that attacked the practice of building and venerating Shia Muslim shrines was met with widespread anger from the public and crackdown from authorities. On April 13 [2022], the Interior Ministry said it arrested 28 members ‘of this radical movement’ across six provinces: Basra, Maysan, Karbala, Diwaniyah, Baghdad, and Babylon. However, there were reports of other arrests in Dhi-Qar and Muthanna too. On the same day, the Supreme Judicial Council said that a court in Amara had issued a warrant for the arrest of Sarkhi himself based on article 372 of the penal code that punishes anyone who ‘publicly offends the beliefs of a religious sect or insults its practices.’ The crackdown also involved the partial demolition by authorities of the mosque where the controversial statement was made in Babylon, as well as attacks with grenades and firebombs by rioters targeting other meeting places of Sarkhi's followers”; EPIC, ISHM: April 7-14, 2022, 14 April 2022, www.ecoi.net/en/document/2072313.html. See also, NINA, PMF Intelligence Arrests a Network Promoting Deviant Religious Ideas in Babylon, 29 December 2023, <https://bit.ly/3RLrdGu>; Shafaq News, Controversial Cleric, who Claimed to Be the Mahdi, Shot Dead in Baghdad: Source, 7 December 2023, <https://bit.ly/3U5OXlm>; NINA, Najaf Police: Closing the Office of an Extremist Religious Movement and Arresting 15 of its Members, 28 August 2023, <https://bit.ly/44CpV5f>; NINA, A Group, Distributing Leaflets Carrying Deviant Ideas Arrested in Najaf, 7 July 2023, <https://bit.ly/3DESEuY>; Shafaq News, Iraq's National Security Agency Arrests Eight Followers of Al-Yamani, 12 September 2022, <https://bit.ly/3lMN10Q>; EPC, Sarkhi's Group in Iraq and its Clash with Shia Mainstream Parties, 12 May 2022, <https://bit.ly/4QUqfLf>; Al Jazeera, Iraqi Cleric Mahmoud al-Sarkhi Deepens Intra-Shia Dispute, 7 May 2022, <https://aje.io/8rjawr>; NINA, Two Years Imprisonment for the ‘Sarkhi’ Friday Imam in Nasiriyah, 26 April 2022, <https://bit.ly/4On6lDf>; ACLED, ACLED Religion Overview 11-17 September 2021, 23 September 2021, <https://bit.ly/3M4RBKe>.

⁹⁷⁵ Republic of Iraq, Personal Status Law and Its Amendments (1959), 30 December 1959, www.refworld.org/docid/5c7664947.html, art. 17. See also, US Department of State, 2022 Report on International Religious Freedom: Iraq, 15 May 2023, www.ecoi.net/en/document/2091863.html.

⁹⁷⁶ According to a senior research fellow, “exceptional cases notwithstanding, inter-sect marriage is not controversial in Iraq. There is plenty of anecdotal evidence that inter-sect marriage decreased around the years of peak Sunni-Shia violence in 2006-2007, but this does not seem to have had a permanent effect on the incidence of Sunni-Shia marriages”; Immigration and Refugee Board of Canada, Iraq: Inter-Sect Marriage Between Sunni and Shia Muslims, Including Prevalence; Treatment of Inter-Sect Spouses and their Children by Society and Authorities, Including in Baghdad; State Protection Available (2016-January 2018), 29 January 2018, www.refworld.org/docid/5aa916bb7.html. See also, The Intercept, The Many Lives and Deaths of Iraq, as Witnessed by Ghaith Abdul-Ahad, 22 March 2023, <https://bit.ly/3ZocWq6>. However, in areas that witness continued tensions between Shi'ites and Sunnis, mixed marriages between the two sects may not be as accepted. For example, in Tal Afar (Ninewa), “older men and religious leaders do not accept marriages between Sunni and Shia members”; Action Against Hunger, Drivers of Conflict and Community Tensions in Post-War Iraq, 5 May 2023, <https://bit.ly/3WseZEA>, p. 12.

⁹⁷⁷ According to a senior HRW researcher, “some families might be opposed [to inter-sect marriage], but that entirely depends on the family” (...). The EASO report indicates that various experts and organizations noted the following concerning the Kurdistan region: “[I]t is possible for a clan or a tribe to punish a member (especially a woman) for committing a misguided act, such as a mixed marriage”; Immigration and Refugee Board of Canada, Iraq: Inter-Sect Marriage Between Sunni and Shia Muslims, Including Prevalence; Treatment of Inter-Sect Spouses and their Children by Society and Authorities, Including in Baghdad; State Protection Available (2016-January 2018), 29 January 2018, www.refworld.org/docid/5aa916bb7.html. See also Section III.A.8.f.

Religious minority groups are generally more intent on preserving their religious identity following years of religious persecution.⁹⁷⁸ Some minority communities, including Sabaeen-Mandaeans⁹⁷⁹ and Yazidis, do not permit their members to marry outside their faith, with repercussions against those breaking the religious norms.⁹⁸⁰

UNHCR considers that, depending on the particular circumstances of the case, individuals who married a person of another sect, religion or ethnicity **may be in need of international refugee protection** on the basis of their religion, ethnicity or membership of a particular social group.

d) Christian Converts

The Penal Law does not prohibit conversion from Islam to Christianity (or any other religion); however, the law does not provide for the legal recognition of a change in one's religious status.⁹⁸¹ As a result, converts to Christianity continue to be considered Muslim by law, and so would their children.⁹⁸² A female convert is prohibited from legally marrying a non-Muslim man.⁹⁸³

Instances of overt conversion from Islam to Christianity in Iraq are very rarely reported. Converts are reported to keep their faith secret given the widespread animosity towards converts from Islam in society and the fact that families and tribes would likely interpret conversion by one of their members as an affront to their collective "honour".⁹⁸⁴ Overt conversion often results in discrimination, ostracism and/or violence, including "honour"-based violence, at the hands of the individual's community, tribe or family as well as Islamist armed groups.⁹⁸⁵ Converts, especially female converts, are also at risk of being forcibly married to

⁹⁷⁸ In a survey undertaken in the ethno-religiously mixed areas of Sinjar, Ninewa Plains, and Kirkuk, "participants noted a lack of acceptance from their religious communities when it comes to marrying outside their denomination"; Joint Initiative for Strategic Religious Action (JISRA), *JISRA in Iraq*, August 2022, <https://bit.ly/3ERlreT>, p. 3. In the Ninewa Plains, marriages between Sunni and Shi'ite Shabaks are reportedly no longer accepted due to distrust between the sects following Daesh's targeting of Shi'ite Shabaks; SIPRI, *Post-Conflict Reconstruction in the Nineveh Plains of Iraq: Agriculture, Cultural Practices and Social Cohesion*, November 2022, <https://bit.ly/3Lwth3G>, p. 20.

⁹⁷⁹ "It is necessary to be born into the Sabean-Mandaeen religion and individuals cannot marry outside of it." Sabaeen-Mandaeen women cannot marry outside their faith "as it would bring shame and dishonour on their families"; CREID, *Violence and Discrimination Against Women of Religious Minority Backgrounds in Iraq*, 6 December 2022, <https://bit.ly/3Zp0cdM>, pp. 160, 167. See also, Kirkuk Now, *Mistaken Stereotypes and Misconceptions Distort Mandaism*, 8 March 2021, <https://bit.ly/3LXIJ5x>.

⁹⁸⁰ "In the Yazidi community, marriage or any form of sexual relations with people outside the religion is not accepted. According to the participant, the faith still casts out those who marry outside of the religion (even forced marriages). Furthermore, it often leads to honour killings and reprisals, spurring cycles of violence"; JISRA, *JISRA in Iraq*, August 2022, <https://bit.ly/3ERlreT>, p. 3. "Traditionally, any sexual relations with a non-believer will lead to dismissal, a strict ruling that views rape no differently from a consensual relationship. In some cases, women who have found themselves in such situations have been murdered by their fathers and brothers, in so-called 'honour killings'"; Manara Magazine, *Addressing the Challenges Facing Iraq's Yazidi Community in 2022*, 17 March 2022, <https://bit.ly/3TZpTiD>. "Yezidi religious identity in Iraq is governed by conservative rules of endogamic marriage across a three-tier caste system. Marriage outside the community, or even outside the caste, is strictly prohibited and converting into the faith is impossible. People considered to have transgressed these boundaries were typically excluded as pariahs. The risks and possible repercussions were made clear by the stoning to death of a Yezidi girl, Duaa Khalil, in 2007 after a relationship with a Muslim man. Issues around Yezidi identity are particularly sensitive in Iraq following historic episodes of ethnic cleansing and genocide. The capture and sexual slavery of female community members by the Islamic State from 2014 has added to conservative notions of preserving 'pure' Yezidi identity, and led to the widespread rejection of children born to women raped by Islamic State fighters"; Humanitarian Practice Network, *Mixed-Faith Families at Risk in Iraq: 'Rejected by the Muslims and by the Yezidis'*, 11 August 2020, <https://bit.ly/3qv8Wif>. See also Section III.A.8.f.

⁹⁸¹ "Under applicable Islamic law, Muslims are effectively prohibited from changing their religion (...); Open Doors International, *World Watch List 2024: Iraq*, January 2024, <https://bit.ly/47IOoHr>, p. 2; see also p. 7. "Personal status laws and regulations prohibit the conversion of Muslims to other religions (...); US Department of State, *2022 Report on International Religious Freedom: Iraq*, 15 May 2023, www.ecoi.net/en/document/2091863.html.

⁹⁸² "According to Christian leaders, authorities continued to force Christian families formally registered as Muslim but privately practicing Christianity or another non-Islamic faith to either register their children as Muslims, or to have the children remain undocumented by federal authorities, thereby denying them the ability to legally convert from Islam." Children of converts will be without civil documentation unless their parents register them as Muslims; US Department of State, *2022 Report on International Religious Freedom: Iraq*, 15 May 2023, www.ecoi.net/en/document/2091863.html. See also, Open Doors International, *World Watch List 2024: Iraq*, January 2024, <https://bit.ly/47IOoHr>, p. 7. The same applies to converts from Islam to Zoroastrianism, a development that has been observed in the KR-I; Reuters, *Zoroastrians Make a Comeback in Northern Iraq, but still Face Stigma*, 30 September 2020, <https://reut.rs/3TmZexe>.

⁹⁸³ Republic of Iraq, *Personal Status Law and Its Amendments* (1959), 30 December 1959, www.refworld.org/docid/5c7664947.html, art. 17. See also, Open Doors International, *World Watch List 2024: Iraq*, January 2024, <https://bit.ly/47IOoHr>, pp. 2, 5-6.

⁹⁸⁴ "Converts from Islam experience the most pressure from their (extended) family. They often keep their new faith a secret, as they risk being threatened by their family members, tribal leaders and society. (...) Converts to Christianity from a Muslim background are in danger if they reveal their faith or meet with other Christians. They would be accused of apostasy and treason. (...) For security reasons, they often leave their hometown and move to the anonymity of a large city or leave the country"; Open Doors International, *World Watch List 2024: Iraq*, January 2024, <https://bit.ly/47IOoHr>, pp. 3, 6-7. See also, Christianity Today, *Good News for Iraq's Christians: More Autonomy, Less Dhimmitude*, 8 October 2021, <https://bit.ly/3FRdtG3>.

⁹⁸⁵ "Leaving Islam can even be risky in the more moderate Islamic IKR. (...) Violations against converts, especially in the form of Islamic and clan oppression, are more prevalent in Arab areas compared to Kurdish regions. (...) In a culture that prizes honor, they risk being ejected from their families, threatened or killed. (...) Converts to Christianity from a Muslim background are likely to lose their jobs as soon as their new faith becomes known." Women who converted from Islam to Christianity "are vulnerable to house arrest, beatings, sexual harassment and even 'honour' killings. Single converts may be forcibly married and cannot legally marry male Christians." Furthermore, converts to Islam "risk losing inheritance rights and the right or means to marry"

a Muslim spouse.⁹⁸⁶ Individual government officials have reportedly arrested converts.⁹⁸⁷ Open Doors International reported decreasing tolerance vis-à-vis converts in the previously more tolerant KR-I.⁹⁸⁸

UNHCR considers that, depending on the particular circumstances of the case, individuals who converted from Islam to Christianity **are likely to be in need of international refugee protection** on the basis of their religion. This applies regardless of whether the applicant converted before or after they departed from Iraq, in view of the widespread animosity towards converts from Islam in Iraqi society and families and tribes' collective notion of "honour".⁹⁸⁹

e) Atheists

Although overt atheism is extremely rare in Iraq, the number of atheists is reported to be on the rise,⁹⁹⁰ primarily in reaction to extremist-inspired violence by Da'esh and abuse of power by religious parties.⁹⁹¹ Although there are no laws prohibiting atheism,⁹⁹² in some instances, atheists have been prosecuted for "desecration of religions" and related charges.⁹⁹³

By law, atheists are required to remain affiliated with one of the recognized religions when applying for a national identity card.⁹⁹⁴ Societal tolerance vis-à-vis individuals not believing in God is reported to be very limited, as evidenced also by the public rhetoric of influential politicians and religious leaders.⁹⁹⁵ For fear of

and they are generally not able "to be integrated into their local church, except in some Kurdish churches in the IKR"; Open Doors International, *World Watch List 2024: Iraq*, January 2024, <https://bit.ly/47IOoHr>, pp. 1, 3, 5-7. "The KR-I witnessed an increase in reports of women and girls killed by male relatives, including for converting to a different religion (...);" Amnesty International, *Amnesty International Report 2022/23: Iraq*, 28 March 2023, www.ecoi.net/en/document/2089537.html. "Across the country, strong family and societal pressure against those who leave Islam is prevalent; in extreme cases, converts to Christianity face violence from family members"; Church in Chains, *Iraq*, 12 August 2022, <https://bit.ly/3Nly3u2>. Muslims who converted to Zoroastrianism in Duhok reported social and familial repercussions: "About 200 resident of Duhok Northern Province converted to Zoroastrianism aged 24-60 years old. Converters sacrifice their social relationships and employment when they publicize it." Others reported of having been pressured to divorce their spouses or being rejected by their family; Kirkuk Now, *Zoroastrians Face Discrimination in Duhok*, 17 April 2021, <https://bit.ly/40nTvKz>.

⁹⁸⁶ Open Doors International, *World Watch List 2024: Iraq*, January 2024, <https://bit.ly/47IOoHr>, p. 5.

⁹⁸⁷ "Government officials are known to have arrested Christians with an Islamic background and have been involved in violent incidents against them"; Open Doors International, *World Watch List 2023: Iraq*, December 2022, <https://bit.ly/3TLaBiG>, p. 28. Between October 2022 and September 2023, "there was a minor increase in the number of detained Christians"; Open Doors International, *World Watch List 2024: Iraq*, January 2024, <https://bit.ly/47IOoHr>, p. 5.

⁹⁸⁸ Open Doors International, *World Watch List 2024: Iraq*, January 2024, <https://bit.ly/47IOoHr>, p. 5.

⁹⁸⁹ For further guidance, see UNHCR, *Guidelines on International Protection No. 6: Religion-Based Refugee Claims under Article 1A(2) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees*, 28 April 2004, www.refworld.org/docid/4090f9794.html, paras 34-36.

⁹⁹⁰ "(...) there is a growing number of atheists, agnostics and religiously unaffiliated people in Iraq, though the exact number is difficult to determine"; USCIRF, *Religious Freedom in Iraq*, March 2022, <https://bit.ly/3gMKPMf>, p. 2. This trend has been mostly observed in the KR-I; Agnieszka Graczyk, *Atheism and the Changing Image of Islam in Iraq*, in: *Review of Nationalities Vol. 10(1)* December 2020, 18 May 2021, <https://bit.ly/3nC3qGx> (hereafter: Agnieszka Graczyk, *Atheism and the Changing Image of Islam in Iraq*, 18 May 2021, <https://bit.ly/3nC3qGx>), pp. 170, 176. See also, Humanists International, *Iraq*, last updated 28 October 2020, <https://bit.ly/3zIBhNN>.

⁹⁹¹ Wired, *How an Iraqi Instagram Influencer Became a People Smuggler*, 5 January 2023, <https://bit.ly/3KpaM9n>; Agnieszka Graczyk, *Atheism and the Changing Image of Islam in Iraq*, 18 May 2021, <https://bit.ly/3nC3qGx>, pp. 171-173, 177; Al-Monitor, *Are Iraqi Youths Losing their Religion?*, 11 September 2020, <https://bit.ly/3ZDqzqs>.

⁹⁹² US Department of State, *2022 Report on International Religious Freedom: Iraq*, 15 May 2023, www.ecoi.net/en/document/2091863.html. "Although civil law does not impose any punishments on atheists, in Muslim law, apostasy, departing from Islam, is punishable by death, especially in the case of adult men. In the public awareness, denial of God should be punished (...)." And further: According to the Constitution, "(...) no law can be made against Muslim law, Sharia (...). This provision largely regulates the shape of the law in the country, but also its interpretation. It is not uncommon that precisely the element of religious law constitutes the starting point for accusations of apostasy, heresy or blasphemy"; Agnieszka Graczyk, *Atheism and the Changing Image of Islam in Iraq*, 18 May 2021, <https://bit.ly/3nC3qGx>, pp. 174-175.

⁹⁹³ Article 372 of Iraq's Penal Code of 1969 provides that any individual who insults the creed of a religious group or its practices, or publicly insults a symbol or person that is an object of sanctification, worship, or reverence for a religious group, may be punished with a term of imprisonment not exceeding three years or a fine; Republic of Iraq, *Penal Code, Law No. 111 of 1969*, July 1969, www.refworld.org/docid/452524304.html, art. 372. "Blasphemy laws remain in the legal code, although enforcement is rare"; Freedom House, *Freedom in the World 2023: Iraq*, May 2023, <https://bit.ly/3gej1V3>. Over the years, Article 372 has reportedly been used to arrest and prosecute some individuals: "In May 2020, in the Qadisiyyah province, pursuant to Article 372 of the Criminal Code, a doctor was sentenced to two years for promoting atheism and insulting the prophet"; Agnieszka Graczyk, *Atheism and the Changing Image of Islam in Iraq*, 18 May 2021, <https://bit.ly/3nC3qGx>, p. 176. In 2018, a man named Ihsan Mousa was reportedly arrested in Nasiriyah during a police raid on his library. According to an official statement, he was accused of attempting "to promote and spread atheism"; Arab Weekly, *Iraq's Growing Community of Atheists no Longer Peripheral*, 20 July 2019, <https://bit.ly/3M5TqXc>. He was reportedly "released after promising not to sell the offending books again"; NBC, *Iraq's Atheists Go Underground as Sunni, Shiite Hard-Liners Dominate*, 5 April 2019, <https://nbcnews.to/2lahpUx>. See also, Al-Monitor, *Iraqi Courts Seeking Out Atheists for Prosecution*, 28 March 2018, <https://bit.ly/3M5O3r7>.

⁹⁹⁴ See Section III.A.5.a.

⁹⁹⁵ A baseline study by the international interfaith consortium "revealed limited acceptance of atheism or irreligious belief"; JISRA, *JISRA in Iraq*, August 2022, <https://bit.ly/3ERlreT>, p. 3. According to reports, atheism in Iraq is often conflated with apostasy, secularism, communism, liberalism, and more generally with societal decay. For example, prominent Shi'ite leader Hadi Al-Amiri stated that "the phenomenon of atheism and manifestations of homosexuality and the spread of deviant ideas such as Wahhabism" were the biggest challenges facing Iraq; Rudaw, *Shiite Leader Says Homosexuality among 'Most Prominent Challenges' Facing Iraq*, 19 April 2022, <https://bit.ly/3iuonHU>. Also, in September 2021, "the Supreme Judicial Council formed a committee to monitor activities on social media that are contrary to the 'Islamic principles of the constitution' (...). The practices targeted by this new

violence at the hands of their families, vigilantes and conservative/hardline religious groups,⁹⁹⁶ atheists are reported to often keep their views secret and comply outwardly with religious norms and traditions.⁹⁹⁷ Some engage in online activities but fear surveillance.⁹⁹⁸

Given society's conflation of atheism with secularism, communism, feminism, immorality and anti-Islamic attitudes, atheists, even if they are not open about their views, may be targeted on account of their political/secular views (e.g., as participants in the Tishreen protests, which advocated for a secular State and rejected influence of religion in politics),⁹⁹⁹ their "westernized" appearance and/or liberal lifestyle (e.g., refusal to wear the hijab).¹⁰⁰⁰

UNHCR considers that, depending on the particular circumstances of the case, atheists **may be in need of international refugee protection** on the ground of religion.¹⁰⁰¹

6) Journalists and Other Media Professionals who Engage in Critical Reporting on Political or Other Sensitive Issues

The freedom of the press remains heavily restricted in Iraq.¹⁰⁰² A significant increase in violence against journalists and other media professionals that started around the time of anti-government protests in October 2019 continues to date.¹⁰⁰³ Journalists and other media professionals frequently self-censor to

committee include "wife-swapping," the promotion of atheism, and prostitution"; ACLED, *ACLED Religion Overview: 25 September – 1 October 2021*, 7 October 2021, <https://bit.ly/3OQmEti>. Politicians and clergy "(...) see secularists and atheists as enemies of the state and traitors to God. More and more often in the media there are statements calling for the pursuit of such people and punishing them. Iraqi authorities and the Muslim clergy recognize such individuals as frustrated people who use Western ideas to destabilize the society and its culture. They are perceived as heralds of the sexual revolution and the destruction of tradition"; Agnieszka Graczyk, *Atheism and the Changing Image of Islam in Iraq*, 18 May 2021, <https://bit.ly/3nC3qGx>, p. 175. "There is a pattern of impunity or collusion in violence by state actors against the non-religious. They are considered to be 'apostasizers and blasphemers'"; All-Party Parliamentary Group for International Freedom of Religion or Belief, *Commentary on the Current State of International Freedom of Religion and Belief* (2020), February 2021, <https://bit.ly/3H5iD1E>, p. 33. See also, Al-Monitor, *Are Iraqi Youths Losing their Religion?*, 11 September 2020, <https://bit.ly/3ZDqzqs>; Arab Weekly, *Iraq's Growing Community of Atheists no Longer Peripheral*, 20 July 2019, <https://bit.ly/3M5TqXr>.

⁹⁹⁶ "There is significant social marginalisation of the non-religious or stigma associated with expressing atheism, humanism or secularism"; Humanists International, *Iraq*, last updated 28 October 2020, <https://bit.ly/3zBhNN>. "In Iraq (...) vocalising belief in atheism or disbelief in Islam can be a death sentence. Iraqi biologist Worood Zuhair, 31, from Karbala, was beaten by her brothers for having expressed doubts about her faith, Deutsche Welle reported"; Arab Weekly, *Iraq's Growing Community of Atheists no Longer Peripheral*, 20 July 2019, <https://bit.ly/3M5TqXr>. See also, *Wired*, *How an Iraqi Instagram Influencer Became a People Smuggler*, 5 January 2023, <https://bit.ly/3KpgM9n>; DW (video), *Freedom of Expression: Standing Up to Religion*, 19 May 2019, <https://bit.ly/3nyRSLx>; DW, *When Atheism is Life-Threatening*, 20 December 2018, <https://bit.ly/3nr0iEq>.

⁹⁹⁷ Atheists, agnostics and religiously unaffiliated people "often hide their beliefs due to the serious societal, familial, and legal risks that such nonbelievers face"; USCIRF, *Religious Freedom in Iraq*, March 2022, <https://bit.ly/3gMKPMf>, p. 2. "Atheists, aware of the danger, hide their views and agree to fast alongside believers during fasting, while women, against their will, wear a hijab in public places"; Agnieszka Graczyk, *Atheism and the Changing Image of Islam in Iraq*, 18 May 2021, <https://bit.ly/3nC3qGx>, pp. 174-175. See also, *Wired*, *How an Iraqi Instagram Influencer Became a People Smuggler*, 5 January 2023, <https://bit.ly/3KpgM9n>; Freedom House, *Freedom in the World 2023: Iraq*, May 2023, <https://bit.ly/3qei1V3>.

⁹⁹⁸ "Many groups established in virtual space or such gatherings in cafes and bookstores in Iraqi cities are secret for fear of surveillance. (...) Many other groups on social networking sites that have declared secularism or atheism in their foundations, are no longer active, often since months or years. The main reason for this is the threat posed by public disclosure of one's views. In Iraq, as in many Muslim countries, there are special institutions looking for and arresting people who do not agree with the line of the state"; Agnieszka Graczyk, *Atheism and the Changing Image of Islam in Iraq*, 18 May 2021, <https://bit.ly/3nC3qGx>, p. 174. Some who posted online expressed fear of being tracked down by militias; NBC, *Iraq's Atheists Go Underground as Sunni, Shiite Hard-Liners Dominate*, 5 April 2019, <https://nbcnews.to/2laphUx>. See also, *Atheist Refugee Relief*, *The Story of Mohammed, an Atheist from Iraq*, 6 August 2020, <https://bit.ly/3ZtHnq4>.

⁹⁹⁹ "Iraqi youth who most often criticize Islam and its influence on political decisions and consent to violence resulting from religious differences do not always admit to atheism but more often to fighting for a secular state. The rejection of religion arises precisely from political, not religious reasons"; Agnieszka Graczyk, *Atheism and the Changing Image of Islam in Iraq*, 18 May 2021, <https://bit.ly/3nC3qGx>, p. 174.

¹⁰⁰⁰ See Sections III.A.2, III.A.5.b and III.A.8.b.

¹⁰⁰¹ Claims based on "religion" may involve "religion as belief", including "theistic, non-theistic and atheistic beliefs"; UNHCR, *Guidelines on International Protection No. 6: Religion-Based Refugee Claims under Article 1A(2) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees*, 28 April 2004, www.refworld.org/docid/4090f9794.html, paras 5-6.

¹⁰⁰² In 2023, Iraq was ranked 167 out of 180 countries (compared to 150 out of 180 countries in 2013) in RSF's yearly World Press Freedom Index; RSF, *Iraq*, accessed 28 January 2024, <https://rsf.org/en/iraq>. Between 1 January and 25 December 2023, the Iraqi Press Freedom Advocacy Association (PFFA) recorded 256 violations against journalists, including cases of obstruction and beating (159); arrest and detention (52); raids of journalists' homes and offices (19); lawsuits (15); injuring (8) and death threats (1). Security forces were responsible for the vast majority of incidents (225). Most incidents were recorded in Baghdad (50), Erbil (47), Basra (45) and Kirkuk (29); PFFA, *Replacing Bullets with Bars: Restrictions Continue Under the Previous Regime's Laws*, December 2023, <https://bit.ly/3u6gPS0>. "Iraqi authorities have an abhorrent track record of repressing the rights to freedom of speech and freedom of peaceful assembly"; Amnesty International, HRW, et al., *Joint Statement: Iraqi Authorities Must Cease Chilling Crackdown on Free Speech*, 3 March 2023, www.ecoi.net/en/document/2088313.html. See also, HRW, *20 Years After Deadly Attack, Free Press Still Threatened in Iraq*, 13 April 2023, www.ecoi.net/en/document/2090300.html.

¹⁰⁰³ The IOHR "observed a rise in the influence of parties with an interest in stifling freedom of expression and eroding the space for journalistic activity in Iraq" in 2021 and 2022; IOHR, *Iraqi Observatory Indicates a Growing Influence of Expression Freedom Enemies*, 3 May 2022, <https://bit.ly/3DeNpmv>. See also, RSF, *Iraq*, accessed 28 January 2024, <https://rsf.org/en/iraq>; Global Investigative Journalism Network, *Investigative Journalism in Iraq Was never Easy. Now it's Almost Impossible*, 25 May 2021, <https://bit.ly/3LftbT>.

avoid arrest and criminal prosecution or targeting by powerful actors.¹⁰⁰⁴ A number of journalists and other media professionals are reported to have gone into hiding or fled the country.¹⁰⁰⁵

Journalists are primarily targeted on account of their real or perceived political opinion, particularly if they investigate or report on sensitive security, political or social issues. Independent journalists are particularly vulnerable to threats and attacks.¹⁰⁰⁶ However, as most Iraqi news and television stations (including in the KR-I) are owned by political parties, party-affiliated armed groups, the authorities or influential figures,¹⁰⁰⁷ these media outlets and their employees are also reported to be targeted on account of a political opinion or sectarian affiliation imputed to them based on their employers' standing or views.¹⁰⁰⁸ Female journalists and media professionals are also at risk of being targeted on account of their perceived transgression of social and religious norms.¹⁰⁰⁹ The federal and regional authorities are also reported to resort to gag orders, network shutdowns and social media blocking during times of protests and political crisis.¹⁰¹⁰

In all of Iraq, attacks on journalists and other media professionals are rarely investigated and are largely committed with impunity.¹⁰¹¹

¹⁰⁰⁴ Interviews by the UNAMI Human Rights Office with journalists in 2022, "documented a nearly unanimous tendency to self-censor due to fear of retaliation or attack"; UN, Iraq: *International Day to End Impunity for Crimes against Journalists*, 2 November 2022, <https://bit.ly/3ThkGIH>; "Self-censorship is most prevalent among journalists based in Iraq, yet even those who publish from outside Iraq self-censor at times"; Freedom House, *Freedom on the Net 2023: Iraq*, 4 October 2023, www.ecoi.net/en/document/2100683.html. See also, US Department of State, 2022 *Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html; Washington Institute, *Barzani's Failures on Freedom of Expression in Iraqi Kurdistan*, 4 August 2022, <https://bit.ly/3EHPTL7>.

¹⁰⁰⁵ Freedom House, *Freedom on the Net 2023: Iraq*, 4 October 2023, www.ecoi.net/en/document/2100683.html; Washington Institute, *Activist Haidar al-Zaidi's Prison Sentence and Growing Pressures on Iraqi Activists*, 16 December 2022, <https://bit.ly/3yMzBNb>; GCHR, *Challenges Faced by Human Rights Defenders in Iraq Following the 'October Popular Movement'*, 5 May 2022, <https://bit.ly/3OAYdmi>, p. 3; IOHR, *Iraqi Observatory Indicates a Growing Influence of Expression Freedom Enemies*, 3 May 2022, <https://bit.ly/3DeNpmv>.

¹⁰⁰⁶ AGSIW, Iraq: *Dangerous Landscape for Independent Journalism*, 5 October 2022, <https://bit.ly/3CqWY00>; Columbia Journalism Review, 'A Kind of Hell for Journalists', 6 April 2022, <https://bit.ly/3TolohG>.

¹⁰⁰⁷ "Political parties strongly influenced or controlled outright most of the several hundred daily and weekly print publications, as well as dozens of radio and television stations, including social media platforms and social media influencers"; US Department of State, 2022 *Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also, RSF, Iraq, accessed 28 January 2024, <https://rsf.org/en/iraq>; UN Iraq, Iraq *Common Country Analysis 2023*, January 2024, p. 47; Chatham House, *Tackling Iraq's Unaccountable State*, December 2023, <https://bit.ly/3SrSFL0>, p. 36; Freedom House, *Freedom on the Net 2023: Iraq*, 4 October 2023, www.ecoi.net/en/document/2100683.html; BBC, Iraq *Country Profile*, 7 September 2023, <https://bit.ly/3LhoHp2>; Global Communications, *Arab Media Systems*, Eds. Carola Richter and Claudia Kozman, 2021, <https://bit.ly/3rVvYhY> (with an overview of media outlets and their political affiliations).

¹⁰⁰⁸ "Throughout the country there were reports of beatings, detentions, and death threats against media workers, particularly toward journalists working for opposition-affiliated and nonpartisan outlets"; US Department of State, 2022 *Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. According to Sabrina Bennoui of RSF, in the KR-I, "journalists are caught in the trap of the rivalry between the various Kurdish political parties"; Rudaw, *Over 400 Violations Against Journalists in Kurdistan Region Last Year: Watchdog*, 17 January 2023, <https://bit.ly/3H7xAyS>. For example, in July 2022, the authorities in Erbil arrested and charged with criminal defamation Ayub, Ali Warty, a journalist working for the broadcaster KNN TV, which is closely affiliated with Kurdistan's opposition Change (Gorran) Movement; CPJ, *Journalist Ayub Ali Warty Criminally Charged, Briefly Detained in Iraqi Kurdistan*, 19 July 2022, <https://cpj.org/?p=210223>. See also, AGSIW, Iraq: *Dangerous Landscape for Independent Journalism*, 5 October 2022, <https://bit.ly/3CqWY00>; RSF, *Media Pluralism under Attack from Kurdish Authorities in both Syria and Iraq*, 11 August 2022, <https://bit.ly/3T4HCFt>.

¹⁰⁰⁹ See Section III.A.8.b.

¹⁰¹⁰ "The elite has also relied on judicial and regulatory mechanisms to close media channels that have covered protests and civil society. In 2019, the government issued 19 orders to shut down local, regional and international media outlets, most of them covering the Tishreen protests. Accusations of violations such as 'not abiding by the journalistic code of conduct' or 'offending national and religious symbols' are often used against media channels that oppose the ruling elite"; Chatham House, *Tackling Iraq's Unaccountable State*, December 2023, <https://bit.ly/3SrSFL0>, p. 34. See also, Freedom House, *Freedom on the Net 2023: Iraq*, 4 October 2023, www.ecoi.net/en/document/2100683.html; US Department of State, 2022 *Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html.

¹⁰¹¹ "Between terrorism, political instability and protests, journalists face threats from all sides and come up against the weakness of the state, which is failing in its duty to protect them." Furthermore, "killings rarely lead to investigations and those responsible go unpunished"; RSF, Iraq, accessed 28 January 2024, <https://rsf.org/en/iraq>. CPJ ranked Iraq 6th on its 2023 "Global Impunity Index" with 17 unresolved killings of journalists; CPJ, *Haiti Joins List of Countries where Killers of Journalists most Likely to Go Unpunished*, 31 October 2023, <https://cpj.org/?p=329981>. According to Dr Karzan Mohammed, a professor of media law, "journalists are attacked and the perpetrators are not held accountable. The reason is that the perpetrators either belong to a political party or a tribe, or they have authority and the laws are not enforced against them"; Kirkuk Now, *Impunity: Motivator for Continuous Assassinations, Violence Against Journalists in Iraqi Kurdistan Region*, 5 December 2022, <https://bit.ly/3WGYbIY>. See also, Freedom House, *Freedom on the Net 2023: Iraq*, 4 October 2023, www.ecoi.net/en/document/2100683.html; Journalistic Freedoms Observatory, *On the International Day of the Victims of Enforced Disappearances... No Justice Has Been Served in Iraq*, 31 August 2022, <https://bit.ly/3eQNh3a>; The New Arab, 'Every Day Feels Like a New Death': Kurdish Authorities Are Complicit in the Murders of Innocent Protestors, 22 August 2022, <https://bit.ly/3jrBtGz>; and Section II.D.3.

a) Situation in Federal Iraq

Journalists and other media professionals who investigate and report on controversial or sensitive political, security, religious or social issues,¹⁰¹² including popular protests,¹⁰¹³ corruption and poor government performance,¹⁰¹⁴ or are seen as criticizing powerful armed groups or individuals,¹⁰¹⁵ are at risk of being subjected to a wide range of human rights violations and abuses. Forms of targeting include online and offline threats and harassment;¹⁰¹⁶ confiscation or destruction of equipment;¹⁰¹⁷ removal of social media accounts or deletion of content;¹⁰¹⁸ arbitrary arrest, detention and politically motivated criminal prosecution

- ¹⁰¹² In January 2023, a planned talk show hosted by DW, JaafarTalk, which discusses “topics deemed taboo in the region, including violations of human rights and the lack of equal opportunities for women”, was forced to cancel over threats against the talk show host and his team. A protest note submitted by DW to the Iraqi Embassy in Berlin stated: “This massive coercion by official authorities of the Republic of Iraq is an unprecedented restriction of press freedom”; DW, *DW Production JaafarTalk Cancelled in Iraq Following Threats*, 2 February 2023, <https://p.dw.com/p/4N2Cs>. Journalists told the IOHR about the “the abundance and intertwining of red lines that, if they cross, will either be killed or threatened”; IOHR, *Iraqi Observatory Indicates a Growing Influence of Expression Freedom Enemies*, 3 May 2022, <https://bit.ly/3DeNpmv>. “Triggers in reporting include references to Iran or the paramilitary groups which are closely associated with Iraq as well as reporting on topics which are construed to be transgressing social norms around such issues as sexuality”; Elbarlament, *Online Violence Towards Women in Iraq*, February 2022, <https://bit.ly/3RrKASV>, p. 17.
- ¹⁰¹³ NINA, *The Press Syndicate Branch in Basra Condemns the Assault on a Number of Media Professionals while Performing their Duties Covering a Demonstration*, 14 August 2023, <https://bit.ly/44eLSqD>; CNN, *Protesters Storm Swedish Embassy in Iraq over Quran Burning Plan*, 20 July 2023, <https://bit.ly/3QORGJc>; CPJ, *Iraqi Security Forces Assault, Detain Journalists Covering Baghdad Protests*, 31 August 2022, <https://cpj.org/?p=226491>; Journalistic Freedoms Observatory, *Basra: A Journalist Was Attacked and Forced to Sign a Pledge after Documenting an Protest Repression*, 8 July 2022, <https://bit.ly/3QABYWL>; IOHR, *Security Forces Use Excessive Violence Against Journalists Covering the Basra Demonstrations*, 12 April 2022, <https://bit.ly/3MNSnK9>; and Section III.A.2.
- ¹⁰¹⁴ “2023 witnessed the criminalization of journalists who work to expose corruption files or raise sensitive issues for public debate (...)”; PFFA, *Replacing Bullets with Bars: Restrictions Continue Under the Previous Regime’s Laws*, December 2023, <https://bit.ly/3u6gPS0>, p. 2. “Certain institutions and religious figures remain untouchable. It is not uncommon for media outlets to be sanctioned or suspended for investigating corruption involving senior officials. They are accused of violating media regulations or ‘damaging symbols of the state’”; RSF, *Iraq*, accessed 28 January 2024, <https://rsf.org/en/iraq>. Journalists reported “numerous efforts to silence and deter journalists from researching problems such as corruption, misuse or exploitation of state resources for personal gain (...)”; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. For example, on 24 July 2022 “an Iraqi journalist said that unidentified gunmen attacked his family’s residence in the Amin neighborhood of Baghdad with grenades and small arms fire. The journalist, Qusay Shafiq al-Dalwi, said the attack injured his mother and son, and caused extensive damage to the house. Dalwi had previously talked about corruption in Iraqi politics in his televised appearances”; EPIC, ISHM: July 21-28, 2022, 28 July 2022, www.ecoi.net/en/document/2076280.html.
- ¹⁰¹⁵ For example, the presenter of the ‘Studio 9’ programme at Al-Baghdadiya channel, Ali Al-Dhabhawi, has repeatedly been attacked “due to his programs criticising corruption and the influence of militias in Iraq”; GCHR, *Iraq: GCHR’s 24th Periodic Report on Human Rights Violations in Iraq*, 8 August 2022, <https://bit.ly/3D0oEui>. See also, Freedom House, *Freedom on the Net 2023: Iraq*, 4 October 2023, www.ecoi.net/en/document/2100683.html; UN Human Rights Committee, *Concluding Observations on the 6th Periodic Report*, 16 August 2022, www.ecoi.net/en/document/2077747.html, para. 32; Kurdistan 24, *Iraqi Observatory for Human Rights Report Outlines Declining Freedom of Press in Iraq*, 3 May 2022, <https://bit.ly/3TtDpMQ>.
- ¹⁰¹⁶ “Officials often use pressure or harassment to compel journalists who publish articles online to take down sensitive content, particularly criticism of the government”; Freedom House, *Freedom on the Net 2023: Iraq*, 4 October 2023, www.ecoi.net/en/document/2100683.html. “Journalists continued to face threats, intimidation, and attacks by militia or security forces”; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also, Shafaq News, *Escalating Threats Against Journalists in Karbala*, 10 August 2023, <https://bit.ly/3KAIEli>; The Guardian, *‘My Questions Are Turned into a Weapon to Kill Me’: The Deadly War Against Iraq’s Journalists*, 22 March 2023, <https://bit.ly/3DPJ1d6>; NINA, *Unidentified Persons Set Fire to the Car of a Journalist Working for a Satellite Channel and Left him an Envelope with a Bullet in It*, 8 October 2022, <https://bit.ly/3yGbkZv>.
- ¹⁰¹⁷ US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html; UN Special Rapporteur on Human Rights Defenders, *Iraq: Threats, Attacks and Criminalisation of Karar Al-Assaf (Joint Communication)*, 7 January 2022, <https://bit.ly/3FLRU7F>. See, e.g., NINA, *Basra Journalists Condemn the Attack on the Staff of the Fourth Satellite Channel*, 29 December 2022, <https://bit.ly/3XTrb11>; PFFA, *Al-Mirbad Attacked by Maysan Police*, 20 November 2022, <https://bit.ly/3ZQWgUp>; CPJ, *Iraqi Security Forces Assault, Detain Journalists Covering Baghdad Protests*, 31 August 2022, <https://bit.ly/3S7hxnY>; Shafaq News, *Al-Sadr Loyal Armed Group Detain a Cameraman Covering a Blast Site in Najaf*, 8 August 2022, <https://bit.ly/3qmbVZL>.
- ¹⁰¹⁸ “Content that contains commentary on government corruption or Iranian influence in Iraq is often removed. According to Google’s transparency report, the company received requests from the Iraqi government to take down 13 items in 2022. Authorities in Iraq and the Kurdistan region have pressured journalists to delete online content”; Freedom House, *Freedom on the Net 2023: Iraq*, 4 October 2023, www.ecoi.net/en/document/2100683.html.

(e.g., on defamation charges under the 1969 Iraqi Penal Code);¹⁰¹⁹ physical assault,¹⁰²⁰ as well as abduction and extra-judicial killing.¹⁰²¹

According to Reporters Without Borders (RSF), “[I]nfluential, high-profile journalists used to be the main targets of this form of intimidation [death threats and abduction] but nowadays it is also used against lesser-known journalists.”¹⁰²² Raids and closures of media offices have also been reported.¹⁰²³

Various State and non-State actors are reported to be behind such threats and attacks, including central, regional or local authorities, the ISF (including PMF factions operating outside State control), as well as influential political, tribal and business figures and their security staff.¹⁰²⁴

- ¹⁰¹⁹ As at 1 December 2023, “Iraq’s four jailed journalists included one new prisoner in Iraqi Kurdistan”; CPJ, 2023 Prison Census: Jailed Journalist Numbers Near Record High; Israel Imprisonments Spike, 18 January 2024, <https://cpj.org/?p=346276>. “While the Iraqi Constitution guarantees freedom of the press, ambiguous legal language has paved the way for potential misuse. Legacy laws, such as the 1968 Publications Law, criminalize critiques against the government, permitting up to seven years of imprisonment for perceived insults. This legislation, however, lacks a clear definition of what amounts to an ‘insult’, leading to arbitrary implementation. The 1969 Penal Code, still in effect, subjects journalists to potential prosecution for libel and defamation. Despite constitutional provisions against specialized courts, a separate judiciary was established in 2010 to prosecute media personnel. In 2011, legislation aiming to shield journalists was ratified. Nevertheless, many regard it as deficient, with clauses against ‘inciting violence’ frequently misapplied to detain journalists”; UN Iraq, Iraq Common Country Analysis 2023, January 2024, p. 47. 2023 “saw a new strategy of intimidating journalists, replacing the bullets approach with lawsuits, prosecutions, prison threats and trials”; PFFA, Replacing Bullets with Bars: Restrictions Continue Under the Previous Regime’s Laws, December 2023, <https://bit.ly/3u6gPS0>, p. 2. “The law criminalizes slander, blasphemy, and defamation, including the insulting of government leaders. The judiciary, militias, and government officials used arrest warrants in defamation cases to intimidate, silence, and in some instances apparently to ‘flush out’ activists and journalists from hiding. (...) In October [2022] local media outlets reported former prime ministerial candidate Mohammed Shiaa al-Sudani filed a lawsuit against journalist and political expert Mohammed Na’naa for defamation for stating during a televised interview that Sudani was under the control of certain political leaders”; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html. “Although few individuals receive defamation-related prison sentences, the criminal process itself amounts to a form of punishment. Authorities often file charges as a way to intimidate activists and journalists, knowing that cases will eventually be dismissed or end in acquittal”; Freedom House, Freedom on the Net 2023: Iraq, 4 October 2023, www.ecoi.net/en/document/2100683.html. See also, RSF, Iraq, accessed 28 January 2024, <https://rsf.org/en/iraq>; HRW, World Report 2024: Iraq, 11 January 2024, www.ecoi.net/en/document/2103133.html; Washington Institute, Iraq’s ‘Muqawama Government’ Drives Out Prominent LGBTQ Advocate, 10 February 2023, <https://bit.ly/3Fe2MvT>; CIVICUS, Reports and Monitoring Missions Document Extreme Repression and Violence Against Activists, 18 August 2022, <https://bit.ly/3VKE9h0>. On the controversial draft Law on Cybercrimes, see Section III.A.2.
- ¹⁰²⁰ For example, on 26 November 2022, “Iraqi riot forces physically assaulted Iraq Fox Channel camera operator Ali Kadhimi al-Karimawi in the Kadhimiya District of Baghdad where he was covering a protest. The PFFA reported riot forces assaulted several other television news correspondents during the same protests”; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html. On 24 June 2022, “an Iraqi journalist said that unidentified gunmen attacked his family’s residence in the Amin neighborhood of Baghdad with grenades and small arms fire. The journalist, Qusay Shafiq al-Dalwi, said the attack injured his mother and son, and caused extensive damage to the house. Dalwi had previously talked about corruption in Iraqi politics in his televised appearances”; EPIC, ISHM: July 21-28, 2022, 28 July 2022, www.ecoi.net/en/document/2076280.html. See also, NINA, An Armed Attack on a Journalist’s Home in Hilla, 6 September 2023, <https://bit.ly/48a75Ft>; PFFA, Three Photojournalists Arrested and Another Beaten During Swedish Embassy Riot, 20 July 2023, <https://bit.ly/3KiYENz>; Shafaq News, Media Watchdog Denounces Attack on Al-Fallujah Reporters by Security Guards, 16 July 2023, <https://bit.ly/3XU6OBW>; NINA, The Iraqi Observatory for Journalistic Freedoms Condemns the Attack by Armed Civilians on Satellite Channels Correspondents in Karbala, 9 July 2023, <https://bit.ly/43tvZwo>; NINA, The Journalistic Freedoms Observatory Announces that Several Journalists Have Been Subjected to Attacks and Harassment, 23 February 2023, <https://bit.ly/3KEvMAA>.
- ¹⁰²¹ “Death threats and abduction are also often used to terrorise and silence journalists”; RSF, Iraq, accessed 28 January 2024, <https://rsf.org/en/iraq>. “Journalists and activists are (...) at times subjected to physical violence – including assassinations – by state and nonstate actors in reprisal for the content they post. Kidnappings and enforced disappearances are not uncommon. In February 2023, researcher Hussein al-Khalifawi was kidnapped after posting religious content to social media. It is unclear who kidnapped al-Khalifawi, but militias affiliated with the Sadrist movement had previously sent him death threats”; Freedom House, Freedom on the Net 2023: Iraq, 4 October 2023, www.ecoi.net/en/document/2100683.html. See also, CPJ, Data: Journalists Killed in 2023, accessed 28 January 2024, <https://bit.ly/3LGFfHK>; NINA, Gunmen Shoot a Journalist in Basra, 18 February 2023, <https://bit.ly/3l1yKbJ>; GCHR, GCHR’s 25th Periodic Report on Human Rights Violations in Iraq, 16 December 2022, <http://bit.ly/3JzAzD5>; NINA, High Commission for Human Rights in Babylon Condemns Targeting of Journalists, 16 September 2022, <https://bit.ly/3BODNwP>.
- ¹⁰²² RSF, Iraq, accessed 28 January 2024, <https://rsf.org/en/iraq>. See also, Washington Institute, Dictatorship Redux? Iraq’s Freedom of Speech Under Threat, 15 June 2022, <https://bit.ly/3TKiVFz>.
- ¹⁰²³ “In October [2022], armed supporters of Muqtada al-Sadr stormed and destroyed al-Rabaa TV channel offices in the capital Baghdad after a media host reported the destruction of state buildings by Muqtada Al-Sadr’s followers and criticized his former militia known as the Mahdi Army. Iraqi authorities condemned the attack and announced an investigation, but no further measures to protect media workers or hold perpetrators accountable were announced”; Amnesty International, Amnesty International Report 2022/23: Iraq, 28 March 2023, www.ecoi.net/en/document/2089537.html. “Many media outlets have been attacked and ransacked due to their coverage of anti-corruption protests, deemed hostile to certain political currents”; RSF, Iraq, accessed 28 January 2024, <https://rsf.org/en/iraq>. See also, PFFA, Baghdadia Stormed by Sadrists after Protest, 4 October 2023, <https://pfaa-iq.com/?p=7507>; NINA, The Iraqi Journalists Syndicate Branch in Diwaniyah Denounces the Storming of its Headquarters, 11 July 2023, <https://bit.ly/43sc9Kz>; Journalistic Freedoms Observatory, Al-Rabaa TV: Final Losses from the Channel’s Damage Amount to \$400,000, 19 October 2022, <https://bit.ly/3Oqgx7U>; GCHR, Iraq: GCHR’s 24th Periodic Report on Human Rights Violations in Iraq, 8 August 2022, <https://bit.ly/3D0oEuI>.
- ¹⁰²⁴ The PFFA listed security forces, armed factions, the Communications and Media Commission (CMC), courts and governmental bodies as the actors of violations; PFFA, Replacing Bullets with Bars: Restrictions Continue Under the Previous Regime’s Laws, December 2023, <https://bit.ly/3u6gPS0>, p. 9. “According to the Iraqi Center for Supporting Freedom of Expression, some violations against journalists, bloggers, and online commentators are committed by government agencies or their employees, while other ‘societal’ violations are perpetrated by relatives or tribal leaders who persecute content producers and prevent them from carrying out their work”; Freedom House, Freedom on the Net 2023: Iraq, 4 October 2023, www.ecoi.net/en/document/2100683.html. “Nongovernmental and quasi-governmental actors, including militias outside of state control, terrorist groups,

b) Situation in the Kurdistan Region of Iraq

According to RSF, “[P]ress freedom in the Kurdistan Region is getting worse and worse.”¹⁰²⁵ Journalists and other media professionals who engage in critical reporting on political or other sensitive issues such as corruption, human rights violations, and poor government services¹⁰²⁶ face a wide range of human rights violations and abuses.¹⁰²⁷ Forms of targeting include intimidation and harassment;¹⁰²⁸ physical assault;¹⁰²⁹ confiscation or destruction of equipment;¹⁰³⁰ arbitrary arrest, detention,¹⁰³¹ and politically motivated prosecutions.¹⁰³² Both State and non-State actors are reported to be behind such violations and abuses,

and criminal organizations, threatened journalists with violence for reporting on sensitive subjects”; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also, RSF, Iraq, accessed 28 January 2024, <https://rsf.org/en/iraq>; Elbarlament, Online Violence Towards Women in Iraq, February 2022, <https://bit.ly/3RrKASV>, p. 17.

Columbia Journalism Review, ‘A Kind of Hell for Journalists’, 6 April 2022, <https://bit.ly/3TolohG>; “Iraqi Kurdistan had until recently been relatively safe for media personnel but RSF has tallied around 20 arrests of journalists since the start of 2023”; RSF, Surge in Harassment of Journalists in Iraqi Kurdistan, 27 July 2023, www.ecoi.net/en/document/2095400.html. See also, PEN America, ‘Callousness’ of Decision to Add Four Years to Journalist’s Imprisonment in Iraq’s Kurdistan Region, Compounded by Arrest of a Second Journalist who Criticized the Added Sentence, 21 July 2023, <https://bit.ly/3KDWLeJ>; HRW, Kurdistan Region of Iraq: Arrests to Deter Protest, 28 August 2022, www.ecoi.net/en/document/2077997.html.

CPJ, Journalist Islam Kashani Arrested without a Court Order in Iraqi Kurdistan, 25 August 2023, <https://cpj.org/?p=310289>; PFFA, Journalist’s Home Raided for Criticizing the Ruling Party in Kurdistan, 4 February 2023, <https://bit.ly/3Ft0k4K>; RSF, RSF Calls on Authorities in Iraqi Kurdistan to Release Qahraman Shukri and Three Other Detained Journalists, 27 September 2022, www.ecoi.net/en/document/2080552.html; Journalistic Freedoms Observatory, Violations Against a Group of Journalists Covering a Protest Against Corruption in Halabja, 8 September 2022, <https://bit.ly/3OQV5Rw>. In June 2022, “the KRG’s Ministry of Culture issued a statement warning media organizations (...) to abstain from publishing articles criticizing the Kurdistan region or any other content that they believe would incite fear among residents or raise concerns about the Kurdistan region’s stability. The ministry also promised to sanction those who do not comply”; Freedom House, Freedom on the Net 2023: Iraq, 4 October 2023, www.ecoi.net/en/document/2100683.html.

In 2023, the Metro Center for Journalist Rights and Advocacy, a local media watchdog, recorded 249 violations against journalists in the KR-I (compared to 431 violations in 2022 and 353 in 2021). The violations included: “34 cases of obstruction and discrimination, 38 cases of confiscation of journalistic equipment, 37 cases of detention without a court order, 27 cases of attacks, threats and insults.” Furthermore, “five cases of illegal arrests were registered, in addition to four cyber-attacks, two cases of breaking journalistic equipment and two cases of raids of journalists’ houses”; Kirkuk Now, 249 Violations Against IKR Journalist in 2023, Metro Center, 23 January 2024, <http://tinyurl.com/38fy68b7>. The Iraqi Kurdistan Union of Journalists (KUJ), using a different methodology from the Metro Center, recorded a total of 62 violations against journalists and media outlets in 2023, “including 25 cases of obstruction and discrimination, 14 cases of detention and arrest, 11 cases of assault and insult, six cases of breaking and confiscation of journalistic equipment. There were two cases of raids on media outlets and two cases of beatings”; Kirkuk Now, 68 Violations Against IKR Journalist in 2023, Kurdistan Journalists Syndicate, 23 January 2024, <http://tinyurl.com/4m92n4wm>.

For example, in August 2022, “security forces harassed at least 60 journalists trying to cover anti-government protests in several of this autonomous region’s cities”; RSF, Violence Against Reporters Covering Protests in Iraqi Kurdistan, 9 August 2022, <https://bit.ly/3qX4JUB>. See also, Freedom House, Freedom on the Net 2023: Iraq, 4 October 2023, www.ecoi.net/en/document/2100683.html; CPJ, Iraqi Kurdish Authorities Detain, Raid, Harass Journalists and Media Outlets Covering Protests, 9 August 2022, <https://bit.ly/3P6TcPv>; Columbia Journalism Review, ‘A Kind of Hell for Journalists’, 6 April 2022, <https://bit.ly/3TolohG>.

For example, in August 2022, “Mohammed Mahmood, reporter for the independent broadcaster Radio Deng was detained by security forces while covering a protest [in Kalar, Sulaymaniyah] and held for five hours before he was released without charge (...) he said they beat him on his legs and arms and took him to Asayish headquarters, where they asked him to sign a paper which they would not allow him to read. When he refused again, he said they beat him again”; CPJ, Iraqi Kurdish Authorities Detain, Raid, Harass Journalists and Media Outlets Covering Protests, 9 August 2022, <https://bit.ly/3P6TcPv>. See also, PFFA, Journalists Beaten over a Student Demonstration in Erbil, 19 February 2023, <https://bit.ly/3yGSEIn>; Journalistic Freedoms Observatory, Violations Against a Group of Journalists Covering a Protest Against Corruption in Halabja, 8 September 2022, <https://bit.ly/3SKly8Q>; PFFA, NRT Staff Detained and Beaten in Dohuk, 16 March 2022, <https://bit.ly/3Y0IKgv>.

PFFA, Three Media Groups Detained in Sulaymaniyah, 27 May 2023, <https://bit.ly/470XK2a>; CPJ, Journalists Detained and Attacked in Iraqi Kurdistan, 20 April 2023, <https://cpj.org/?p=278885>; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html; PFFA, Journalists Attacked in Sulaymaniyah, 13 November 2022, <https://bit.ly/3ZJ4ttD>; Kirkuk Now, Story of Abuse Against TV Reporter and his Assistant, 11 September 2022, <https://bit.ly/3VOoSeC>; GCHR, GCHR’s Periodic Report on Human Rights Violations in the Kurdistan Region, 31 August 2022, <https://bit.ly/3hhhl06j>; CPJ, Iraqi Kurdish Authorities Detain, Raid, Harass Journalists and Media Outlets Covering Protests, 9 August 2022, <https://bit.ly/3P6TcPv>.

“It is common for journalists in the Kurdistan Region to be detained by security forces for short periods without charge in an attempt to harass and intimidate them”; The New Arab, ‘Tomorrow it Will be you’: A Dark Future for Press Freedom in Iraqi Kurdistan, 9 August 2023, <https://bit.ly/46iFMHh>. According to Sherif Mansour of CPJ, “Iraqi Kurdistan authorities are making a very alarming habit out of detaining journalists”; CPJ, Two Journalists Arrested over Criminal Complaints in Iraqi Kurdistan, 12 October 2022, <https://cpj.org/?p=236543>. For example: “In March 2023, KRG authorities arrested online journalist Ayoub Warti because of his investigative reporting and online communications with sources. He was fined one million dinars (\$635)”; Freedom House, Freedom on the Net 2023: Iraq, 4 October 2023, www.ecoi.net/en/document/2100683.html. See also, PFFA, Replacing Bullets with Bars: Restrictions Continue Under the Previous Regime’s Laws, December 2023, <https://bit.ly/3u6gPS0>, pp. 10-13, 24-27; CPJ, Journalist Omed Baroshky Arrested in Iraqi Kurdistan, 21 July 2023, <https://cpj.org/?p=301574>. See also Section II.D.1.b.

“(...) the Kurdistan Regional Government currently abuse vaguely worded laws to bring criminal charges against critics. Authorities are using prosecutions under these laws to intimidate and in some cases silence journalists, activists, and other dissenting voices”; HRW, 20 Years After Deadly Attack, Free Press Still Threatened in Iraq, 13 April 2023, www.ecoi.net/en/document/2090300.html. See also, Freedom House, Freedom on the Net 2023: Iraq, 4 October 2023, www.ecoi.net/en/document/2100683.html; UNAMI/OHCHR, Freedom of Expression in the Kurdistan Region of Iraq, May 2021, www.ecoi.net/en/document/2051316.html, p. 10.

mainly the KRG authorities, including the judiciary and the security forces,¹⁰³³ as well as influential political and business figures.¹⁰³⁴

Journalists are reported to have been arbitrarily arrested and held in pre-trial detention for long periods without being charged with a crime, while being denied access to their lawyers.¹⁰³⁵ Other journalists have been charged with a range of crimes, including defamation, “misuse of communications equipment”, “undermining national security”, and espionage.¹⁰³⁶ Trials against journalists and other media professionals were reported to have fallen short of international fair trial standards, at times resulting in long prison sentences.¹⁰³⁷ According to Amnesty International, these repressive measures have “instilled an atmosphere of fear amongst journalists and activists in the KR-I, specifically in Duhok.”¹⁰³⁸

Although no recent abductions and killings have been reported, the cases of several journalist killings recorded between 2008 and 2016 remain unresolved, as they were reportedly not promptly and transparently investigated by the authorities.¹⁰³⁹

Raids and closures of media offices have also been reported,¹⁰⁴⁰ and authorities have interfered with and shut down broadcasts and social media accounts of journalists and media organizations seen as critical.¹⁰⁴¹ Incidents of interference in journalistic activities and attacks against journalists, media professionals and

¹⁰³³ “KRG authorities routinely beat, harass, and arbitrarily arrest, detain, and sentence journalists without due process”; Freedom House, *Freedom in the World 2023: Iraq*, May 2023, <https://bit.ly/3gej1V3>. See also, US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html; Washington Institute, *Barzani’s Failures on Freedom of Expression in Iraqi Kurdistan*, 4 August 2022, <https://bit.ly/3EHPTL7>; Columbia Journalism Review, ‘A Kind of Hell for Journalists’, 6 April 2022, <https://bit.ly/3TolohG>.

¹⁰³⁴ Influential figures in the KR-I regularly use criminal complaints to harass journalists and to punish them for their critical reporting. Reported cases related to the Iraqi President, regional and local government officials, and other politically connected personalities such as members of the ruling families. For example, one journalist recounted that “pressure on him rapidly skyrocketed after he filed a report about a politically well-connected doctor in Erbil who allegedly raped two patients who were sisters. (...) after publishing, the government-funded Syndicate of Journalists announced that a complaint had been filed against him.” He was arrested and charged with defamation; Community Peacemaker Teams, *Independent Kurdish Journalist Describes State Repression*, 19 October 2022, <https://bit.ly/3B9V83B>. See also, CPJ, *Two Journalists Arrested over Criminal Complaints in Iraqi Kurdistan*, 12 October 2022, <https://cpj.org/?p=236543>; Columbia Journalism Review, ‘A Kind of Hell for Journalists’, 6 April 2022, <https://bit.ly/3TolohG>.

¹⁰³⁵ Rudaw, *Two Journalists Detained in Sulaimani*, 10 October 2022, <https://bit.ly/3WZDclU>; UNAMI/OHCHR, *Freedom of Expression in the Kurdistan Region of Iraq*, May 2021, www.ecoi.net/en/document/2051316.html, p. 9; and Section II.D.1.b.

¹⁰³⁶ The KR-I has “expanded the use of false news, terrorism, and anti-state charges against journalists in recent years”; CPJ, *2023 Prison Census: Jailed Journalist Numbers Near Record High; Israel Imprisonments Spike*, 18 January 2024, <https://cpj.org/?p=346276>. “Authorities in the Kurdistan region use the regional penal code, the Journalistic Work Law, and the LPMCE [Law to Prevent Misuse of Communications Equipment] to curtail freedom of expression. Criminal proceedings have been directed either under Article 433 of the penal code, which prohibits ‘defamation,’ or under Article 2 of the LPMCE, which prohibits, among other things, the publication of defamation and misinformation, both of which carry fines and prison sentences. (...) Article 2 of the Kurdistan Press Law (Law No. 35 of 2007) states that a journalist may not be charged with defamation if ‘he published or wrote about the performance of an official or a person assigned to a public service’ and ‘if what he published does not go beyond the affairs of the profession.’ Nevertheless, many journalists and online activists have been charged with criminal offenses under this article, especially when publishing content about corruption”; Freedom House, *Freedom on the Net 2023: Iraq*, 4 October 2023, www.ecoi.net/en/document/2100683.html. See also, HRW, *World Report 2024: Iraq*, 11 January 2024, www.ecoi.net/en/document/2103133.html; CPJ, *Imprisoned Journalist Sherwan Sherwani Given Additional 4-Year Sentence in Iraqi Kurdistan*, 20 July 2023, <https://cpj.org/?p=301282>; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html; CPJ, *Two Journalists Arrested over Criminal Complaints in Iraqi Kurdistan*, 12 October 2022, <https://cpj.org/?p=236543>.

¹⁰³⁷ HRW, *World Report 2023: Iraq*, 12 January 2023, www.ecoi.net/en/document/2085461.html; Columbia Journalism Review, ‘A Kind of Hell for Journalists’, 6 April 2022, <https://bit.ly/3TolohG>; UNAMI/OHCHR, *Freedom of Expression in the Kurdistan Region of Iraq*, May 2021, www.ecoi.net/en/document/2051316.html, p. 12. Dozens of journalists and activists convicted of “endangering national security” in connection with the October 2020 non-violent protests in Dohuk begun a mass hunger strike in mid-July 2022 after their conditional release for serving two-thirds of their prison sentence was denied. Some were reportedly moved to solitary confinement; Medya News, *Iraqi Kurdish Hunger Strike Reaches Critical Phase as Authorities Prevent Prisoner Release*, 13 September 2022, <https://bit.ly/3DY1S5j>; The New Arab, *Prisoners in Erbil Facing Dire Conditions after Launching Hunger Strike*, 28 July 2022, <https://bit.ly/3A7XVtA>. See also, The New Arab, *Iraqi Kurdistan’s President under Fire for Excluding Journalists, Activists from Special Pardon*, 1 November 2022, <https://bit.ly/3FVF7ag>; and Section II.D.1.b.

¹⁰³⁸ Amnesty International, *Kurdistan Region of Iraq: Authorities Must End Protests-Related Repression*, 15 June 2021, www.ecoi.net/en/document/2053869.html, p. 3.

¹⁰³⁹ CPJ’s said with regards to the 2010 kidnapping and murder of journalist Sardasht Osman that “the ‘official investigation’ revealed significant gaps and irregularities, including a failure to interview family members and friends. Instead they were threatened to remain silent and support the official storyline”; CPJ, *Anniversary of Kurdish Journalist Murder Sends Out Alarming Truth about Silencing of Dissent in Iraqi Kurdistan*, 4 May 2022, <https://cpj.org/?p=190293>. Journalist Qahraman Shukri, who investigated the death of his father, Shukri Zaynadin, a KNN television journalist killed in December 2016, was reportedly arrested on two occasions in 2020 and 2021 and “the authorities had asked him to stop investigating the death of his father”; RSF, *RSF Calls on Authorities in Iraqi Kurdistan to Release Qahraman Shukri and Three Other Detained Journalists*, 27 September 2022, www.ecoi.net/en/document/2080552.html. See also, A Safer World for the Truth, *The Assassination of Sardasht Osman: Debunking the Official Story*, 3 May 2022, <https://bit.ly/3EP7b7b>; NRT, *Metro Center: Those Responsible for Killings of Journalists Remain Free*, 3 May 2022, <https://bit.ly/3Fv3Oo5>.

¹⁰⁴⁰ CPJ, *Journalist Omed Baroshky Arrested in Iraqi Kurdistan*, 21 July 2023, <https://cpj.org/?p=301574>; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html; GCHR, *GCHR’s Periodic Report on Human Rights Violations in the Kurdistan Region*, 31 August 2022, <https://bit.ly/3hhi06J>; CPJ, *Iraqi Kurdish Authorities Detain, Raid, Harass Journalists and Media Outlets Covering Protests*, 9 August 2022, <https://cpj.org/?p=220995>.

¹⁰⁴¹ Freedom House, *Freedom on the Net 2023: Iraq*, 4 October 2023, www.ecoi.net/en/document/2100683.html; UN, *Iraq: International Day to End Impunity for Crimes against Journalists*, 2 November 2022, <https://bit.ly/3ThkGIH>.

media outlets perceived as critical of the KRG are most frequently reported during political events (e.g., protests, elections) or security crises.¹⁰⁴²

A draft digital media regulation bill, introduced to the Kurdistan Regional Parliament in July 2020, sparked wide criticism.¹⁰⁴³ In June 2022, it was reported that a ministerial committee was drafting a regulation that would prohibit distributing any content deemed to insult “the martyrs and the flag of Kurdistan.”¹⁰⁴⁴

In some instances, family members and lawyers representing journalists and other media professionals in legal proceedings have also been singled out for threats, including threats of arrest.¹⁰⁴⁵

In May 2022, the PKK attacked and threatened journalists in the KR-I for their alleged support for Türkiye.¹⁰⁴⁶

UNHCR considers that, depending on the particular circumstances of the case, journalists and other media professionals who engage in critical reporting on political or other sensitive issues **are likely to be in need of international refugee protection** on the basis of a well-founded fear of persecution at the hands of State or non-State actors for reasons of their political opinion or imputed political opinion, their religion and/or other relevant Convention grounds, combined with a general inability of the State to provide protection from such persecution where the actors of persecution are non-State actors.

UNHCR further considers that family members and lawyers seeking accountability for the targeting of persons of this profile **may also be in need of international refugee protection** on the basis of their association with individuals at risk.

7) Humanitarian Workers

Since 2019, the direct targeting of individuals working for UN organizations or international or local non-governmental humanitarian organizations has become rare.¹⁰⁴⁷ Risks to humanitarian workers emanate primarily from local organizations’ affiliation with political parties,¹⁰⁴⁸ and/or their field of work. Organizations

¹⁰⁴² According to Rahman Gharib, Director of the Metro Center for Journalist Rights and Advocacy, “the security forces are targeting journalists during protests rather than protecting them”; HRW, *Kurdistan Region of Iraq: Arrests to Deter Protest*, 28 August 2022, www.ecoi.net/en/document/2077997.html. See also, US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html; NRT, *Erbil Security Forces Arrest Three Journalists During Protest Coverage*, 9 April 2023, <https://bit.ly/3ngimle>; NRT, *NRT Prevented from Covering Healthcare Volunteers’ Protest in Halabja*, 4 September 2022, <https://bit.ly/3qUZbdy>; GCHR, *GCHR’s Periodic Report on Human Rights Violations in the Kurdistan Region*, 31 August 2022, <https://bit.ly/3hhl06j>; and Section III.A.3.

¹⁰⁴³ Freedom House, *Freedom on the Net 2021: Iraq*, 21 September 2021, www.ecoi.net/de/dokument/2060885.html; Rudaw, *Kurdistan Parliament Shelves Digital Media Regulation Bill Following Criticism: Committee*, 17 August 2020, <https://bit.ly/3JXlhF1>.

¹⁰⁴⁴ Freedom House, *Freedom on the Net 2023: Iraq*, 4 October 2023, www.ecoi.net/en/document/2100683.html.

¹⁰⁴⁵ Amnesty International “documented four instances of intimidation of individuals directly related to the victims of the most recent crackdown on freedom of expression in Duhok, by way of threats of prosecution, and verbal threats against family members or lawyers working on the case”; Amnesty International, *Kurdistan Region of Iraq: Authorities Must End Protests-Related Repression*, 15 June 2021, www.ecoi.net/en/document/2053869.html, p. 3. See also footnote 865.

¹⁰⁴⁶ “Pressure from the PKK is also being exerted through threats against media workers, members of parliament and others. The May 18 [2022] attack targeted journalists from the Kurdistan 24 media outlet, one of the largest in the Kurdistan Region, in the city of Sulaimaniyah. The Metro Center for Journalists Rights and Advocacy and local branch of the Kurdistan Journalists Syndicate (...) said that the attack had come after the TV crew had refused to blame ‘Turkey’ for an assassination of a businessman in the area with links to the PKK (...); Al-Monitor, *PKK Threatens Journalists, Lawmakers in Kurdistan as Regional Tensions Rise*, 15 June 2022, <https://bit.ly/3fSAnSY>. See also, CPJ, *Alleged PKK Supporters Attack Kurdistan 24 Broadcast Crew in Iraqi Kurdistan*, 31 May 2022, <https://cpj.org/?p=197742>; Rudaw, *Rockets Target Media Agency in Duhok*, 24 May 2022, <https://bit.ly/3OIE2hQ>.

¹⁰⁴⁷ International NGO Safety Organisation (INSO), *July 2022 – NGO Incidents Overview*, July 2022, <https://bit.ly/3SEok97>; INSO, *How Has the Safety and Security Landscape Changed in Iraq?*, 21 September 2021, <https://bit.ly/3U2Y7SK>. On 22 July 2023, “unidentified gunmen attacked the Basra offices of the Danish Refugee Council (DRC) with rocket propelled grenades, setting some trailers on fire without causing casualties.” The attack came in the wake of the desecration of copies of the Quran in Denmark and Sweden; EPIC, *ISHM: July 20 – 27, 2023*, 27 July 2023, www.ecoi.net/en/document/2095212.html. On 7 November 2022, an American aid worker employed by an organization affiliated with the US Agency for International Development (USAID) was killed in Baghdad. A pro-Iran armed group, *Ashab al-Kahf*, reportedly claimed responsibility for the killing, saying it was in retaliation for the assassination of Qassim Suleimani and Abu Mahdi Al-Muhandis by a US airstrike in January 2020; Bas News, *Pro-Iran Militia Group Claims Responsibility for Killing American Citizen in Baghdad*, 10 November 2022, <https://bit.ly/3EGTfxA>. Iran-affiliated PMF factions reportedly referred to USAID as “spying organization” and the killed aid worker as an “U.S. intelligence officer”; Washington Institute, *Militias Demonize USAID after U.S. Citizen Gunned Down in Baghdad*, 8 November 2022, <https://bit.ly/3Ye4KCC>.

¹⁰⁴⁸ “While the law forbids NGOs from engaging in political activity, political parties or sects originated, funded, or substantially influenced many domestic NGOs”; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. “Civil society organizations, which are close to nonviolent civil movement, protest and demand political, social and economic reform, are in many cases threatened with blacklisting or closure without legal reason”; Iraqi Civil Society Solidarity Initiative, *Statement of the Permanent Working Group Countering Shrinking Civil Society Space in Iraq*, 15 September 2022, <https://bit.ly/3VcHpRa>. INSO recommended that NGOs “mitigate risks arising from the political affiliations of national staff or local service providers”; INSO, *August 2022: NGO Incidents Overview*, August 2022, <https://bit.ly/3DI0pKv>. “Some CSOs [civil society organizations] maintained their independence, though a continued reliance on Government funding and fear of security forces, resulted in many continued CSO affiliations with political parties”; UN Iraq, *Iraq Common Country Analysis 2022*, 27 July 2022, <https://bit.ly/42zehY9>, p. 35.

providing assistance to families with perceived Da'esh affiliations,¹⁰⁴⁹ or working in the fields of human rights (including women's rights and SOGIE rights),¹⁰⁵⁰ or the demobilization of PMF fighters are particularly at risk.¹⁰⁵¹ Forms of targeting by State and non-State actors are reported to include intimidation, physical assault, arrest and detention, and, in rare cases, abduction and killing, although no cases of abduction or killing were reported in 2022 and 2023.¹⁰⁵² In July 2022, seven members of a demining company were injured in a targeted IED attack in Tel Kaif District (Ninewa Governorate).¹⁰⁵³

UNHCR considers that, depending on the particular circumstances of the case, humanitarian workers may be in need of international refugee protection on the basis of a well-founded fear of persecution at the hands of State or non-State actors for reasons of their political opinion or imputed political opinion, and/or other relevant Convention grounds, combined with a general inability of the State to provide protection from such persecution where the actors of persecution are non-State actors.

8) Women and Girls¹⁰⁵⁴

a) Overview

Despite legal guarantees for women's participation in politics, women remain excluded from decision-making and political power.¹⁰⁵⁵ Women and girls are also reported to face legal and societal discrimination, including in respect to citizenship rights and family affairs, such as inheritance, marriage, divorce and child

¹⁰⁴⁹ "(...) relief organizations in Nineveh province and humanitarian workers have received threats after a series of harassment by influential local government there. Threats include accusing them of 'terrorism' and arresting them and preventing them from practicing their activities. (...) They are at risk on a daily basis"; IOHR, *Nineveh Authorities Threaten Aid Workers with 'Terrorism'*, 14 April 2022, <https://bit.ly/3yWvFd5>. In 2021, "a self-proclaimed PMF group intruded into the facilities of an NGO in Mosul, accusing them of serving IS-affiliated civilians and demanding they halt operations"; INSO, *Safety and Access Review: Q2 2021*, <https://adobe.ly/3DF37HB>, p. 16. See also Section III.A.1.b.

¹⁰⁵⁰ "Defending women comes with risks. The WOLA [Sulaymaniyah-based Women's Legal Assistance Organization] director stated that their staff often receive threats in the courts, in public, and on social media due to the nature of their work (...)"; Rudaw, *Erbil Glows Orange for 16 Days of Activism on Gender Violence*, 27 November 2023, www.rudaw.net/english/kurdistan/261120231. "NGOs were prevented from operating in certain sectors. (...) Women's rights NGOs in the IKR reported pressure from the KRG Directorate of NGOs during the license renewal process to certify that they do not work on LGBTQI+ matters." Furthermore, NGOs reported stated that they faced difficulties to register with the federal Department of NGOs, "(...) particularly if the name of their organization pertained to human rights or democracy, with some registrations taking longer than one year. (...) On June 25 [2022], three men in civilian clothes claiming to be affiliated with the NSS stormed a gender-based violence (GBV) training workshop organized by al-Firdaws Society in Basrah. According to a media report, the men told the organizers of the Advocacy Campaigns against GBV workshops that training on 'such topics' was not allowed"; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also, EPIC, ISHM: November 16-30, 2023, 30 November 2023, www.ecoi.net/en/document/2101953.html; MEE, *Iraqi NGO Demands Answers from Authorities after Attack on Human Rights Workshop*, 28 June 2022, <https://bit.ly/3qsbD3v>; and Sections III.A.2, III.A.8 and III.A.11.

¹⁰⁵¹ Brookings, *New Vulnerabilities for Iraq's Resilient Popular Mobilization Forces*, 3 February 2022, <https://brook.gs/36jSLif>.

¹⁰⁵² "There were multiple reports of international and local aid workers being harassed, threatened, arrested, and accused of false terrorism charges; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also, INSO, *Total Security Incidents Affecting NGOs: Iraq (Period January 2022 to December 2023)*, accessed 28 January 2024, <https://ngosafety.org/ngo-data-dashboard>.

¹⁰⁵³ "On July 5, 2022, ISIS operatives activated an IED against a bus carrying a mine clearing team, near the village of Hassan Jalad, about 15 km northwest of Mosul. Seven of the team members were wounded (...)"; ITIC, *Spotlight on Global Jihad (July 7-13, 2022)*, 14 July 2022, <https://bit.ly/3Ot5MGL>. "Iraq recorded a single NGO incident in July [2022], which took place in Talkayf District, Ninewa Governorate. This saw four members of a private demining company injured in an IED attack, which prompted a demining NGO to suspend operations in the area. Another IED was discovered and a third detonated against a commercial vehicle in the same area, all within a 48-hour period. Additionally, nearby graffiti threatened the demining company, suggesting a local criminal or armed group was deliberately targeting them"; INSO, *July 2022: NGO Incidents Overview*, July 2022, <https://bit.ly/3SEok97>. See also, UNAMI, *Improvised Explosive Device Struck Demining Team; UN Calls for an Investigation*, 6 July 2022, <https://bit.ly/3hiJTz0>.

¹⁰⁵⁴ For further guidance on claims for international protection by women, see UNHCR, *Guidelines on International Protection No. 1: Gender-Related Persecution Within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*, 7 May 2002, www.refworld.org/docid/3d36f1c64.html; and UN Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW), *General Recommendation No. 32 on the Gender-Related Dimensions of Refugee Status, Asylum, Nationality and Statelessness of Women*, 5 November 2014, CEDAW/C/GC/32, www.refworld.org/docid/54620fb54.html.

¹⁰⁵⁵ Women are guaranteed a 25% and 30% representation in the CoR and the Kurdistan Regional Parliament, respectively. However, "[M]any of the women who are nominated and selected as candidates are the wives, sisters, or daughters of established male politicians and are affiliated with ultra-conservative factions. They are not elected by or accountable to women's constituencies or interests, according to Iraqi analysts, and they tend to vote according to the directives of the men who control the major political parties. The biggest shortcoming of the 25 percent threshold is that it does not apply to cabinet positions or to other levels of government. The senior ministers of the Iraqi government have been and continue to be overwhelmingly male. The presence of women in the political arena has not led to a greater female role in government decision making or to less discrimination against women in a society heavily influenced by conservative religious leaders"; The New Paradigm Project, *Women and the Iraq War, 20 Years Later*, March 2023, <https://bit.ly/42QOKdQ>, p. 9. "Although Iraq has many policies and strategies aimed at gender equality, it lacks specific laws, institutional structures and the political will to promote gender equality and justice"; UNDP, *Adapting the Indashyikiwa Intimate Partner Violence Prevention Programme: Lessons Learned in Iraq and Lebanon*, 27 February 2023, <https://bit.ly/3kudgAq>, p. 29.

custody,¹⁰⁵⁶ although this differs between the KR-I and Federal Iraq, and also among religious groups.¹⁰⁵⁷ Violence against women and girls is normalized in Iraq.¹⁰⁵⁸ Women face “high levels of gender-based violence”, including sexual violence; domestic violence; femicide, including “honour”-based violence; forced and child marriage; female genital mutilation (FGM); and trafficking for the purpose of sexual exploitation and forced prostitution.¹⁰⁵⁹

Existing federal laws do not adequately address violence against women and girls.¹⁰⁶⁰ In August 2023, Iraq’s Communications and Media Commission issued a directive banning media outlets from using the word “gender” in their publications and broadcasts.¹⁰⁶¹ At the time of writing, a 2019 draft of the Family Protection Law and the strategy for combating gender-based violence remain stalled before the CoR.¹⁰⁶²

In the KR-I, the authorities introduced a number of legislative and institutional reforms aimed at enhancing women’s rights and preventing and addressing violence against women.¹⁰⁶³ Notably, the authorities passed the Act of Combating Domestic Violence in the Kurdistan Region of Iraq in 2011,¹⁰⁶⁴ which, *inter alia*,

¹⁰⁵⁶ “Criminal, family, religious, personal status, labor, and inheritance laws discriminate against women. Women experienced discrimination in such areas as marriage, divorce, child custody, employment, pay, owning or managing businesses or property, education, the judicial process, and housing”; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html. “Women are among the most marginalized groups in Iraq. Their socioeconomic status, rights and living conditions deteriorated considerably after the invasion and regime change in 2003. The current system has imposed further restrictions on women’s rights and freedoms, after the Constitution ‘effectively bargained away their rights in the attempt to reach a compromise between the sectarian and ethnic political leaders’”; UNDP, *Reimagining the Social Contract in Iraq*, 12 June 2022, <https://bit.ly/3xVbZ8V>, p. 14. The Women Peace and Security Index 2021/22 ranked Iraq 166 out of 170 countries for gender equality; Georgetown Institute for Women, Peace and Security, *Women Peace and Security Index 2021/22*, 19 October 2021, <https://bit.ly/3Q89HuG>.

¹⁰⁵⁷ “All recognized religious groups have their own personal status courts responsible for handling marriage, divorce, and inheritance matters. Discrimination toward women on personal status matters varied depending on the religious group”; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html. “For example, the inheritance laws for non-Muslim women living in Iraqi Kurdistan are different to those governing non-Muslim women in Baghdad-administered areas.” Unlike in Islamic law, where the share of women’s inheritance is half that of men’s, in Mandaeism, “families split it equally between the women and the men”; CREID, *Violence and Discrimination Against Women of Religious Minority Backgrounds in Iraq*, 6 December 2022, <https://bit.ly/3Zp0cdM>, pp. 9, 159.

¹⁰⁵⁸ “Violence directed at women and girls within the family is often normalized and legitimized by survivors, perpetrators, and communities by referencing cultural and religious norms”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 59. See also, Shafaq News, *Societal Culture and Mental Illness Fuel Domestic Violence in Iraq*, 4 August 2023, <https://bit.ly/3OpESkT>; World Vision International (WVI), *Empowered Women, Empowered Children: Examining the Relationship Between Women’s Empowerment and the Well-Being of Children in Iraq*, April 2022, www.ecoi.net/en/document/2075566.html (hereafter: WVI, *Empowered Women, Empowered Children*, April 2022, www.ecoi.net/en/document/2075566.html), p. 24; Washington Institute, *Addressing Violence Against Women in Iraqi Kurdistan*, 28 March 2022, <https://bit.ly/3UJAZOY>; SEED Foundation, *Better Together: Achieving Gender Equality By Engaging Men & Boys*, 14 February 2022, <https://bit.ly/3tMoiSQ>.

¹⁰⁵⁹ UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, pp. 59-60; UNDP, *Community-Based Reconciliation & Reintegration in Iraq*, 28 June 2022, <https://bit.ly/3fLpEJs>, p. 18. Women have to “contend with issues like gender-based violence, discrimination, and harmful traditional practices, further compounded by the current sensitivities surrounding gender equality”; UNDP, *Funding Facility for Stabilization: 2023 Quarter Three Report*, 5 November 2023, <https://bit.ly/3Oc5R4c>, p. 33.

¹⁰⁶⁰ IBA, *Justice and Accountability for the Atrocities of Daesh*, 1 March 2023, <https://bit.ly/3C5LFum>, p. 46. “Iraq’s Penal Code permits certain types of violence against women. Article 41.1 stipulates that ‘no crime is committed while exercising a legal right,’ including the ‘punishment of a wife by her husband.’ Article 398 stops criminal prosecution of individuals who commit rape and sexual assault against women if they marry their victim. Article 128 considers honour a mitigating factor to reduce punishment, allowing so-called honour crimes to persist. Article 409 specifies lenient sentences for killing, beating or causing permanent bodily harm to female relatives in cases of adultery. (...) In short, Iraq’s laws and legal system contradict principles of non-discrimination in the name of tradition, religion and cultural specificity”; UNDP, *Reimagining the Social Contract in Iraq*, 12 June 2022, <https://bit.ly/3xVbZ8V>, p. 14. See also, HRW, *World Report 2024: Iraq*, 11 January 2024, www.ecoi.net/en/document/2103133.html; Al-Bayan Center for Planning and Studies, *Iraqi Women after 2003: Violence Incentives, and Empowerment’s Barriers*, 28 March 2022, <https://bit.ly/3rcRVLS>; WVI, *Empowered Women, Empowered Children*, April 2022, www.ecoi.net/en/document/2075566.html, p. 18. Furthermore, “(...) there is a lack of financial and human resources for gender issues, as well as a lack of gender responsive public budgeting. Consequently, even when laws, initiatives and policies conducive to women’s rights are adopted, they lack the resources and political will necessary to be implemented properly”; LSE, *Access to Justice for Gender-Based Violence*, November 2021, <https://bit.ly/3frTR08>, pp. 14-15. See also, footnotes 1115 (exemption of perpetrators of rape or sexual assault from punishment if they marry their victim); 1133 (legal right to “discipline” wives and children) and 1148 (“honour” considerations to mitigate sentences for crimes such as murder).

¹⁰⁶¹ The “ban and demonization of the word ‘gender’ demonstrates a callous disregard for combatting gender-based violence at a time when civil society has been reporting an increase in crimes against women and girls, amid widespread impunity”; Amnesty International, *Iraq: Authorities Must Immediately Reverse Media Ban on the Terms ‘Homosexuality’ and ‘Gender’*, 9 August 2023, <https://bit.ly/46HJ8Uf>.

¹⁰⁶² “Women’s rights groups continued to advocate an anti-domestic violence law, but efforts in parliament stalled by the end of 2023”; HRW, *Iraq: Reforms Needed to Entrench Stability*, 11 January 2024, <https://bit.ly/3Ucc0RV>. The 2019 draft law seen by HRW “had several gaps and provisions that would undermine its effectiveness, such as prioritizing reconciliation over protection and justice for victims”; HRW, *Submission to the UN Human Rights Committee*, January 2022, www.ecoi.net/en/document/2075228.html. The draft law has been rejected multiple times since 2015 with parties arguing that it was “incompatible with religion and ‘Iraqi culture’”; LSE, *Access to Justice for Gender-Based Violence*, November 2021, <https://bit.ly/3frTR08>, p. 14. See also, UN Human Rights Committee, *Concluding Observations on the 6th Periodic Report*, 16 August 2022, www.ecoi.net/en/document/2077747.html, para. 14.

¹⁰⁶³ The KR-I “has made improvements showing a political will to advance the gender equality agenda with laws and regulations that are more compatible, albeit not fully, with the principles of CEDAW. Further ahead of the Government of Iraq, the KRI has created some legal mechanisms to safeguard female survivors of violence”; UN Iraq, *Iraq Common Country Analysis 2022*, 27 July 2022, <https://bit.ly/42zehY9>, p. 7.

¹⁰⁶⁴ Republic of Iraq, *Act of Combating Domestic Violence in the Kurdistan Region of Iraq (Law No. 8 of 2011)*, 21 June 2011, www.refworld.org/docid/5b2911044.html.

prohibits violence within marriage, FGM and forced and child marriage. Furthermore, specific bodies to deal with women's rights have been established.¹⁰⁶⁵ Despite these efforts, and as detailed in this chapter, gender-based violence is reported to be on the rise, including as a result of weak implementation of applicable laws and predominant patriarchal gender norms.¹⁰⁶⁶

In all of Iraq, violence against women and girls is largely perpetrated with impunity.¹⁰⁶⁷ In most cases, incidents of violence go unreported, including for fear of stigmatization and further violence (including "honour"-based violence) at the hands of family/community¹⁰⁶⁸ and law enforcement officials;¹⁰⁶⁹ societal perceptions that domestic issues should be dealt with as "family matters";¹⁰⁷⁰ the limited number of female law judges and enforcement officials;¹⁰⁷¹ the lack of police and judicial personnel trained to adequately deal with gender-based violence cases;¹⁰⁷² as well as deficiencies in protective legislation.¹⁰⁷³ A dedicated hotline exists but is reported to not lead to effective follow-up on reported incidents of gender-based violence.¹⁰⁷⁴ Furthermore, many women are unfamiliar with their legal rights¹⁰⁷⁵ and/or do not have the necessary financial means to cover the costs of pursuing a complaint.¹⁰⁷⁶ In the rare case that a complaint

¹⁰⁶⁵ US Department of State, 2022 *Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html.

¹⁰⁶⁶ Since the passing of the Act of Combatting Domestic Violence in 2011, "its implementation remains flawed and there are many gaps in protection for survivors of violence"; Ceasefire Centre for Civilian Rights, *Researcher for Report on Family-Based Violence Legislation in the Kurdistan Region of Iraq*, 2 August 2023, <https://bit.ly/3OzKcll>. "The Kurdistan Region suffers from high rates of gender-based violence, including sexual violence, domestic violence, child marriages, and female genital mutilation. Femicides are often linked with the terms 'social dispute' or 'honor killings,' which perpetrators use to justify murdering their mothers, sisters, daughters, or wives"; Rudaw, *Two Arrested in Erbil after Woman Falls from Apartment*, 18 November 2023, <https://bit.ly/493pXWd>. "The KRG maintained a special police force to implement the provisions of the law to investigate cases of GBV and a family reconciliation committee within the judicial system, but local NGOs reported these programs were not effective at combating GBV"; US Department of State, 2022 *Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also, SEED Foundation, *Combating Domestic Violence in the Kurdistan Region of Iraq*, 6 June 2022, <https://bit.ly/3NnOdHH>.

¹⁰⁶⁷ "Iraq's penal code enables impunity for male violence against women (...); HRW, *World Report 2024: Iraq*, 11 January 2024, www.ecoi.net/en/document/2103133.html. "Effective state-provided paths to protection from gender-based violence remained severely limited in the KR-I and central Iraq"; Amnesty International, *Amnesty International Report 2022/23: Iraq*, 28 March 2023, www.ecoi.net/en/document/2089537.html. See also, CAT, *Concluding Observations*, 15 June 2022, www.ecoi.net/en/document/2075320.html, para. 38; Elbarlament, *Online Violence Towards Women in Iraq*, February 2022, <https://bit.ly/3RrKASV>, pp. 12, 31.

¹⁰⁶⁸ UNFPA, *Sexual and Reproductive Health and Reproductive Rights Regulatory Frameworks Across the Arab States Region: Iraq*, June 2022, <https://bit.ly/3BKBB14>, pp. 24-25; Raseef22, *Incest in Iraq: A Husband Asks His Wife to Put Up with His Brothers' Desire*, 13 March 2022, <https://bit.ly/3IWpUuQ>; UN Office of the SRSG for Children and Armed Conflict, *Iraq: Important Decrease in Grave Violations Against Children, Crucial to Protect Children in Detention*, 15 February 2022, <https://bit.ly/3Re9kOr>; and Section III.A.8.f.

¹⁰⁶⁹ "(...) informants reported that at police stations, women and girls are routinely subjected to violence at the hands of officers, including those affiliated with the Family and Child Protection Directorate. (...) Informants told researchers that women are often subjected to victim blaming when reporting GBV to the police or judiciary"; LSE, *Access to Justice for Gender-Based Violence*, November 2021, <https://bit.ly/3frTR08>, pp. 21-22.

¹⁰⁷⁰ "Some tribal leaders in the south reportedly banned their members from seeking redress through police family protection units, claiming domestic abuse was a family matter"; US Department of State, 2022 *Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. In the KR-I, "[J]udges are often reluctant to invoke legal rulings in the context of prevailing tribal norms"; UNFPA, *Iraq: Review of Health, Justice and Police, and Social Essential Services for Women and Girls Survivors of Violence in the Arab States*, December 2020, <https://bit.ly/3ac2jOg>, p. 13. See also, MADRE et al., *Human Rights Violations Against Women and Girls in Iraq: A Report for the United Nations Human Rights Committee – Submitted ahead of the Review of the Government of Iraq's Compliance with the International Covenant on Civil and Political Rights During its 134th Session (28 Feb-28 March 2022)*, February 2022, www.ecoi.net/en/document/2067718.html, para. 21.

¹⁰⁷¹ "In a conservative society where women generally do not mix with men outside of their own families, they feel unable to share intimate details of their lives with male justice system officials. Those that do report, might withhold from fully articulating the reasons behind their complaints, putting them at a disadvantage during proceedings and making it less likely for judges to rule in their favour"; UNDP, *Reimagining the Social Contract in Iraq*, 12 June 2022, <https://bit.ly/3xVbZ8V>, p. 20. See also, LSE, *Access to Justice for Gender-Based Violence*, November 2021, <https://bit.ly/3frTR08>, p. 6.

¹⁰⁷² "(...) obstacles such as insufficient numbers of female police officers, conservative mindsets of authorities, slow investigation and lack of follow-up structures impede the effective investigation, prosecution and punishment of gender-based crimes"; UNAMI/OHCHR, *Renewed Calls for Accountability to Counter Criminal Violence Against Women*, 6 December 2022, <https://bit.ly/3FjAyzm>. See also, US Department of State, 2022 *Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html; LSE, *Access to Justice for Gender-Based Violence*, November 2021, <https://bit.ly/3frTR08>, p. 21.

¹⁰⁷³ See footnote 1060.

¹⁰⁷⁴ The 16 Family Protection Directorates (FPDs), which are responsible for receiving complaints of trafficking and sexual or gender-based violence from women and children in Federal Iraq, "are often only staffed by male officers with little or no training on GBV and the protection concerns of girls and women. (...) Notably, a hotline is operated by the FPDs [Family Protection Units] for reporting and referrals, although this resource is also staffed by men"; CIVIC, *Women in Iraq's Security Forces*, March 2022, www.ecoi.net/en/document/2072605.html, p. 8. "According to women's rights NGOs, this force merely operated as a 'hotline' and took no effective action to protect survivors or investigate reports of domestic violence"; Amnesty International, *Amnesty International Report 2022/23: Iraq*, 28 March 2023, www.ecoi.net/en/document/2089537.html. See also, 1001 Iraqi Thoughts, *The Invisible War: Domestic Violence and its Impact on Iraqi Women*, 14 May 2023, <https://bit.ly/3QAN2K1>.

¹⁰⁷⁵ "Forty per cent of women and girls aged 15 to 49 are still unfamiliar with the legal provision[s] and their legal rights"; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 59.

¹⁰⁷⁶ "(...) women, including those living in urban areas, sometimes have to travel long distances to lodge and follow-up on complaints in police stations and courts, incurring transport costs that many cannot afford. (...) This is compounded by the fact that 88% of Iraqi women are unemployed and therefore unlikely to have access to independent financial resources. Informants stressed that due to stigma, often survivors' families refused to support them emotionally or financially during court proceedings. Therefore, the lack of availability of courts and costs associated with lodging petitions renders them inaccessible for the vast majority of Iraqi women. In addition, the costs for hiring an attorney remain extremely high. For example, a criminal lawyer can

is filed, law enforcement officials, judges, families and tribes frequently prioritize reconciliation over legal redress and victim protection.¹⁰⁷⁷ Lawyers working on domestic violence cases are reported to be at risk of harassment.¹⁰⁷⁸ Alternative (informal) justice mechanisms are run by “heads of tribes, religious leaders or influential men in women’s families”,¹⁰⁷⁹ and the rights of women are generally not safeguarded.¹⁰⁸⁰

Access to adequate psychosocial support and mental health care remains a challenge for survivors of gender-based violence given the low number of service providers and prevailing stigma related to accessing such services.¹⁰⁸¹ In 2018, the Federal Government opened the first and to date only shelter for survivors of gender-based violence and trafficking in Baghdad; however, its capacity and outreach is reported to be limited.¹⁰⁸² The opening of a shelter in Kirkuk was announced in December 2021; however, at the time of writing, the shelter had not been opened.¹⁰⁸³

In addition to the government-run shelter in Baghdad, a local NGO runs a number of secret safe houses in Baghdad and other cities.¹⁰⁸⁴ These safe houses are however at risk of closure as well as raids and attacks by security forces, armed actors, and family and tribal members.¹⁰⁸⁵ The head of the NGO is reported to

charge up to \$1000 US just to request the investigation papers from the court and consider whether to take a case on. This is because they expect to pay bribes throughout proceedings and to have to deal with interference from tribes due to the shame associated with women lodging criminal complaints. In Personal Status Courts, where bribes and interference from families are less common, costs incurred can vary between \$140-400. According to the Supreme Judicial Council, legal aid is available, however in practice this is virtually never provided and women face protracted bureaucratic hurdles accessing it”; LSE, *Access to Justice for Gender-Based Violence*, November 2021, <https://bit.ly/3frTR08>, p. 17. See also, 1001 Iraqi Thoughts, *The Invisible War: Domestic Violence and its Impact on Iraqi Women*, 14 May 2023, <https://bit.ly/3QAN2K1>; WVI, *Empowered Women, Empowered Children*, April 2022, www.ecoi.net/en/document/2075566.html, p. 29.

Article 41 of the Penal Code, which provides that “the punishment of a wife by her husband” is “a legal right”, has been described as enabling the referral of domestic violence cases for reconciliation; UNAMI/OHCHR, *Renewed Calls for Accountability to Counter Criminal Violence Against Women*, 6 December 2022, <https://bit.ly/3FjAyzm>. “These [family protection] units reportedly tended to prioritize family reconciliation regarding victim protection and lacked the capacity to support survivors. NGOs stated survivors of domestic violence feared approaching the family protection units because they suspected police would inform their families of their testimony”; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also, Kirkuk Now, *Abused Women Handed Over to Unknown Fate*, 22 September 2023, <https://bit.ly/3RztI5Y>; Shafaq News, *Karbala Grapples with Escalating Domestic Violence amid Economic Hardship, Social Media Misuse*, 25 April 2023, <https://bit.ly/3L4aiM6>; CIVIC, *Women in Iraq’s Security Forces*, March 2022, www.ecoi.net/en/document/2072605.html, p. 21. For examples reported by Iraqi media, see, e.g., NINA, *Within a Week, Community Police Stopped (93) Cases of Electronic Blackmail and Domestic Violence*, 30 November 2023, <https://bit.ly/3RsatoP>; NINA, *Community Police Return a Runaway Boy and Girl to their Families*, 14 January 2023, <https://bit.ly/46NM0i5>. US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html; MENA Rights Group, *Iraqi Human Rights Lawyer Mohammed Jumaa Facing Disciplinary Proceedings*, 20 October 2022, <https://bit.ly/3TYiz7I>.

“The workings of these mechanism are not homogenous, but rather vary depending on the religion, area, the tribe and even the neighbourhood. Their influence tends to be greater in areas where tribes have a much stronger presence than the state”; LSE, *Access to Justice for Gender-Based Violence*, November 2021, <https://bit.ly/3frTR08>, pp. 22-23. Furthermore, most women would not interact with tribal leaders on their own to seek justice: “Most women do not approach their sheikhs without the presence or at least blessing of a male relative”; The Century Foundation, *Tribal Justice in a Fragile Iraq*, 7 November 2019, <https://bit.ly/38VgV4k>.

“Informants told researchers that women are almost never afforded their rights in dispute resolution mechanisms as cases are decided according to the discriminatory beliefs of dominant men within the community. In addition, women are not given the opportunity to adjudicate or participate in proceedings, and instead are represented by their brothers, fathers or uncles, therefore denying them equal opportunities with men to prepare, conduct and respond to cases and their outcomes”; LSE, *Access to Justice for Gender-Based Violence*, November 2021, <https://bit.ly/3frTR08>, p. 23. Article 45(2) of the 2005 Constitution stipulates: “The State shall seek the advancement of the Iraqi clans and tribes, shall attend to their affairs in a manner that is consistent with religion and the law, and shall uphold their noble human values in a way that contributes to the development of society. The State shall prohibit the tribal traditions that are in contradiction with human rights”; Republic of Iraq, *Constitution of the Republic of Iraq*, 15 October 2005, www.refworld.org/docid/454f50804.html. See also Section III.A.12.

“Social stigma around GBV and especially sexual violence, fear of reprisal, insufficient coverage of GBV specialized services, and lack of awareness on available services continue to hinder many survivors to access specialized services, including health care, livelihood, safe shelter and legal services”; Oxfam et al., *Integrating Cash Assistance into Gender-Based Violence Case Management to Support Survivors in Ninawa, Iraq* (August 2022), 23 September 2022, <https://bit.ly/3CLm2Ai>, p. 3. See also, UN Security Council, *Conflict-Related Sexual Violence: Report of the Secretary-General*, S/2023/413, 22 June 2023, <https://bit.ly/3vPi9xl>, para. 37; UNDP, *Reimagining the Social Contract in Iraq*, 12 June 2022, <https://bit.ly/3xVbZ8V>, p. 24; MSF, *Iraq: Five Years after the Battle of Mosul, Women still Struggle to Access Health Care*, 11 April 2022, <https://bit.ly/3LLHZIs>.

“Observers reported overall services fulfilled victims’ basic physical needs, but a lack of resources, staffing, and case management training limited shelter staff’s ability to provide psycho-social and medical care and vocational training specifically for trafficking victims (...) The Iraqi government did not provide specialized care for rape victims, including trafficking victims who were also victims of rape”; US Department of State, *2023 Trafficking in Persons Report: Iraq*, 15 June 2023, www.ecoi.net/en/document/2093605.html. “Only one shelter, able to accommodate some 100 survivors, operated in central Iraq with the backing of the UN Population Fund”; Amnesty International, *Amnesty International Report 2022/23: Iraq*, 28 March 2023, www.ecoi.net/en/document/2089537.html. According to HRW, “[D]omestic violence victims are often temporarily housed in female prisons”; HRW, *Submission to the UN Human Rights Committee*, January 2022, www.ecoi.net/en/document/2075228.html, p. 3.

Kirkuk Now, *Abused Women Handed Over to Unknown Fate*, 22 September 2023, <https://bit.ly/3RztI5Y>; Kirkuk Now, *Shelter for Abused Women in Kirkuk Soon*, 4 December 2021, <https://bit.ly/3upl3QX>.

The Organization of Women’s Freedom in Iraq (OWFI) “currently runs ten houses in four major cities and many safe rooms across the country”; OWFI, *Sheltering*, accessed 28 January 2024, www.owfiiraq.org/sheltering.html. “(...) the state neither recognizes nor supports these shelters, leaving them to operate underground with minimal resources”; GI-TOC, *2023 Global Organized Crime Index: Iraq*, September 2023, <https://bit.ly/42cXCL4>, p. 6.

“While there were a small number of underground shelters for women in federal Iraq, run by local nongovernmental organizations (NGOs), they were not widely supported, but often criticized, and sometimes attacked by families and raided by authorities”; HRW, *World Report 2024: Iraq*, 11 January 2024,

have left Iraq as she was wanted for arrest for human trafficking on account of her work running shelters for women at risk of gender-based violence.¹⁰⁸⁶

In the KR-I, the Ministry of Social Affairs is reported to be operating four shelters for female survivors and women and girls at risk of domestic violence and trafficking.¹⁰⁸⁷ In addition, local NGOs have reportedly been permitted to operate two shelters for women fleeing domestic violence.¹⁰⁸⁸ Both government and NGO-run shelters are reported to suffer from a lack of funding, limited capacity, poor quality of psychological and therapeutic services¹⁰⁸⁹ as well as security risks.¹⁰⁹⁰

Both in Federal Iraq and the KR-I, admission to government-run shelters requires a police report and a judicial order, meaning that formal legal proceedings must be initiated against the perpetrator.¹⁰⁹¹

Observers indicate that, unless shelter staff, law enforcement officials or community leaders reach a mediated agreement with the woman's family, the woman has no prospects for a future outside the shelter.¹⁰⁹² Even if a family pledges not to harm the woman or girl upon return from the shelter, she may still be subjected to forced marriage or other forms of violence, including “honour”-based violence.¹⁰⁹³

Women and girls are at heightened risk of violence, as described in the following subsections:

www.ecoi.net/en/document/2103133.html. OWFI “describes the challenges of establishing and operating women’s shelters in the country: ‘For the ruling patriarchal groups ... the only explanation of women’s safe houses, or rather places where only women reside without a man, is that they are brothels, or places where women will be sold to brothels.’ The Organization subsequently had human trafficking charges issued against a number of its senior staff”; UN General Assembly, *Situation of Human Rights Defenders: Note by the Secretary-General*, A/78/131, 7 July 2023, www.ecoi.net/en/document/2096105.html, para. 82. “NGOs in Baghdad continued to be harassed for running unofficial women’s shelters, including by being summoned for questioning following complaints by parliamentarians from conservative parties”; Amnesty International, *Amnesty International Report 2022/23: Iraq*, 28 March 2023, www.ecoi.net/en/document/2089537.html. These shelters “were illegal under Iraqi law and had to be kept secret lest the police shut them down. A domestic violence bill that would officially allow NGOs to operate safe houses has faced staunch opposition in parliament, controlled by conservative legislators who saw shelters as a Western concept that risked tearing apart traditional family structures”; Al Jazeera, “You Are not Honourable Anymore: Shamed and Trafficked into Iraq’s Sex Trade”, 22 August 2022, <https://aje.io/qgc5yc> (hereafter: Al Jazeera, *Shamed and Trafficked into Iraq’s Sex Trade*, 22 August 2022, <https://aje.io/qgc5yc>).

Manara Magazine, *Women’s Freedom in Iraq: A Conversation with Yanar Mohammed*, 4 May 2023, <https://bit.ly/3Q3wHgn>.

US Department of State, *2023 Trafficking in Persons Report: Iraq*, 15 June 2023, www.ecoi.net/en/document/2093605.html; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html.

US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html.

“There are no shelters in rural areas, and few support services available”; Ceasefire Centre for Civilian Rights, *Researcher for Report on Family-Based Violence Legislation in the Kurdistan Region of Iraq*, 2 August 2023, <https://bit.ly/3OzKcll>. “(...) national NGOs noted the inadequacy of rehabilitation services for survivors”; Amnesty International, *Amnesty International Report 2022/23: Iraq*, 28 March 2023, www.ecoi.net/en/document/2089537.html. “Space was limited, and NGOs reported psychological and therapeutic services were poor. NGOs played a key role in providing services, including legal aid, to survivors of domestic violence, who often received no assistance from the government”; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also, SEED Foundation, *Gender Analysis: Kurdistan Region of Iraq*, September 2021, <https://bit.ly/3ewqvA1>, p. 6.

“While the security of those shelters is the responsibility of the Ministry of the Interior, women still face threats and those shelters have not become a safe space for women. Women have continuously come under attack from their own families”; The Red Line, *Women in Iraqi Kurdistan: An Asphyxiating Situation*, 9 August 2021, <https://bit.ly/3Evbg9Y>. See also, UNFPA, *Iraq: Review of Health, Justice and Police, and Social Essential Services for Women and Girls Survivors of Violence in the Arab States*, December 2020, <https://bit.ly/3ac2lOg>, pp. 13, 15-16.

“Admission to government-run shelters is dependent on a judicial order, a process which is ill-suited to emergency situations and out of reach for many survivors”; Ceasefire Centre for Civilian Rights, *Researcher for Report on Family-Based Violence Legislation in the Kurdistan Region of Iraq*, 2 August 2023, <https://bit.ly/3OzKcll>. The filing of a criminal case against the perpetrator reportedly “often results in family rejection, potentially increasing her risk to violence from the perpetrator and other family members, stigma, and retaliation. This increased risk often prevents survivors from seeking and receiving life-saving support”; SEED Foundation, *Detailed Recommendations on the Draft Law of Combating Violence Against Women and the Family*, June 2022, <https://bit.ly/3tMrkGz>, p. 2. See also, HRW, *World Report 2024: Iraq*, 11 January 2024, www.ecoi.net/en/document/2103133.html; US Department of State, *2022 Trafficking in Persons Report: Iraq*, 29 July 2022, www.ecoi.net/en/document/2077589.html. On the reasons for women and girls refraining from reporting to the police, see Section III.A.8.a.

“Instead of using legal remedies, authorities frequently mediated between women and their families so that the women could return to their homes. Other than marrying or returning to their families, which often resulted in further victimization by the family or community, there were few options for women accommodated at shelters”; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. According to a member of the Kurdistan Regional Parliament, “women have stayed in the shelters for years while waiting for a solution”; The Red Line, *Women in Iraqi Kurdistan: An Asphyxiating Situation*, 9 August 2021, <https://bit.ly/3Evbg9Y>. See also, SEED Foundation, *Gender Analysis: Kurdistan Region of Iraq*, September 2021, <https://bit.ly/3ewqvA1>, p. 6.

“In the past few years, two women have committed suicide and ten women were killed by their own relatives in or around those shelters. This happened after their problems were supposedly solved and returned to their families. Self-immolation exists in those shelters as well”; The Red Line, *Women in Iraqi Kurdistan: An Asphyxiating Situation*, 9 August 2021, <https://bit.ly/3Evbg9Y>. See also, SEED Foundation, *Detailed Recommendations on the Draft Law of Combating Violence Against Women and the Family*, June 2022, <https://bit.ly/3tMrkGz>, p. 2; Rudaw, *Kurdistan Making Progress in Protecting Women*, *Says Outgoing Advocate*, 3 November 2021, <https://bit.ly/3zbylSE>; Rudaw, *21-Year-Old Woman Killed by Husband in Erbil: Police*, 17 April 2021, <https://bit.ly/3tgKrrd>; Al Jazeera, “As if She Had Never Existed”: *The Graveyards for Murdered Women*, 8 March 2021, <https://aje.io/eksnt>. See also Section III.A.8.f.

b) Women in the Public Sphere

Women active in the political and social spheres,¹⁰⁹⁴ including, but not limited to, activists and protestors,¹⁰⁹⁵ human rights defenders,¹⁰⁹⁶ political figures and election candidates,¹⁰⁹⁷ social media influencers,¹⁰⁹⁸ as well as journalists¹⁰⁹⁹ are reported to be regularly subjected to (online) intimidation, threats and (sexualized) defamation,¹¹⁰⁰ and in some cases to physical attacks, abduction and killing, including “honour”-based violence.¹¹⁰¹ These acts are perpetrated by various State and non-State actors, including armed groups, political parties, and members of their family or tribe.¹¹⁰² This violence is reported to be aimed at silencing

¹⁰⁹⁴ “Women in the public sphere, from television reporters and presenters to members of parliament and government representatives, are endlessly having to consider how their private and personal lives might be conceived by the wider public, as they are treated as commodities or even public property. More recently, women who have been active in the human rights and protest movements have reported being subjected to harassment and abuse with insinuations of involvement with male colleagues and slurs on their and their family’s ‘honour’. There is no legislation to regulate this abuse – either on or offline”; Elbarlament, *Online Violence Towards Women in Iraq*, February 2022, <https://bit.ly/3RrKASV>, p. 13. “(...) ‘liberated women’ are accused of spoiling the community fabric, disrespecting family values, and violating religious doctrines. Consequently, being an emancipated woman creates a negative reaction from the community and is seen as breaking rules and traditions. (...) Similarly, very liberated women, those who mix a lot with men, laugh in public, or talk a lot and are loud, are especially stigmatized”; Oxfam, *Social Norms Structuring Masculinities, Gender Roles, and Stereotypes*, August 2021, <https://bit.ly/3HB6O28>, p. 20.

¹⁰⁹⁵ “Women activists continue to face prejudice and persecution, with their actions being curtailed by government and conservative sectors of society”; CFRI, *Women’s Economic Empowerment in Iraq: A Double-Edged Sword?*, 8 November 2023, <https://bit.ly/496CRD6>. “Iraqi women activists are often threatened with murder, as they are considered instigators who encourage women to rebel against social norms. Women leaders and activists also receive threats from certain tribes”; Oxfam, *Dismantling Patriarchy and Structural Oppression in War and Conflict: Gender-Based Violence in Iraq, Occupied Palestinian Territory and Yemen*, 8 September 2023, <https://bit.ly/3rhuZhB>, p. 19. “Gender-based discrimination is common online, and women are specifically at risk of offline violence in retaliation for their online content.” For example: “In January 2023, YouTube influencer Taiba al-Ali was murdered by her father in an alleged ‘honor killing.’ In March 2022, an activist in the Kurdistan region who provided feminist and human rights information on her social media channels was murdered one day before International Women’s Day. Prior to her murder, she received death threats from her followers on the pretext that her work was contrary to local customs and traditions”; Freedom House, *Freedom on the Net 2023: Iraq*, 4 October 2023, www.ecoi.net/en/document/2100683.html. In the context of the Tishreen protests, “[A] number of women protesters were forcibly disappeared, others were threatened, thus, internally displaced, and some were fatally shot”; KAS, *Tishreen Women and the 2021 Iraqi Elections: Visions, Challenges and Expectations*, March 2022, <https://bit.ly/3UGtpbB>, p. 2. See also Section III.A.2.

¹⁰⁹⁶ “In addition to all the security and political challenges faced by human rights defenders, women defenders face additional challenges as manifested in social traditions, which consider that women defenders have departed from their ‘natural roles.’ (...) Violence targeting women human rights defenders is on the rise”; GCHR, *Challenges Faced by Human Rights Defenders in Iraq Following the ‘October Popular Movement’*, 5 May 2022, <https://bit.ly/3QAvdmi>, p. 15. See also MEE, *Iraqi NGO Demands Answers from Authorities after Attack on Human Rights Workshop*, 28 June 2022, <https://bit.ly/3qsbD3v>; and Section III.A.2.

¹⁰⁹⁷ “Female candidates in the October 10 [2021] elections faced similar challenges as in 2018, namely online genderbased attacks, gender stereotyping, inadequate financial resources to run effective campaigns, and negative patriarchal-based attitudes.” Furthermore, “the security situation, which had improved in 2019, deteriorated significantly in the in the context of the protests and the leadup to the October 2021 national election, when many women activists and candidates were subjected to attacks and threats for their public participation”; UN Iraq, *Iraq Common Country Analysis 2022*, 27 July 2022, <https://bit.ly/42zehY9>, p. 8. “The threats are coming from the paramilitary groups, the political class and those in power. This is linked to them not wanting women to get power”; Elbarlament, *Online Violence Towards Women in Iraq*, February 2022, <https://bit.ly/3RrKASV>, p. 18. See also, EPIC, *ISHM: December 7 – 14, 2023*, 14 December 2023, www.ecoi.net/en/document/2102258.html; Shafaq News, *Candidate in Diyala Steps Back Amidst Threats*, 8 October 2023, <https://bit.ly/3rJw9Ts>; UNAMI, *Gender Analysis of Iraq’s October 2021 National Elections*, March 2022, www.ecoi.net/en/document/2069057.html, p. 18. See also Section III.A.2.

¹⁰⁹⁸ UN Iraq, *UN in Iraq Condemns the Killing of Tiba Al-Ali and Calls on all Parties to Protect Women and Girls from Violence*, 5 February 2023, <https://bit.ly/3knJ89F>; Rudaw, *Another Woman Killed in the Kurdistan Region*, 7 March 2022, <https://bit.ly/3tPpQgE>; Elbarlament, *Online Violence Towards Women in Iraq*, February 2022, <https://bit.ly/3RrKASV>, p. 16; Rest of World, *Three Iraqi Women Explain How and Why They Stay Anonymous Online*, 17 June 2021, <https://bit.ly/3e4txZv>. See also footnote 1147.

¹⁰⁹⁹ “In 2020, the findings of the first study, which surveyed 1001 women journalists, revealed that 50% of the respondents endured sexual harassment and threats within the exercise of the profession. A second study carried out in 2021 involving 70 women journalists showed that 91% of them were subjected to violence and were prevented from practising the profession by their families”; International Federation of Journalists, *Iraqi Kurdistan: KJS Reports 73 Cases of Media and Journalists’ Rights Violations in 2022*, 2 February 2023, <https://bit.ly/3Qx1BOD>. “In Iraq, women journalists are targeted [online] for their reporting as well as their gender. Such disinformation, threats, and hate speech are all misogynistic in nature although their ultimate purpose is politically-motivated intimidation and the threat of harm”; Elbarlament, *Online Violence Towards Women in Iraq*, February 2022, <https://bit.ly/3RrKASV>, p. 17. See also, UNESCO, *A ‘Hotline’ Offers Women Journalists in Iraq Protection in a Hazardous Environment*, updated 20 April 2023, <https://bit.ly/3r97dRk>; and Section III.A.6.

¹¹⁰⁰ “Disinformation against the protest movement has been rife in Iraq, focusing on anti-Islamic and pro-Western narratives as a means of discredit and intimidation, in blatant astroturfing attacks. In the case of women protestors, false accounts of women activists having extra-marital relationships, or doctored images of them as sex workers or performing sexual acts are all common”; Elbarlament, *Online Violence Towards Women in Iraq*, February 2022, <https://bit.ly/3RrKASV>, pp. 17-18. “Sexual defamation has dangerous consequences, especially for women and girls who are at risk of ‘honor killings’”; TIMEP, *Hate Speech, Social Media and Political Violence in Iraq: Virtual Civil Society and Upheaval*, 11 February 2021, <https://bit.ly/3UUomfs>. See also, Front Line Defenders, *Judicial Harassment Against Rasan Organisation Staff Members Including Director Tanya Darwish*, 30 June 2022, <https://bit.ly/3JfaO7U>.

¹¹⁰¹ Women who transgress gender norms, “are subjected to reputational damage and become undesirable in society and their families. As a consequence, many of these women may get divorced, neglected, criticized, isolated, and abused. Sometimes they face both threats and acts of violence. Stigmatization not only affects women individually, but also extends to their household and extended families”; Oxfam, *Social Norms Structuring Masculinities, Gender Roles, and Stereotypes*, August 2021, <https://bit.ly/3HB6O28>, p. 20. See also, Wilson Center, *Women and Social Media: Key Drivers of Protest in Iraq*, 22 December 2021, <https://bit.ly/3ic2z0E>; UN News, *Iraq Urged to Investigate Attacks on Women Human Rights Defenders*, 2 October 2020, <https://bit.ly/3MS9GJz>.

¹¹⁰² Elbarlament, *Online Violence Towards Women in Iraq*, February 2022, <https://bit.ly/3RrKASV>. On “honour killings”, see also Section III.A.8.f.

critical voices and limiting women's ability to participate in public life.¹¹⁰³ As a result, many women in the public sphere are reported to have halted their activities or have fled the country.¹¹⁰⁴

c) Sexual Violence

Women and girls are reported to be at risk of rape and other forms of sexual violence at the hands of State and non-State actors in a wide array of circumstances, including in internal displacement and return situations;¹¹⁰⁵ in detention centres;¹¹⁰⁶ in forced marriages or child marriages;¹¹⁰⁷ and when forced into prostitution or trafficked for the purpose of sexual exploitation.¹¹⁰⁸ Moreover, marital rape is not criminalized (except in the KR-I).¹¹⁰⁹ Incidents of sexual harassment and exploitation are reported to be on the rise,¹¹¹⁰ including via social media.¹¹¹¹

¹¹⁰³ UNDP, *Reimagining the Social Contract in Iraq*, 12 June 2022, <https://bit.ly/3xVbZ8V>, p. 31; Elbarlament, *Online Violence Towards Women in Iraq*, February 2022, <https://bit.ly/3RrKASV>, p. 5.

¹¹⁰⁴ "In many cases, online threats are not only translating into offline dangers, but they are clearly seeing women at all levels retreating from society"; Elbarlament, *Online Violence Towards Women in Iraq*, February 2022, <https://bit.ly/3RrKASV>, p. 15, see also p. 29. See also, GCHR, *Challenges Faced by Human Rights Defenders in Iraq Following the 'October Popular Movement'*, 5 May 2022, <https://bit.ly/3OAYdmi>, p. 13; KAS, *Tishreen Women and the 2021 Iraqi Elections: Visions, Challenges and Expectations*, March 2022, <https://bit.ly/3UGftpB>, p. 12; The New Arab, *From Social Prejudice and Slander to Death Threats: Why Iraqi Women Have Felt Discouraged from Competing in this Year's Political Arena*, 8 October 2021, <https://bit.ly/3JiGjOv>.

¹¹⁰⁵ "Refugees and IDPs reported regular sexual harassment, both in camps and cities. During the year [2022] NGOs reported security personnel asked female IDPs for sexual favors in exchange for provision of basic needs. This was especially prevalent among female IDPs previously living under ISIS control. In other cases criminal gangs exploited female IDPs and forced them into commercial sex"; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. "Female-headed households, especially those of displaced people, as well as women and girls living with disabilities and people perceived to be affiliated with extremist groups are at increased risk of gender-based violence"; UNICEF, *Humanitarian Action for Children 2023: Iraq*, 5 December 2022, <https://uni.cf/3o4wdvq>, p. 2. "In some cases, isolated and economically needy women have been subjected to sexual abuse and exploitation by camp authorities or local security authorities. Some women are forced to engage in sexual relations with men in exchange for money, humanitarian aid or protection from other men"; UNDP, *Challenges for the Return and Reintegration of Women and Children*, October 2022, www.ecoi.net/en/document/2082671.html, p. 23. See also, UN Human Rights Committee, *Concluding Observations on the 6th Periodic Report*, 16 August 2022, www.ecoi.net/en/document/2077747.html, para. 24; Amwaj.media, *Time to Address the Reproductive Health of Displaced Iraqi Women*, 28 June 2022, <https://bit.ly/3R9zzFN>; OHCHR, *Experts of the Human Rights Committee Commend Iraq for its Judicial Pursuit of Perpetrators of Sexual Violence, and Ask about the Civil and Political Rights of Displaced Persons*, 8 March 2022, <https://bit.ly/3MOdhbw>; and Section III.A.1.b.

¹¹⁰⁶ See Section II.D.1.a.

¹¹⁰⁷ See Section III.A.8.g.

¹¹⁰⁸ See Section III.A.8.i.

¹¹⁰⁹ Republic of Iraq, *Penal Code (Law No. 111 of 1969)*, July 1969, www.refworld.org/docid/452524304.html.

¹¹¹⁰ "(...) despite the Labour Law of 2015, women often suffer from sexual harassment, usually with no consequences to the perpetrators. (...) Sexual harassment is also common in the streets, and particular in private transport, such as taxis"; CFRI, *Women's Economic Empowerment in Iraq: A Double-Edged Sword?*, 8 November 2023, <https://bit.ly/496CRD6>. "The KRG's High Council for Women and Development stated in October [2022] that 66 percent of women in the IKR feared working in the private sector due to concerns regarding sexual harassment in the workplace. In June [2022] the IOHR reported cases of sexual and verbal harassment were on the rise in various government and private institutions, as well as residences in the country (...). The IOHR documented 'harassment in hospitals, universities, schools, government, the private sector'; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. "Many [women] do not feel safe leaving the house unaccompanied because of high levels of harassment"; UNDP, *Reimagining the Social Contract in Iraq*, 12 June 2022, <https://bit.ly/3xVbZ8V>, p. 29. See also, Shafaq News, *Silent Suffering: Harassment in Iraqi Society and its Far-Reaching Impact*, 17 March 2023, <https://bit.ly/3KJHfOe>; The New Paradigm Project, *Women and the Iraq War, 20 Years Later*, March 2023, <https://bit.ly/42QOKdO>, p. 12; JINHA Women's News Agency, *77% of Iraqi Women Are Subjected to Harassment, Survey Says*, 5 January 2023, <https://bit.ly/3KIWSvZ>. Women and girls of religious minority communities reported sexual harassment on account of their religious identity, especially if they did not cover their hair. They are also seen as easy targets as harassers are unlikely to face any consequences: For example, Christian women "are not seen to have the same protection as Muslim women and are perceived as easier targets as those harassing them will not be held accountable for their actions"; CREID, *Violence and Discrimination Against Women of Religious Minority Backgrounds in Iraq*, 6 December 2022, <https://bit.ly/3Zp0cdM>, p. 390. See also Section III.A.5.b.

¹¹¹¹ "Women in Iraq are frequently subjected to cyber blackmail and threats. (...) The victim usually hesitates and refrains from filing a complaint against the blackmailer for fear of being scandalized or shunned by her family and society, which often blame the victim"; Assafir Al-Arabi, *In Iraq, Violence Against Women Comes in many Shapes and Forms*, 4 August 2022, <https://bit.ly/3UzQoo1>. "As Christian women's and girls' honour is often tied to their communities, the Christian women described also fearing the reaction of their own community if they were to be violated or blackmailed, especially over social media"; CREID, *Violence and Discrimination Against Women of Religious Minority Backgrounds in Iraq*, 6 December 2022, <https://bit.ly/3Zp0cdM>, p. 415. "Technology-facilitated GBV (TFGBV), which has also become widespread, is used to sexually exploit, harass, and abuse individuals, including using threats, coercion, and blackmail for sex or money via mobile phone, email, or social media"; SEED Foundation, *Better Together: Achieving Gender Equality By Engaging Men & Boys*, 14 February 2022, <https://bit.ly/3tMoiSQ>. See also, NINA, *A Blackmailer Arrested in Hilla*, 31 December 2023, <https://bit.ly/3NN755Y>; NINA, *An Accused Person Arrested for Blackmailing a Number of Citizens, Including Ten Women, in Nineveh*, 18 November 2023, <https://bit.ly/4955XCH>; Elbarlament, *Online Violence Towards Women in Iraq*, February 2022, <https://bit.ly/3RrKASV>, pp. 16, 24-27, 33. Electronic blackmail has also been linked to suicides and "honour killings"; NINA, *A College Girl Saved from Suicide in Karbala*, 23 December 2022, <https://bit.ly/3Wj48Vl>; NINA, *A Woman Commits Suicide due to Being Subjected to Electronic Blackmail, North of Babylon*, 15 December 2022, <https://bit.ly/3XFFd6d>; Kirkuk Now, *Teenage Girls: Main Victims of Cyberbullying*, 26 October 2022, <https://bit.ly/3sKKf3P>; and Section III.A.8.f.

Instances of sexual violence and harassment are vastly underreported as survivors are often unwilling to report the violence or initiate legal proceedings.¹¹¹² Those who file a complaint¹¹¹³ risk criminal prosecution for extra-marital sex.¹¹¹⁴ Moreover, Article 398 of the Penal Code permits accused or convicted perpetrators of rape or sexual assault to avoid punishment if they lawfully marry their victims.¹¹¹⁵

d) Sexual Violence Committed by Da'esh

Between 2014 and 2017, Da'esh has used extreme gender-based violence against women and girls, including abduction, forced and child marriage, rape and other forms of sexual violence, sexual enslavement, and forced abortion.¹¹¹⁶ The effects of these atrocities continue as many women and girls remain missing or in captivity.¹¹¹⁷ Survivors remain vulnerable to stigma and/or being treated as Da'esh affiliates rather than victims.¹¹¹⁸ For Yazidi women and girls, the issue of stigmatization and community rejection is said to have been addressed, to some extent, by appeals by the community's now deceased spiritual leader, Baba Sheikh, who called for the survivors' reintegration into the community.¹¹¹⁹ However, Yazidi women and girl survivors remain vulnerable to stigmatization, social rejection and violence.¹¹²⁰ Furthermore, the Yazidi religious leadership's call for reintegration did not extend to children born of sexual violence.¹¹²¹ Women unwilling to give up their children born of sexual violence have faced community

- ¹¹¹² "Stigma around sexual violence is high in Iraq and the Kurdistan Region where the issue is wrapped up in notions of honor. As such, victims often hide the abuse and the problem is under-reported"; Rudaw, *Family Says 7-Year-Old Girl Raped by Teacher in Erbil*, 19 April 2023, <https://bit.ly/420RFj6>. "Multiple women in Baghdad (...) have told Al-Monitor in recent months that they do not report sexual harassment to the police as would they would not only not be taken seriously, they are likely to be blamed and suffer both retaliation from their harasser and repercussions from those around them, increasing restrictions that make their lives more difficult"; Al-Monitor, *New Iraqi Government Moves to Block Porn Sites*, 10 November 2022, <https://bit.ly/3TZ1Q35>. For Christian women and girls, "[T]here is general impunity", including in instances of "kidnapping, rape or sexual abuse, with the associated shame and consequences pressuring women to stay silent"; Open Doors International, *World Watch List 2024: Iraq*, January 2024, <https://bit.ly/47IOoHr>, p. 5. See also, Shafaq News, *Silent Suffering: Harassment in Iraqi Society and its Far-Reaching Impact*, 17 March 2023, <https://bit.ly/3KJHFoC>. On reasons for underreporting, see also Section III.A.8.a.
- ¹¹¹³ Rape is not recognized as an *ex officio* offence, meaning that it can only be prosecuted if the victim, or her guardian if she is a minor, files a complaint; Republic of Iraq, *Penal Code (Law No. 111 of 1969)*, July 1969, www.refworld.org/docid/452524304.html, art. 398; Criminal Procedure Code 23 of 1971 (Law Number 23 of 1971, as amended 14 March 2010).
- ¹¹¹⁴ "Article 394 of Iraq's Penal Code makes it illegal to engage in extra-marital sex, a violation of the right to privacy which disproportionately impacts women who can be prosecuted for extramarital sex if their reports of rape are not believed or where they are found pregnant outside of wedlock"; HRW, *Submission by Human Rights Watch to the UN Human Rights Committee in Advance of its Review of Iraq*, August 2020, <https://bit.ly/3kqu2D3>; Republic of Iraq, *Penal Code (Law No. 111 of 1969)*, July 1969, www.refworld.org/docid/452524304.html, art. 394.
- ¹¹¹⁵ Republic of Iraq, *Penal Code (Law No. 111 of 1969)*, July 1969, www.refworld.org/docid/452524304.html, art. 398. "The law requires authorities to drop a rape case if the perpetrator marries the survivor, with a provision protecting against divorce within the first three years of marriage. (...) The survivor's family sometimes agreed to this arrangement to avoid the social stigma attached to rape"; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. "It appears that this provision can also be applied in case the victim is a minor"; UNFPA, *Sexual and Reproductive Health and Reproductive Rights Regulatory Frameworks Across the Arab States Region: Iraq*, June 2022, <https://bit.ly/3BKBB14>, p. 22. See also, IBA, *Justice and Accountability for the Atrocities of Daesh*, 1 March 2023, <https://bit.ly/3C5LFum>, pp. 46-47.
- ¹¹¹⁶ "While gender-based violence affected both males and females, ISIL used sexual violence almost exclusively against women and girls, particularly those from religious minorities"; UNITAD, *Report on Sexual Violence Against Women and Girls Committed by ISIL in Iraq*, 3 December 2023, www.ecoi.net/en/document/2101999.html, para. 2. See also, IBA, *Justice and Accountability for the Atrocities of Daesh*, 1 March 2023, <https://bit.ly/3C5LFum>, p. 12. "There is also emerging evidence that Da'esh committed sexual violence against men"; UN Security Council, *Conflict-Related Sexual Violence: Report of the Secretary-General*, S/2023/413, 22 June 2023, <https://bit.ly/3vPi9xi>, para. 37.
- ¹¹¹⁷ "Cases of sexual violence perpetrated by Da'esh against Yazidi girls abducted in Iraq in 2014 continued to be reported"; UN Security Council, *Conflict-Related Sexual Violence: Report of the Secretary-General*, S/2023/413, 22 June 2023, <https://bit.ly/3vPi9xi>, para. 65. See also Section III.A.5.a.
- ¹¹¹⁸ In Iraq and elsewhere, "(...) survivors and children born of rape are often perceived as affiliated with the parties to the conflict, provoking stigma and in some cases abuse, infanticide, abandonment or other grave violations"; UN Security Council, *Women and Girls who Become Pregnant as a Result of Sexual Violence in Conflict and Children Born of Sexual Violence in Conflict: Report of the Secretary-General*, S/2022/77, 31 January 2022, <https://bit.ly/3yzUA5l>, para. 2. See also, Al Jazeera, 'No One Cares': ISIL's 'Invisible' Victims, 8 March 2022, <https://aje.io/8bd55w>; Heartland Alliance International, *Iraq*, 2022, <https://bit.ly/3bb1fKY>.
- ¹¹¹⁹ The sexual enslavement of thousands of Yazidi women and girls "initially caused rejection of many Yazidi women by their families, due to patriarchal underpinnings of Yazidi culture, religious doctrine that prohibits sexual contact with non-Yazidi, and reports of forced conversions. Nonetheless, the community approach mostly shifted when the spiritual leader of the Yazidi, Baba Sheikh, issued a religious declaration in September 2014 stating that survivors remain pure Yazidis"; LSE, *Community-Level Stigma Faced by Female Yazidi and Shi'a Turkmen Survivors of CRSV in Iraq*, 19 June 2019, <https://bit.ly/3LOStkd>.
- ¹¹²⁰ "Some [Yazidi women] have cut ties and are building new lives outside the community, believing that if they return, they will be killed. Others fear being separated from their children, fathered by IS members"; AP, *Yazidi Women Afraid to Return to Sinjar after Years Enslaved by Islamic State Militants*, 20 February 2022, <https://ab.co/3URGd6r>. "Many women continue to face abuse in the home directly due to the stress and shame they are thought to bring upon their husbands"; Elle, *The Invisible Women of Iraq*, 15 April 2021, <https://bit.ly/3BMCAG8>. See also, Manara Magazine, *Addressing the Challenges Facing Iraq's Yazidi Community in 2022*, 17 March 2022, <https://bit.ly/3BVozMO>.
- ¹¹²¹ US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also Section III.A.9.

rejection and are at risk of “honour”-based violence.¹¹²² Many survivors continue to suffer from trauma,¹¹²³ and an alarming trend of increased suicides among members of the Yazidi community, including survivors of conflict-related sexual violence, has been observed in recent years.¹¹²⁴

Due to the high level of stigmatization and social rejection,¹¹²⁵ an unknown number of Shi’ite Turkmen survivors of gender-based violence¹¹²⁶ are not registered as missing and may fear returning to their families, particularly those with children fathered by Da’esh fighters.¹¹²⁷ UNITAD also identified evidence concerning the commission of sexual violence by Da’esh against Christian women and girls,¹¹²⁸ and launched investigations into gender-based crimes against the Shabak and Kaka’i communities.¹¹²⁹ Da’esh also subjected Sunni women and girls to rape and sexual violence through forced marriages.¹¹³⁰

- ¹¹²² “In several cases, Iraqi Yazidi survivors of abduction and sexual slavery were compelled to leave their children behind in the Syrian Arab Republic, in some instances placing them in institutional care owing to the prevailing social stigma”; UN Security Council, *Conflict-Related Sexual Violence: Report of the Secretary-General*, S/2023/413, 22 June 2023, <https://bit.ly/3vPi9xl>, para. 37. “The Yazidi community frequently forced women to give up such babies and children to orphanages under threat of expulsion from the community. Women who chose to keep their children faced the threat of ostracization from their community and ‘honor’ killings. International NGOs provided shelter referrals to some Yazidi women and, in some cases, assisted mothers in finding homes for forcibly abandoned children”; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also, HRW, *Submission to the Committee Against Torture and Other Cruel, Inhuman, or Degrading Punishment*, March 2022, www.ecoi.net/en/document/2071301.html; AP, *Adrift after Enslavement, Yazidi Teen Says She Can’t Go Home*, 13 February 2022, <https://bit.ly/3NqyGHu>; Arab News, *Why Yazidi Survivors of Daesh Enslavement and their Children Are Stuck in Limbo in Iraq*, 1 February 2022, <https://arab.news/8nm9r>; UN Security Council, *Women and Girls who Become Pregnant as a Result of Sexual Violence in Conflict and Children Born of Sexual Violence in Conflict: Report of the Secretary-General*, S/2022/77, 31 January 2022, <https://bit.ly/3yzUA5l>, para. 8; and Section III.A.8.f.
- ¹¹²³ “Among the female Yazidi survivors who returned from Da’esh captivity, more than 430 remain in displacement sites grappling with significant mental health and socioeconomic challenges”; UN Security Council, *Conflict-Related Sexual Violence: Report of the Secretary-General*, S/2023/413, 22 June 2023, <https://bit.ly/3vPi9xl>, para. 37. “The central government and KRG also struggled to address the physical and mental trauma endured by women who lived under ISIS rule”; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also, UN News, *UN Renews Commitment to Yazidi Community Eight Years after ISIL Onslaught*, 3 August 2022, <https://shar.es/af5RkV>; The Mirror, *Inside Horror Camp Women and Children Are still Stuck in 8 Years after ISIS Massacre*, 3 August 2022, <https://bit.ly/3rd8Jc9>; Al Jazeera, *Psychotherapists Help Yazidis Heal Layers of Trauma in Iraq*, 10 July 2022, <https://aje.io/hfbyt7>; and Section II.E.6.
- ¹¹²⁴ Frontiers, *The Psychological Impact of Genocide on the Yazidis*, 29 March 2023, <https://bit.ly/3nJlU6N>; CREID, *Violence and Discrimination Against Women of Religious Minority Backgrounds in Iraq*, 6 December 2022, <https://bit.ly/3Zp0cdM>, p. 50; Jesuit Refugee Service (JRS), *JRS Calls for International Support to Account for Missing Yazidis*, 23 September 2022, <https://bit.ly/3dxl7K5>; The Mirror, *Inside Horror Camp Women and Children Are still Stuck in 8 Years after ISIS Massacre*, 3 August 2022, <https://bit.ly/3rd8Jc9>.
- ¹¹²⁵ UN Security Council, *Letter Dated 26 May 2022 from the Special Adviser and Head of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da’esh/Islamic State in Iraq and the Levant Addressed to the President of the Security Council*, S/2022/434, 26 May 2022, <https://bit.ly/3S7MyZ7>, para. 44.
- ¹¹²⁶ Limited information is available as to treatment of Shi’ite Turkmen women and girls by Da’esh. UNITAD considers it “likely that these individuals were enslaved or forcibly married to ISIL members.” Furthermore, it documented that Da’esh engaged in the “systematic forced marriage of Shi’a Turkmen girls to ISIL fighters”; UNITAD, *Report on Sexual Violence Against Women and Girls Committed by ISIL in Iraq*, 3 December 2023, www.ecoi.net/en/document/2101999.html, para. 60. “Survivors from a range of minority groups have begun to disclose their experiences [with conflict-related sexual violence], with 22 cases affecting Turkmen and Shabak women documented in 2022”; UN Security Council, *Conflict-Related Sexual Violence: Report of the Secretary-General*, S/2023/413, 22 June 2023, <https://bit.ly/3vPi9xl>, para. 37.
- ¹¹²⁷ The real number of Turkmen women held in captivity by Da’esh may be even higher as not all cases may have been recorded. According to Salim Mohammad Salah, a Turkmen activist and Director of the Orphanage Foundation in Tel Afar, “hundreds more have not registered due to the fear, shame, and uncertainty that surrounds women being captured by ISIS”; Liberty Star Dispatch, *Iraq’s Forgotten Turkmen Minority Renew Calls for Help to Bring Thousands of Abducted Women Home*, 11 August 2022, <https://bit.ly/3RADsUp>. “The vast majority of those [Turkmen women] taken are not even registered as missing, officials and activists told Middle East Eye. And no real official or non-governmental efforts have been made to locate them and bring them home, despite information clearly indicating that they are in camps run by Kurdish and Turkish forces in Syria. (...) For many men in such a conservative society, admitting their wives and daughters had been kidnapped and raped is an admission that they were unable to defend them, and ranks as a symbol of impotence and shame”; MEE, *The Untold Tragedy of Iraq’s Shia Turkmen Women, Abducted by Islamic State*, 18 February 2021, <https://bit.ly/3C4BlwS>. “Only a small number of Shabak and Turkmen women have made it home. Leaders worry that the survivors are being confined to their homes by their families, who are terrified of public humiliation. It is another form of imprisonment and internal banishment”; New Lines Magazine, *The ISIS War Crime Iraqi Turkmen Won’t Talk About*, 5 March 2021, <https://bit.ly/3Mkh80p>. See also, Kirkuk Now, *They Are in Control*, 23 February 2022, <https://bit.ly/3RFvGjJ>.
- ¹¹²⁸ UNITAD, *Report on Sexual Violence Against Women and Girls Committed by ISIL in Iraq*, 3 December 2023, www.ecoi.net/en/document/2101999.html, paras 41-47.
- ¹¹²⁹ At the time of writing, there is limited information on the treatment of Kaka’i and Shabak women and girls by Da’esh; UNITAD, *Report on Sexual Violence Against Women and Girls Committed by ISIL in Iraq*, 3 December 2023, www.ecoi.net/en/document/2101999.html, paras 67, 73. See also, UN Security Council, *Conflict-Related Sexual Violence: Report of the Secretary-General*, S/2023/413, 22 June 2023, <https://bit.ly/3vPi9xl>, para. 37; UN Security Council, *Letter Dated 22 May 2023 from the Special Adviser and Head of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da’esh/Islamic State in Iraq and the Levant Addressed to the President of the Security Council*, S/2023/367, 22 May 2023, <https://bit.ly/3Yh2UmM>, paras 21, 43; UN Security Council, *Significant Progress Made Gathering Evidence on ISIL/Da’esh Crimes in Iraq, but Domestic Laws Needed, Investigating Head Tells Security Council*, 5 December 2022, <https://bit.ly/3meBOOM>.
- ¹¹³⁰ UNITAD, *Report on Sexual Violence Against Women and Girls Committed by ISIL in Iraq*, 3 December 2023, www.ecoi.net/en/document/2101999.html, paras 83-89, 113.

e) Domestic Violence

Domestic violence, including intimate partner violence, is reported to be “pervasive”.¹¹³¹ In Federal Iraq, there is no adequate legal framework criminalizing domestic violence.¹¹³² Instead, under the Penal Code, men have the legal right to “discipline” their wives and children “within certain limits prescribed by law or by custom”.¹¹³³

In the KR-I, domestic violence, including physical and psychological abuse, has been explicitly banned since 2011 and the authorities established special law enforcement, judicial and other bodies to address violence against women.¹¹³⁴ However, the number of domestic violence incidents is reported to be high.¹¹³⁵ Domestic violence is frequently committed with impunity due to the ineffective implementation of the law.¹¹³⁶

According to reports, across Iraq, women are disproportionately impacted by the proliferation of firearms, as guns are a predominant tool in cases of domestic violence.¹¹³⁷ Women are often afraid to leave abusive husbands due to stigma around divorce, economic dependency, and fear losing custody of their children

¹¹³¹ “In 2021, a substantial of Iraqi women aged 15 and over experienced one or more forms of violence in their marriages, with specific prevalence rates of 1.8% for sexual violence, 5.3% for physical violence, 11.7% for verbal abuse, 22% for general violence, and 28.7% for economic violence”; UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 59. According to statistics released by Iraq’s Supreme Council, more than 21,500 cases of domestic violence were recorded in 2022, including 17,438 cases against women; Kirkuk Now, *21,000 Cases of Domestic Violence During 2022*, 30 March 2023, <https://bit.ly/3Ud3waQ>. According to the Women, Peace and Security Index 2021/22, Iraq had the highest incidence of intimate partner violence (IPV) in the world, with over 45% of women reportedly experiencing IPV in the last 12 months; Georgetown Institute for Women, Peace and Security, *Women Peace and Security Index 2021/22*, 19 October 2021, <https://bit.ly/3Q89HuG>, p. 19. See also, Shafaq News, *Societal Culture and Mental Illness Fuel Domestic Violence in Iraq*, 4 August 2023, <https://bit.ly/3OpESkT>; Shafaq News, *Karbala Grapples with Escalating Domestic Violence amid Economic Hardship, Social Media Misuse*, 25 April 2023, <https://bit.ly/3L4aiM6>; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. On domestic violence against individuals with diverse sexual orientations, gender identities, gender expressions and/or sex characteristics (SOGIESC), see Section III.A.11.

¹¹³² “Experts highlighted that the absence of a legislative framework criminalizing domestic violence is a key factor accounting for its high prevalence throughout Iraq”; UNAMI/OHCHR, *Renewed Calls for Accountability to Counter Criminal Violence Against Women*, 6 December 2022, <https://bit.ly/3FjAyzm>. “In the absence of a domestic violence law, the Penal Code is applied in such cases. But activists say the Penal Code is not suitable to address many domestic violence cases”; BBC, *Explainer: Iraqi Women Caught Between Domestic Violence and Tribal Law*, 8 March 2021, <https://bit.ly/3z2sKQV>. See also CIVIC, *Women in Iraq’s Security Forces*, March 2022, www.ecoi.net/en/document/2072605.html, p. 7; and Section III.A.8.a.

¹¹³³ No criteria are provided to determine when a threshold is breached; Republic of Iraq, *Penal Code (Law No. 111 of 1969)*, July 1969, www.refworld.org/docid/452524304.html, art. 41. In February 2022, Iraq’s Federal Supreme Court dismissed an appeal filed by the Iraqi Women’s League that deemed Article 41 of the Iraqi Penal Code unconstitutional; Rudaw, *Iraq’s Top Court Rejects Plea Against Law Allowing Domestic Violence*, 21 February 2022, <https://bit.ly/3J7rWwo>. See also, Elbarlament, *Online Violence Towards Women in Iraq*, February 2022, <https://bit.ly/3RrKASV>, p. 15.

¹¹³⁴ Under the 2011 Act of Combatting Domestic Violence, the KRG authorities established special police departments with female staff and specialized courts to deal with domestic violence cases. The General Directorate of Combatting Violence against Women and Families (GDCVAW) has offices in each governorate responsible for receiving complaints and collecting data about violence against women; KRG, *Prime Minister Masrour Barzani Visits Directorate for Combatting Violence Against Women and Families*, 10 February 2021, <https://bit.ly/3BYLUGA>; Republic of Iraq, *Act of Combating Domestic Violence in the Kurdistan Region of Iraq (Law No. 8 of 2011)*, 21 June 2011, www.refworld.org/docid/5b2911044.html. According to reports, the majority of staff in the GDCVAW offices are men, and not all areas of the KR-I are sufficiently covered by the existing offices; CIVIC, *Women in Iraq’s Security Forces*, March 2022, www.ecoi.net/en/document/2072605.html, pp. 8-9, 21; UNFPA, *Iraq: Review of Health, Justice and Police, and Social Essential Services for Women and Girls Survivors of Violence in the Arab States*, December 2020, <https://bit.ly/3ac2iOg>, p. 14. Since 2018, the GDCVAW has been running a 24/7 emergency helpline, and, in December 2021, it launched a mobile application, which “connects women and girls who are at risk of violence, harassment, and abuse with skilled protection forces who can support survivors of gender-based violence”; UN Iraq, UNFPA, MOI KRI *Launch SafeYou App, Helping Women and Girls in Kurdistan Be Protected from Gender-Based Violence*, 17 December 2021, <https://bit.ly/3NOggK8>; Rudaw, *App Tackling Gender Violence Launches in Kurdistan Region*, 17 December 2021, <https://bit.ly/3M9eJ6X>.

¹¹³⁵ Rudaw, *No 2021 Court Cases of Femicides Settled in Sulaimani: Local NGO*, 21 June 2022, <https://bit.ly/3OA0M3g>; SEED Foundation, *Statement Condemning Violence Against Women in Kurdistan*, 22 February 2022, <https://bit.ly/3m156wn>.

¹¹³⁶ “Legal proceedings in cases of domestic violence can only be initiated by the survivor, which prevents reporting by witnesses or other concerned parties, and conviction rates of perpetrators remain relatively low. Government institutions continue to encourage family reconciliation as a solution to violence in the home, which results in pressure on many survivors to return to their abusers”; Ceasefire Centre for Civilian Rights, *Researcher for Report on Family-Based Violence Legislation in the Kurdistan Region of Iraq*, 2 August 2023, <https://bit.ly/3OzKcll>. See also, US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html; Rudaw, *NGO Urges Kurdish Authorities to Adopt ‘Robust’ Response to Violence Against Women*, 6 June 2022, <https://bit.ly/3u4H3B4>; AFP, *Deadly Attacks on Women Rise Sharply in Iraqi Kurdistan*, 20 March 2022, <https://arab.news/yxueb>.

¹¹³⁷ Amwaj.media, *‘Honor’ Killings Rock Iraqi Kurdistan amid Weak Law Enforcement*, 24 March 2022, <https://bit.ly/3RWM4Vn>; ASUDA/Women’s International League for Peace and Freedom, *The Correlation Between the Proliferation of Small Arms and Light Weapons in Iraq and Rates of Violence Against Women*, 12 April 2021, <https://bit.ly/3OBqVpL>, p. 22. See also Section II.B.

and other rights.¹¹³⁸ Those seeking to leave their abusive husbands may be forced to stay by their families.¹¹³⁹

f) Femicides, Including “Honour”-Based Violence

Violence committed by family members to protect the “honour” of the family or tribe¹¹⁴⁰ is reported to be widespread, although no comprehensive and reliable statistics for all of Iraq are available.¹¹⁴¹ “Honour”-based violence is reported to occur across the country and is not limited to any particular region or ethnic or religious group.¹¹⁴² Women and girls and, to a lesser extent, men and boys,¹¹⁴³ may be killed or subjected to other types of violence¹¹⁴⁴ because they are perceived to have transgressed cultural, social or religious norms, thereby bringing shame to their family.¹¹⁴⁵ “Honour”-based violence is said to occur for a variety of reasons, including (perceived) adultery, loss of virginity (including by rape), refusal of an arranged marriage, attempt to marry someone against the wishes of the family, seeking a divorce, or diverse SOGIE.¹¹⁴⁶

- ¹¹³⁸ Women seeking a divorce often lose the possibility to enforce respect for their rights, including their right to child custody, property rights and financial support; Al Menasa, *No Waiver, no Divorce: Half of Iraqi Women Blackmailed into the Worst Deal, when Leaving Marriage*, 31 March 2022, <https://bit.ly/3MwElag>. According to human rights activist Hanaa Edwar: “There are social and economic obstacles that prevent a woman from requesting a divorce, even if she is subjected to domestic violence. The stigma attached to a divorced woman is feared, especially as she will be subjected to harassment”; Rudaw, *Custody Bill Favouring Fathers Draws Condemnation in Iraq*, 30 July 2021, <https://bit.ly/3CSfi3J>. For Shabaks, “(...) divorce is almost forbidden, and as a result a Shabak woman may not be divorced but will instead be sent back to her parents’ house. However, as she is still technically married she is not able to marry again and has no rights”; CREID, *Violence and Discrimination Against Women of Religious Minority Backgrounds in Iraq*, 6 December 2022, <https://bit.ly/3Zp0cdM>, p. 107. See also, Tufts University, *Circumscribed Lives: Separated, Divorced, and Widowed Female Youth in South Sudan and the Kurdistan Region of Iraq*, August 2022, <https://bit.ly/3eroDpG> (hereafter: Tufts University, *Separated, Divorced, and Widowed Female Youth*, August 2022, <https://bit.ly/3eroDpG>), p. 23; Daraj, *Iraq: One Third of Marriages End in Divorce or Separation*, 30 March 2022, <https://bit.ly/3CkMrbe>.
- ¹¹³⁹ Kirkuk Now, *Zhinwar Choked to Death with Wire of Hair Dryer*, 15 May 2022, <https://bit.ly/3yvy8dv>; Al Menasa, *No Waiver, no Divorce: Half of Iraqi Women Blackmailed into the Worst Deal, when Leaving Marriage*, 31 March 2022, <https://bit.ly/3MwElag>.
- ¹¹⁴⁰ “Social control of women is on the rise (...)”; Open Doors International, *World Watch List 2024: Iraq*, January 2024, <https://bit.ly/471OoHr>, p. 4. “Values of honour, respectability and shame continued to shape gender norms, and subjecting women’s bodies, practices and mobility to the control of the family and the community”; CFRI, *Women’s Economic Empowerment in Iraq: A Double-Edged Sword?*, 8 November 2023, <https://bit.ly/496CRD6>. “(...) women are considered to safeguard family honour and dignity through their untarnished ‘reputations’, linked to modesty, avoiding all forms of contact with stranger males and preserve ‘virginity’”; WVI, *Empowered Women, Empowered Children*, April 2022, www.ecoi.net/en/document/2075566.html, p. 19.
- ¹¹⁴¹ “Stigma often leads to ‘honour’ killings/crimes, including the maiming or burning of hundreds of women and girls yearly”; UN Iraq, *Iraq Common Country Analysis 2022*, 27 July 2022, <https://bit.ly/42zehY9>, p. 9. See also, Amnesty International, *Amnesty International Report 2022/23: Iraq*, 28 March 2023, www.ecoi.net/en/document/2089537.html; AFP, *Deadly Attacks on Women Rise Sharply in Iraqi Kurdistan*, 20 March 2022, <https://arab.news/yxueb>.
- ¹¹⁴² Assafir Al-Arabi, *In Iraq, Violence Against Women Comes in many Shapes and Forms*, 4 August 2022, <https://bit.ly/3UzOoo1>. “(...) the rates of such crimes are higher in the countryside than in cities (...)”; LSE, *Violence Against Women in Iraq: Between Practice and Legislation*, 8 July 2020, <https://bit.ly/3BYWmhn>.
- ¹¹⁴³ “These types of crimes typically involve a male relative targeting a woman (sister or wife) or an LGBT+ person”; Freedom House, *Freedom in the World 2023: Iraq*, May 2023, <https://bit.ly/3qej1V3>. “(...) while women are generally the targets, these acts can be directed at individuals of any sex, often also for transgressing gender norms or for sexual behavior, including actual or assumed same-sex sexual activity”; Kurdistan Conflict and Crisis Research Center, *Honor Killing in Iraq*, August 2021, <https://bit.ly/3Mdi5tw>. See also Section III.A.11.
- ¹¹⁴⁴ “‘Honor’ violence, which is linked to the expectation that men are responsible for protecting their family and its reputation, can manifest as physical, emotional, or socioeconomic violence towards women and girls as punishment for breaking traditional gender expectations”; SEED Foundation, *Better Together: Achieving Gender Equality By Engaging Men & Boys*, 14 February 2022, <https://bit.ly/3tMoiSQ>. “(...) ‘honor’ crimes most often take the form of murder, although they can also encompass other forms of violence such as physical abuse, confinement, control of movement, deprivation of education, forced marriage, forced suicide and public dishonoring”; Kurdistan Conflict and Crisis Research Center, *Honor Killing in Iraq*, August 2021, <https://bit.ly/3Mdi5tw>.
- ¹¹⁴⁵ “In Iraq, female ‘moral’ behavior as well as all individuals strictly adhering to prescribed gender norms, is deemed paramount for upholding the ‘honor’ of their families and communities, and the expectation of male family members is to prevent and purge any transgressions of ‘honor’ through violence”; HRW, *‘Everyone Wants Me Dead’: Killings, Abductions, Torture, and Sexual Violence Against LGBT People by Armed Groups in Iraq*, 23 March 2022, www.ecoi.net/en/document/2069992.html (hereafter: HRW, *Everyone Wants Me Dead*, 23 March 2022, www.ecoi.net/en/document/2069992.html). “Women in prominent positions, including politicians, journalists, doctors, and human rights defenders have also been targeted for ‘honor’ killings for defying prescribed gender roles and taking active public positions”; MADRE et al., *Human Rights Violations Against Women and Girls in Iraq: A Report for the United Nations Human Rights Committee – Submitted ahead of the Review of the Government of Iraq’s Compliance with the International Covenant on Civil and Political Rights During its 134th Session (28 Feb-28 March 2022)*, February 2022, www.ecoi.net/en/document/2067718.html, para. 20. See also Rudaw, *Trans Woman Killed by Brother, Perpetrator Flees Country*, 2 February 2022, <https://bit.ly/3hk2o2l>; NRT, *Ezidi Couple Found Murdered in Sinjar*, 9 April 2021, <https://bit.ly/3tg3lu3>; and Section III.A.8.b.
- ¹¹⁴⁶ Rudaw, *Father Allegedly Kills Daughter for ‘Going Out’ in Soran*, 18 March 2022, <https://bit.ly/3qpv6Ej>; Gulf News, *Famous Iraqi YouTuber Kills Daughter after Seeing her Standing with Stranger*, 16 January 2022, <https://bit.ly/3eKLtZg>; The Economist, *Societies that Treat Women Badly Are Poorer and less Stable*, 11 September 2021, <https://econ.st/3Vv16HZ>; Kurdistan Conflict and Crisis Research Center, *Honor Killing in Iraq*, August 2021, <https://bit.ly/3Mdi5tw>; The Red Line, *Every Woman’s Nightmare: Honour Killing in South Iraq*, 14 July 2021, <https://bit.ly/3ViXPYY>; Al Jazeera, *‘As if She Had Never Existed’: The Graveyards for Murdered Women*, 8 March 2021, <https://aje.io/eksnt>; Kirkuk Now, *Luqa Received Three Bullets in the Eve of Valentine’s Day*, 15 February 2021, <https://bit.ly/3z6cRZH>. Regarding the risk of “honour killings” faced by victims of trafficking, see also Al Jazeera, *Cracking Down on the Human Trafficking of Women in Iraq* (video), 7 July 2022, <https://bit.ly/3ckLQZL>; and Section III.A.8.i. On “honour”-based violence in response to individuals’ diverse SOGIE, see also Section III.A.11.

Increasingly, “honour”-based violence is reported in response to women and girls’ alleged immoral use of social media.¹¹⁴⁷

The Iraqi Penal Code as applicable in Federal Iraq allows for lenient punishments for “honour killings” on the grounds of provocation or if the accused had “honourable motives”.¹¹⁴⁸ “Honour”-based violence is reported to be frequently committed with impunity given the high level of societal acceptance, including among law enforcement officials, of this type of crime as a supposedly appropriate response to perceived transgressions of “honour”.¹¹⁴⁹ “Honour killings” are often concealed as suicides or accidents to avoid prosecution and stigmatization.¹¹⁵⁰ Doctors are reportedly pressured by the women’s families into issuing death certificates falsifying the real cause of death.¹¹⁵¹

In the KR-I, the authorities have taken steps to combat the practice and in 2002 repealed articles of the Penal Code that permitted reasons of “honour” as mitigation for crimes committed against family members.¹¹⁵² Despite these measures, femicides, including “honour killings”, are reported to remain widespread, and, according to observers, on the rise.¹¹⁵³ Femicides, including “honour killings”, are frequently committed with impunity due to a lack of effective implementation of the relevant legal provisions.¹¹⁵⁴

¹¹⁴⁷ “Victims of cyberbullying hardly find any support in their families, often quite the opposite. The family sees itself as dishonored because, for example, explicit pictures of their daughter appear on the Internet. (...) Especially women and people from the LGBTQI* community are victims of such attacks. Although suicide and murder are the most extreme consequences and by no means inevitable in such cases, it still happens far too often”; Wadi (German NGO), *Training in Kurdistan on Fake News and Cyberbullying*, 11 March 2023, <https://bit.ly/3EXBNUP>. “Known as Mari, Sami was a well-known TikTok with a platform of over 47,000 followers (...). Coming from a conservative society, Mari’s social media photos and videos rebelled against the community’s narratives. She published photos with cigarettes in her hands, videos where she expressed herself out loud, and images wearing crop tops – actions seen as lethal and looked down upon by the majority of the Kurdish community”; Rudaw, *Another Woman Killed in the Kurdistan Region*, 7 March 2022, <https://bit.ly/3tPpPqE>. See also, *The Guardian*, ‘Honour’ Killing of YouTube Star Sparks Outrage in Iraq, 3 February 2023, <https://bit.ly/3EtPHhD>; DW, *Middle East: Murdered Because of Snapchat?*, 29 January 2021, <https://p.dw.com/p/3oWc1>. On the blackmailing (sextortion) of women and girls by threatening the publication of incriminating photos and videos, see footnote 1111.

¹¹⁴⁸ Articles 128, 130, 131 and 409 of the Penal Code of 1969 permit “honour” considerations to mitigate sentences for crimes such as murder. The law does not provide guidance as to what “honourable motives” are and, therefore, leaves scope for wide interpretation; Republic of Iraq, *Penal Code (Law No. 111 of 1969)*, July 1969, www.refworld.org/docid/452524304.html. See also, BBC, *The Iraqi YouTube Star Killed by her Father*, 6 September 2023, www.ecoi.net/en/document/2096979.html; UNFPA, *Sexual and Reproductive Health and Reproductive Rights Regulatory Frameworks Across the Arab States Region: Iraq*, June 2022, <https://bit.ly/3BKBB14>, p. 22; HRW, *Submission to the UN Human Rights Committee*, January 2022, www.ecoi.net/en/document/2075228.html. To the contrary, “if a woman kills her husband in the context of adultery, she will be punished with the legally prescribed punishment, without any mitigation”; LSE, *Violence Against Women in Iraq: Between Practice and Legislation*, 8 July 2020, <https://bit.ly/3BYVmhN>.

¹¹⁴⁹ “At present, societal factors actually appear to be encouraging violence against women. Hate speech against women has become normalized on social networking sites in the Kurdistan Region. When news platforms share honor-killings, a significant number of people ‘praise’ the perpetrators and justify the heinous act of killing in the name of honor”; Washington Institute, *Addressing Violence Against Women in Iraqi Kurdistan*, 28 March 2022, <https://bit.ly/37ena8e>. See also, AFP, *Deadly Attacks on Women Rise Sharply in Iraqi Kurdistan*, 20 March 2022, <https://arab.news/vxueeb>.

¹¹⁵⁰ Shafaq News, *Qubad Talabani Rejects ‘Honor Killings’ as Harmful to Kurdistan’s Reputation*, 7 December 2023, <https://bit.ly/42djVA5>; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html; Shafaq News, *Suicide in Iraq: Shocking Figures Revealed for the First Time*, 5 February 2023, <https://bit.ly/43hHPuz>; NRT, *Murder Suspect Arrested over Woman’s Suicide in Sulaimani*, 1 September 2022, <https://bit.ly/3DUGdN3>; Assafir Al-Arabi, *In Iraq, Violence Against Women Comes in many Shapes and Forms*, 4 August 2022, <https://bit.ly/3UzOoo1>; Raseef22, *They Kill them and Claim it Was Suicide; Iraqi Women Victims Again*, 24 July 2022, <https://bit.ly/3VFYcgB>.

¹¹⁵¹ “The causes of death for victims of honor crimes are often recorded in the death certificate as suicide or a heart attack, which is easily obtained by the family by threatening the medical staff who submit to the women’s families’ request for fear of tribal retaliation. The danger is real to see the doctor’s clan being targeted if he refuses to obey them”; The Red Line, *Every Woman’s Nightmare: Honour Killing in South Iraq*, 14 July 2021, <https://bit.ly/3VjXPYY>. See also, Amwaj.media, *Iraq’s Secret Hills of ‘Murdered Women’*, 12 July 2021, <https://bit.ly/3MycWdb>.

¹¹⁵² UNFPA, *Sexual and Reproductive Health and Reproductive Rights Regulatory Frameworks Across the Arab States Region: Iraq*, June 2022, <https://bit.ly/3BKBB14>, p. 23; KRG / High Council of Women Affairs, *National Strategy to Confront Violence Against Women in Kurdistan (Ten Years Plan) 2017-2027*, <https://bit.ly/3htFWb>, p. 28.

¹¹⁵³ According to the Directorate of Combatting Violence against Women, at least 30 women were killed in the KR-I between January and November 2023. In 2022, at least 44 women were killed, up from 24 incidents in 2021. “Femicides in the Region are often linked with the terms ‘social dispute’ and ‘honor killings’, that perpetrators use to justify murdering their mothers, sisters, daughters, or wives”; Rudaw, *Erbil Glows Orange for 16 Days of Activism on Gender Violence*, 27 November 2023, <https://bit.ly/48M9XrW>; Rudaw, *Woman Allegedly Killed by Husband in Erbil*, 20 June 2023, <https://bit.ly/46ozGpF>. SEED Foundation described “an explosive and terrifying increase” in such killings; SEED Foundation, *Combating Domestic Violence in the Kurdistan Region of Iraq*, 6 June 2022, <https://bit.ly/3NnOdHH>. See also, Amnesty International, *Amnesty International Report 2022/23: Iraq*, 28 March 2023, www.ecoi.net/en/document/2089537.html.

¹¹⁵⁴ “Suspects in such crimes are often arrested and undergo investigation. However, the investigations usually yield little to no result”; Rudaw, *Man Arrested for Allegedly Killing Wife, Daughters in Erbil’s Koya*, 17 May 2023, <https://bit.ly/432Jxiz>. “Authorities failed to carry out independent and impartial investigations into most of these killings amid a social climate of victim blaming, including on social media, and apathy of legislators”; Amnesty International, *Amnesty International Report 2022/23: Iraq*, 28 March 2023, www.ecoi.net/en/document/2089537.html. See also, Rudaw, *Erbil Glows Orange for 16 Days of Activism on Gender Violence*, 27 November 2023, <https://bit.ly/48M9XrW>; Rudaw, *Mother Blames Authorities’ Inaction for Daughter’s Murder*, 10 January 2023, <https://bit.ly/3GN6b55>; Kirkuk Now, *Father Accused of Killing his Two Daughters Released*, 11 September 2022, <https://bit.ly/3T5y6Se>; Rudaw, *No 2021 Court Cases of Femicides Settled in Sulaimani: Local NGO*, 21 June 2022, <https://bit.ly/3OA0M3g>.

In some cases, women at risk of “honour killings” are reportedly kept in prisons or detention centres for their own protection,¹¹⁵⁵ while others seek protection in formal or informal temporary shelters.¹¹⁵⁶

g) Forced and Child Marriage

The practice of forced marriage, including specific practices such as bride exchanges¹¹⁵⁷ and marriages in exchange for blood money (*fasliyah*),¹¹⁵⁸ reportedly remains prevalent,¹¹⁵⁹ despite legal prohibitions.¹¹⁶⁰ At times, family members force women and girls into temporary marriages (*muta’a*) for the purpose of financial benefit or to pay off a debt.¹¹⁶¹ Temporary marriages are not legally recognized and women and girls who were married in this way do therefore not have inheritance, alimony or child support rights.¹¹⁶² Under tribal custom, a woman’s marriage to someone from outside the tribe can be prevented or terminated by her male relatives such as cousins or uncles (*nahwa*).¹¹⁶³

¹¹⁵⁵ 1001 Iraqi Thoughts, *The Invisible War: Domestic Violence and its Impact on Iraqi Women*, 14 May 2023, <https://bit.ly/3QAN2K1>; HRW, *Submission to the UN Human Rights Committee*, January 2022, www.ecoi.net/en/document/2075228.html.

¹¹⁵⁶ See Section III.A.8.a.

¹¹⁵⁷ “Exchange marriage is called ‘zhn ba zhn,’ which translates as ‘woman for woman,’ or ‘wife for wife.’ The practice has declined over the decades within areas of the Kurdish Regional Government, and social attitudes have become more intolerant of the practice, as the law reflects. The practice is now illegal and is categorized as a form of domestic violence, but, like other traditional practices, persists”; The Eurasia Proceedings of Educational & Social Sciences, *Tales from the Dead: Women and Health in a Kurdish Women’s Prison*, Vol. 21 (2021), <https://bit.ly/3fP2z8F>, p. 28. “Gassa bi-Gassa marriage is a kind of transactional marriage where a man who wishes to marry a woman from another tribe marries off his sister to the prospective wife’s brother. It is common not only among rural tribes but also in cities because it is less expensive and no dowry is paid to the woman”; BBC, *Explainer: Iraqi Women Caught Between Domestic Violence and Tribal Law*, 8 March 2021, <https://bit.ly/3z2sKQV>. See also, Kirkuk Now, *The Misery of Forced Marriages*, 27 July 2020, <https://bit.ly/3wsTQzf>.

¹¹⁵⁸ Under this custom, an inter-tribal conflict is resolved by one tribe giving one or several girls or women for marriage to another tribe. In this type of marriage, the woman has no right to divorce and is likely to be exposed to abuse: “One of the *fasliya* (...) traditions is for the girl(s) chosen as tribute(s) for such a wedding to enter her/their ‘husband’s’ home in humiliation – with nothing but their clothes and no wedding celebrations whatsoever. They are often treated badly by the family of the murdered man, because they are somehow paying the price for a crime that a man/men from their own clan had committed. This frequently results in the girls’ suicide or escape. Although *fasliya* customs are criminalised by law, they happen still on a daily basis in Iraq, without accountability”; Assafir Al-Arabi, *Iraqi Women: Resisting Oppression in an Afflicted Country*, 16 January 2022, <https://bit.ly/3wY5mT2>. “In 2021 Grand Ayatollah Ali Sistani called for an end to *nahwas* and *fasliya* (where women are traded to settle tribal disputes), but these traditions continued throughout the year [2022], especially in areas where tribal influence outweighed that of government institutions”; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. “Shabak women face a severe violence called ‘Al-Fassliya’, which is the most horrific way the Shabak girl is violently abused. She is used as a *Fassliya* to resolve a conflict between two clans and becomes a victim of blood marriage. This involves providing one of the daughters of the aggressor clan to the victim or one of his relatives for marriage, under the title of ‘revenge’, and this woman lives during this marriage mostly under psychological pressure and shunned by her husband and the husband’s family”; CREID, *Violence and Discrimination Against Women of Religious Minority Backgrounds in Iraq*, 6 December 2022, <https://bit.ly/3Zp0cdM>, p. 137. According to a women rights activist from Iraq, the practice also stigmatizes children born out of such a marriage; The Century Foundation, *Tribal Justice in a Fragile Iraq*, 7 November 2019, <https://bit.ly/38VgV4k>. See also, Medfeminiswiya, ‘The Art of Marriage’ or the Veiled Rape Practiced Against Tribal Women in Syria and Iraq, 30 April 2022, <https://bit.ly/3CeEeAA>; Rudaw, *Family Members Detail Events Behind Shooting of Couple in Erbil*, 3 July 2022, <https://bit.ly/3OHsITD>; SEED Foundation, *Kurdistan Region of Iraq*, September 2021, <https://bit.ly/3ewgqA1>, p. 3; and Section III.A.12.

¹¹⁵⁹ “Traditional early and forced marriages of girls, including temporary marriages, occurred throughout the country”; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. “Forced marriages are also still reported in various parts of Iraq (...)”; UN Iraq, *Iraq Common Country Analysis* 2021, 26 April 2022, www.ecoi.net/en/document/2073112.html, p. 18. See also, Bas News, *Child Marriage in Iraq Turning into an Alarming Phenomenon*, 23 October 2021, <https://bit.ly/3PRZen1>.

¹¹⁶⁰ Article 9 of Iraq’s Personal Status Law of 1959. However, according to the law, “(...) coerced marriages can only be considered null and void if the marriage was not consummated”; HRW, *Everyone Wants Me Dead*, 23 March 2022, www.ecoi.net/en/document/2069991.html. “This leaves victims responsible for pursuing legal measures to leave the marriage, opening them up to potential retribution from their families. In Kurdistan, the 2011 Domestic Violence Law prohibits forced and early marriages, however advocates note that the law has not been adequately implemented and these practices are common”; MADRE et al., *Human Rights Violations Against Women and Girls in Iraq: A Report for the United Nations Human Rights Committee – Submitted ahead of the Review of the Government of Iraq’s Compliance with the International Covenant on Civil and Political Rights During its 134th Session (28 Feb-28 March 2022)*, February 2022, www.ecoi.net/en/document/2067718.html, para. 25. See also, US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html; SEED Foundation, *Gender Analysis: Kurdistan Region of Iraq*, September 2021, <https://bit.ly/3ewgqA1>, p. 3.

¹¹⁶¹ “In these arrangements, women or girls are ‘married’ in the presence of a religious figure for a fixed period, which can be as short as several hours. In practice, this often takes place under conditions of family duress or desperation in cases of extreme poverty, as the man is obliged to pay a ‘dowry’ to the woman or her family. (...) A woman who unintentionally becomes pregnant from the ordeal can have an abortion but must pay a fine to a cleric. At home, she could be physically abused or killed for ‘dishonoring’ the family”; The New Paradigm Project, *Women and the Iraq War, 20 Years Later*, March 2023, <https://bit.ly/42QOKdO>, p. 10. “Young women, widowed or orphaned by ISIS, were especially vulnerable to this type of exploitation. In similar cases NGOs reported some families opted to marry off their underage daughters in exchange for dowry money, believing the marriage was genuine, only to have the girl returned to them months later, sometimes pregnant”; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. See also, Save the Children, *Married by Exception: Child Marriage Policies in the Middle East and North Africa*, 25 June 2021, <https://bit.ly/3CHooyj>, p. 14.

¹¹⁶² Office of His Eminence Al-Sayyid Ali Al-Husseini Al-Sistani, *Chapter Twenty-Seven ‘Marriage’*, accessed 28 January 2024, <https://bit.ly/3p9BqIY>; Office of His Eminence Al-Sayyid Ali Al-Husseini Al-Sistani, *Laws of Temporary Marriage (Muta’ah)*, accessed 28 January 2024, <https://bit.ly/3NzbWYH>; Encyclopedia Britannica, *Muta’ah Marriage*, last updated 3 October 2023, <https://bit.ly/3RxNKob>.

¹¹⁶³ “The *nahwa* (forbidding) tradition is yet another such custom, whereby a male cousin ‘forbids’ his female cousin from marrying anyone but him – as, according to tribal customs, a cousin has priority to marry his own, who may be forced to marry him against her own wishes”; Assafir Al-Arabi, *Iraqi Women: Resisting Oppression in an Afflicted Country*, 16 January 2022, <https://bit.ly/3wY5mT2>. “Under popular pressure, in April 2019 the Supreme

Child marriages are reported to occur throughout Iraq among all ethnic and religious groups at high rates.¹¹⁶⁴ The legal age for marriage is 18, which applies to Iraqis of all sects.¹¹⁶⁵ The minimum age can be lowered to 15 years with the consent (or non-objection) of the legal guardian,¹¹⁶⁶ or, if considered “an urgent necessity” by the judge.¹¹⁶⁷ In the KR-I, the minimum age for marriage can be lowered to 16 if approved by a legal guardian and authorized by a judge.¹¹⁶⁸ Across Iraq, a high level of acceptance vis-à-vis child marriages is reported.¹¹⁶⁹ Some families in the KR-I are reported to circumvent the stricter regulations by marrying off their female relatives in Federal Iraq or by forging their birth certificates.¹¹⁷⁰

Marriages of girls below the legal minimum age are concluded according to religious customs¹¹⁷¹ and are not recognized under the law until the marriage is validated by a court, thereby leaving the girl without any legally recognized status and rights.¹¹⁷² As a result, children born to the couple who are married in this way will have no civil identification cards until the marriage is legally recognized.¹¹⁷³ Forced marriages and child

Judicial Council issued a directive about the illegality of *Nahwa*, an ancient tribal practice of preventing women from marrying outside the tribe, often through threats and intimidation. *Nahwa* is no longer confined to rural and nomadic areas, but has spread to many governorates of Iraq, particularly its central and southern regions. Courts were instructed [to] consider it a crime under Article 2 of the Anti-Terrorism Law No. 13 of 2005”; Iraqi Women Network, *Iraqi Women Challenges of Security, Peace and Justice: Shadow Report to the CEDAW Committee*, 2019, www.ecoi.net/en/document/2018414.html, para. 73. See also, US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html.

¹¹⁶⁴ “In the last ten years, child marriage increased by 18% among women married before 18 years old, and by 6% [among women married] before age of 15.” And further: “Decision-making about marriage and forming a family is rarely made by young women.” In 2021, it was found “that 67% of marriages were decided by families. In rural areas, this indicator is higher than in urban areas (70.8% and 68.8%, respectively); UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 24. “Over the last 20 years, rates of child marriage in Iraq have been steadily increasing. (...) Poverty, insecurity, and lower educational outcomes for girls have all been associated with increased child marriage rates in Iraq”; HRW, *World Report 2024: Iraq*, 11 January 2024, www.ecoi.net/en/document/2103133.html. See also, Freedom House, *Freedom in the World 2023: Iraq*, May 2023, <https://bit.ly/3gei1V3>; CREID, *Violence and Discrimination Against Women of Religious Minority Backgrounds in Iraq*, 6 December 2022, <https://bit.ly/3Zp0cdM>; UNFPA, *Sexual and Reproductive Health and Reproductive Rights Regulatory Frameworks Across the Arab States Region: Iraq*, June 2022, <https://bit.ly/3BKBB14>, p. 22.

¹¹⁶⁵ Republic of Iraq: *Personal Status Law and Its Amendments* (1959), 30 December 1959, www.refworld.org/docid/5c7664947.html, art. 7(1).

¹¹⁶⁶ *Ibid.*, art. 8(1).

¹¹⁶⁷ *Ibid.*, art. 8(2). The law provides no definition as to what “an urgent necessity” would constitute, leaving it at the discretion of the judge. “Although the legal age of marriage in Iraq is 18, the Personal Status Act contains a loophole allowing a judge to authorize the marriage of a child as young as 15 years old”; IILHR, *Legislative Review: Draft Law on Child Protection*, May 2023, <https://bit.ly/3S86YTL>, p. 9.

¹¹⁶⁸ Article 5 of the amended Personal Status Law, as applicable in the KR-I (Law No. 15 of 2008), available at: <https://bit.ly/3CbKYR4>, stipulates: “If a 16-year-old person asks to be married, the judge can authorize his marriage if the eligibility and physical ability of the person in question was proven to him, after obtaining the approval of his legal guardian. If the guardian abstains from responding, the judge calls upon him to state his agree during a defined period. Thus, if the guardian does not object or if he submits an objection that is unworthy of consideration, the judge shall allow the marriage.” Child marriage is defined as an act of domestic violence under the Domestic Violence Law: Republic of Iraq, *Act of Combating Domestic Violence in the Kurdistan Region of Iraq* (Law No. 8 of 2011), 21 June 2011, www.refworld.org/docid/5b2911044.html, art. 2.

¹¹⁶⁹ “Financial pressures are the main driver [of child marriages], especially among IDPs, and social norms are in favour. It is considered by some as a protection mechanism for preserving the ‘purity’ and ‘honour’ of the girls. Other social reasons include establishing ‘political’ ties between tribes, protecting the girls’ ‘honour’ by ensuring they would not become sexually active before marriage or engage in a romantic relationship, and in some tragic cases a girl, who has been raped, is married off to her perpetrator to conceal the crime and maintain her reputation”; WVI, *Empowered Women, Empowered Children*, April 2022, <https://bit.ly/3V7EYQN>, p. 27. See also, EPC, *Iraqi Children, Crisis of Conflict, and the Dysfunctional Education System*, 6 July 2022, www.ecoi.net/en/document/2075566.html; UNFPA, *Sexual and Reproductive Health and Reproductive Rights Regulatory Frameworks Across the Arab States Region: Iraq*, June 2022, <https://bit.ly/3BKBB14>, p. 24.

¹¹⁷⁰ US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html; Save the Children et al., *Perspectives on Early Marriage: The Voices of Female Youth in Iraqi Kurdistan and South Sudan who Married under Age 18*, 23 May 2022, www.ecoi.net/en/document/2073698.html, p. 4.

¹¹⁷¹ “Many families now resort to clerics to conduct marriages and other personal status affairs, with rules especially on age and free consent sometimes not followed. The practice is often overlooked by law-enforcers, though it violates existing public law”; Ahram Online, *How Iraq’s Judiciary Got into a Political Mess*, 5 April 2022, <https://bit.ly/3Cx6TRN>.

¹¹⁷² “Women in unregistered marriages (marriages conducted by religious leaders but not registered with the Personal Status Court) faced severe challenges in accessing government services and social protection if their marriage was not legalized. Unregistered marriages are often done as a way to circumvent legal restrictions on child marriage, polygamy, and forced marriage and to evade having to pay spousal maintenance in case of divorce. Without a civil marriage certificate, women are unable to give birth in government hospitals, access social protection schemes contingent on one’s marital status, obtain birth certificates for their children, or have legal recourse to claim spousal maintenance or child support in the event of divorce”; HRW, *World Report 2024: Iraq*, 11 January 2024, www.ecoi.net/en/document/2103133.html. “(...) 33.9 per cent of marriages in Iraq take place outside courts, with 22 per cent of them involving girls under the age of 14”; UN Iraq, *Iraq Common Country Analysis 2021*, 26 April 2022, www.ecoi.net/en/document/2073112.html. See also, Simaet Bhatha, *Marriage Contract Outside Courts*, updated 15 March 2023, <https://bit.ly/3fogseb>; UNFPA, *Sexual and Reproductive Health and Reproductive Rights Regulatory Frameworks Across the Arab States Region: Iraq*, June 2022, <https://bit.ly/3BKBB14>, p. 24; Save the Children et al., *Perspectives on Early Marriage: The Voices of Female Youth in Iraqi Kurdistan and South Sudan who Married under Age 18*, 23 May 2022, www.ecoi.net/en/document/2073698.html, p. 4.

¹¹⁷³ See Section III.A.9.

marriages have been linked to domestic violence,¹¹⁷⁴ suicide,¹¹⁷⁵ and trafficking for the purpose of sexual exploitation and forced prostitution.¹¹⁷⁶

h) Female Genital Mutilation

There is no federal law specifically outlawing FGM;¹¹⁷⁷ however a law in the KR-I has banned the practice since 2011.¹¹⁷⁸ While the prevalence of FGM is reported to be declining among girls in the KR-I, it is still practised, mostly, but not exclusively, among rural communities in Sulaymaniyah, Erbil and Dohuk Governorates.¹¹⁷⁹

FGM has also been reported in Federal Iraq; however, its prevalence remains unclear due to a lack of surveys.¹¹⁸⁰ An international interfaith consortium found that religious actors had been “highly successful” in reducing the prevalence of FGM in the most parts of the Ninewa Plains.¹¹⁸¹

i) Trafficking for the Purpose of Sexual Exploitation

Observers describe the trafficking of women and girls for the purpose of sexual exploitation as a growing phenomenon in Iraq.¹¹⁸² Despite a number of positive legal and administrative steps taken by the federal authorities¹¹⁸³ and the KRG to criminalize and combat trafficking,¹¹⁸⁴ there are continuing challenges in relation to the enforcement of these laws, including due to insufficient identification and referral mechanisms, budgetary constraints and the reported collusion between traffickers, armed groups and law

¹¹⁷⁴ AFP, *Iraqi Women Battle Abuse and Child Marriages*, 2 January 2022, <https://bit.ly/3Su0LzY>; Rudaw, *Mullah Defends Child Marriage after Honour Killing*, 19 April 2021, <https://bit.ly/3UDjhb8>. See also Section III.A.8.e.

¹¹⁷⁵ Shafaq News, *Insight into Suicide in Iraq: Causes, Consequences, and Legal Implications*, 23 March 2023, <https://bit.ly/3nTyKvY>; Kirkuk Now, *Ahead of Wedding, 22-Year-Old Girl ‘Hangs Herself’*, 4 September 2022, <https://bit.ly/3QEsPiS>; Medfeminiswiya, *‘The Art of Marriage’ or the Veiled Rape Practiced Against Tribal Women in Syria and Iraq*, 30 April 2022, <https://bit.ly/3CeEeAA>; Raseef22, *Families of Iraq’s Suicide Victims Are Ostracized by Society*, 8 January 2022, <https://bit.ly/3NH5w6N>.

¹¹⁷⁶ “Traditional practices, including fasliya (...) and forced child and ‘temporary’ marriages also place women and girls at increased risk of trafficking within the country”; US Department of State, *2023 Trafficking in Persons Report: Iraq*, 15 June 2023, www.ecoi.net/en/document/2093605.html. See also Section III.A.8.i.

¹¹⁷⁷ IILHR, *Legislative Review: Draft Law on Child Protection*, May 2023, <https://bit.ly/3S86YTL>, p. 9; UN Human Rights Committee, *Concluding Observations on the 6th Periodic Report*, 16 August 2022, www.ecoi.net/en/document/2077747.html, para. 38.

¹¹⁷⁸ Republic of Iraq, *Act of Combating Domestic Violence in the Kurdistan Region of Iraq (Law No. 8 of 2011)*, 21 June 2011, www.refworld.org/docid/5b2911044.html, art. 2.

¹¹⁷⁹ “NGOs reported the practice of FGM/C [Female Genital Mutilation/Cutting] continued to decline in the IKR. NGOs attributed the reduction in FGM/C to the criminalization of the practice and sustained public outreach activities by civil society groups”; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. In 2022, Wadi declared Halabja and Garmyan “free of FGM”; Wadi, *Halabja and Garmyan FGM Free after Fifteen Years of Campaigning*, 13 August 2022, <https://bit.ly/3M6A6rs>. Wadi identified hundreds of villages in Erbil and Ranya (Sulaymaniyah) as areas “with continuing high rates of FGM”; Wadi, *Annual Report 2022*, 6 May 2023, <https://bit.ly/3EYpCXX>, p. 6. See also, Rudaw, *FGM Persists in the Kurdistan Region Despite Ban*, 6 February 2022, <https://bit.ly/3t6DWbT>.

¹¹⁸⁰ “FGM/C was not common outside the IKR”; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. A 2010 study conducted by Wadi in Kirkuk in 2010 “found that the percentage of women and girls who were subjected to FGM reached 38%, the majority of them are Kurds, followed by Arabs and then Turkmens of both sects, Sunni and Shiite, but no cases of FGM were recorded among Christians. (...) Wadi’s team conducted surveys in both Kirkuk and Nasiriyah provinces in 2012-2014” and found that the “phenomenon exists”. As available data is outdated, Wadi plans to “conduct a new survey for Baghdad, Basra and Maysan” in 2023; Wadi, *Wadi Explores Female Genital Mutilation FGM in Middle and South of Iraq*, 4 June 2023, <https://bit.ly/3tkRp25>. “A small scale research done in 2014 in Babel resulted in finding out that around 25% of interviewed women and girls were mutilated”; Wadi, *Conference to End FGM in Iraq*, 25 May 2023, <https://bit.ly/3ZBDpM>.

¹¹⁸¹ JISRA, *JISRA in Iraq*, August 2022, <https://bit.ly/3ERlreT>, p. 3.

¹¹⁸² UN Human Rights Committee, *Concluding Observations on the 6th Periodic Report*, 16 August 2022, www.ecoi.net/en/document/2077747.html, para. 28. “The widespread displacement of many Iraqis and neighbouring populations has led to the emergence of a thriving human smuggling and trafficking market in the country. Those who have been displaced from their homes are more susceptible to being trafficked, with sexual exploitation and forced labour among the most prevalent forms of human trafficking in Iraq. Women and children are especially vulnerable to sexual exploitation, which remains a highly lucrative criminal activity in the country”; GI-TOC, *2023 Global Organized Crime Index: Iraq*, September 2023, <https://bit.ly/42cXCL4>, p. 3. Al Jazeera described sex trafficking in Iraq as a “growing phenomenon fuelled by deeply entrenched socioeconomic factors and enabled by a tangled web of corrupt officials and armed groups”; Al Jazeera, *Shamed and Trafficked into Iraq’s Sex Trade*, 22 August 2022, <https://aje.io/ogc5yc>. See also, Washington Institute, *Human Trafficking in Iraq*, 25 January 2022, <https://bit.ly/3APu5Lg>.

¹¹⁸³ Iraq’s 2012 Combating Trafficking in Persons Law (Law No. 28 of 2012). An unofficial English translation by the Office of Rule of Law, US Embassy, Baghdad, is available at: <https://bit.ly/3ASK7nQ>. The 2012 Law “criminalizes human trafficking and satisfies many, but not all of the requirements of the [UN Trafficking] Protocol. In particular, it fails to exclude the need to prove means in the case of the trafficking of children. It also does not incorporate provisions protecting victims from prosecution and punishment for crimes they commit as a result of being trafficked”; UNODC, *GLO.ACT Supports Counterparts in Iraq to Review National Legislation on Trafficking in Persons*, 2020, <https://bit.ly/3DSmXzR>. See also, UN Iraq, *Iraq Common Country Analysis 2023*, January 2024, p. 65; US Department of State, *2023 Trafficking in Persons Report: Iraq*, 15 June 2023, www.ecoi.net/en/document/2093605.html; UN Human Rights Committee, *Concluding Observations on the 6th Periodic Report*, 16 August 2022, www.ecoi.net/en/document/2077747.html, para. 28.

¹¹⁸⁴ The Kurdistan Regional Parliament approved the 2012 Law in 2018 (Law No. 6 of 2018). An English translation of Law No. 6 of 2018 is available at: SEED, *One Year Anniversary of the STEPS Center, Shelter for Trafficking Survivors*, January 2021, <https://bit.ly/3fkCDSd>.

enforcement.¹¹⁸⁵ Particularly vulnerable to being trafficked are women and girls who have been displaced,¹¹⁸⁶ come from disadvantaged socioeconomic backgrounds, are undocumented, and/or escaped situations of domestic violence.¹¹⁸⁷ Traditional practices such as forced, temporary and child marriages are reportedly used to facilitate and cover up the trafficking of women and girls.¹¹⁸⁸ In the KR-I, the use of (real or manipulated) intimate photos to sexually exploit women and girls has also been reported.¹¹⁸⁹

Survivors rarely report to the police,¹¹⁹⁰ including for fear of being killed by their families for having violated the family's "honour", a threat often exploited by traffickers to keep them trapped in their situation.¹¹⁹¹ Survivors of trafficking who approach the authorities are regularly subjected to so-called "virginity tests",¹¹⁹² a procedure the UN considers to have "no scientific or clinical basis", and to be "medically unnecessary, and often times painful, humiliating and traumatic".¹¹⁹³ Unlike traffickers, who regularly enjoy impunity from law enforcement, survivors of trafficking, including children, are at risk of prosecution and punishment for criminal charges resulting from their trafficking, including for prostitution.¹¹⁹⁴

Government-run shelters in Baghdad and in the KR-I are reported to have limited capacity to assist and protect survivors of trafficking, and do not provide them with rehabilitation or access to safe options outside the shelter.¹¹⁹⁵ Admission to (and discharge from) the government-run shelters requires a police report and a court order, which has been described as "an unsurmountable hurdle".¹¹⁹⁶ NGO-run shelters in Federal

- ¹¹⁸⁵ "Perpetrators of human trafficking are often not prosecuted (...). Despite increased government efforts to identify and assist human trafficking victims, major deficiencies persist, and law enforcement officials lack the necessary training in victim identification methods"; GI-TOC, 2023 Global Organized Crime Index: Iraq, September 2023, <https://bit.ly/42cXCL4>, pp. 5-6. "The Government of Iraq does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. (...) Deficiencies in identification and referral procedures, coupled with authorities' lack of understanding of trafficking, continued to prevent many victims from receiving appropriate protection services." Furthermore: "The government continued to lack implementing regulations for the anti-trafficking law, hindering its ability to enforce the law, bring traffickers to justice, and protect victims. The KRG has not yet developed the regulatory and enforcement framework required to fully implement the 2012 Iraqi anti-trafficking law, which the IKR's regional parliament approved in 2018 (...). Some concerns of alleged official complicity in trafficking crimes remained"; US Department of State, 2023 Trafficking in Persons Report: Iraq, 15 June 2023, www.ecoi.net/en/document/2093605.html. "Actors such as PMF and tribes are reported to engage in these acts [trafficking of women and children], sometimes with the authorization, support or acquiescence of State agents. (...) Victims disappear in the hands of trafficking networks, with no possibility to contact their family or relatives." The CED stated that these victims can almost never be located due to "the extreme limitation of the actions taken by the competent authorities"; CED, Information on the Visit and Findings, 31 March 2023, <https://bit.ly/3MgQs2i>, para. 30. See also, Al Jazeera, Shamed and Trafficked into Iraq's Sex Trade, 22 August 2022, <https://aje.io/qgc5yc>.
- ¹¹⁸⁶ US Department of State, 2023 Trafficking in Persons Report: Iraq, 15 June 2023, www.ecoi.net/en/document/2093605.html. "Women with a former affiliation with the Islamic State tend to be stigmatized, and are therefore at particularly high risk [of trafficking]"; GI-TOC, 2023 Global Organized Crime Index: Iraq, September 2023, <https://bit.ly/42cXCL4>, p. 3. See also Section III.A.1.b.
- ¹¹⁸⁷ Undocumented Roma/Dom (Kawliyah) children have reportedly been exploited for sex trafficking by Saudi and Kuwaiti nationals visiting southern Iraq for hunting trips; US Department of State, 2023 Trafficking in Persons Report: Iraq, 15 June 2023, www.ecoi.net/en/document/2093605.html. "The victims tend to be girls and women from underprivileged backgrounds who are fleeing domestic abuse or child marriage, with traffickers often exploiting society's preoccupation with honour to shame vulnerable women into the sex trade"; Al Jazeera, Shamed and Trafficked into Iraq's Sex Trade, 22 August 2022, <https://aje.io/qgc5yc>. See also, Kirkuk Now, Opening of Kirkuk Shelter for Abused Women Delayed, 12 March 2022, <https://bit.ly/3izTNJL>; Washington Institute, Human Trafficking in Iraq, 25 January 2022, <https://bit.ly/3APu5Lg>; and Sections III.A.8.e and III.A.8.g.
- ¹¹⁸⁸ UN Human Rights Committee, Concluding Observations on the 6th Periodic Report, 16 August 2022, www.ecoi.net/en/document/2077747.html, para. 28; and Section III.A.8.g.
- ¹¹⁸⁹ US Department of State, 2023 Trafficking in Persons Report: Iraq, 15 June 2023, www.ecoi.net/en/document/2093605.html. See also footnote 1111.
- ¹¹⁹⁰ On the reasons for underreporting, see Section III.A.8.a.
- ¹¹⁹¹ According to Janat Al-Ghazi, a rights activist with OWFI, the traffickers' "playbook" includes raping the women and girls so they "are not honourable anymore" and have no other choice but to "continue down this path"; Al Jazeera, Shamed and Trafficked into Iraq's Sex Trade, 22 August 2022, <https://aje.io/qgc5yc>. See also Section III.A.8.f.
- ¹¹⁹² Al Jazeera, Shamed and Trafficked into Iraq's Sex Trade, 22 August 2022, <https://aje.io/qgc5yc>.
- ¹¹⁹³ UN News, 'Virginity Testing': A Human Rights Violation, with no Scientific Basis – UN, 17 August 2018, <https://bit.ly/3CaCB8t>.
- ¹¹⁹⁴ "(...) some survivors of human trafficking were tried and convicted for prostitution"; HRW, World Report 2024: Iraq, 11 January 2024, www.ecoi.net/en/document/2103133.html. "In some cases, authorities did not proactively identify trafficking victims among vulnerable populations, which resulted in continuing to inappropriately punish some victims for unlawful acts committed as a direct result of being trafficked, such as immigration and 'prostitution' violations"; US Department of State, 2023 Trafficking in Persons Report: Iraq, 15 June 2023, www.ecoi.net/en/document/2093605.html. "But many in the judicial system continue to apply a 2001 Saddam-era law that punishes sex work with up to a lifetime in prison, a practice underpinned by a widespread belief that women who end up in the sex trade choose the path of their own free will"; Al Jazeera, 'Shamed and Trafficked into Iraq's Sex Trade', 22 August 2022, <https://aje.io/qgc5yc>. See also, UN Iraq, Iraq Common Country Analysis 2023, January 2024, p. 65.
- ¹¹⁹⁵ "Victim and witness support services in Iraq are limited"; GI-TOC, 2023 Global Organized Crime Index: Iraq, September 2023, <https://bit.ly/42cXCL4>, p. 6. "The infrastructure and services available to trafficking survivors were extremely limited. The government offered no path to rehabilitation except for a return to their families, pushing women back to the same environment that had laid fertile ground for their exploitation"; Al Jazeera, Shamed and Trafficked into Iraq's Sex Trade, 22 August 2022, <https://aje.io/qgc5yc>. "The government also lacked adequate protection services for victims of all forms of trafficking (...)." Shelters in the KR-I "could provide limited services to female trafficking victims" and "shelter space was limited"; US Department of State, 2023 Trafficking in Persons Report: Iraq, 15 June 2023, www.ecoi.net/en/document/2093605.html. On the shelters' limited capacity and prioritization of family reconciliation, see Section III.A.8.a.
- ¹¹⁹⁶ Al Jazeera, Shamed and Trafficked into Iraq's Sex Trade, 22 August 2022, <https://aje.io/qgc5yc>. "Investigative judges were the only officials who could officially identify and refer a trafficking victim to protection services via a court order, including the government-run shelter in Baghdad. Although witnesses were not required to testify in front of their traffickers, their testimony was a prerequisite to initiate a criminal investigation. If victims did not provide

Iraq face a multitude of restrictions and risks.¹¹⁹⁷ A specialized trafficking shelter for men, women, and children run by the Erbil-based SEED Foundation has been operating since November 2019. It is reported to provide legal, health and mental health services; however, it is reported to be operating at full capacity at most times.¹¹⁹⁸

j) Women Without Male Support

Women without male support provided by their (extended) family or tribal network,¹¹⁹⁹ including those who escaped situations of domestic violence, “honour”-based violence, or forced or child marriage, often face stigmatization from their families and society at large.¹²⁰⁰ They often face economic insecurity and are at a higher risk of sexual exploitation and trafficking.¹²⁰¹ Prevailing social, religious and cultural norms remain obstacles for women living independently, especially for unmarried women.¹²⁰² Women’s freedom of

testimony, or judges determined there was insufficient evidence, an individual could be denied status as a trafficking victim which would then deny access to protection services. (...) in the IKR specialized judges also retained sole authority to refer victims to government-run shelters and IKR observers reported similar concerns that some victims may have been unable to receive access to the shelter and protective services during the year if they were not recognized as a victim by a judge”; US Department of State, 2023 Trafficking in Persons Report: Iraq, 15 June 2023, www.ecoi.net/en/document/2093605.html. See also UN Iraq, Iraq Common Country Analysis 2023, January 2024, p. 65; and Section III.A.8.a.

See Section III.A.8.a.

SEED, World Day Against Trafficking in Persons, 30 July 2023, <https://bit.ly/3OeJzPt>; US Department of State, 2023 Trafficking in Persons Report: Iraq, 15 June 2023, www.ecoi.net/en/document/2093605.html; SEED, One Year Anniversary of the STEPS Center, Shelter for Trafficking Survivors, January 2021, <https://bit.ly/3fkCDSd>.

“Currently, with little state authority, people have little choice but to ask tribal leaders for support in any social or economic issues they have. For women, this means, that their life is connected and usually dependent on a man, a brother, father or husband, who is in some form part of the tribe where male honor and reputation decide about men’s social standing, income and physical safety”; Workers Against Sectarianism (Iraqi activist group funded by Rosa Luxemburg Foundation), Women Working in Iraq: Shame, Control, as Part of a Working Woman’s Life, 17 August 2022, <https://bit.ly/3VdskzC>. Provisions in the Penal Code “are predicated on the assumption that men are entitled to discipline women and girls if they do not conform to the social roles attributed [sic] to them. These norms perceive women and girls as mothers or daughters, who serve and are dependent on the male members of their family”; WVI, Empowered Women, Empowered Children, April 2022, www.ecoi.net/en/document/2075566.html, p. 19. “The social order is built around male kinship groups”; The Economist, Societies that Treat Women Badly Are Poorer and less Stable, 11 September 2021, <https://econ.st/3VvK16HZ>.

“Shabak society views divorced women as easy prey or as having a bad reputation. (...) Even the treatment of divorced women by their family is negative. They are often forbidden to leave the house, and if they go out it must be with one of their family members”; CREID, Violence and Discrimination Against Women of Religious Minority Backgrounds in Iraq, 6 December 2022, <https://bit.ly/3Zp0cdM>, p. 140. “Separated and divorced female youth face abuse from their natal families and in-laws, community harassment and sexual harassment, and extreme social exclusion. In the KRI in particular, they are unable to attend school, work, socialize, or leave their homes. (...) Widows are often targeted for sexual exploitation by community members and authorities (humanitarian and government) because they are seen as economically vulnerable”; Tufts University, Separated, Divorced, and Widowed Female Youth, August 2022, <https://bit.ly/3eroDpG>, p. 23. “Women with children born outside of marriage, regardless of the circumstances, may face serious repercussions from family or within the community, including honour killing or societal ostracism”; Centre of Excellence for Civil Registration and Vital Statistics Systems, Documenting Life and Death: Women’s Experiences During Conflict in Syria and Iraq, 2021, <https://bit.ly/3ynEtsI>, p. 4. “(...) divorced or widowed women (...) suffer from diminished social status and lack of physical protection”; ICG, Exiles in Their Own Country: Dealing with Displacement in Post-ISIS Iraq, 19 October 2020, www.ecoi.net/en/document/2040043.html. See also, Workers Against Sectarianism, Women Working in Iraq: Shame, Control, as Part of a Working Woman’s Life, 17 August 2022, <https://bit.ly/3VdskzC>; Daraj, Iraq: One Third of Marriages End in Divorce or Separation, 30 March 2022, <https://daraj.com/en/89691>.

“Internally displaced women, single women, and widows were particularly vulnerable to economic exploitation and discriminatory employment conditions”; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html. Yazidi divorcees and widows, for example, “have lost all their rights in everything. They cannot work, study, or feel safe and secure. They cannot provide a living for their children. Iraqi and Yazidi society view them as prey and not as women”; CREID, Violence and Discrimination Against Women of Religious Minority Backgrounds in Iraq, 6 December 2022, <https://bit.ly/3Zp0cdM>, p. 303, see also p. 69. “Mothers who are widowed, separated, or divorced generally have poor economic situations”; Tufts University, Separated, Divorced, and Widowed Female Youth, August 2022, <https://bit.ly/3eroDpG>, p. 23. “(...) gender norms (...) largely limit the income-generating opportunities open to women (...)”; DRC, Life in the Margins, 16 September 2022, www.ecoi.net/en/document/2078836.html, p. 21. Women “are excluded from accessing jobs and services, particularly in poor rural areas (...)”; UNDP, Community-Based Reconciliation & Reintegration in Iraq, 28 June 2022, <https://bit.ly/3fLpEJs>, p. 18. Women who sought a divorce often lose their rights: “The end result is that divorced women, who may not have family support, end up in very difficult situations, often homeless, penniless and not able to see their own children”; Al Menasa, No Waiver, no Divorce: Half of Iraqi Women Blackmailed into the Worst Deal, when Leaving Marriage, 31 March 2022, <https://bit.ly/3MwElag>. “Widowed and single mothers continue to be at heightened risk of violence”; UNDP, Community-Based Reconciliation & Reintegration in Iraq, 28 June 2022, <https://bit.ly/3fLpEJs>, p. 25. See also, AFP, In Iraq, Divorce Rates Soar even as Stigma Persists for Women, 19 October 2022, <https://bit.ly/3t9E6K2>; Kirkuk Now, Kirkuk: Prostitution in Broad Daylight, 2 July 2022, <https://bit.ly/3CrO8ix>; OutRight International / IraQueer, “I Need to Be Free”: What it Means to Be a Queer Woman in Today’s Iraq, 23 February 2022, <https://bit.ly/3Epvdrrm> (hereafter: OutRight International / IraQueer, What it Means to Be a Queer Woman, 23 February 2022, <https://bit.ly/3Epvdrrm>), p. 4.

In practice, “[W]omen need the consent of a male guardian in accessing bank accounts and gaining financial loans or trying to work outside the home”; The New Paradigm Project, Women and the Iraq War, 20 Years Later, March 2023, <https://bit.ly/42QOKdO>, p. 10. “Several interviewees expressed the importance of being financially independent as a means of achieving safety and security. This could mean being able to live separately from families, or, if necessary, leaving the country. They acknowledged that most women, however, do not have the education or resources to contemplate living independently”; OutRight International / IraQueer, What it Means to Be a Queer Woman, 23 February 2022, <https://bit.ly/3Epvdrrm>, p. 20. Women living alone are often perceived as “sluts”; Workers Against Sectarianism, Women Working in Iraq: Shame, Control, as Part of a Working Woman’s Life, 17 August 2022, <https://bit.ly/3VdskzC>. Women reportedly cannot book hotel rooms alone due to a tourism authority instruction, and single women “face difficulties trying to rent an apartment or house to live alone or without their families because it is not socially accepted”; HRW, Trapped: How Male Guardianship Policies Restrict Women’s Travel and Mobility in the Middle East and North Africa, 18 July 2023, www.ecoi.net/en/document/2095071.html.

movement without a male guardian is also restricted by these norms,¹²⁰³ and sexual harassment of women in public spaces if they are not accompanied by a male guardian is also common.¹²⁰⁴ HRW reported that women who fled abusive families without their civil documents faced difficulties to renew their civil documentation.¹²⁰⁵

UNHCR considers that, depending on the particular circumstances of the case, women and girls falling in the following categories are **likely to be in need of international refugee protection**:

- a) Survivors and those at risk of sexual violence, domestic violence or “honour”-based violence;
- b) Survivors of forced and/or child marriage;
- c) Survivors and those at risk of trafficking for the purpose of sexual exploitation and forced prostitution.

UNHCR further considers that, depending on the particular circumstances of the case, women and girls falling in the following categories **may be in need of international refugee protection**:

- a) Women and girls in the public sphere;
- b) Women and girls without genuine family support;
- c) Women and girls with claims based on past persecution alone, including survivors of gender-based violence and survivors of FGM.¹²⁰⁶

Depending on the particular circumstances of the case, they may be in need of international refugee protection on the basis of a well-founded fear of persecution at the hands of State or non-State actors for reasons of their membership of a particular social group, their political or imputed political opinion, and/or their religion, combined with a general inability of the State to provide protection from such persecution where the actors of persecution are non-State actors.

For women and girls targeted on account of their real or perceived political opinion, their ethnic or religious identity (including for perceived transgressions of *Shari’a* law), or their diverse SOGIESC, see also other profiles in Section III.A.

9) Children

Children may fall within a number of the other risk profiles contained in these guidelines. In particular, children perceived to be affiliated with Da’esh are reportedly subject to arbitrary arrest and prolonged pre-trial detention, torture and other forms of ill-treatment, fair trial violations, as well as retaliatory violence and discrimination at the hands of State and non-State actors.¹²⁰⁷ Children also continue to be killed and injured due to armed conflict, ERW and IEDs.¹²⁰⁸

¹²⁰³ For example, Yazidi women “cannot travel alone without a man or someone responsible for her due to fear of society’s view of her. She is afraid of someone finding out that she is a Yazidi. Today, Yazidi women are considered to be a Sabiya (captive), or even an infidel, and consequently exposed to verbal harassment.” Furthermore: “A Yazidi widow (...) doesn’t go out alone as she doesn’t have a man. If she went out alone, this means that she wants to remarry and this isn’t acceptable in the Yazidi community”; CREID, *Violence and Discrimination Against Women of Religious Minority Backgrounds in Iraq*, 6 December 2022, <https://bit.ly/3Zp0cdM>, pp. 264, 300. Women may face difficulties to obtain civil documentation due to “gender norms which can restrict women’s movement – including to travel to and from government offices without a male escort. This is particularly a challenge for widows, or women whose husband may have disappeared during the conflict”; DRC, *Life in the Margins*, 16 September 2022, www.ecoi.net/en/document/2078836.html, p. 20. “Hypermasculinity and fears for women’s safety have confined many women to the private space, restricted their mobility, and forced them into more traditional gender roles. Many do not feel safe leaving the house unaccompanied because of high levels of harassment”; UNDP, *Reimagining the Social Contract in Iraq*, 12 June 2022, <https://bit.ly/3DdZet4>, p. 29. See also, DRC, *International Widows’ Day: Interview with an Expert in Iraq*, 23 June 2022, <https://bit.ly/3T3lVnP>; WVI, *Empowered Women, Empowered Children*, April 2022, www.ecoi.net/en/document/2075566.html, p. 28.

¹²⁰⁴ See Section III.A.8.c.

¹²⁰⁵ “Without a civil ID, women also face challenges freely moving around and registering for their residence card, which is required to rent housing or secure employment”; HRW, *World Report 2024: Iraq*, 11 January 2024, www.ecoi.net/en/document/2103133.html.

¹²⁰⁶ For guidance on the international protection needs of girls at risk of female genital mutilation (FGM), see Section III.A.9.

¹²⁰⁷ “Children also suffer from the collective punishment of families with perceived or actual affiliation with ISIL and other extremist groups”; UN Iraq, *Iraq Common Country Analysis 2021*, 26 April 2022, www.ecoi.net/en/document/2073112.html, p. xi. See also Sections II.B.1 and III.A.1.

¹²⁰⁸ Between January and August 2023, the UN verified 45 grave violations against 41 children (33 boys, 8 girls). Violations included killing (13), maiming (23), abduction by Da’esh (1), abduction and the commission of acts of sexual violence by Da’esh (3), abduction by the PKK (1) and one attack against a school; UN Security Council, *Implementation of Resolution 2682 (2023): Report of the Secretary-General*, S/2023/700, 26 September 2023, www.ecoi.net/en/document/2099191.html, para. 55; UN Security Council, *Implementation of Resolution 2631 (2022): Report of the Secretary-General*, S/2023/340, 11 May 2023, www.ecoi.net/en/file/local/2092084/N2312267.pdf, para. 51. In 2022, the UN “verified 202 grave violations against 173 children (125 boys, 48 girls), including 8 children who were victims of multiple violations. In addition, 17 grave violations affecting 15 children that had occurred in

In addition, children are reported to be at risk of child-specific forms or manifestations of persecution. Adolescent girls are at particular risk of sexual violence,¹²⁰⁹ forced and/or child marriage,¹²¹⁰ “honour”-based violence,¹²¹¹ and FGM.¹²¹² Children also suffer from physical violence at home and in schools.¹²¹³ Children with diverse SOGIESC face violence and discrimination from State actors, armed groups and their families and communities.¹²¹⁴ Child labour, including its worst forms, is reportedly widespread and rising,¹²¹⁵ including hazardous work likely to harm their health, safety or morals such as begging, street vending, and working in agriculture, construction, and brick factories.¹²¹⁶ Some children are trafficked for forced labour, including forced begging, commercial sexual exploitation and organ trafficking across the country.¹²¹⁷ A draft federal child protection law remains pending at the time of writing.¹²¹⁸

Both the federal and the regional governments have taken steps to prevent the recruitment of children and no credible cases of child recruitment by the PMF have been documented since 2021.¹²¹⁹ The PKK and

previous years (6 boys, 9 girls). (...) A total of 126 children (101 boys, 25 girls) were killed (55) and maimed (71)” by various armed actors and included ERW, ground engagements, airstrikes and crossfire. “Most incidents occurred in areas previously under the control of Da’esh”; UN General Assembly / Security Council, *Children and Armed Conflict*, 5 June 2023, www.ecoi.net/en/document/2095409.html, paras 70, 73. See also, UN Iraq, *More than 9,000 Children Have Been Killed or Maimed in Iraq since 2008*, 7 June 2023, <https://bit.ly/3OnP11K>; and Sections II.B and II.C.

See Sections III.A.8.c and III.A.8.d.

See Section III.A.8.g.

For example, Yazidi children born of rape, who are not accepted by the Yazidi community, are reportedly also at risk of “honour killings”; US Department of State, *2022 Report on International Religious Freedom: Iraq*, 15 May 2023, www.ecoi.net/en/document/2091863.html. See also Section III.A.8.f.

See Section III.A.8.h.

In Federal Iraq, corporal punishment, while outlawed in detention centres and prisons, remains lawful in the private sphere and in alternative care settings, at schools and in juvenile rehabilitation centres; Republic of Iraq, *Penal Code (Law No. 111 of 1969)*, July 1969, www.refworld.org/docid/452524304.html, art. 41(1). According to the Supreme Judicial Council, 963 cases of domestic violence against children were recorded in Federal Iraq in 2022; Kirkuk Now, *21,000 Cases of Domestic Violence during 2022*, 30 March 2023, <https://bit.ly/3Ud3waQ>. In November 2021, the Ministry of Education ordered schools to not use corporal punishment; however, previous studies have shown that violent punishment was rampant in schools; Kurdistan 24, *Iraq Orders Ban on Use of ‘Corporal Punishment’ in Schools*, 22 November 2022, <https://bit.ly/3gZk2Mb>. See also, Fanack, *Child Abuse in MENA on the Rise: A Persisting Crisis*, 20 September 2023, <https://bit.ly/48KIYqC>; Partnership for Maternal, Newborn & Child Health, *Nojus Saad: Silent Struggles: Q&A on the Impact of Iraq’s Normalized Violence Against Children*, 11 July 2023, <https://bit.ly/3sbFinQ>; Global Partnership to End Violence Against Children, *Corporal Punishment of Children in Iraq*, August 2022, <https://bit.ly/3WsPdQm>; WVI, *Empowered Women, Empowered Children*, April 2022, www.ecoi.net/en/document/2075566.html, p. 35; and Section III.A.8.e.

See Section III.A.11.

Iraq’s domestic labour legislation sets the minimum age to work at 15 years. However, “poverty and war have caused a sharp spike in child labor, with children as young as eight-years-old working physically demanding jobs”; i24 News, *Poverty, War in Iraq Causes Sharp Spike in Child Labor*, 1 March 2023, <https://bit.ly/3CugetQ>. “In a [2022] survey conducted in five areas of East Mosul the IRC observed that 90% of caregivers reported having one or more children engaged in labour. While 85% of children reported that they did not feel safe in their place of work, describing instances of harassment and not having proper equipment to protect themselves during work in factories or on the streets. (...) The results showed that child labour is a common negative coping mechanism for families in these areas, who are struggling to rebuild their lives due to limited livelihood opportunities, missing documentation (...) and poor living conditions”; IRC, *High Child Labor Rates in Iraq Continue to Disrupt Children’s Education, Childhood and Basic Rights*, the IRC Warns, 20 November 2022, <https://bit.ly/3ESPZ2a>. See also, Rudaw, *Over 1,000 Children Working in Sulaimani, Halabja Provinces: KRG Minister*, 12 June 2023, <https://bit.ly/42EfahH>; France 24, *Wars, Poverty Fuel Spike in Iraqi Child Labour*, 1 March 2023, <https://bit.ly/441gNav>; Xinhua (video), *Child Labourers in Iraq on Rise after Years of War, Instability*, 6 September 2022, <https://bit.ly/3f2D1oB>; Global Times, *Child Labor in Iraq on Rise after Years of War, Instability*, 2 September 2022, <https://bit.ly/3F58IOc>.

For the different types of child labour prevalent in Iraq, some of which may constitute hazardous work, see US Department of Labor, *2021 Findings on the Worst Forms of Child Labor: Iraq*, 28 September 2022, www.ecoi.net/en/document/2082746.html, Table 2. See also, Kirkuk Now, *Nineveh: 2 to 7 out of 10 Students Drop Out of School*, 9 October 2023, <https://bit.ly/45u2UBY>; IRC, *Iraq Protection Needs Overview: Monitoring and Trends (October 2022 – March 2023)*, 3 July 2023, <https://bit.ly/477AvU7>, pp. 9, 13; France 24, *Wars, Poverty Fuel Spike in Iraqi Child Labour*, 1 March 2023, <https://bit.ly/441gNav>.

“Many Iraqi children have also been subject to sexual abuse and exploitation. The progress made by Iraq in combatting child sex trafficking and abuse remains meager, and security forces have often been found involved in sex trafficking. Boys as young as seven have been exploited, including in the workplace, and girls are even more vulnerable”; EPC, *Iraqi Children, Crisis of Conflict, and the Dysfunctional Education System*, 6 July 2022, <https://bit.ly/3yX5liu>. “Throughout the country, some girls are subjected to commercial sexual exploitation through temporary marriages, including girls living in IDP camps. Iranian-backed Popular Mobilization Forces (PMF)-affiliated militias Asaib Ahl al-Haq (AAH) and Harakat Hezbollah al-Nujaba (HHN) profit from and protect ‘marriage offices’ operated by clerics who facilitate commercial sexual exploitation of children through temporary marriages”; US Department of Labor, *2021 Findings on the Worst Forms of Child Labor: Iraq*, 28 September 2022, www.ecoi.net/en/document/2082746.html. See also, New Lines Magazine, *The Disappeared Children of Iraq*, 8 January 2024, <https://bit.ly/3u8IHpn>; Bas News, *Child Trafficking Surges in Iraq, Activists Raise Concerns*, 24 July 2023, <https://bit.ly/3KnYwMX>; and Section III.A.8.i.

HRW, *Iraq: Reforms Needed to Entrench Stability*, 11 January 2024, <https://bit.ly/3Ucc0RV>. The draft law has been described as “a good start”, yet “most of the provisions in this draft are vague. No financial analysis or budgetary allocations are included. Some of the provisions contravene the articles of the Convention on the Rights of the Child, which Iraq has ratified. There are notable omissions in the scope of the envisioned protections, particularly for girls”; IILHR, *Legislative Review: Draft Law on Child Protection*, May 2023, <https://bit.ly/3S86YTL>, p. 2. See also, SEED Foundation, *SEED Calls on the Government of Iraq to Bolster Protections Against the Worst Forms of Child Labor*, 12 June 2023, <https://bit.ly/4b5NbNt>.

UN Office of the SRSG for Children and Armed Conflict, *UN Special Representative of Secretary-General for Children and Armed Conflict Concludes Official Visit to Iraq*, 11 January 2024, <https://bit.ly/3Uif9L>, p. 1. In the UN Secretary-General’s 2023 report on children and armed conflict, the PMF was conditionally delisted for the violation of recruitment and use of children pending the full implementation of an action plan to prevent the recruitment or use of children signed by the Government of Iraq, UNAMI and UNICEF on 30 March 2023; UN General Assembly / Security Council, *Children and Armed Conflict*, 5 June 2023, www.ecoi.net/en/document/2095409.html, para. 344. See also, US Department of State, *2023 Trafficking in Persons Report: Iraq*, 15 June 2023, www.ecoi.net/en/document/2093605.html; UN Security Council, *Implementation of Resolution 2631 (2022): Report of the Secretary-General*, S/2023/340, 11 May 2023, www.ecoi.net/en/file/local/2092084/N2312267.pdf, para. 52.

Da'esh continue to be involved in the recruitment of children, including for the use in combat and at checkpoints.¹²²⁰ Former child soldiers, many of whom are traumatized or suffer from long-term medical conditions,¹²²¹ frequently lack access to adequate rehabilitation, reintegration and mental health programmes, leaving them vulnerable to revictimization and re-recruitment.¹²²² Children and adolescents who have been victims of trafficking, forced recruitment or child labour are often not seen as victims but as perpetrators and risk criminal prosecution and punishment for acts they were forced to commit.¹²²³

Numerous children face difficulties or are prevented from obtaining official documents.¹²²⁴ This includes children born out of wedlock or to parents whose marriage was not officially recognized;¹²²⁵ displaced children;¹²²⁶ children born in areas under Da'esh control at the time of their birth, especially if the father is dead or missing;¹²²⁷ and children fathered by Da'esh fighters as a result of rape or forced marriage.¹²²⁸ By

- ¹²²⁰ In 2022, "32 children (18 boys, 14 girls), as young as age 11, were recruited and used by the People's Defence Forces of the Kurdistan Workers' Party (HPG/PKK) (28) and Da'esh (4)"; UN General Assembly / Security Council, *Children and Armed Conflict*, 5 June 2023, www.ecoi.net/en/document/2095409.html, para. 71. See also, Bas News, *Illegal Armed Groups Continue to Recruit Children in Sinjar: Official*, 30 July 2023, <https://bit.ly/3QwtbVd>; Bas News, *Parents of Children Kidnapped by PKK Form Pressure Group in Sulaymaniyah*, 10 January 2023, <https://bit.ly/3CTu61E>; Al-Monitor, *PKK Threatens Journalists, Lawmakers in Kurdistan as Regional Tensions Rise*, 15 June 2022, <https://bit.ly/3nRcEmp>.
- ¹²²¹ "Exposed to horrific violence, tortured, and severely injured during captivity, each young boy was left with complex trauma and poor mental health – in addition to long-term medical needs, lost loved-ones, and destroyed homes"; SEED Foundation, *Can We Build a Brighter Future for Children Exploited by War?*, 9 February 2022, <https://bit.ly/3y8gX2t>. See also, Sunday Times, *Kidnapped, Drugged and Forced to Fight: The Forgotten Child Victims of ISIS*, 16 July 2022, <https://bit.ly/3tT1MaK>.
- ¹²²² "The government also fails to provide protection services for former child soldiers, putting them at risk of revictimization or re-recruitment"; GI-TOC, 2023 *Global Organized Crime Index: Iraq*, September 2023, <https://bit.ly/42cXCL4>, p. 6. "The Iraqi government did not report providing protection or reintegration services to demobilized child soldiers of ISIS"; US Department of State, 2023 *Trafficking in Persons Report: Iraq*, 15 June 2023, www.ecoi.net/en/document/2093605.html. See also, Amnesty International, *Iraq: Yazidi Child Soldiers who Survived ISIS Tell Their Story*, 10 February 2022, <https://bit.ly/3sfExRr>.
- ¹²²³ "Because the age of legal criminal responsibility is nine in the areas administered by the central government and 11 in the IKR, authorities often treated sexually exploited children as criminals instead of victims"; US Department of State, 2022 *Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. "Some victims of human trafficking, including children who were forcibly recruited and used, are punished for unlawful acts their traffickers compelled them to commit. Research indicates that children are sentenced to up to 8 years in prison for prostitution, rather than being treated as victims of trafficking or commercial sexual exploitation of children. In addition, an NGO reported that police occasionally detained children engaged in street begging and kept them in custody before releasing them; police did not screen these children as possible victims of human trafficking or refer them to appropriate protection services"; US Department of Labor, 2021 *Findings on the Worst Forms of Child Labor: Iraq*, 28 September 2022, www.ecoi.net/en/document/2082746.html. See also, Heartland Alliance International, *Iraq*, 2022, <https://bit.ly/3bb1fKY>; and Section III.A.8.i.
- ¹²²⁴ The lack of documentation has "immediate and long-term ramifications for thousands of children who remain unable to enrol in school, further marginalising girls and boys who have already missed out on years of education due to conflict and displacement"; DRC, *Life in the Margins*, September 2022, www.ecoi.net/en/document/2078836.html, p. 3. See also, Boston University School of Law, *The Campaign to End Statelessness in Iraq*, March 2022, <https://bit.ly/3Dq22SY>, pp. 52-53; and Section II.E.1.
- ¹²²⁵ "Single women and widows often have problems registering their children, although in most cases authorities provided birth certificates after registration of the birth through the Ministries of Health and Interior; such registration was reportedly a lengthy and at times complicated process"; US Department of State, 2022 *Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. "There are no concrete official records how many children all over Iraq are unable to get registered as their [fathers] are absent or unknown"; Kirkuk Now, *My Name is My Mother's*, Campaign for Thousands of Children, 9 January 2021, <https://bit.ly/3g8hKtJ>. "If left unresolved, an informal marriage leaves a child without any legal proof of the link between the child and an Iraqi national parent. (...) When women cannot provide a marriage certificate, they often do not enter the formal health care system when their children are born. Consequently, an unknown number of children of unregistered marriages are born to mothers outside of the official healthcare system who then do not – or cannot – register the child's birth"; Boston University, *The Campaign to End Statelessness in Iraq*, March 2022, <https://bit.ly/3zFu0cm>, p. 40. See also E. van Eijk, *Displaced, Unwanted and Undocumented. Children Born into Iraqi and Syrian Families with (Perceived) Terrorist Affiliations*, 2022, <https://bit.ly/3FzZVi2>, pp. 22-23; and Section III.A.8.g.
- ¹²²⁶ "It has been estimated that at least 45,000 displaced children living in camps also lack civil documentation, leaving them unable to enroll in school, register for healthcare, or access other essential services"; SEED Foundation, *World Children's Day: To Establish Flourishing Communities, Today and in the Future, we Must Protect the Rights of every Child*, 20 November 2023, <https://bit.ly/3N8cEvl>. See also Section II.E.1.
- ¹²²⁷ "There were a significant number of individuals in the country who were either stateless or at risk of statelessness, including displaced children who lacked civil documentation and faced exclusion from local communities, including being barred from attending school, denied access to health care, and deprived of basic rights." Furthermore, obtaining documentation "was made more difficult as women were unable to obtain birth certificates for their children without their husband present or a certificate of their husband's death"; US Department of State, 2022 *Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. For example, the "Mosul Civil Statutes Court has decided not to grant identification cards to any child born to ISIS fathers so the mothers are forced to register their children under their own fathers or other male relatives"; Rudaw, *Iraqi Children Born to ISIS Fathers Denied IDs, Cannot Enroll in School*, 23 October 2022, <https://bit.ly/3DrKk2u>. See also Section III.A.1.b.
- ¹²²⁸ "Survivors [of sexual violence by Da'esh] and their children, including children born of rape, are often unable to obtain birth registration and identity documents, as Iraqi law requires proof of paternity"; UN Security Council, *Conflict-Related Sexual Violence: Report of the Secretary-General*, S/2023/413, 22 June 2023, <https://bit.ly/3vPi9xl>, para. 37. CED "Delegation was informed about cases in which, after their return to Iraq, [Yazidi] mothers have had to leave their children in orphanages with the intention of getting them back as soon as possible. However, when they returned to the orphanage, the mothers were told that their children were 'given' to another family, allegedly with the direct involvement of some State agents. And no one provides them with any reply when they ask about their children's whereabouts. Such cases are facilitated by the fact that hundreds to thousands of children born under ISIL rule or to foreign fathers were not registered at birth and lacked civil documentation. Although there is a legal framework in place to allow children born of sexual violence to obtain identity documents, various testimonies received by the Committee reveal that, in practice, obtaining such documents is particularly difficult, especially as it 'requires women to publicly expose what they have survived – experiences that their families, culture, tribe, and religion consider to be deeply shameful'; CED, *Information on the Visit and Findings*, 31 March 2023, <https://bit.ly/3MgQs2i>, para. 31. "The situation of

law, children born to a Yazidi mother as a result of rape by Da'esh¹²²⁹ are considered to be of “unknown” paternity, and hence they are registered as “Muslims” even if the mother is a non-Muslim.¹²³⁰ Children lacking documentation often face restrictions on or are barred from access to health care, education, housing, employment and social safety nets,¹²³¹ as well as restrictions on their freedom of movement,¹²³² and are at risk of abandonment, stigmatization and abuse.¹²³³ Children who lack birth certificates are at risk of *de facto* statelessness.¹²³⁴

IDP and returnee children, children from socioeconomically disadvantaged backgrounds, undocumented children, children with disabilities, orphaned, abandoned and separated children as well as children of women without male support are reported to be particularly vulnerable to different forms of exploitation, including child labour, forced and/or child marriage, sexual exploitation, and trafficking, and many of them are exposed to several of these child-specific forms of abuse.¹²³⁵ In some formerly Da'esh-held areas,

children born of conflict-related rape is often further complicated by socioeconomic marginalization, underpinned by discriminatory birth registration policies. In Iraq (...) they frequently lack access to health care, education, housing and employment owing to a lack of civil documentation”; UN Security Council, *Women and Girls who Become Pregnant as a Result of Sexual Violence in Conflict and Children Born of Sexual Violence in Conflict: Report of the Secretary-General*, S/2022/77, 31 January 2022, <https://bit.ly/3yzUA5l>, para. 17.

“Yezidi officials estimated the number of children born of Yezidi mothers and ISIS fathers ranged from several dozen to several hundred. Yezidi leaders said societal stigma made it difficult to obtain accurate numbers”; US Department of State, *2022 Report on International Religious Freedom: Iraq*, 15 May 2023, www.ecoi.net/en/document/2091863.html.

Iraq, National Card Law No. (3) of 2016, 2016, www.refworld.org/docid/635673494.html, art. 20(2). Under the law, “a child born to one Muslim parent, even if the child is born out of rape, has to be registered as Muslim. The alternative is for the child to be undocumented”; IBA, *Justice and Accountability for the Atrocities of Daesh*, 1 March 2023, <https://bit.ly/3C5LFum>, p. 49. “[Yazidi] Children born in captivity face even greater challenges as proof of paternity is required in Iraq for registration by unmarried parents. Barring this, a child is registered as Muslim, rendering them both legally and culturally non-Yazidi, further stigmatizing them”; Save the Children, *Yazidi Children still Living in Fear 8 Years after Genocide*, 22 September 2022, <https://bit.ly/3DqMeiY>. “Yezidi women who were impregnated by IS men face two choices (1) their children do not acquire documentation or nationality and live as stateless persons; or (2) their children acquire nationality documents that state their religion as Muslim – a severely stigmatized status for Yezidis – documents that permanently associate children with their perpetrator fathers”; Boston University School of Law, *The Campaign to End Statelessness in Iraq*, March 2022, <https://bit.ly/3Z1yFPp>, p. 57. See also, UNICEF/UNAMI, *Children Born of Rape & Children Born to ISIS Fathers*, June 2019, <https://bit.ly/3gIybxr>, para. 9.1.1 and footnote 59.

“Children born of unregistered marriages or born out of wedlock, including those born of rape, may be unable to obtain birth certificates and thus other key civil documents, limiting their access to government services and social protection. If the paperwork is left unresolved, those affected cannot enroll in school, access employment opportunities, and may be forced to enter into unregistered marriages later in life”; HRW, *World Report 2024: Iraq*, 11 January 2024, www.ecoi.net/en/document/2103133.html. Among secondarily displaced families in Al-Anbar, Ninewa, Kirkuk and Salah Al-Din, “[S]chool-aged children are especially impacted by the lack of documents as Iraqi national IDs are required for school enrolment, even though there is no legal provision mandating this.” (...) The lack of documentation impacts “their wellbeing, motivation levels, and future opportunities” and they “have limited access to health services, ration cards, and assistance from the Ministry of Migration and Displacement and they encounter movement restrictions on top of their inability to attend school.” Interviews with key informants “showed that these vulnerabilities put children and youth in informal settlements at risk of violence, trauma, child labour and child marriage”; NRC, *The Unmet Needs of Iraq's Children in Informal Settlements*, September 2022, www.ecoi.net/en/document/2082613.html, pp. 18-10. “Missing civil documentation impedes one’s ability to access basic services such as education, healthcare, and social security benefits and can lead to restricted freedom of movement, increased risk of arrest and detention, exclusion from restitution and/or reconstruction programmes, and inability to participate in the public affairs of the country”; UNHCR, *Access to Civil Documentation by IDPs and IDP Returnees in Iraq: 2022-2023*, 24 August 2022, www.ecoi.net/en/document/2077894.html, p. 1. See also, IRC, *High Child Labor Rates in Iraq Continue to Disrupt Children's Education, Childhood and Basic Rights*, the IRC Warns, 20 November 2022, <https://bit.ly/3ESpZ2a>; Kirkuk Now, *Lack of Identity Closed School Doors in Face of IDP Kid*, 13 September 2022, <https://bit.ly/3xmMmNW>; DRC, *Life in the Margins*, September 2022, www.ecoi.net/en/document/2078836.html, p. 14; UN Security Council, *Women and Girls who Become Pregnant as a Result of Sexual Violence in Conflict and Children Born of Sexual Violence in Conflict: Report of the Secretary-General*, S/2022/77, 31 January 2022, <https://bit.ly/3yzUA5l>, para. 17.

“Identity documents (...) Without documentation, these children (...) lack freedom of movement to travel to different cities or governorates (...)”; DRC, *Life in the Margins*, September 2022, www.ecoi.net/en/document/2078836.html, p. 14. See also, UNHCR, *Access to Civil Documentation by IDPs and IDP Returnees in Iraq: 2022-2023*, 24 August 2022, www.ecoi.net/en/document/2077894.html, p. 1; Boston University, *The Campaign to End Statelessness in Iraq*, March 2022, <https://bit.ly/3zFu0cm>, p. 64.

Children born of Yazidi mothers and Da'esh fathers are reported to be “under threat of honor and retribution killings”, according to Yazidi sources; US Department of State, *2022 Report on International Religious Freedom: Iraq*, 15 May 2023, www.ecoi.net/en/document/2091863.html. According to the UN Special Rapporteur on the human rights of internally displaced persons, Cecilia Jimenez-Damary: “These children [born to Yazidi mothers as a result of rape] are at risk of abandonment, and these Yazidi mothers face the difficult choice of either leaving their children or their community”; UN News, *New Iraqi Law ‘Major Step’ in Assisting ISIL’s Female Victims but more Must Be Done*, 21 April 2021, <https://shar.es/aWVldQ>. See also, War on the Rocks, *Iraq’s Remaining Displaced Families*, 3 February 2022, <https://bit.ly/3s3dgav>; and Sections III.A.1.b and III.A.8.d.

The 2021 Survivors Law does not “address the issue of children born as a result of conflict-related rape. Owing to legal requirements related to identification documents, these children continue to be at risk of statelessness, rendering them vulnerable to human trafficking and recruitment by terrorist groups”; UN Security Council, *Conflict-Related Sexual Violence: Report of the Secretary-General*, S/2022/77, 29 March 2022, www.ecoi.net/en/document/2071267.html, para. 33. The lack of identity cards and birth certificates “leave[s] thousands of children without identity and consequently without the right to education and citizenship”; UNDP, *Challenges for the Return and Reintegration of Women and Children*, October 2022, www.ecoi.net/en/document/2082671.html, p. 19. See also, UNHCR, *Access to Civil Documentation by IDPs and IDP Returnees in Iraq: 2022-2023*, 24 August 2022, www.ecoi.net/en/document/2077894.html, p. 1. On the 2021 Survivors Law, see also Section II.D.3.a.

Among IDP and returnee households surveyed across Iraq between 15 June and 1 November 2023, 3% reported having school-aged children (6 to 17-year-old) engaged in labour; REACH, *Key Multi-Sectoral Findings*, 14 December 2023, www.ecoi.net/en/document/2102373.html, p. 21. Among IDP, returnee, and host community groups surveyed in Al-Anbar, Kirkuk and Ninewa Governorates between July and September 2023, “a substantial proportion (54%) of the participants surveyed reported that they aware of school-aged children are engaged in work during school hours”; IRC, *Protection*

access to education is further prevented by the use of schools for military purposes by armed actors,¹²³⁶ as well as continued insecurity.¹²³⁷

Children lacking civil documentation,¹²³⁸ girls forced into marriage,¹²³⁹ boys and girls forced to work, children with disabilities¹²⁴⁰ and children from marginalized ethnic groups, particularly Roma and Black Iraqis, are often effectively excluded from accessing education.¹²⁴¹ Approximately half of all displaced children are out of school.¹²⁴² Girls face gender-specific barriers to accessing education due to cultural norms.¹²⁴³

Needs Overview April 2023 – September 2023, 10 December 2023, <https://bit.ly/3vVRrPh>, p. 10. "(...) observers noted in the IKR IDP and refugee children and children with disabilities, primarily in urban areas, were at highest risk for forced begging. The government stated criminal gangs have forced children to sell and transport drugs and weapons. Observers reported an increase in the use of children 8-15 years old by criminal gangs to distribute narcotics. Civil society organizations also reported children, including IDP children, were forced to work in chemical factories in Erbil and mining shops in Sinjar (...) Observers noted forced labor was often seen among Iraqi IDP children (...) between the ages of 10-18 who were exploited in street-selling and hospitality, including girls who were predominately forced into domestic work"; US Department of State, 2023 Trafficking in Persons Report: Iraq, 15 June 2023, www.ecoi.net/en/document/2093605.html. For Yazidi girls, "[I]nstances of early marriage in the camps are higher because of unemployment and a lack of awareness and trainings for young women about their rights and legal status according to the government and what the risks – physical and mental – of being married at an early age may be." And further: "During displacement, young Christian women and girls were uniquely vulnerable [to child marriage] as they were often viewed as a burden the family needed to be rid of"; CREID, Violence and Discrimination Against Women of Religious Minority Backgrounds in Iraq, 6 December 2022, <https://bit.ly/3Zp0cdM>, pp. 51-52, 384. "Children of widows are also vulnerable to exploitation – this exploitation includes early marriage and child labor"; Tufts University, Separated, Divorced, and Widowed Female Youth, August 2022, <https://bit.ly/3eroDpG>, p. 23. See also, IRC, High Child Labor Rates in Iraq Continue to Disrupt Children's Education, Childhood and Basic Rights, the IRC Warns, 20 November 2022, <https://bit.ly/3ESPZ2a>; Kirkuk Now, 170 Displaced Students of Shingal Abandon School, 17 June 2022, <https://bit.ly/3RLZDIG>; OCHA, 2022 Humanitarian Needs Overview 2022: Iraq, 27 March 2022, <https://bit.ly/3qPutUV>, pp. 49-50; and Sections III.A.8.g, III.A.8.i and III.A.8.j.

In 2022, the UN verified the military use of some 35 schools by armed actors. Also, two attacks on schools were verified and attributed to the IRGC and unidentified perpetrators, respectively; UN General Assembly / Security Council, Children and Armed Conflict, 5 June 2023, www.ecoi.net/en/document/2095409.html, para. 75. In Sinjar, for example: "Three schools are being used by armed groups as military bases, (...) undermining access to education and putting school infrastructure at risk of attack", according to Hassan Salih Murad, head of the Sinjar Education Department; HRW, Iraq: Political Infighting Blocking Reconstruction of Sinjar, 6 June 2023, www.ecoi.net/en/document/2092983.html. See also, Kurdistan 24, Over 1000 Students Denied Access to a Sinjar School by PKK, Says Japanese Envoy, 19 October 2023, <https://bit.ly/3QzWuM4>; Kirkuk Now, Shingal (Sinjar) Education Demands Schools Occupied by Security Forces, Militant Groups, 25 September 2022, <https://bit.ly/3qBeibx>.

Rudaw, Fearing ISIS, Dozens of Kurdish Schools Remain Shut in Makhmour, 24 October 2022, <https://bit.ly/3sxZMDQ>. See also, Global Coalition to Protect Education from Attack, Iraq: Education under Attack, 2022, <http://bit.ly/3YPGqJb>, pp. 1, 3.

"Previously displaced children across Anbar, Diyala, Dohuk, Kirkuk, Ninewa and Salah al-Din governorates faced major obstacles to accessing formal education due to the lack of identity documents for children born in territories under Islamic State control"; Amnesty International, Amnesty International Report 2022/23: Iraq, 28 March 2023, www.ecoi.net/en/document/2089537.html. Undocumented children "cannot attend formal schools, receive exam results, or obtain education certificates to advance to the next grade. (...) In February 2022, the Directorates of Education in Ninewa and Salah al-Din governorates announced the decision to allow undocumented children and children with incomplete civil documentation to continue their education and obtain official diplomas at the end of the scholastic year upon submission of their civil documents. An estimated 3,000 children are expected to benefit from this decision across both governorates. While a step in the right direction, consistent implementation of this decision, as well as an expansion across other governorates, are essential to allow children to continue their education"; DRC, Life in the Margins, 14 September 2022, www.ecoi.net/en/document/2078836.html, p. 15. See also, Kirkuk Now, Lack of Identity Closed School Doors in Face of IDP Kid, 13 September 2022, <https://bit.ly/3xmMmNW>. See also Section II.E.7 and III.A.1.b.

Tufts University, Life after Marriage: An Analysis of the Experiences of Conflict-Affected Female Youth who Married under Age 18 in South Sudan and the Kurdistan Region of Iraq, 23 May 2022, www.ecoi.net/en/document/2086950.html, p. 10; Manara Magazine, "With Education you Can Face Every Struggle": Gendered Higher Education in Iraq and Iraqi Kurdistan – Part One: Living in Darkness, 21 February 2022, <https://bit.ly/3GJ8y8v>. See also Section III.A.8.g.

See also Sections II.E.7 and III.A.10.

"Black rights advocates say many Black students drop out of school because of bullying by students and teachers. A survey in 2011 reported illiteracy rates among Black Iraqis at 80 percent, a figure more than twice as high as the national average, and believed to be largely unchanged since then"; New York Times, A Black Iraqi's Sudden Career in TV News: 'They Wanted to See All Colors', 4 February 2022, <https://nyti.ms/3F9Ytm8>. See also, Al Jazeera, Iraqi Roma Persecuted: Minority Say they Are Excluded, 29 April 2022, <https://bit.ly/3TSITEC>; Researching Internal Displacement, Roma in Iraq and Syria: On the Margins of IDP Protection, December 2021, <https://bit.ly/3eWDAQW>, p. 11; IRI, Living in the Shadows: The Enduring Marginalization of Black Iraqis, 28 October 2020, <https://bit.ly/3z9T8ri>, pp. 6, 10; Middle East Research Institute (MERI), 'We're Real Iraqis': Securing Roma Rights and Integration in Post-Conflict Iraq, 18 June 2020, <https://bit.ly/3N1OroZ>, pp. 3, 5-7; and Section III.A.5.a.

Nearly 3.2 million school-aged children are out of school, including about half of all displaced children, leaving "them more vulnerable to social isolation, exploitation and abuse"; IOM, IOM Welcomes Decisions by Directorates of Education in Salah al Din and Ninewa to Protect Children's Right to Education, 27 February 2022, <https://bit.ly/3D3ueMh>. "(...) the children of Jeddah 5 households encountered educational obstacles"; IRC, Protection Needs Overview April 2023 – September 2023, 10 December 2023, <https://bit.ly/3vVRrPh>, p. 13.

Among IDP, returnee, and host community groups surveyed in Al-Anbar, Kirkuk and Ninewa Governorates between July and September 2023, "[A] notable 49% of participants revealed that girls face challenges in attending school consistently. The primary obstacles identified for girls in accessing education are families prioritizing boys' education and entrenched social roles, and domestic responsibilities such as caring for younger children and sick or elderly family members"; IRC, Protection Needs Overview April 2023 – September 2023, 10 December 2023, <https://bit.ly/3vVRrPh>, p. 10. "Girls in Iraq do not have full control over their choice of education throughout the different levels, and especially when reaching tertiary education. Family and social norms have a large share of control over the girls' ability to enroll, continue as well as their choice of programme. Furthermore, social norms discourage many families from sending their girls to mixed schools and thus push toward more school drop-outs. Another factor is a cultural preference to educate boys over girls"; WVI, Empowered Women, Empowered Children, April 2022, www.ecoi.net/en/document/2075566.html, p. 27. In Ninewa Governorate, "girls' enrollments at schools are extremely restricted in rural areas"; UNDP, Community-Based Reconciliation & Reintegration in Iraq, 28 June 2022, <https://bit.ly/3flpEJs>, p. 18. Cultural norms impeding access to education were also reported by girls belonging to minority communities such

UNHCR considers that, depending on the particular circumstances of the case, children falling in the following categories **are likely to be in need of international refugee protection**:

- a) Survivors and those at risk of sexual violence, forced and/or child marriage, domestic violence and “honour”-based violence;
- b) Those at risk of FGM;
- c) Survivors and those at risk of forced and under-age recruitment; trafficking; and other worst forms of child labour.¹²⁴⁴
- d) Children who are denied or at risk of being denied access to birth registration or other civil documentation, and for whom legal remedies are either not accessible or ineffective.

UNHCR further considers that, depending on the particular circumstances of the case, children falling in the following categories **may be in need of international refugee protection**:

- a) Children engaged in labour likely to harm their health, safety or morals (“hazardous work”), depending on the particular child’s experience, his/her age and other circumstances;¹²⁴⁵
- b) School-age children who are systematically denied from accessing education, including as a result of discriminatory denial of access to birth registration or other civil documentation, disabilities, or discriminatory practices inhibiting access to education by girls on account of their gender;
- c) Survivors of FGM.

Depending on the particular circumstances of the case, children in these categories may be in need of international refugee protection on the basis of a well-founded fear of persecution at the hands of State or non-State actors for reasons of their membership of a particular social group, their religion, their political or imputed political opinion, or other relevant Convention grounds, combined with a general inability of the State to provide protection from such persecution where the actors of persecution are non-State actors.

Asylum claims by children, including any examination of exclusion considerations for former child soldiers, need to be assessed carefully and in accordance with the UNHCR Guidelines on child asylum claims.¹²⁴⁶

Regarding the international protection needs of children suspected of supporting Da’esh, see Section III.A.1.

10) Individuals with Psychosocial or Intellectual Disabilities

Individuals with psychosocial or intellectual disabilities face widespread stigma and social isolation.¹²⁴⁷ They are reportedly subjected to ill-treatment by members of society, including their own family members¹²⁴⁸ and

as Yazidis, Sabaeen-Mandaeans, Shabaks and Kaka’is, including on account of communities’ preference for early marriage, long distances to schools, fear of harassment and requirements to adhere to Islamic dress codes; CREID, *Violence and Discrimination Against Women of Religious Minority Backgrounds in Iraq*, 6 December 2022, <https://bit.ly/3Zp0cdM>, pp. 51, 107, 118, 182, 238-239. See also, People in Need, *Women of Resilience from Iraq*, 9 March 2023, <https://bit.ly/3m8kzi0>; Tufts University, ‘Education is Like Light. The Opposite is Darkness’: Education and Female Youth in Displacement in South Sudan and the Kurdistan Region of Iraq, 7 November 2022, <https://bit.ly/3pb9nmq>, p. 6; UNAMI/OHCHR, *The Right to Education in Iraq – Part Two: Obstacles to Girls’ Education after ISIL*, 24 January 2021, www.ecoi.net/en/document/2044321.html, p. 7.

For further guidance, see UNHCR, *Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees*, 22 December 2009, www.refworld.org/docid/4b2f4f6d2.html, para. 29.

¹²⁴⁵ *Ibid.*, para. 30.

¹²⁴⁶ *Ibid.*, para. 64.

¹²⁴⁷ “There is a great deal of stigma and shame around disability, especially, but not exclusively, psychiatric disability”; Manara Magazine, *Disability Rights as Human Rights in Sulaimani, Kurdistan-Iraq*, 17 March 2022, <https://bit.ly/3u3K6dl>. See also, Rudaw, *Lack of Support, Tolerance Turns Kurdistan into Hell for Autistic Children*, 19 August 2023, <https://bit.ly/3PaxrQo>; BBC, *The Mother Bringing Autism Out of the Dark in Iraq*, 5 June 2023, <https://bit.ly/3WVhaRE>; Hashim Talib Hashim et al., *Psychiatry in Iraq: Challenges and Consequences*, *Prim Care Companion CNS Disord* 23(3), 2021, <https://bit.ly/3iYmkc7>; Julie Meiers, *Mental Health and Psychosocial Support in Iraq: Challenges and Solutions*, in: *Georgetown Journal of International Affairs*, 27 July 2020, <https://bit.ly/3uQAx0p>.

¹²⁴⁸ The Committee on the Rights of Persons with Disabilities (CRPD) expressed concern about “[R]eports of violence against persons with disabilities, particularly women and children with disabilities, including gender-based violence, and the absence of information on criminal prosecutions and convictions of the perpetrators of such acts and on redress mechanisms for the victim”; CRPD, *Concluding Observations on the Initial Report of Iraq*, CRPD/C/IRQ/CO/1, 23 October 2019, www.ecoi.net/en/document/2019535.html, para. 31(a). Violence against children with disabilities (CwD) “seems to be something normal and permissible as a type of controlling them. There are many forms of violence against CwD such as beating, negligence, imprisonment, preventing them from eating or leaving them on the streets for hours or even days without any care. Some families hide their CwD when they fear that their disability may prevent their brothers and sisters from getting married”; Iraqi Alliance of Disability /Handicap International, *The Parallel*

so-called “faith healers”, who consider that their disability is a sign that they are possessed by evil spirits.¹²⁴⁹ Some families are reported to resort to keeping their family members with mental health conditions confined to the home, depriving them of access to any form of education and social life outside the family circle.¹²⁵⁰ In extreme cases, family members are reported to shackle relatives with mental health conditions and to keep them from leaving the home in response to stigma and inadequate health services,¹²⁵¹ a practice that has been described by the UN as amounting to torture.¹²⁵² Individuals with psychosocial or intellectual disabilities also face discrimination and limitations in access to employment, education, and adequate mental health and psychosocial support.¹²⁵³

UNHCR considers that, depending on the particular circumstances of the case, individuals with psychosocial or intellectual disabilities **may be in need of international refugee protection** on the basis of a well-founded fear of persecution at the hands of non-State actors for reasons of membership of a particular social group or other relevant Convention grounds, combined with a general inability of the State to provide protection from such persecution at the hands of non-State actors. Additionally, mental or physical disabilities may increase the vulnerability of individuals who also fit other risk profiles included in these guidelines.

11) Individuals with Diverse Sexual Orientations, Gender Identities, Gender Expressions and/or Sex Characteristics¹²⁵⁴

a) Situation in Federal Iraq

The Iraqi Penal Code does not expressly prohibit consensual same-sex relations between adults.¹²⁵⁵ However, the fact that the Penal Code does not expressly prohibit consensual same-sex relations has not

Report for Government's Report on The Convention on the Rights of Persons with Disability (CRPD), January 2018, www.ecoi.net/en/document/1449271.html<https://bit.ly/3KhFiXl>, p. 21.

¹²⁴⁹ “In more extreme cases, families mistreated autism as demonic possession, leading them into the hands of unqualified soothsayers and clerics, whose unorthodox methods are tantamount to child abuse”; The New Arab, *Nowhere to Turn: The Perseverance of Iraq's Autistic Community in an Age of Government Neglect*, 16 December 2021, <https://bit.ly/3DE2MmX>. A 2019 study found that “faith healing”, usually by a Shi’ite or Sunni cleric, was “a popular way of treating psychiatric patients”. The reported harmful treatments to exorcise demons, reported by about one quarter of the patients surveyed, included, “frequent jabbing by the healer’s baton, harsh thrusting or cruel beating all over the body, beating with a stick or slapping or hitting the patient’s head against the wall to get the ‘jinn’ out. More rarely, stabbing or cautery was used. Some young female patients reported sexual exploitation by FHs [faith healers] at their houses or at secure hostels near shrines”; Maha S. Younis, Riyadh K. Lafta and Saba Dhiaa, *Faith Healers Are Taking Over the Role of Psychiatrists in Iraq*, in: *Qatar Med Journal* 2019(3), 29 November 2019, <https://bit.ly/3KhH9eA>. See also, Vice News (video), *This Exorcist Is a Social Media Star in Iraq*, 24 October 2020, <https://bit.ly/3uPVfO2>; Middle East Monitor, *Fear of Isolation Drives Mentally Ill in Iraq Away from Doctors*, 14 May 2019, <https://bit.ly/3rGBJ5k>.

¹²⁵⁰ “Another taboo-fuelled practice has seen children with learning difficulties grounded inside their homes indefinitely – out of sight”; The New Arab, *Nowhere to Turn: The Perseverance of Iraq's Autistic Community in an Age of Government Neglect*, 16 December 2021, <https://bit.ly/3DE2MmX>.

¹²⁵¹ “In Iraq, people with psychosocial disabilities (mental health conditions) can be shackled – chained or locked in confined spaces. This inhumane practice exists due to inadequate support and mental health services as well as widespread stigma, such as the belief that mental health conditions are the result of possession by evil spirits or witchcraft. Lack of financial means to access mental health services has also been reported as the reason why some families resort to shackling”; HRW, *Submission to the Committee Against Torture and Other Cruel, Inhuman, or Degrading Punishment*, March 2022, www.ecoi.net/en/document/2071301.html. See also, The Guardian, *Guns, Cash, and Frozen Chicken: The Militia Boss Doling Out Aid in Baghdad*, 20 March 2023, <https://bit.ly/3GAWo2B>; Iraqi Alliance of Disability /Handicap International, *The Parallel Report for Government's Report on The Convention on the Rights of Persons with Disability (CRPD)*, January 2018, www.ecoi.net/en/document/1449271.html<https://bit.ly/3KhFiXl>, pp. 18-19.

¹²⁵² HRW, *Submission to the Committee Against Torture and Other Cruel, Inhuman, or Degrading Punishment*, March 2022, www.ecoi.net/en/document/2071301.html.

¹²⁵³ See Section II.E.

¹²⁵⁴ Most available sources document violence directed against gay men. However, it needs to be kept in mind that, “[W]omen who are lesbian, bisexual, or queer are especially hidden, due to multiple intersecting factors that include patriarchal norms; prevalent gender-based violence and harmful practices, such as child marriage and honor killings; weak state institutions; and weak legal protections for women and girls, with no legal protections whatsoever to address abuses on the grounds of sexual orientation or gender identity.” And further: “LBTQ women in Iraq face significant risks of discrimination, violence, torture, and even death and therefore tend to remain invisible”; OutRight International / IraQueer, *What it Means to Be a Queer Woman*, 23 February 2022, <https://bit.ly/3Epvdrrm>, pp. 6, 14. There is limited information available on the situation of intersex individuals; however, there is reportedly limited awareness of differences between transgender individuals and intersex individuals, and, as a result, intersex individuals may face the same treatment as transgender persons, see footnote 1286.

¹²⁵⁵ Republic of Iraq, *Penal Code, No. 111 of 1969*, July 1969, www.refworld.org/docid/452524304.html. Consensual same-sex relations are expressly banned for members of the police and the military; Republic of Iraq, *Internal Security Forces Penal Code (Decree No. 14 of 2008)*, available in English at: <https://bit.ly/44KfAF0>, art. 17; and Military Penal Code (Law No. 19 of 2007), as amended by Law No. 36 of 2012, available in Arabic at: <https://bit.ly/45vCCIT>, art. 76.

prevented government officials from stating or implying that same-sex relations are unlawful or unacceptable in Iraq and contrary to the teachings of Islamic law.¹²⁵⁶

A range of vaguely-worded provisions in the Penal Code leave room for discrimination against and criminal prosecution of individuals accused of engaging in consensual same-sex sexual acts, e.g., on public indecency or prostitution charges.¹²⁵⁷ In August 2023, the CoR started deliberations of proposed amendments to Iraq's Anti-Prostitution Law (Law No. 8 of 1988), which would criminalize consensual same-sex relations and transgender expression.¹²⁵⁸ While the law has not been adopted at the time of writing, observers noted that "the proposal has already led to an escalation in anti-LGBT sentiment."¹²⁵⁹ In August 2023, Iraq's main media regulator, the Communications and Media Commission, issued a directive to all media and telecommunications networks to stop using the term "homosexuality" and use "sexual deviance" instead.¹²⁶⁰

Since 2003, along with the strengthening of armed actors, Iraq has seen several waves of heightened levels of targeted violence against persons of this profile, including individuals who are considered to transgress society's norms for acceptable gender-specific behaviour.¹²⁶¹ In August 2023, HRW described violence and

¹²⁵⁶ "(...) government officials and religious figures have made numerous anti-LGBT statements, which have served to undermine LGBT rights and fuel violence against LGBT Iraqis"; HRW, *Everyone Wants Me Dead*, 23 March 2022, www.ecoi.net/en/document/2069991.html, p. 21. After the EU, the World Bank and the Canadian and UK embassies raised rainbow flags to commemorate the International Day Against Homophobia, the Iraqi Foreign Ministry issued a statement "saying that homosexuality went against 'the noble morals of all divine religions' and [which] said all missions in Iraq had to 'adhere by the laws of the country, and to follow diplomatic norms'"; MEE, *Iraqi Politicians Call for Expulsions after Embassies Fly LGBT Flag*, 18 May 2020, <https://bit.ly/3g00uHe>. See also, *IraQueer, Biased: Iraqi Media and the Spread of Anti-LGBT+ Rhetoric*, 30 June 2020, <https://bit.ly/3SSFWPr>, p. 13; Rudaw, *Rainbow Flag Row: Diplomats Slammed for Deleting LGBTQ+ Posts after Iraqi Pressure*, 18 May 2020, <https://bit.ly/3RSdUC4>.

¹²⁵⁷ "Iraqi authorities have also targeted LGBT people using a range of vague provisions in Iraq's penal code aimed at policing morals and public indecency and limiting freedom of expression"; HRW, *World Report 2024: Iraq*, 11 January 2024, www.ecoi.net/en/document/2103133.html. "LGBT people can be arrested under different provisions of the penal code including articles 200(2), 210, 402(1), 403, 404, and 502, aimed at policing morals and public indecency, and limiting free expression (...). Article 401 of the Penal Code holds that any person who commits an 'immodest act' in public can be imprisoned for up to six months, a vague provision that could be used to target sexual and gender minorities"; HRW, *Submission to the UN Human Rights Committee*, January 2022, www.ecoi.net/en/document/2075228.html. Article 394 penalizes extra-marital sex with a person under 18 years old. "This provision on sexual relations with a child could be used to prosecute LGBT people, especially when both consenting partners are under 18 and of similar ages"; HRW, *Everyone Wants Me Dead*, 23 March 2022, www.ecoi.net/en/document/2069991.html, pp. 19-20. The Human Rights Committee noted "with regret that the State party is not considering revising articles 394 and 401 of the Criminal Code which, it is alleged, have been used to prosecute persons due their sexual orientation or gender identity (...); UN Human Rights Committee, *Concluding Observations on the 6th Periodic Report*, 16 August 2022, www.ecoi.net/en/document/2077747.html, para. 12. In November 2021, "the Kerbala Criminal Court sentenced a man to three months imprisonment (...) for wearing a wedding dress in a wedding procession on a street in Kerbala. The sentence was issued in accordance with the Kerbala Sanctification Law, which prohibits 'any activity or practice that leads to the desecration of the holy city' (...); ACLED, *ACLED Religion Overview: 6-12 November 2021*, 19 November 2021, <https://bit.ly/3OP6uip>. See also, OutRight International / IraQueer, *What it Means to Be a Queer Woman*, 23 February 2022, <https://bit.ly/3Epvdmm>, pp. 6, 11.

¹²⁵⁸ Under the draft amendment, the law would be renamed the Anti-Prostitution and Homosexuality Law; UN Security Council, *Implementation of Resolution 2682 (2023): Report of the Secretary-General*, S/2023/700, 26 September 2023, www.ecoi.net/en/document/2099191.html, para. 17. "If passed, the bill would punish same-sex relations with the death penalty or life in prison, punish 'promoting homosexuality' with a minimum seven years in prison and a fine, and criminalize 'imitating women' with up to a three-year sentence"; HRW, *Iraq: Scrap Anti-LGBT Bill*, 23 August 2023, www.ecoi.net/en/document/2096250.html. Aref Al-Hamami, a member of the CoR's legal committee, was quoted as saying: "The new law will hold homosexuals to account and impose the most severe penalties on them"; Pink News, *Iraq Bill Calling for Homosexuality Ban Submitted to Parliament*, 4 July 2023, <https://bit.ly/43Gv4bP>. This proposal follows an unsuccessful attempt in 2022 to introduce a law criminalizing homosexuality; MEE, *Iraq: Alarm over Proposed Law Banning Homosexuality*, 9 July 2022, <https://bit.ly/3o66DCI>. See also DW, *Iraq Debates Law on Death Penalty for Same-Sex Relationships*, 9 July 2023, <https://bit.ly/48QH4LJ>.

¹²⁵⁹ "In recent protests, LGBT flags were burned, and images showed men signing pledges to stand against homosexuality outside mosques. (...) 'Iraqi lawmakers are sending an appalling message to LGBT people, that their speech is criminal and their lives are expendable,' said Rasha Younes, senior LGBT rights researcher at Human Rights Watch"; ABC News, *Iraq's LGBT Community Could Face Death Penalty under Proposed New Law*, 16 September 2023, <https://bit.ly/3EYq9Jr>. Furthermore, individuals "who search for LGBT+ information [online] often find headlines meant to intimidate the user from searching further, and this has increased" since the presentation of the draft law, which would also criminalize the promotion of homosexuality; Freedom House, *Freedom on the Net 2023: Iraq*, 4 October 2023, www.ecoi.net/en/document/2100683.html. "In 2023, the political climate toward lesbian, gay, bisexual, and transgender (LGBT) people in Iraq became markedly more hostile"; HRW, *World Report 2024: Iraq*, 11 January 2024, www.ecoi.net/en/document/2103133.html.

¹²⁶⁰ According to Amnesty International, the directive "is a dangerous move that can fuel discrimination and violent attacks against members of the LGBTI community"; Amnesty International, *Iraq: Authorities Must Immediately Reverse Media Ban on the Terms 'Homosexuality' and 'Gender'*, 9 August 2023, <https://bit.ly/46HJ8U1>.

¹²⁶¹ Violence against persons of this profile "includes killings, abductions, torture, and sexual violence. The systematic, cyclical nature of this violence highlights a climate of impunity from which perpetrators of violence benefit"; HRW, *World Report 2023: Iraq*, 12 January 2023, www.ecoi.net/en/document/2085461.html. "The targeting [by armed actors] is often accompanied by egregious sexual violence, an attempt to discipline, 'feminize,' and punish gender non-conforming bodies. The verbal abuse that accompanies this violence, such as calling gay men 'farakh' [Arabic term for chick], expresses contempt for victims for offending masculinity, demoting them to the 'feminine.' The institutionalization of some armed groups asserts their legitimacy as 'protectors of the nation' and 'enforcers of the status quo' "; HRW, *Everyone Wants Me Dead*, 23 March 2022, www.ecoi.net/en/document/2069991.html, pp. 11-12, see also pp. 13-17, 22-23. UNITAD launched an investigation into crimes committed by Da'esh against LGBTQ individuals. It described the documentation of these crimes as "challenging" due to the "social sensitivities of the topic, coupled with the security concerns of members of the community"; UN Security Council, *Letter Dated 26 May 2022 from the Special Adviser and Head of the United*

discrimination against persons with diverse SOGIE as “rampant”.¹²⁶² Individuals of this profile, and those perceived to be of this profile,¹²⁶³ including children,¹²⁶⁴ are reported to be often subjected to hate speech,¹²⁶⁵ harassment (e.g., at checkpoints), online and offline threats,¹²⁶⁶ arbitrary arrest and detention, physical and sexual violence,¹²⁶⁷ kidnappings and, in some cases, killings¹²⁶⁸ at the hands of different state

Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant Addressed to the President of the Security Council, S/2022/434, 26 May 2022, <https://bit.ly/3S7MyZ7>, para. 46. See also, OutRight International / IraQueer, *What it Means to Be a Queer Woman*, 23 February 2022, <https://bit.ly/3Epvdrrm>, pp. 6-7.

HRW, *Iraq: Scrap Anti-LGBT Bill*, 23 August 2023, www.ecoi.net/en/document/2096250.html.

“Both men and women face pressure to conform to conservative standards on personal appearance and face harassment, detention, and abuse by state actors and relatives for diverging from traditional appearance or mannerisms that match their biological sex”; Freedom House, *Freedom in the World 2023: Iraq*, May 2023, <https://bit.ly/3gej1V3>. According to Rasha Younes of HRW, “any ‘suspicion’ of homosexuality or gender variance a cause for potential violence, which not only results in the death of LGBT people but makes their lives unliveable”; The Guardian, *Kurdish Transgender Woman Shot by Brother Had Been Hiding from Family*, 21 February 2022, <https://bit.ly/3MN5Txj>. “Gender nonconforming hairstyles are also conflated with homosexuality, which is further construed as inherently anti-Islamic and pro-Western”; The New Arab, *In Iraq, Hair Can Set Off Violence*, 29 March 2022, <https://bit.ly/3rMoVhq>. See also, Raseef, *Iraq's LGBT Community's Two Choices: Immigration or Death*, 20 April 2022, <https://bit.ly/3CG7LDN>.

HRW documented abuses, including arbitrary arrest and sexual violence, against children as young as 15 years; HRW, *Everyone Wants Me Dead*, 23 March 2022, www.ecoi.net/en/document/2069991.html, pp. 2, 8.

For example, influential Shi'ite cleric and leader of the Sadrist Movement, Muqtada Al-Sadr, has blamed individuals with diverse SOGIE for diseases such as COVID-19 and monkeypox, as well as for natural disasters; NINA, *Al-Sadr: Normalization and Response to the LGBT Community Contributed to the Increase in the Severity of Natural Disasters*, 12 September 2023, <https://bit.ly/466QVmb>; Pink News, *Iraq Bill Calling for Homosexuality Ban Submitted to Parliament*, 4 July 2023, <https://bit.ly/43Gv4bP>. “Prominent politicians and clerics, including al-Sadr, have incited violence against LGBT+ people, contributing to their persecution by security services and militias”; Freedom House, *Freedom in the World 2023: Iraq*, May 2023, <https://bit.ly/3gej1V3>. See also, Washington Institute, *Militias Welcome Killing of LGBTQ Celebrity: Coordination Framework Pushes to Make Homosexuality Illegal*, 2 October 2023, <https://bit.ly/3PHXXzt>; NINA, *Followers of the Sadrist Movement in Najaf Burn the Flags of Homosexuality, US and Israel*, 24 July 2023, <https://bit.ly/45q8et5>; MEE, *Iraq: Alarm over Proposed Law Banning Homosexuality*, 9 July 2022, <https://bit.ly/3o66DCi>; NINA, *Al-Khazali Accuses US of 'Promoting Homosexuality in Iraq'*, 29 June 2023, <https://bit.ly/3Q35R8y>; CSIS, *LGBTQ+ Advocacy in the Middle East Backfires*, 16 December 2022, <https://bit.ly/3MdwfdQ>; NINA, *Friday Imam of Kufa: The LGBT Community Threatens the Future of Humanity, and the Governments of the World Must Abolish the Gay Law*, 16 December 2022, <https://bit.ly/40NKHx9>.

“LGBT+ people receive regular online harassment and often receive death threats”; Freedom House, *Freedom on the Net 2023: Iraq*, 4 October 2023, www.ecoi.net/en/document/2100683.html. “Security forces also physically, verbally, and sexually harass people at checkpoints whom they perceive to be LGBT”; HRW, *Everyone Wants Me Dead*, 23 March 2022, www.ecoi.net/en/document/2069991.html, p. 3.

“LGBT people across Iraq face routine violence from security officials, who verbally abuse and sexually assault them, arbitrarily arrest them, and detain them”; HRW, *Everyone Wants Me Dead*, 23 March 2022, www.ecoi.net/en/document/2069991.html, p. 3, see also pp. 13-15, 33, 46, 48-53. “One of the documented forms of punishments in the attacks on LGBT people is rape – and in particular male attackers sexually assaulting male subjects as a form of punishment for consensual same-sex activity, or gender non-conformity”; The New Arab, *In Iraq, Hair Can Set Off Violence*, 29 March 2022, <https://bit.ly/3rMoVhq>. One lesbian reported receiving “corrective rape offers by men who follow me on social media”; Jummar, *Iraq's Queer Women: Survival under False Identities and Secret Lives*, 15 February 2023, <https://bit.ly/3tubvXU>. See also, NINA, *4 Young Men Dressed as Women Arrested in Najaf*, 23 March 2023, <https://bit.ly/3ZrsULm>; Al-Monitor, *Iraq's Sadr Takes Aim at LGBTQ Community*, 6 December 2022, <https://bit.ly/41VhSzG>; AP, *Influential Iraqi Cleric Launches anti-LGBTQ Campaign*, 2 December 2022, <https://bit.ly/3ncTKcT>; HRW, *Submission to the UN Human Rights Committee*, January 2022, www.ecoi.net/en/document/2075228.html.

On 25 September 2023, an unidentified gunman was reported to have shot and killed a fashion blogger in Baghdad. “The assassination of the 23 year old Nour, who identified as a cross-dresser, raised new concerns among rights activists about deliberate violence against members of the LGBTQ community in Iraq”; EPIC, *ISHM: September 21 – 28, 2023*, 28 September 2023, www.ecoi.net/en/document/2098069.html. The killing was celebrated by IRGC-linked PMF factions on social media; Washington Institute, *Militias Welcome Killing of LGBTQ Celebrity: Coordination Framework Pushes to Make Homosexuality Illegal*, 2 October 2023, <https://bit.ly/3PHXXzt>. “Based on 54 interviews with LGBT Iraqis who have survived compounded forms of violence and discrimination by state and non-state actors between 2018 and 2021, Human Rights Watch documented eight cases of abduction, eight cases of attempted murder, four extrajudicial killings, 27 cases of sexual violence including gang rape, 45 cases of threats to rape and kill, and 42 cases of online targeting by individuals who identified themselves as members of suspected armed groups and security forces against LGBT people in Iraq. In eight cases, abuses by armed groups and state actors, including arbitrary arrest and sexual violence, were against children as young as 15”; HRW, *Submission to the UN Human Rights Committee*, January 2022, www.ecoi.net/en/document/2075228.html. The Human Rights Committee expressed concern “(...) about continuing reports of discrimination and violence, including abduction, rape, torture and murder, against persons on the basis of their real or perceived sexual orientation or gender identity (...)”; UN Human Rights Committee, *Concluding Observations on the 6th Periodic Report*, 16 August 2022, www.ecoi.net/en/document/2077747.html, para. 12. On “honour”-based violence at the hands of their families, see also Section III.A.8.f.

and non-State actors, including members of their family or tribe,¹²⁶⁹ wider society,¹²⁷⁰ politicians, religious leaders, State authorities and security forces, and armed groups.¹²⁷¹ Individuals with diverse SOGIE in detention have been tortured and ill-treated, “including with sexual assault, beatings, and withholding food and water”.¹²⁷² Police are also reported to subject men and boys and transgender women accused of engaging in same-sex conduct to forced anal exams.¹²⁷³ Individuals with diverse SOGIESC further face multiple forms of discrimination, including in relation to access to employment, health care (including mental health support) and basic services.¹²⁷⁴ Some medical professionals reportedly subject individuals with diverse SOGIE to practices of conversion therapy, including electrocution and forced medication, to “curb” their sexual orientation or gender identity.¹²⁷⁵ Discrimination coupled with a lack of family support and

- ¹²⁶⁹ Family bonds serve as an important form of societal and economic protection in Iraq and individuals with diverse SOGIESC risk being rejected by their family members/tribe, which in turn means that such individuals are more vulnerable to attacks by others, should information concerning their sexual orientation and/or gender identity become public. Individuals with diverse SOGIESC are reportedly at risk of harassment, threats, intimidation, physical and sexual violence, and discrimination at the hands of their own families and tribes, including murder carried out in the name of defending or restoring “honour”. “(...) a significant development in recent years is that families have become aware of the state-sponsored anti-LGBT discourse and are perpetuating violence against their children based on their gender expression. Most of the attacks start at home, with the intention, sanctioned by law, of punishing children suspected of being gay or gender non-conforming. In 21 cases documented in this report, individuals were strictly prohibited from leaving their homes by their parents”; HRW, *Everyone Wants Me Dead*, 23 March 2022, www.ecoi.net/en/document/2069991.html, p. 13. “In southern Iraq, especially in Karbala and Basra, *IraqQueer* has documented cases in which tribal or clan leaders and extended family members perpetrated violence, rarely reported to authorities, against LGBTQ people, with the intent of protecting ‘family honor’. (...) *IraqQueer* has documented several cases of LBQ women forced into marriage and controlled by their husbands and families without the possibility of freely expressing their sexuality. They may be threatened with honor killing (...)”; OutRight International / *IraqQueer*, *What it Means to Be a Queer Woman*, 23 February 2022, <https://bit.ly/3Epvdrrm>, pp. 13-14. “Forty out of the 54 LGBTQ people interviewed by Human Rights Watch reported experiencing extreme violence at least once by male family members for their sexual orientation or gender identity and expression, including being locked in a room for extended periods, being denied food and water, being burned, beaten, raped, electrocuted, attacked at gunpoint, subjected to conversion practices and forced hormone therapy, subjected to forced marriages, and forced to work for long hours without compensation”; HRW, *Submission to the UN Human Rights Committee*, January 2022, www.ecoi.net/en/document/2075228.html. Women suspected to be lesbian or bisexual by their family risk being forced into marriage despite the fact that forced marriage is prohibited under the Personal Status Law; ABC News, *Iraq’s LGBTQ Community Could Face Death Penalty under Proposed New Law*, 16 September 2023, <https://bit.ly/3EYq9Jr>; See also, NINA, *A Boy Died after Being Detained by his Father for Two Weeks in the Bathroom in Muqaddiya, Diyala*, 4 January 2022, <https://bit.ly/3F1Y0AT>. Iraq’s Penal Code gives parents the legal right to discipline their children “within limits prescribed by law or custom”; and also allows for lenient punishments for “honour”-based violence on the grounds of provocation or if the accused had “honourable motives”; see also Sections [III.A.8.e](#) (domestic violence), [III.A.8.f](#) (“honour”-based violence) and [III.A.8.g](#) (forced marriage).
- ¹²⁷⁰ Taboos around homosexuality (and also more generally, conduct that is perceived to transgress society’s norms for acceptable gender-specific behaviour) remain strong and persons of this profile usually keep their sexual orientation and/or gender identity secret and live in constant fear of their identity being exposed; US Department of State, *2022 Country Report on Human Rights Practices: Iraq*, 20 March 2023, www.ecoi.net/en/document/2089064.html. According to Maria Sjödin, Executive Director at Outright International, “[T]he secrecy they are forced to live by makes it difficult to estimate how many LGBTQ people are subjected to violence (...)”; ABC News, *Iraq’s LGBTQ Community Could Face Death Penalty under Proposed New Law*, 16 September 2023, <https://bit.ly/3EYq9Jr>. Individuals with diverse SOGIE report harassment and attacks in the street on the basis of their perceived sexual orientation and/or gender identity; HRW, *Everyone Wants Me Dead*, 23 March 2022, www.ecoi.net/en/document/2069991.html, pp. 78-80. See also, NINA, *A Campaign in Maysan to Prevent the Importation of Children’s Toys whose Colors Symbolize the ‘Gay’ Flag*, 2 December 2022, <https://bit.ly/3B7W08U>; OutRight International / *IraqQueer*, *What it Means to Be a Queer Woman*, 23 February 2022, <https://bit.ly/3Epvdrrm>, pp. 12-16, 22-23.
- ¹²⁷¹ HRW, *Everyone Wants Me Dead*, 23 March 2022, www.ecoi.net/en/document/2069991.html, p. 1, see also pp. 27-67; The New Arab, *Living in Fear: A New Threat to Iraq’s LGBTQ+ Community*, 19 July 2022, <https://bit.ly/3epMeXJ>.
- ¹²⁷² HRW, *Submission to the Committee Against Torture and Other Cruel, Inhuman, or Degrading Punishment ahead of the Review of the Republic of Iraq*, March 2022, www.ecoi.net/en/document/2071301.html.
- ¹²⁷³ “Police officers have subjected and threatened lesbian, gay, bisexual, and transgender (LGBT) adults and children to forced anal exams in police custody (...)”; HRW, *Submission to the Committee Against Torture and Other Cruel, Inhuman, or Degrading Punishment ahead of the Review of the Republic of Iraq*, March 2022, www.ecoi.net/en/document/2071301.html. According to the UN Special Rapporteur on Torture, the practice “is medically worthless and amounts to torture or ill-treatment”; UN Human Rights Council, *Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 5 January 2016, A/HRC/31/57, www.refworld.org/docid/56c435714.html, para. 36.
- ¹²⁷⁴ “(...) LGBTQ+ people face a range of daily discriminatory practices in Iraqi society, such as the inability to find jobs in the public and private sector, social isolation, and being stopped at checkpoints for their appearance”; The New Arab, *Living in Fear: A New Threat to Iraq’s LGBTQ+ Community*, 19 July 2022, <https://bit.ly/3epMeXJ>. “The lack of employment opportunities for many LGBTQ people, especially those who have nonconforming gender expressions, or those that do not match their gender markers, further marginalizes them as they cannot afford to rent a place on their own.” The lack of employment opportunities coupled with limited safe shelter options, force many LGBTQ individuals to live “with families that are verbally and physically abusive of them”. Furthermore, they experience barriers to obtaining health care, especially when it could reveal their sexual orientation and/or gender identity; International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) Asia, *Lives at Risk: The Perpetual Struggles of LGBTQ People in Iraq*, 2021, <https://bit.ly/3Vcx16l>, p. 7. See also, UN Human Rights Committee, *Concluding Observations on the 6th Periodic Report*, 16 August 2022, www.ecoi.net/en/document/2077747.html, para. 12; BBC, *Fear and Survival: Being LGBTQ in Iraq*, 15 May 2022, <https://bit.ly/3emScZD>; Daraj, *More Stigma Against Transgender People in Iraq*, 4 February 2022, <https://bit.ly/3rK1XUq>.
- ¹²⁷⁵ “Many psychiatrists in Iraq are still cynically treating the depression and anxiety of LGBTQ people by attributing these mental health issues to their homosexuality. Some doctors insist on prescribing hormonal treatments in an attempt to curb LGBTQ people’s sexual orientation. Also, other doctors have forced their patients to read the Qur’an or to visit spiritual sites in order to ‘liberate’ them from Satan according to their religious beliefs, without any consideration for the patient’s privacy or his psychic health”; The Red Line, *Being LGBTQ in Iraq: A Mental Health Nightmare*, 5 August 2022, <https://bit.ly/45piFKh>. A Shabak lesbian from Erbil reported that she was prescribed medication to reduce her libido; Jummar (independent Iraqi media initiative), *Iraq’s Queer Women: Survival under False Identities and Secret Lives*, 15 February 2023, <https://bit.ly/3tubvXU>. A transgender woman from Basra reported that “her family forced her to see a psychiatrist who in turn pushed her to get testosterone shots to transform back into the man her family wanted her to be”; Daraj, *More Stigma Against Transgender People in Iraq*, 4 February 2022, <https://bit.ly/3rK1XUq>. See also, HRW, *Everyone Wants*

economic destitution may leave them no other option but to resort to the selling and exchanging of sex, which in turn exposes them to associated health risks,¹²⁷⁶ arrest on prostitution charges and sexual and physical violence.¹²⁷⁷ In addition, they are at a particular risk of trafficking for the purpose of sexual exploitation.¹²⁷⁸ Transgender individuals are especially vulnerable¹²⁷⁹ and face added challenges, including because it is not legally possible to obtain gender-affirming surgery or hormone therapy,¹²⁸⁰ or to obtain identity documents with a gender marker that matches their gender identity.¹²⁸¹ According to reports, individuals with diverse SOGIE are identified and targeted for harassment and threats via social media, including dating applications; harassment includes doxing, sharing of private photos, and threats to expose their diverse SOGIE to family members.¹²⁸²

While limited information is available on the situation of intersex individuals in Iraq, they are reported to keep their identity secret for fear of stigmatization.¹²⁸³ Studies from the wider region, including Iraq, indicate that once diagnosed,¹²⁸⁴ “medical policies are designed to reflect the binary imposed by society and religion, and encourage intersex people to undergo surgery to make them fit, even when not necessary.”¹²⁸⁵

Me Dead, 23 March 2022, www.ecoi.net/en/document/2069991.html, pp. 73-75; IraQueer, *Mental Health Services in Iraq: Between the Need to Heal and the Fear of Prejudice*, 31 December 2021, <https://bit.ly/3MGs1JY>. According to the UN Independent Expert on sexual orientation and gender identity, Victor Madrigal-Borloz, practices of conversion therapy, including electrocution and forced medication, “are cruel, inhuman and degrading treatment, and that depending on the severity or physical or mental pain and suffering inflicted to the victim, they may amount to torture”; UN, ‘Conversion Therapy’ Can Amount to Torture and Should Be Banned Says UN Expert, 13 July 2020, <https://shar.es/af6x87>.

1276 “(...) all people who sell or exchange sex face the same specific health risks as well as increased risk of exposure to violence.” Specific health risks include sexually transmitted infections (STI), including HIV, and mental health problems; UNHCR/UNFPA, *Responding to the Health and Protection Needs of People Selling or Exchanging Sex in Humanitarian Settings*, 23 June 2021, <https://bit.ly/3rMltDu>, p. 13. Many avoid seeking medical help such as STI testing and treatment or mental health services as they fear being exposed to discrimination and abuse or revelation of their sexual orientation and/or gender identity. “LGBTIQ people continue to face risks when trying to get treatment for sexually transmitted infections (STI), especially when the STI could indicate the type of sex they have; for instance, if someone has an STI in their anus, they face the risk of being outed to the police by the doctor. They often find themselves having to pay triple the amount of money to be treated, although this strategy does not work all the time”; ILGA Asia, *Lives at Risk: The Perpetual Struggles of LGBTIQ People in Iraq*, 2021, <https://bit.ly/3Vcx16l>, p. 7. See also, Daraj, *More Stigma Against Transgender People in Iraq*, 4 February 2022, <https://bit.ly/3rK1XUg>.

1277 OutRight International / IraQueer, *What it Means to Be a Queer Woman*, 23 February 2022, <https://bit.ly/3Epvdrm>, p. 14.

1278 US Department of State, *2023 Trafficking in Persons Report: Iraq*, 15 June 2023, www.ecoi.net/en/document/2093605.html.

1279 “Transgender women suffer comparatively higher levels of discrimination, abuse, and violence, including sexual violence perpetrated by law enforcement, families, neighbors, and strangers. In one case, activists in Basra reported that a trans woman’s extended family killed her after finding her hormone replacement therapy medication, in a so-called ‘honor killing’”; OutRight International / IraQueer, *What it Means to Be a Queer Woman*, 23 February 2022, <https://bit.ly/3Epvdrm>, p. 14.

1280 *Ibid.*, pp. 9, 22. See also, Daraj, *More Stigma Against Transgender People in Iraq*, 4 February 2022, <https://bit.ly/3rK1XUg>.

1281 “Transgender people, including those accessing surgery or hormonal treatment outside the country such as in Iran, face barriers in obtaining legal documents that reflect their gender identity. Inability to obtain identification documents that match their gender identity and expression puts transgender people at risk of violence, prevents their access to crucial services, and may intensify mental health challenges”; OutRight International / IraQueer, *What it Means to Be a Queer Woman*, 23 February 2022, <https://bit.ly/3Epvdrm>, p. 14. The proposed amendments to the ‘Law on Combating Prostitution’ “specifically targets transgender women, with a prison term between one and three years or with a fine between 5 million dinars (\$3,800) and 10 million dinars (\$7,700) for anyone who ‘imitates women.’ The law defines ‘imitating women’ as ‘wearing makeup and women’s clothing’ or ‘appearing as women’ in public spaces. The bill prohibits hormone replacement therapy and what it calls ‘sex change’ based on personal desire, as well as any attempt to change one’s gender identity, punishable by prison terms between one and three years. The same penalty applies to any surgeon or other doctor who performs gender-affirming surgery. The law makes an intersex exception for cases that require a surgical intervention to confirm biological sex on the binary categories of male and female”; HRW, *Iraq: Scrap Anti-LGBT Bill*, 23 August 2023, www.ecoi.net/en/document/2096250.html. See also, Daraj, *More Stigma Against Transgender People in Iraq*, 4 February 2022, <https://bit.ly/3rK1XUg>.

1282 HRW, *Everyone Wants Me Dead*, 23 March 2022, www.ecoi.net/en/document/2069991.html, pp. 62-68. See also, Rasan Organization, *Conditions of LGBT+ People of Iraq since May 17, 2020*, 7 June 2020, <https://bit.ly/3S9TNQ4>. See also Section III.A.8.f.

1283 In the Middle East, including Iraq, “societies generally do not tolerate any identity outside the binary, even when it is biological. Intersex people are forced to hide their identity due to a general lack of awareness and misunderstanding surrounding intersexuality, as well as heavy stigmatization of the intersex identity. (...) Even if a person is intersex, they are still expected to be assigned a binary gender identity that they must adhere to, in order to avoid being stigmatized. Some treat having an intersex child as a bad omen and a test from God, who gave them this hardship as a test to their faith.” And further: “In this environment, intersex people are made invisible in the community. Most may not even know of their identity, and those who know may keep it hidden and assume a gender role to avoid social challenges”; TIMEP, *Policies of Erasure: How the MENA’s Region Intersex People Are Made Invisible*, 20 April 2023, <https://bit.ly/46qOh3v>.

1284 “Studies from Iraq, Lebanon, and Egypt indicate that most intersex people make it at least into puberty before being diagnosed as intersex. (...) Finding out that a person is intersex later in life can be very stressful, as MENA societies have strict gender roles, meaning that the person may have already developed a fixed gender identity, reflective of the sex they were assigned at birth. A 2015 study from Iraq found that there were 243 cases of adults living with intersex characteristics in the country, most of whom expressed distress and concerns over undergoing surgeries as adults, as they suffered from shame and stigma due to the society’s lack of awareness about intersexuality”; TIMEP, *Policies of Erasure: How the MENA’s Region Intersex People Are Made Invisible*, 20 April 2023, <https://bit.ly/46qOh3v>.

1285 “While medical tests such as chromosome mapping and the examination of reproductive organs are needed to make an accurate decision on the infant’s binary sex, countries like Egypt, Lebanon, and Iraq lack the proper resources to conduct such tests. Oftentimes, doctors advise parents on next steps based on an external examination of the genitals without conducting further tests. This means that infants might be assigned a sex that is not reflective of their internal reproductive organs or chromosomes, which can subsequently lead to significant health problems in the future, including bad mental health, sexual health problems, and reproductive issues. ‘Doctors often try to make the best out of the little resources they have: often, the required tests are not available to them, and they advise parents after only externally examining the infant’s genitals,’ says Bakhan Qadir, a gender specialist based in

Individuals who undergo surgery for intersex conditions in puberty or adulthood, which unlike gender-affirming surgery for transgender persons is permitted by law, may be subject to stigma and discrimination as society and media frequently conflate the two.¹²⁸⁶ In one reported case from 2017, an intersex individual, who was assigned male at birth but identifies as female, was reportedly held in captivity and physically abused by her family.¹²⁸⁷

Concerns have been raised with regards to the authorities' willingness and ability to investigate, prosecute and punish human rights abuses committed against individuals with diverse SOGIESC and to provide them with protection.¹²⁸⁸ As a result, individuals with diverse SOGIESC are reported to refrain from reporting instances of discrimination, threats and violence to the police or other State authorities, for fear of their sexual orientation and/or gender identity being disclosed, legal prosecution on the basis of vague criminal provisions,¹²⁸⁹ and further harm at the hands of the authorities or others.¹²⁹⁰ Impunity is therefore reported to be widespread.¹²⁹¹

Non-governmental organizations working on issues affecting individuals with diverse SOGIESC reportedly do not operate openly¹²⁹² and activists working on the rights of individuals with diverse SOGIESC are frequently subjected to threats, harassment and physical assault by State and non-State actors.¹²⁹³

Some civil society organizations reportedly run temporary safe houses in secret locations for individuals fearing harm. These safe houses are reported to operate at enormous risks for both the individuals as well as the organizations' staff.¹²⁹⁴ For security reasons, these safe houses are operated only for short periods of time, normally several months, before they are either closed or relocated. They can only accommodate

Erbil, in Iraq's Kurdistan region. 'Parents have the ultimate decisive power when it comes to determining the sex of the infant, and the doctor's decisions are only considered to be advisory,' adds Qadir." Furthermore: "Leaving the final decision to parents opens the door to social bias, as male children are often more celebrated than female children for various religious and societal reasons"; TIMEP, Policies of Erasure: How the MENA's Region Intersex People Are Made Invisible, 20 April 2023, <https://bit.ly/46qOh3v>.

¹²⁸⁶ "The general public and some national and international media mix being intersex with being transgender as the term 'sex change' is used as a catch-all term that would describe any person who would change their 'sex' in adulthood. In addition, the stigma and discrimination against transgender people can spill over to intersex people who may wish to undergo surgeries in adulthood, as they are treated the same socially"; TIMEP, Policies of Erasure: How the MENA's Region Intersex People Are Made Invisible, 20 April 2023, <https://bit.ly/46qOh3v>.

¹²⁸⁷ She also reported facing difficulties passing checkpoints as her ID identified her as male; Rudaw, *Hermaphrodite once Buried Alive Fled Kurdistan in Pursuit of Better Life*, 7 February 2017, <https://bit.ly/45tyfET>.

¹²⁸⁸ "Despite repeated threats, violence, and killings of LGBTQ+ individuals, the government failed to identify, arrest, or prosecute attackers or to protect targeted individuals. Some political parties sought to justify these attacks, and investigators often refused to follow proper investigation procedures, or even investigate at all"; US Department of State, 2022 Country Report on Human Rights Practices: Iraq, 20 March 2023, www.ecoi.net/en/document/2089064.html. "The Iraqi Government and the KRG have never prosecuted anyone for violence on the basis of sexual orientation or gender identity and, in fact, have been directly involved in violating the rights of LGBTQ people, through detention, harassment, and abuse, without access to legal representation"; OutRight International / IraQueer, *What it Means to Be a Queer Woman*, 23 February 2022, <https://bit.ly/3Epvdrrm>, p. 12. See also, HRW, *World Report 2023: Iraq*, 12 January 2023, www.ecoi.net/en/document/2085461.html; UN Human Rights Committee, *Concluding Observations on the 6th Periodic Report*, 16 August 2022, www.ecoi.net/en/document/2077747.html, para. 12.

¹²⁸⁹ See footnote 1257.

¹²⁹⁰ "The combination of hypervulnerability, loosely defined 'morality' clauses, and the absence of anti-discrimination legislation and reliable complaint systems is a formidable barrier that impedes LGBT people's ability and willingness to report abuses they suffer to the police, or file complaints against law enforcement agents (...). Victims sometimes choose not to file complaints against law enforcement and armed groups due to threats, fear of retaliation, and fear of public exposure of their identities"; HRW, *Submission to the Committee Against Torture and Other Cruel, Inhuman, or Degrading Punishment ahead of the Review of the Republic of Iraq*, March 2022, www.ecoi.net/en/document/2071301.html. See also, IPS, *LGBTI in Iraq: Defending Identity in the Face of Harassment, Stigma and Death*, 25 November 2022, <https://bit.ly/3RqWouP>; Al Jazeera, *LGBTQ People in Iraq Face Violence by Armed Groups*, Police, 26 March 2022, <https://bit.ly/3CwjeFY>; HRW, *Everyone Wants Me Dead*, 23 March 2022, www.ecoi.net/en/document/2069991.html, pp. 59-60; OutRight International / IraQueer, *What it Means to Be a Queer Woman*, 23 February 2022, <https://bit.ly/3Epvdrrm>, p. 9.

¹²⁹¹ "The targeting of LGBT people online and violence against LGBT people, including killings, abductions, torture, and sexual violence by armed groups in Iraq continued to be met with impunity"; HRW, *World Report 2024: Iraq*, 11 January 2024, www.ecoi.net/en/document/2103133.html. See also, Freedom House, *Freedom in the World 2023: Iraq*, May 2023, <https://bit.ly/3qe1V3>; OutRight International / IraQueer, *What it Means to Be a Queer Woman*, 23 February 2022, <https://bit.ly/3Epvdrrm>, p. 6.

¹²⁹² "LGBTQ organizations have been facing threats from religious and conservative groups, and most of the organizations are operating underground to provide safe houses, medical services, awareness raising, public education, and human rights training"; ILGA Asia, *Lives at Risk: The Perpetual Struggles of LGBTIQ People in Iraq*, 2021, <https://bit.ly/3Vcx16l>, p. 2.

¹²⁹³ "(...) LGBT+ rights activists and allies continue to be attacked by the media as they are referred to as 'more dangerous than terrorists' who should be held accountable for endangering the youth and other vulnerable groups in the society. In several interviews, Ahmed Al-Sahhaf, the spokesperson of the Iraqi Ministry of Foreign Affairs has called for legal actions to be taken against groups like IraQueer"; IraQueer, *Biased: Iraqi Media and the Spread of Anti-LGBT+ Rhetoric*, 30 June 2020, <https://bit.ly/3SSFWPr>, p. 11. See also, Al Jazeera, *LGBTQ People in Iraq Face Violence by Armed Groups*, Police, 26 March 2022, <https://bit.ly/3CwjeFY>; ILGA Asia, *Lives at Risk: The Perpetual Struggles of LGBTIQ People in Iraq*, 2021, <https://bit.ly/3Vcx16l>, p. 8; MEE, *LGBTQ Activists in Iraq Will 'Not Hesitate' to Keep on Protesting Despite Threats*, 1 October 2020, <https://bit.ly/3eEnye4>.

¹²⁹⁴ "Safe spaces are virtually non-existent (...); OutRight International / IraQueer, *What it Means to Be a Queer Woman*, 23 February 2022, <https://bit.ly/3Epvdrrm>, p. 13. See also Section III.A.8.a.

a small number of individuals at any given time in order not to attract the attention of the authorities and other actors.¹²⁹⁵

b) Situation in the Kurdistan Region of Iraq

The Iraqi Penal Code is also applicable in the KR-I and available information suggests that individuals with diverse SOGIESC, including children, have been arrested and at times prosecuted on public indecency or prostitution charges.¹²⁹⁶

According to reports, Kurdish society remains largely dominated by conservative cultural, religious and tribal values and practices, including a strong attachment to notions of gender roles and family “honour”, and there is limited tolerance for open same-sex relations and gender non-conformity.¹²⁹⁷ Powerful politicians and persons in the KR-I have regularly and publicly claimed that having diverse SOGIE is un-Islamic, foreign, abnormal or a sickness.¹²⁹⁸ In early September 2022, a bill criminalizing “promoting homosexuality” by individuals, media organizations or civil society was proposed in the Kurdistan Regional Parliament and signed by 76 out of 111 members.¹²⁹⁹

Working on issues affecting individuals with diverse SOGIESC remains highly sensitive with many activists working only in a very discreet manner and at personal risk.¹³⁰⁰ Following a 31 May 2023 judgment regarding “its activities in the field of homosexuality”, Rasan Organization was forced to close.¹³⁰¹

¹²⁹⁵ “We do have safe housing, which are basically for people who are fleeing violence, but even they are not the safest because if the police have figured out that we are offering that service in that house, then everyone inside is in danger”; Brooklyn Brewery (video), Create Space Interview Amir Ashour, 9 September 2022, <https://bit.ly/3VvhPam>.

¹²⁹⁶ In September 2023, police in Erbil arrested “two male makeup artists after they posted images on Instagram of themselves wearing women’s clothing and cosmetics. (...) Police acted after ‘indecent images’ were posted by the pair ‘who dress as women’, and a ‘medical report established they are men’, the prosecution source said”; The New Arab, *Iraqi Kurd Makeup Artists Held for Posts ‘Dressed as Women’*, 7 September 2023, <https://bit.ly/3tm0ub9>. On 1 April 2021, police in Sulaymaniyah arrested at least eight gay men. Prior to the operation, the supervisor had said it was to arrest suspected LGBT persons. The police later claimed it was a crackdown on prostitution; US Department of State, *2021 Country Report on Human Rights Practices: Iraq*, 12 April 2022, www.ecoi.net/en/document/2071125.html; Voice of America, *LGBTQ Members Face Threats in Iraqi Kurdistan*, 9 April 2021, <https://bit.ly/3g19xrr>. Several of those arrested in Sulaymaniyah were under the age of 18; detainees reportedly experienced “sexual and physical harassment”; ILGA Asia, *Widespread Violence Against LGBTIQ+ Citizens by the Kurdistan Regional Government (KRG) Must Be Condemned*, 6 April 2021, <https://bit.ly/3rN1bWQ>. See also, Rudaw, *Rainbow Murals Painted over in Sulaimani Park for Promoting LGBTQ+ Rights*, 21 May 2022, <https://bit.ly/3RUpfBK>.

¹²⁹⁷ “While living openly as LGBTQ+ in conservative Iraq has long been difficult, the autonomous Kurdish region in the north has attempted to present itself as a relatively liberal and secure haven compared to the south. But the reality is different, say activists. (...) this veneer of tolerance means little when compared to the reality of their lives in what is still a conservative and patriarchal society”; MEE, *Iraq: Murder of Trans Kurdish Woman Sparks Anger among Activists*, 4 February 2022, <https://bit.ly/3rLQNYp>. “To be of any sexual orientation other than straight can not only put that person’s life in danger, but damage a family’s reputation. The stigma can be passed to their siblings or other relatives, adding even more pressure on people who already have a lot to lose by going public with their sexuality”; Rudaw, *Trans Woman Killed by Brother, Perpetrator Flees Country*, 2 February 2022, <https://bit.ly/3hk2o2l>. “Honor killings are common in Iraq, including in the semiautonomous Kurdish region, but rights groups say the LGBTQ community has particularly been discriminated against by the largely conservative population”; Voice of America, *Death of Transgender Woman Sparks Outcry in Iraq’s Kurdistan*, 3 February 2022, <https://bit.ly/3i5rgvA>. See also, Rudaw, *Rainbow Murals Painted over in Sulaimani Park for Promoting LGBTQ+ Rights*, 21 May 2022, <https://bit.ly/3RUpfBK>; The New Arab, *Fears for Iraqi Kurdistan’s LGBTQ+ Community Grow as Transgender Woman Murdered by own Brother*, 16 February 2022, <https://bit.ly/3g03pQ2>.

¹²⁹⁸ “(...) anti-LGBTQ+ sentiments are prevalent all over the Kurdistan Region and are shared by some of its most educated and powerful people”; Rudaw, *Rainbow Murals Painted over in Sulaimani Park for Promoting LGBTQ+ Rights*, 21 May 2022, <https://bit.ly/3RUpfBK>. See also, The New Arab, *Fears for Iraqi Kurdistan’s LGBTQ+ Community Grow as Transgender Woman Murdered by own Brother*, 16 February 2022, <https://bit.ly/3g03pQ2>; MEE, *Iraq: Arrests among LGBTQ+ Community in Kurdish City Sparks Fierce Debate*, 7 April 2021, <https://bit.ly/3TcAhDB>.

¹²⁹⁹ “In September 2022, members of the Kurdistan Regional Parliament introduced the ‘Bill on the Prohibition of Promoting Homosexuality,’ which would punish any individual or group that advocates for the rights of LGBT people. Under the bill, the vague provision against ‘promoting homosexuality’ would be a crime punishable by imprisonment for up to one year and a fine of up to five million dinars (US\$3,430). The bill would also suspend, for up to one month, the licenses of media companies and civil society organizations that ‘promote homosexuality’. Momentum for adopting the bill appears to have stalled, but in the context of repeated targeting of LGBT people, local LGBT rights activists fear it could be quickly revived and passed at the whim of local authorities”; HRW, *Kurdistan Region of Iraq: LGBT Rights Group Shuttered*, 6 July 2023, www.ecoi.net/en/document/2094560.html. See also, MEE, *Iraq: Activists Condemn Proposed Law Banning LGBTQ+ Advocacy in Kurdish Region*, 6 September 2022, <https://bit.ly/3Fgl6CU>.

¹³⁰⁰ Tanya Darwish, the Director of Rasan Organisation, which works on promoting women and LGBTQ+ rights in Iraq, “has been frequently harassed. She was subjected to an online sexualised defamation campaign, where she was attacked due to her human rights work”; Front Line Defenders, *Judicial Harassment Against Rasan Organisation Staff Members Including Director Tanya Darwish*, 30 June 2022, <https://bit.ly/3JfaO7U>. See also, Inter Press Service, *LGBTI in Iraq: Defending Identity in the Face of Harassment, Stigma and Death*, 25 November 2022, www.ecoi.net/en/document/2082862.html; AI Monitor (Podcast), *Iraqi Kurdish LGBT Rights Activist Zhiar Ali Says Local Authorities Do Nothing to Discourage Killings*, 24 February 2022, <https://bit.ly/3FEd0oi>; Rudaw, *LGBT+ Activists Slam ‘Immoral’ Lawsuit Against Sulaimani Organization*, 22 February 2021, <https://bit.ly/3i6M2pa>. See also Section III.A.8.b (“Women in the Public Sphere”).

¹³⁰¹ “The closure is the result of a lawsuit filed against Rasan in February 2021 by Omar Kolbi, a member of the Kurdistan Parliament, who accused Rasan of ‘promoting homosexuality,’ and ‘engaging in activities that defy social norms, traditions, and public morality.’ Kolbi also submitted a complaint to Barzan Akram Mantqi, the head of the Kurdistan Regional Government’s Department of Non-Governmental Organizations, an official body responsible for registering, organizing, and monitoring all nongovernmental organizations in the region. After the suit was filed, local police issued arrest warrants for 11

Most individuals with diverse SOGIESC are reported to be under pressure to keep their sexual orientation and/or gender identity secret¹³⁰² in order to avoid discrimination (e.g., in relation to access to employment, housing and medical care),¹³⁰³ harassment, threats, physical abuse and sexual violence at the hands of society, their families and the security forces,¹³⁰⁴ as well as “honour”-based violence by their families.¹³⁰⁵

No specific shelters for individuals with diverse SOGIESC at risk of harm are available in the KR-I. Lesbians in principle have access to women’s shelters in the KR-I; however, access to government-run shelters depends on a court order, which requires the victim to file a report with the police, while women shelters run by NGOs face financial deficits and security risks¹³⁰⁶ Men with diverse SOGIE reportedly have had access in the past to a NGO-run shelter for survivors of trafficking in the KR-I; however, UNHCR was unable to verify whether this continued to be the case. Individuals with diverse SOGIESC are often rejected by their families and may lose access to family networks. The lack of a supportive family network coupled with the lack of safe shelter options and discrimination in relation to employment causes high levels of distress,¹³⁰⁷ and exposes persons of this profile to a high risk of trafficking for the purpose of sexual exploitation.¹³⁰⁸

Individuals with diverse SOGIESC are reported to refrain from reporting instances of discrimination, threats and violence to the police or other State authorities for fear of their sexual orientation and/or gender identity being disclosed, legal prosecution on the basis of vague criminal provisions,¹³⁰⁹ and further harm at the hands of the authorities or others.¹³¹⁰

UNHCR considers that, depending on the particular circumstances of the case, individuals with diverse SOGIESC are likely to be in need of international refugee protection on the basis of a well-founded fear of persecution at the hands of State or non-State actors for reasons of their membership of a particular social group. They may also be in need of international refugee protection on the basis of other relevant

LGBT rights activists who were either current or former employees at Rasan based on article 401 of the penal code, which criminalizes ‘public indecency’. According to HRW, the verdict “is part of a broader pattern of oppression and targeting of LGBT people and activists by local Kurdish authorities in recent years.” While the organization has appealed the decision, it is unable to keep operating while the appeal is pending; HRW, *Kurdistan Region of Iraq: LGBT Rights Group Shuttered*, 6 July 2023, www.ecoi.net/en/document/2094560.html. See also, Shafaq News, *Parliament Member Accuses Women’s Organization of Promoting Homosexuality*, 22 June 2023, <https://bit.ly/43xdFT4>; Front Line Defenders, *Rasan Organisation Was Shut Down by a Judicial Order over Rainbow-Coloured Logo*, 31 May 2023, <https://bit.ly/3Rbi4JB>.

Inter Press Service, *LGBTI in Iraq: Defending Identity in the Face of Harassment, Stigma and Death*, 25 November 2022, www.ecoi.net/en/document/2082862.html; BBC, *Fear and Survival: Being LGBTQ in Iraq*, 15 May 2022, <https://bit.ly/3emScZD>; OutRight International / IraQueer, *What it Means to Be a Queer Woman*, 23 February 2022, <https://bit.ly/3Epvdmm>, pp. 22-23; Rudaw, *Queer in Kurdistan: LGBT+ Community Weighed Down by Societal Pressure*, 3 May 2021, <https://bit.ly/3yw7BNX>.

“Men are oftentimes denied housing by real estate brokers simply for ‘looking gay or sounding gay’ – often targeting men who look less masculine”; Rudaw, *Queer in Kurdistan: LGBT+ Community Weighed Down by Societal Pressure*, 3 May 2021, <https://bit.ly/3yw7BNX>. See also, IPS, *LGBTI in Iraq: Defending Identity in the Face of Harassment, Stigma and Death*, 25 November 2022, <https://bit.ly/3RgWouP>; BBC, *Fear and Survival: Being LGBTQ in Iraq*, 15 May 2022, <https://bit.ly/3emScZD>; Al Monitor (Podcast), *Iraqi Kurdish LGBT Rights Activist Zhiar Ali Says Local Authorities Do Nothing to Discourage Killings*, 24 February 2022, <https://bit.ly/3FE00oi>; Xtra Magazine, *LGBTQ+ Kurds Fear for their Lives after Trans Woman Murdered in Honour Killing*, 11 February 2022, <https://bit.ly/3Vm1CF9>; Daraj, *More Stigma Against Transgender People in Iraq*, 4 February 2022, <https://bit.ly/3rK1XUq>.

“Members of the LGBT+ community in Iraq and the Kurdistan Region are often persecuted by security forces and conservatives. They are subjected to arrests, verbal abuse, and even murder”; Rudaw, *US Calls on Kurdish Authorities to Investigate Murder of Doski Azad*, 3 February 2022, <https://bit.ly/3ld0vir>. See also, Xtra Magazine, *LGBTQ+ Kurds Fear for their Lives after Trans Woman Murdered in Honour Killing*, 11 February 2022, <https://bit.ly/3Vm1CF9>; MEE, *Iraq: Murder of Trans Kurdish Woman Sparks Anger among Activists*, 4 February 2022, <https://bit.ly/3rLQNYp>. The Guardian, *Kurdish Transgender Woman Shot by Brother Had Been Hiding from Family*, 21 February 2022, <https://bit.ly/3MN5Txj>; Xtra Magazine, *LGBTQ+ Kurds Fear for their Lives after Trans Woman Murdered in Honour Killing*, 11 February 2022, <https://bit.ly/3Vm1CF9>. On “honour”-based violence, see also Section III.A.8.f.

See Section III.A.8.a.

“Their [individuals with diverse SOGIESC] defenselessness is overwhelming, and the psychological impact of intolerance towards this group translates into cases of depression, anxiety, post-traumatic stress and even suicidal tendencies. That’s the diagnosis conveyed (...) by a trauma psychologist who (...) has been working with victims of sexual violence and torture in the Middle East for over a decade”; Inter Press Service, *LGBTI in Iraq: Defending Identity in the Face of Harassment, Stigma and Death*, 25 November 2022, www.ecoi.net/en/document/2082862.html.

US Department of State, *2023 Trafficking in Persons Report: Iraq*, 15 June 2023, www.ecoi.net/en/document/2093605.html; Seed Foundation / Center for Mental Health and Psychosocial Support Services, *Human Trafficking in the Kurdistan Region of Iraq*, December 2018, <https://bit.ly/2VDLmDK>, p. 17; and Section III.A.8.i.

See above footnote 1296.

Doski Azad, before being murdered by her brother for reasons of “honour”, “had reportedly attempted to notify the police and take legal action to stop the harassment but was repeatedly advised to leave the city for her safety”; Xtra Magazine, *LGBTQ+ Kurds Fear for their Lives after Trans Woman Murdered in Honour Killing*, 11 February 2022, <https://bit.ly/3Vm1CF9>. See also, OutRight International / IraQueer, *What it Means to Be a Queer Woman*, 23 February 2022, <https://bit.ly/3Epvdmm>, p. 12; MEE, *Iraq: Murder of Trans Kurdish Woman Sparks Anger among Activists*, 4 February 2022, <https://bit.ly/3rLQNYp>.

Convention grounds, with their diverse SOGIESC likely to cause additional vulnerability to persecution for reason of such grounds, coupled with a general inability to access to protection.¹³¹¹

Individuals who are perceived to have diverse SOGIE by State or non-State actors are similarly likely to be in need of international refugee protection on the same grounds.

Individuals with diverse SOGIE cannot be expected to change or conceal their orientation or identity in order to avoid persecution.¹³¹² Furthermore, the existing criminal sanctions for consensual same-sex sexual acts in Iraq constitute a bar to State protection, including where persecutory acts are perpetrated by non-State actors such as armed groups and members of society.¹³¹³

12) Individuals Targeted as Part of Tribal Conflict Resolution, Including Blood Feuds

A blood feud usually involves members of one family threatening to kill members of another family in retaliatory acts of vengeance carried out according to an ancient code of honour and behaviour.¹³¹⁴ In Iraq, conflicts between (extended) families can reportedly be triggered by intentional or unintentional killing, but also by other offences such as the infliction of injury, loss of “honour” (e.g., as a result of the kidnapping or rape of a woman or girl, or socially unacceptable behaviour), theft, unpaid debts, or unresolved disputes over land, access to water supplies or property.¹³¹⁵ Acts of tribal retribution are also reported to be effected against families associated with real or perceived Da’esh members.¹³¹⁶

¹³¹¹ For policy guidance related to determinations of refugee status based on sexual orientation and/or gender identity, decision-makers are referred to UNHCR, *Guidelines on International Protection No. 9: Claims to Refugee Status Based on Sexual Orientation and/or Gender Identity Within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*, 23 October 2012, www.refworld.org/docid/50348afc2.html.

¹³¹² *Ibid.*, paras 30-33. See also for example, Court of Justice of the European Union, *X, Y, Z v Minister voor Immigratie en Asiel, C-199/12 to C-201/12*, 7 November 2013, www.refworld.org/docid/527b94b14.html.

¹³¹³ See UNHCR, *Guidelines on International Protection No. 9: Claims to Refugee Status Based on Sexual Orientation and/or Gender Identity Within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*, 23 October 2012, www.refworld.org/docid/50348afc2.html.

¹³¹⁴ UNHCR, *UNHCR Position on Claims for Refugee Status Under the 1951 Convention relating to the Status of Refugees Based on a Fear of Persecution Due to an Individual's Membership of a Family or Clan Engaged in a Blood Feud*, 17 March 2006, www.refworld.org/docid/44201a574.html, paras 5-6, 16-20.

¹³¹⁵ “Southern Iraq is often the site of heated disputes over land and water rights, the result of a weak legal system that sometimes fails to enforce property rights, and the mass movement of tribes over the decades, with some disputes emerging after tribes fled persecution under the former regime of Saddam Hussein. More recently, disputes have escalated because land has deteriorated as a result of severe drought”; AFP, *Nine Killed in Iraq Tribal Violence*, 22 June 2022, <https://bit.ly/3BxmwcR>. In Thi-Qar Governorate, “social incidents or disputes are virtually always resolved through tribal processes as opposed to formal processes” and “non-peaceful outcomes from tribal relations are becoming more recurrent in the last few years”; WFP, *Improving Prospects for Peace and Stability in Vulnerable Communities in Southern Iraq*, 13 March 2022, www.ecoi.net/en/document/2072008.html, p. 15. See also, *The New Arab*, *Two Killed, Six Injured in Violent Tribal Conflict in Iraq*, 30 September 2023, <https://bit.ly/3PGUPUu>; NRT, *Village in Erbil Province Evacuated over Violent Family Feud*, 16 March 2023, <https://bit.ly/3JxGtTo>; NINA, *A Young Man Was Killed in Najaf due to a Clan Dispute*, 19 September 2022, <https://bit.ly/3BwED0X>; WVI, *Empowered Women, Empowered Children*, April 2022, www.ecoi.net/en/document/2075566.html, pp. 29-30. In some cases, accusations of unprofessional conduct of certain professionals are reported to have led to demands for the payment of “tribal penalty” and acts of retribution by relatives and members of tribes, including against doctors and teachers (e.g., in case of a failed surgery or bad grades). “Tribal penalties and threats also push doctors to avoid complex surgeries, and new medical graduates are avoiding high-risk career paths like neurosurgery and emergency medicine”; *The Guardian*, *‘The Family Will Kill you if the Patient Dies’: The Doctors Facing Attack in Iraq’s Hospitals*, 9 August 2022, <https://bit.ly/3KsgmNy>. See also, Context, *Iraq War 20 Years On: Doctor’s Dreams Shattered by Tribal Clan*, 13 March 2023, <https://bit.ly/3Ctw2wS>; Raseef22, *‘I Will Shut the School and Break your Skull’: Tribal Violence Facing Iraq’s Teachers*, 31 January 2023, <https://bit.ly/42zAPZt>; Raseef22, *Exposed to ‘Revenge Attacks’: Iraqi Doctors Left to Fend for Themselves*, 25 November 2022, <https://bit.ly/3K11ual>; Ahram Online, *How Iraq’s Judiciary Got into a Political Mess*, 5 April 2022, <https://bit.ly/3rKJnvt>.

¹³¹⁶ “While tribal law and tribal agreements are a common dispute resolution mechanism recognized by society for seeking to solve conflicts and prevent the escalation of violence, they are being applied today on a mass scale to the families of alleged ISIS members and have produced an excessive number of disputes that traditional tribal justice systems are struggling to address. The outcomes of these agreements also sometimes contradict Iraqi civil and criminal law and constitute a form of collective punishment that violates individual rights. Yet, in some instances, local governmental authorities and government-sanctioned community leaders (mukhtars) have participated in the negotiation of such agreements and signed the final resolutions”; CIVIC, *The Plight of Displaced Persons*, April 2021, www.ecoi.net/en/document/2051872.html, p. 18. See also, Justiceinfo.net, *Iraqi Tribal Justice Put to the Test as Islamic State Families Return*, 19 February 2021, <https://bit.ly/42yNT0c>. In addition, tribal practices of disavowal of a relative with perceived affiliation to Da’esh have become a prerequisite for obtaining security clearance or civil documentation or to return home; see Section III.A.1.b.

Under tribal customary law (*urf*),¹³¹⁷ male members of an extended family (*khamisa*) are obliged to avenge the injury or death of another member, be it in the form of killing someone from the murderer's *khamisa*,¹³¹⁸ or, more commonly, agreeing on compensation (blood money, *fasl* or *diyya*) to the family of the victim, which in turn ends the right to retribution.¹³¹⁹ Despite being prohibited by law, inter-tribal conflicts are at times resolved by one tribe giving one or several girls or women for marriage to another tribe (*fasliyah*).¹³²⁰ In serious cases, the perpetrator's tribe can "dishonour" the perpetrator and order his and his family's (temporary or permanent) expulsion from the tribe (*jalwah*), leading to the loss of employment, accommodation and schooling.¹³²¹

When tribes fail to resolve disputes between them through peaceful means, disputes can turn into blood feuds (*tha'r*). Such feuds, accompanied by armed confrontations,¹³²² the shooting at or burning of homes (*dakkah*),¹³²³ abductions and killings, are reported to remain a common occurrence in all of Iraq, particularly

- ¹³¹⁷ "Tribes often solve matters through tribal customary law, known as *urf* in Arabic, which is based on a system of collective honor and responsibility, whereby disputes are resolved through the restoration of equilibrium by reciprocity and compensation. Tribal practices, procedures, and remedies are influenced by various factors, including the reason behind the fight, the extent of injury sustained, the social status of involved tribes, the degree of influence of the tribal leader, sex, and social status of the perpetrator and the victim. The history of the feud between the tribes involved also plays a crucial role"; Rudaw, Senior Iraqi Officer Killed while Mediating Tribal Dispute in Dhi Qar, 20 April 2022, <https://bit.ly/386x1rd>. See also, The Century Foundation, Tribal Justice in a Fragile Iraq, 7 November 2019, <https://bit.ly/38VqV4k>.
- ¹³¹⁸ "In particularly serious cases such as in the case of honor crimes or the murder of a tribal leader, tribes may impose capital punishment on the culprit"; Kirkuk Now, Luqa Received Three Bullets in the Eve of Valentine's Day, 15 February 2021, <https://bit.ly/3yzju17>. "Under tribal custom, male members of an extended family unit, or 'khamisa,' are obligated to avenge the injury or death of another family member, whether through tit-for-tat killing ('dam butlob dam'), or through a negotiated solution"; The Century Foundation, Tribal Justice in a Fragile Iraq, 7 November 2019, <https://bit.ly/38VqV4k>.
- ¹³¹⁹ "In case of minor disputes (theft, unpaid debts, disputes over land, properties, access to water, etc.) within or between tribes, tribal law (*urf*) is applied to solve them through negotiations (*sulh*) and mediation (*wasateh*) that can lead to financial compensations. In case of violent crimes, tribes, according to State law are not supposed to get justice by themselves, but when the State is weak, they do so. Tribal feuds (*thar*) can be resolved by compensations *fasl* or *diyya* (money or cession of rights of access, or properties, or banishment and even through forced marriages), but also through revenge by killing someone from the offender's extended family (*khamisa*) or by killing the offender himself"; EPC, Tribes of Basra: The Political, Social, and Security Issues, 29 March 2022, <https://bit.ly/3LCz9oH>. "When someone is killed by an act of violence, there are three options for the families of the perpetrator and the victim: 1) the victim's family can demand that the perpetrator's family deliver the perpetrator to them, or kill him themselves; 2) the victim's family agrees to accept blood money, the amount of which is established in negotiations; 3) the victim's family agrees that an unmarried woman from the perpetrator's family be forced to marry a member of the victim's family, so that the families are reconciled with one another through marriage. These three options are mutually exclusive; only one will apply in any given case. The blood-money option is generally chosen, except in the case of a particularly gruesome or premeditated murder, when blood money is rarely accepted"; Fanack, Society of Iraq, 2 February 2021, <https://bit.ly/3s6lcXD>. For an overview of the mechanisms deployed to resolve intertribal disputes, see also, The Century Foundation, Tribal Justice in a Fragile Iraq, 7 November 2019, <https://bit.ly/38VqV4k>; Haider Ala Hamoudi, Wasfi H. Al-Sharaa and Aqeel AlDahhan, The Resolution of Disputes in State and Tribal Law in the South of Iraq: Toward a Cooperative Model of Pluralism, University of Pittsburgh, Legal Studies Research Paper Series, Working Paper No. 2015-09, April 2015, <http://bit.ly/1Ri976r>.
- ¹³²⁰ "Fasliya marriage is a form of union forced on a woman to marry a man from a rival tribe to settle an armed conflict between two clans/tribes. This is decided in a so-called *Fasl Asha'iri* (tribal judgement) in which financial compensation is usually ordered to settle a dispute. However, the judges in such tribal tribunals could order that one or more women from a tribe be married off to men from another tribe, where one or more of its members were killed as compensation"; BBC, Explainer: Iraqi Women Caught Between Domestic Violence and Tribal Law, 8 March 2021, <https://bit.ly/3z2sKQV>. See also, Kirkuk Now, Kaka's Pardon Two People Humiliated Young Kaka'i, 30 July 2022, <https://bit.ly/3cTfN2L>; Rudaw, Iraq's Top Court Rejects Plea Against Law Allowing Domestic Violence, 21 February 2022, <https://bit.ly/3J7rWwo>; and Section III.A.8.g.
- ¹³²¹ *Jalwah* "stipulates that the perpetrator and his/her family must leave the community when unable to settle the dispute, for a period spanning from months to years"; Water, Peace and Security, Water Challenges and Conflict Dynamics in Southern Iraq, 17 February 2022, <https://bit.ly/3fNe2Wf>, p. 29. "Part of the settlement can include the expulsion of the perpetrator and his family from the community and from the tribe's lands – a form of forced exile (*jalwa*) for a period of time"; CIVIC, The Plight of Displaced Persons, April 2021, www.ecoi.net/en/document/2051872.html, p. 18.
- ¹³²² "Blood feuds can be very violent, involving heavy weapons, as is the case in some southern provinces (Maysan, Basra, Dhi Qar) (...)" EPC, Tribes of Basra: The Political, Social, and Security Issues, 29 March 2022, <https://bit.ly/3LCz9oH>.
- ¹³²³ "One such tribal practice that the authorities have attempted to restrict is known as *dakkah*. It involves members of a tribe threatening members of another tribe in their private residences. While the judiciary deemed the custom a 'terrorist act' over four years ago, such attacks have been on the rise. Tribal *dakkah* often involves the use of weapons, including hand grenades. These attacks are usually meant to be a warning and a form of pressure to force negotiations over a broader dispute. In the event that the opposing party refuses to negotiate, the quarrel may very well take a bloodier turn, leading to casualties on both sides"; Amwaj.media, Are New Housing Projects Curbing Tribal Violence in Iraq?, 7 July 2022, <https://bit.ly/3q0GVhV>. "A *Dagga* is when the clan elders decide to target a specific person, either by attacking his home, or attacking his family members living with him. This entails shooting at the house and throwing grenades to terrify the inhabitants"; GCHR, Challenges Faced by Human Rights Defenders in Iraq Following the 'October Popular Movement', 5 May 2022, <https://bit.ly/3OAYdmi>, p. 14. *Dakkah* refers "to the spraying of bullets on houses of wanted tribesmen during a tribal feud to force the clan of the enemy to depart from the area. While the state has condemned the, curbing tribal dispute mechanisms has proven difficult"; Water, Peace and Security, Water Challenges and Conflict Dynamics in Southern Iraq, 17 February 2022, <https://bit.ly/3fNe2Wf>, p. 29. See also, EPIC, ISHM: December 14 – 28, 2023, 28 December 2023, www.ecoi.net/en/document/2102728.html; NINA, 2 People Wounded in a Hand Grenade Attack on a House, North of Baghdad, 27 March 2023, <https://bit.ly/3npAN6F>; NINA, 3 Accused of the Tribal Raid Arrested in Karkh Baghdad, 27 December 2022, <https://bit.ly/3GGM29tB>; NINA, A 'Clan Dispute' Causes the Death of one Person and the Injury of two Others, 5 October 2022, <https://bit.ly/3rOORWb>; NINA, Burning a House of a Citizen after a Previous Clan Conflict South of Nasiriyah, 21 August 2022, <https://bit.ly/3Qlrwvd>; WFP, Prospects for Resilience amid Fragility: Conflict Analysis of Al-Qurna and Al-Dair Districts in Basra Governorate, 17 March 2022, www.ecoi.net/en/document/2069845.html, p. 9; Water, Peace and Security, Water Challenges and Conflict Dynamics in Southern Iraq, 17 February 2022, <https://bit.ly/3fNe2Wf>, p. 29.

in Baghdad and the southern governorates.¹³²⁴ Tribal conflicts are not limited to rural areas, but, as a result of migration and urbanization, also prevalent in urban areas.¹³²⁵ Blood feuds may give rise to long cycles of retaliatory violence and revenge and can sometimes flare up after being dormant for years.¹³²⁶

Under Iraqi law, tribal violence can carry heavy penalties, including the death sentence under the 2005 Anti-Terrorism Law;¹³²⁷ however, law enforcement personnel, who are often themselves members of tribes, are reported to lack “the means, authority, and legitimacy to counter these practices”.¹³²⁸ Similarly, judges may delay or suspend the proceedings, or issue reduced sentences under the influence of the tribes.¹³²⁹

UNHCR considers that, depending on the particular circumstances of the case, individuals targeted as part of tribal conflict resolution **may be in need of international refugee protection** on the basis of a well-founded fear of persecution at the hands of non-State actors for reasons of membership of a particular social group or other relevant Convention grounds, combined with a general inability of the State to provide protection from such persecution.¹³³⁰

- ¹³²⁴ See, e.g., NINA, *Three People Injured in a Tribal Conflict South of Hilla*, 1 December 2023, <https://bit.ly/3RBDwql>; NINA, *A Person Killed and his Wife Injured in a Tribal Conflict in Nineveh*, 23 November 2023, <https://bit.ly/3sSWXBN>; NINA, *Two People Injured in a Tribal Dispute and Two of its Instigators Arrested in Basra*, 10 November 2023, <https://bit.ly/3u5zjl8>; NINA, *Six People Injured in a Tribal Conflict North of Hilla*, 5 November 2023, <https://bit.ly/3QKHbB7>; The New Arab, *Two Killed, Six Injured in Violent Tribal Conflict in Iraq*, 30 September 2023, <https://bit.ly/3PGUPUI>; NRT, *Kurdistan Tensions Coincide with Surge in Security Incidents*, 27 April 2023, <https://bit.ly/3HB1SuJ>. For further incidents, see also NINA, <https://ninanews.com/Website/News/Search?q=clan+conflict>.
- ¹³²⁵ Water, Peace and Security, *Water Challenges and Conflict Dynamics in Southern Iraq*, 17 February 2022, <https://bit.ly/3fNe2Wf>, p. 29. “Iraqi security forces have long grappled with the dakkah practice in densely populated areas. But even residents of upscale neighborhoods have not been spared from this violent tribal tradition, nor have schools, government buildings, and medical institutions”; Amwaj.media, *Are New Housing Projects Curbing Tribal Violence in Iraq?*, 7 July 2022, <https://bit.ly/3g0GVhV>. “It is not only members of traditional communities, especially in rural areas, who think and act in this way: affairs of honour and blood retaliation are also found in cities and diaspora communities”; Fanack, *Society of Iraq*, 2 February 2021, <https://bit.ly/3s6lcXD>.
- ¹³²⁶ Blood feuds “can last days or years through a long cycle of retaliations and revenge seeking”; EPC, *Tribes of Basra: The Political, Social, and Security Issues*, 29 March 2022, <https://bit.ly/3LCz9oH>. See also, NRT, *Village in Erbil Province Evacuated over Violent Family Feud*, 16 March 2023, <https://bit.ly/3JxGtTo>; NINA, *One Person Killed and 4 Others Wounded in an Armed Conflict East of Baghdad*, 2 December 2022, <https://bit.ly/3P4YFWL>; Rudaw, *Family Feud Kills Five in Erbil Village: Police*, 14 May 2022, <https://bit.ly/3sCtEf>.
- ¹³²⁷ “(...) Iraqi laws prescribe strict penalties for tribal violence. This includes imprisonment for up to seven years for threatening to commit a crime against others or their assets. But implementing these laws is a challenge and requires the deployment of security forces to areas of strong tribal influence, which can lead to conflict”; Amwaj.media, *Are New Housing Projects Curbing Tribal Violence in Iraq?*, 7 July 2022, <https://bit.ly/3g0GVhV>. According to news reports, tribal violence is considered an act of “terrorism” as per the 2005 Anti-Terrorism Law and can carry the death penalty; see, NINA, *The Arrest of Two Persons Accused of Tribal Violence in Wasit*, 26 December 2022, <https://bit.ly/3CTcFOK>; NINA, *Two Suspects Were Arrested in the Tribal Dispute, Southeast of Baghdad*, 24 June 2022, <https://bit.ly/3xMo1Ay>.
- ¹³²⁸ “The government’s efforts to confront tribal conflicts are not only impeded by the lack of resources but also the overlapping tribal networks within the political and security forces, making the latter reluctant to intervene in tribal conflicts.” Furthermore: “The integration of tribal and criminal networks has made it more difficult and dangerous for provincial authorities, and the central Iraqi government, to address. Security officers have been threatened by criminal groups, including tribes whose members are affiliated with gangs, in the past”; Water, Peace and Security, *Water Challenges and Conflict Dynamics in Southern Iraq*, 17 February 2022, <https://bit.ly/3fNe2Wf>, pp. 29-30. “Local police forces are either connected to tribes involved in criminal activities or are reluctant to take any risk. Police officers and their families regularly get death threats, and some clans own a much more formidable arsenal than security forces. (...) Iraqi law enforcement cannot cope with this tribal feud escalating phenomenon because of their lack of means, but also because law enforcement personnel is itself often involved in conflicts (through their tribal kin relationships, or through their involvement in diverse patronage or criminal networks)”; EPC, *Tribes of Basra: The Political, Social, and Security Issues*, 29 March 2022, <https://bit.ly/3LCz9oH>. See also, Context, *Iraq War 20 Years On: Doctor’s Dreams Shattered by Tribal Clan*, 13 March 2023, <https://bit.ly/3Ctw2wS>; IOM, *A Climate of Fragility: Household Profiling in the South of Iraq: Basra, Thi-Qar and Missan*, 24 August 2022, <https://bit.ly/3ccqxB5u>, p. 29; AFP, *Nine Killed in Iraq Tribal Violence*, 22 June 2022, <https://bit.ly/3BxmwcR>; WFP, *Improving Prospects for Peace and Stability in Vulnerable Communities in Southern Iraq*, 13 March 2022, www.ecoi.net/en/document/2072008.html, p. 16; France 24, *Drugs, Tribes, Politics a Deadly Mix in Iraq Border Province*, 23 February 2022, <https://f24.my/8PY7.T>.
- ¹³²⁹ “In practice, tribal and formal state law and systems coexist with senior tribal leaders often interacting with state security actors following the occurrence of a crime to retain order and stability and de-escalate tensions. Tribal justice practiced outside of court systems and tribal conciliation can also impact formal sentences and enable accommodation, reduction of sentences, or the termination of legal proceedings. Tribal leaders may even contact relevant state justice systems if they are convinced that the convicted is innocent and deserves to be freed. They also communicate with the state judicial system to provide updates on disputes resolved through tribal mechanisms”; Water, Peace and Security, *Water Challenges and Conflict Dynamics in Southern Iraq*, 17 February 2022, <https://bit.ly/3fNe2Wf>, p. 27. In the KR-I, “sometimes, an agreement found by the social/tribal reconciliation is said to be brought to the judge who then may accept it and adapts the sentence accordingly. It was also reported that informal actors sometimes ask the formal actors to delay or dismiss a case”; UNICEF, *Mapping and Assessment of the Child Justice System in Kurdistan Region of Iraq*, November 2022, <https://uni.cf/3JCt17T>, p. 19. “Judges wishing to avoid contentious cases with serious tribal ramifications may do so by simply leaving the case open”; The Century Foundation, *Tribal Justice in a Fragile Iraq*, 7 November 2019, <https://bit.ly/38VgV4k>. Conversely, tribes may ignore legal rulings; for example, a man was killed in Thi-Qar as part of a clan dispute in April 2022, despite having been acquitted of his alleged crime by the local court; NINA, *A Person Was Killed in Front of Shatrah Court as a Result of a Clan Dispute*, 20 April 2022, <https://bit.ly/38ccUcE>. See also Section II.D.3.a.
- ¹³³⁰ For further guidance see UNHCR, *UNHCR Position on Claims for Refugee Status Under the 1951 Convention relating to the Status of Refugees Based on a Fear of Persecution Due to an Individual’s Membership of a Family or Clan Engaged in a Blood Feud*, 17 March 2006, www.refworld.org/docid/44201a574.html, paras 5-6, 16-20, and UNHCR, *Guidelines on International Protection No. 2: “Membership of a Particular Social Group” Within the Context of Article 1A(2) of the 1951 Convention and/or Its 1967 Protocol relating to the Status of Refugees*, 7 May 2002, www.refworld.org/docid/3d36f23f4.html.

Depending on the particular circumstances of the case, family members, partners or other dependents of individuals involved in blood feuds may also be in need of international protection on the basis of their association with individuals at risk.

Claims by persons involved in blood feuds may, however, give rise to the need to examine possible exclusion from refugee status.

For civilians targeted by their own or other tribes on account of their perceived support for Da'esh, including families associated with real or perceived Da'esh members, see Section III.A.1. For women and girls, as well as persons with diverse SOGIE at risk of "honour"-based violence at the hands of their family, see Sections III.A.8.f and III.A.11.

13) Palestinian Refugees¹³³¹

a) Situation in Federal Iraq

Overview and Legal Status

Palestinian refugees in Iraq arrived in Iraq during several waves of displacement since 1948. Although they were never formally recognized as refugees by former Iraqi governments, they generally enjoyed a favourable environment in line with key resolutions of the League of Arab States and the 1965 Protocol for the Treatment of Palestinians in Arab States ("Casablanca Protocol"),¹³³² as well as national legislation, including Revolutionary Command Council Decree 202 of 2001.¹³³³ In 2008, the Permanent Committee for Refugee Affairs of the Ministry of Interior (PC-Mol) undertook to register Palestinian refugees. They were recognized as refugees on a prima facie basis in line with the pertinent resolutions of the Arab League and provided with national ID cards. However, in 2017, RCC Decree 202 was abolished under Iraq's new Residence Law.¹³³⁴ While other laws and decrees continue to safeguard most of the rights of Palestinians, their legal status is no longer (near) equivalent to that of Iraqi citizens.¹³³⁵ Palestinians do not qualify to obtain Iraqi citizenship.¹³³⁶ Furthermore, Iraq does not have a comprehensive legal framework governing the status and protection of refugees in line with relevant international standards.¹³³⁷

As at December 2023, over 13,900 Palestinian refugees were registered with PC-Mol.¹³³⁸ Those registered with PC-Mol are issued a PC-Mol card with a validity of either five years (for those who arrived in Iraq in 1948, or later, but who were displaced in 1948 from that part of Mandate Palestine which became Israel, and who have been unable to return there) or three years (for those who arrived in Iraq in 1967 or subsequently).¹³³⁹ Outside of Baghdad, the issuance and renewal of the new ID cards has been delayed as PC-Mol has limited capacity to undertake missions to other parts of the country. Others are not registered as refugees with PC-Mol, but have regularized their stay with the Residency Directorate based on for example a work or family visa.

¹³³¹ This Section is based on information available to UNHCR as of January 2024, unless otherwise indicated.

¹³³² League of Arab States, *Protocol for the Treatment of Palestinians in Arab States* ("Casablanca Protocol"), 11 September 1965, www.refworld.org/docid/460a2b252.html.

¹³³³ RCC Decree 202 of 2001 stipulated that Palestinians who had residency in Iraq were to be "treated as Iraqi citizens in rights and duties" with the exception of the right to obtain Iraqi nationality; Iraq, *Resolution by the Revolutionary Command Council on the Treatment of Palestinians Permanently Residing in Iraq as Iraqis* (2001), 24 September 2001, www.refworld.org/docid/5c7558ca7.html [abolished in 2017].

¹³³⁴ Republic of Iraq, *Iraq's Law on the Residence of Foreigners* (2017), www.refworld.org/docid/5c7561147.html, art. 52.

¹³³⁵ A draft amendment to the 2017 Residence Law foresees that those who resided in Iraq for 10 years could obtain permanent residency. It would reinstate their rights as previously granted under RCC Decree 202 of 2001 and remove the legal ambiguity created by its repeal. At the time of writing, this amendment has not yet been enacted. Other laws and decrees continue to safeguard most of the rights of Palestinians. For laws and decrees relating to the legal status of Palestinian refugees in Iraq, see: *Palestinian Refugees in Iraq: Applicable Legislation*, May 2019, www.refworld.org/docid/5cc97cfe4.html.

¹³³⁶ While the 2006 Nationality Law provides for the possibility of naturalization of non-Iraqis subject to the approval of the Minister of Interior and the fulfillment of specific conditions, Article 6(2) explicitly excludes the possibility of naturalization of Palestinians, "as a guarantee to their right to return to their homeland"; Republic of Iraq, *Iraqi Nationality Law, Law 26 of 2006*, 7 March 2006, www.refworld.org/docid/4b1e364c2.html.

¹³³⁷ UNHCR, *3RP Iraq Country Chapter 2023-2024*, 8 June 2023, <https://bit.ly/469t2ni>, p. 9.

¹³³⁸ As at 31 December 2023, the Permanent Committee for Refugee Affairs of the Ministry of Interior (PC-Mol) reported that it had registered 13,911 Palestinians.

¹³³⁹ Because Iraq never signed an agreement with the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), Palestinians are registered with the government. PC-Mol is in charge of registration and issuance of ID cards to Palestinians. Starting in 2018, new ID (blue) cards have gradually been introduced. The format of the new ID cards is identical to the format of the ID cards issued to refugees of other nationalities.

Of those registered with PC-Mol, some 6,700 Palestinians were also registered with UNHCR, including Palestinian refugees who arrived since 2011 from Syria.¹³⁴⁰ The majority hold a UNHCR refugee certificate, the validity of which has been aligned with the validity of government-issued documentation (three or five years). The vast majority (75 per cent) of those registered with UNHCR live in Baghdad, mostly in the predominantly Shi'ite neighbourhood of Baladiyat in eastern Baghdad.¹³⁴¹ There are also small numbers of Palestinian refugees registered with UNHCR in other parts of the country.¹³⁴²

Safety, freedom of movement and access to justice

After the fall of the former Iraqi Government in 2003 and during the conflict with Da'esh, Palestinian refugees faced heightened targeting on account of a perception among segments of the Iraqi population, including among law enforcement agencies and militias, that they had received preferential treatment from the former Iraqi Government and/or that they were supportive of Da'esh or, previously, Al-Qa'eda in Iraq.¹³⁴³ Following the end of the conflict with Da'esh and relative improvements in the security situation in most parts of Iraq, no major incidents targeting Palestinians have been reported since 2019, and Palestinians largely experience the same challenges linked to security, human rights and the weak rule of law as the wider population.¹³⁴⁴

PC-Mol-issued ID cards (which are the same for all refugee groups in Iraq) can be distinguished from those issued to Iraqi nationals, and Palestinians are thus easily identifiable as refugees. While Palestinians are in principle entitled to move freely within Federal Iraq,¹³⁴⁵ their freedom of movement is restricted if they hold expired ID cards. Also, the ID cards are not always recognized or respected at security checkpoints, especially outside Baghdad, further limiting their freedom of movement. Furthermore, UNHCR observed that many Palestinian refugees have concerns to pass checkpoints operated by the PMF for fear of harassment and abuse.

Access to employment, housing and basic services

Those holding PC-Mol-issued ID cards generally have access to public schools, health facilities, and food rations through the PDS, and can rent property.¹³⁴⁶ Like for the rest of the population, these services can be inconsistent, poor or nonexistent, depending on the area.¹³⁴⁷ UNHCR has not received reports of

¹³⁴⁰ UNHCR registered as refugees those holding documentation issued by the Iraqi authorities establishing their status as Palestinians habitually resident in Iraq, as well as those registered with UNRWA in one of its fields of operation (i.e., Jordan, Lebanon, Syria, the West Bank, including East Jerusalem, and Gaza). Due to the greater benefits of the PC-Mol cards over UNHCR certificates, as well as registration backlogs on UNHCR's part, a greater number of Palestinians are registered with PC-Mol compared to those registered with UNHCR. As at 31 December 2023, 6,726 individuals (2,705 families) were registered with UNHCR in Iraq, including 364 Palestinians who formerly resided in Syria. The vast majority of these are also registered with UNRWA in one of its fields of operation. At the time of writing, only 155 Palestinians were undocumented and were registered with UNHCR as asylum-seekers. They are issued an asylum-seeker certificate with a validity of two years.

¹³⁴¹ As there are no longer rental subsidies offered to Palestinians by UNHCR, most prefer to live in government-provided free housing in Baladiyat. Others live in the neighbourhoods of Al-Hurriya, Al-Dura, Hay Al-Saha, Hay Al-Salam, Tel-Mohammad and Hay Al-Amin Al-Thaniya.

¹³⁴² Including in Ninewa (717 individuals) and Erbil (622). There are also smaller numbers of Palestinian refugees in nearly all other governorates.

¹³⁴³ Recorded attacks included harassment, threats, arbitrary arrest and prolonged detention under the Anti-Terrorism Law, torture, abduction, extortion and killing at the hands of both state and non-state actors; Boston University School of Law, *The Campaign to End Statelessness in Iraq*, March 2022, <https://bit.ly/3Z1yFPr>, pp. 41-45; European University Institute, *Report on Citizenship Law: Iraq*, May 2021, <https://bit.ly/42HYDKg>, pp. 12-14; Francesca Albanese and Lex Takkenberg, *Palestinian Refugees in International Law*, 2nd edition, 2020, pp. 249-250; UNHCR, *International Protection Considerations with Regard to People Fleeing the Republic of Iraq*, May 2019, www.refworld.org/docid/5cc9b20c4.html, pp. 108-109.

¹³⁴⁴ There have been no reported incidents of arbitrary arrest or detention of Palestinian refugees in 2022 and 2023, nor were there reports of other security incidents. However, UNHCR has not been systematically monitoring security incidents since 2020 due to the COVID-19 pandemic as well as an overall decrease in security incidents involving Palestinian refugees.

¹³⁴⁵ Travelling to the KR-I requires the individual to hold a valid PC-Mol ID card (if travelling by road) or a travel document issued by the Residence Affairs Directorate or a Palestinian national passport issued by the Embassy of Palestine in Baghdad (if travelling by air).

¹³⁴⁶ In May 2018, the provision of food rations through the PDS for non-Iraqi nationals was suspended. However, access to the PDS for Palestinian refugees was resumed in 2019.

¹³⁴⁷ UNHCR information, January 2024; Middle East Monitor, *Palestinians of Iraq Suffer from Deteriorating Conditions*, 3 January 2023, <https://bit.ly/455W0E4>. See also Section II.E.

systematic discrimination against Palestinian refugees.¹³⁴⁸ Palestinian refugees registered with UNHCR also have access to some services from UNHCR.¹³⁴⁹

Houses and apartments in Baladiyat are overcrowded, with large families living in either free State-owned or renting privately-owned apartments. Some 80 Palestinian refugee families residing in Baladiyat area of Baghdad are at risk of eviction following an early 2022 government decision to dismantle illegally built structures. However, at the time of writing, the removal order has been on hold until an alternative solution can be found for those unable to afford rent elsewhere. In Mosul, over 70 Palestinian families live in a public building in Al-Quds neighbourhood, which was damaged during the conflict with Da'esh and is yet to be rehabilitated.¹³⁵⁰

Palestinians are impacted by the generally high unemployment rate,¹³⁵¹ and there are reports of discrimination from employers.¹³⁵² The revocation of RCC Decree No. 202 in 2017, which had granted Palestinians access to public sector employment and membership in trade unions, resulted in legal ambiguity and inconsistent practices, with some Palestinians losing employment and membership in trade unions.¹³⁵³

Exit from and Readmission to Iraq

To travel outside Iraq, Palestinians need to hold a travel document issued by the Residence Affairs Directorate (Mol) for those who arrived in 1948,¹³⁵⁴ or a Palestinian Passport issued by the Embassy of Palestine in Baghdad for all others. Travel documents issued by the Directorate of Residence Affairs are valid for one year and allow Palestinians to leave and re-enter Iraq. Obtaining a travel document takes around one month and requires security clearance from the competent authorities. In addition, irrespective of whether they travel on a PC-Mol-issued travel document or a Palestinian passport, they are required to obtain approval (exit/re-entry visas) prior to their travel from the Directorate of Residence Affairs.¹³⁵⁵ The exit/re-entry visa should be used within three months from the date of issuance and permits the individual to leave and re-enter Iraq within 30 days. Individuals who are absent from Iraq for more than 30 days are not allowed to return to Iraq except at the discretion of the Iraqi Government and with a visa sponsored by an Iraqi national. If granted an entry visa, they will then have to re-apply for asylum with PC-Mol as their absence from the country would likely have resulted in the cancellation of their refugee status by the Government of Iraq.

Despite a provision in the law allowing for confiscation of movable and immovable property, UNHCR was informed by PC-Mol that the provision was not applied in the event of refugees' exit without prior approval.¹³⁵⁶

¹³⁴⁸ Palestinian children have access to public education on a par with Iraqi citizens, and most children attend school. No incidents of overt denial of education to Palestinian children have been reported in recent years; however, occasionally, individual reports of harassment or negative attitudes and stereotyping by teachers continue to be received. Similarly, UNHCR has received individual complaints of discrimination in the health sector. Also, the economic vulnerability of many refugees means that most cannot afford expensive medication and medical treatment.

¹³⁴⁹ These include cash assistance for some vulnerable Palestinian refugees, referral to Child Protection and Gender-Based Violence specialized services and counselling, and legal aid provided by a UNHCR partner organization (with most cases relating to personal status matters, such as marriage, divorce, custody of children, inheritance, endowments, and renewal of documentation).

¹³⁵⁰ Rehabilitation of the building by UNHCR is pending an agreement with the government that the Palestinians will be allowed to stay in the premises.

¹³⁵¹ See Section II.E.2.

¹³⁵² Refugees monitored by UNHCR frequently claim that they have been unable to secure employment because they are Palestinians. "Palestinians in Iraq are short of their livelihood sources. In addition, they are outside of competition for virtually non-existent job opportunities, and they are exposed every day to substantial social, economic and political pressures"; Fanack, *Palestinians in Iraq: From Asylum to Homelessness*, 20 October 2021, <https://bit.ly/3OcsAhm>. See also, The New Arab, *Neglected Palestinian Refugees in Iraq Ask UN for Help*, 19 July 2022, <https://bit.ly/451kLkH>.

¹³⁵³ UNHCR information, January 2024. See also, Australia: Department of Foreign Affairs and Trade (DFAT), *DFAT Country Information Report: Iraq*, 16 January 2023, www.ecoi.net/en/document/2085737.html, para. 3.14; Boston University School of Law, *The Campaign to End Statelessness in Iraq*, March 2022, <https://bit.ly/3Z1yFPPr>, p. 44.

¹³⁵⁴ Palestinian refugees also have the right to obtain a travel document for Palestinian refugees under Law No. 26 of 1961.

¹³⁵⁵ The Passports Law of 2015 stipulates a minimum sentence of three years imprisonment for anyone who entered or left the country through unofficial border points. In addition, the Penal Code foresees terms of imprisonment of maximum 15 years for those who falsify official documents or who use falsified documents; Article 15 (4) of Law No. 32 of 2015; Republic of Iraq, *Passports Law (2015)*, 9 September 2015, www.refworld.org/docid/5c755e247.html; Republic of Iraq, *Penal Code (Law No. 111 of 1969)*, July 1969, www.refworld.org/docid/452524304.html, art. 289.

¹³⁵⁶ Article 17 of the 1971 Political Refugee Act stipulates that refugees cannot leave Iraq without prior approval from the Ministry of Interior, whilst Article 18 imposes punishment through confiscation by the authorities of all movable and immovable property; The Political Refugee Act (Law No. 51 of 1971), 10 April 1971, www.refworld.org/docid/560a498c4.html.

b) Situation in the Kurdistan Region of Iraq

As at 31 December 2023, there were 628 Palestinian refugees registered with UNHCR in Erbil, 42 in Sulaymaniyah and seven in Dohuk. Most Palestinians in the KR-I hold the PC-Mol card (often expired due to lack of PC-Mol missions to the KR-I) and the UNHCR refugee certificate. Starting in 2021, Palestinian refugees who entered the KR-I from Federal Iraq in an irregular manner during the conflict with Da'esh were given the possibility to regularize their stay through a Humanitarian Residency Permit (HRP) if they met the following conditions:

- Born in Iraq;
- Hold a UNHCR certificate;
- Hold a support letter from the Consulate General of the State of Palestine in Erbil; and
- Obtain security and medical clearance.

The HRP provides them the right to remain in the KR-I, enjoy freedom of movement with the region, and to access health care, education, and work.¹³⁵⁷ Nearly all Palestinian refugees in the KR-I have been granted the HRP, which is valid for one year and renewable.¹³⁵⁸ The HRP is generally not available to those who arrived in the KR-I on a visa from abroad.¹³⁵⁹

Palestinians travelling from Federal Iraq to the KR-I by air (Erbil or Sulaymaniyah airports) must hold a valid travel document issued by the Residence Affairs Directorate (Mol) for those who arrived in 1948, or a Palestinian Passport issued by the Embassy of Palestine in Baghdad for all others. Those entering through road checkpoints can use their valid PC-Mol card to enter the KR-I. They will, following security screening, be issued a temporary entry authorization by the Asayish, which is valid for 30 days. In order to settle in the KR-I, they need to regularize their stay with the Asayish and the mukhtar in the neighbourhood in which they intend to reside. Once they have regularized their stay, and provided they meet the conditions of the HRP, they can subsequently apply for the HRP.

Exit from and Readmission to the KR-I

The KRG allows Palestinian refugees to exit the KR-I via airports but does not allow exit via land borders.¹³⁶⁰ Prior to travelling abroad, HRP holders are required to approach the Residency Directorate to obtain an exit visa and hand over their HRP. Once they leave Iraq, their HRP will be cancelled.

For (re-)admission to the KR-I from abroad, Palestinians from Iraq must hold a valid travel document issued by the Residence Affairs Directorate or a Palestinian passport issued by the Palestinian Authority. Those born in Iraq do not require an entry visa.¹³⁶¹ Upon re-entry, and if they meet applicable residency requirements, including obtaining security clearance and having a sponsor from the KR-I or holding a formal employment contract, they can apply for a foreigners' residence permit.

Under the 1951 Convention, Palestinian refugees falling within the personal scope of Article 1D, who have been excluded under Art. 1D(1) (who are receiving or are eligible to receive protection or assistance from UNRWA)¹³⁶² and who are subsequently included under Art. 1D(2) (when that protection or assistance has

¹³⁵⁷ The HRP does not entitle them to travel to Federal Iraq. HRP holders travelling to Federal Iraq without prior authorization from the Federal Authorities are at risk of arrest and forced removal to the KR-I, unless they also hold a PC-Mol card.

¹³⁵⁸ "UNHCR is advocating with the KRG to extend the duration of the Humanitarian Residency Permit to two years as this would alleviate a lot of burden and costs on asylumseekers who currently must renew their residency permits every year with the relevant KRG authorities"; UNHCR, *UNHCR Iraq Factsheet: August 2023*, 13 September 2023, www.ecoi.net/en/document/2097252.html, p. 2.

¹³⁵⁹ Those who legally arrived in the KR-I (through the airport or land border) are unable to access the HRP except in exceptional circumstances (family reunification/ serious medical issues/ marriage).

¹³⁶⁰ This is per internal instructions received from the KRG Residency Directorate. Illegal exit or exit via a land border would likely result in the denial of the application for a re-entry visa.

¹³⁶¹ "If your passport or travel document states that your place of birth is Iraq, you do not require a visa to enter the Kurdistan Region of Iraq (...); KRG E-Visa Portal, accessed 28 January 2024, <https://visit.gov.krd/visa-eligibility-checker>.

¹³⁶² UNHCR, *Guidelines on International Protection No. 13: Applicability of Article 1D of the 1951 Convention relating to the Status of Refugees to Palestinian Refugees*, December 2017, www.refworld.org/docid/5a1836804.html. In UNHCR's interpretation of Art. 1D, there is no requirement that such persons must have actually or recently availed themselves of UNRWA's assistance for Article 1D to be applicable to them. Such a requirement, would, in UNHCR's opinion, be incompatible with the object and purpose of Article 1D as it would serve to remove from the article's application those Palestinian refugees who have not accessed UNRWA protection or assistance, despite being eligible, but who are nonetheless in need of 1951 Convention protection under the second paragraph of Article 1D. Such a narrow interpretation of the first paragraph of Article 1D would result in the denial of protection for many Palestinian refugees, whose refugee character is already established, creating gaps in the protection regime.

ceased) **are ipso facto entitled to the benefits of the 1951 Convention**, provided Articles 1C, 1E or 1F of the 1951 Convention do not apply.¹³⁶³

Asylum claims of Palestinians who do not fall within the scope of Article 1D should be adjudicated under Article 1A(2) of the 1951 Convention. In addition to the information included in this risk profile, the other risk profiles included in this document provide relevant country of origin information and eligibility guidance.

B. Refugee Status under UNHCR's Broader Mandate Criteria or Regional Instruments, or Eligibility for Complementary Forms of Protection

The 1951 Convention forms the cornerstone of the international refugee protection regime. The criteria for refugee status in the 1951 Convention need to be interpreted in such a manner that individuals or groups of persons who meet these criteria are duly recognized and protected under that instrument. Only when an asylum-seeker is found not to meet the refugee criteria in the 1951 Convention should broader international protection criteria as contained in UNHCR's mandate and regional instruments be examined, including subsidiary protection.¹³⁶⁴

This section provides guidance for the determination of eligibility for international protection of Iraqi asylum-seekers who are found not to meet the refugee criteria contained in Article 1A of the 1951 Convention. Individuals who do not come within the criteria set out in the 1951 Convention may nevertheless be in need of international protection. In particular, individuals who flee situations of violence where there is no nexus with a 1951 Convention ground may be found to come within the terms of UNHCR's mandate, or the criteria set out in regional instruments.¹³⁶⁵

1) Refugee Status under UNHCR's Broader Mandate Criteria

UNHCR's mandate encompasses individuals who meet the refugee criteria under the 1951 Convention and its 1967 Protocol,¹³⁶⁶ but has been broadened through successive UN General Assembly and ECOSOC resolutions to a variety of other situations of forced displacement resulting from indiscriminate violence or public disorder.¹³⁶⁷ In light of this evolution, UNHCR's competence to provide international protection to refugees extends to individuals who are outside their country of origin or habitual residence and who are unable or unwilling to return there owing to serious threats to life, physical integrity or freedom resulting from generalized violence or events seriously disturbing public order.¹³⁶⁸

Iraq has been involved in a non-international armed conflict with Da'esh since January 2014,¹³⁶⁹ mostly in rural areas of Al-Anbar, Babel, Baghdad, Diyala, Erbil (Makhmour), Kirkuk, Ninewa and Salah Al-Din Governorates.¹³⁷⁰ Iraq is also involved in an international armed conflict with Türkiye due to the latter's use

¹³⁶³ *Ibid.*

¹³⁶⁴ See UNHCR Executive Committee, *Conclusion on the Provision on International Protection Including Through Complementary Forms of Protection*, No. 103 (LVI) – 2005, 7 October 2005, www.refworld.org/docid/43576e292.html.

¹³⁶⁵ As regards regional instruments, see the refugee definitions contained in the 1969 OAU Convention, *Organization of African Unity, Convention Governing the Specific Aspects of Refugee Problems in Africa* ("OAU Convention"), 10 September 1969, 1001 U.N.T.S. 45, www.refworld.org/docid/3ae6b36018.html and in the 1984 Cartagena Declaration, *Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama*, 22 November 1984, www.refworld.org/docid/3ae6b36ec.html. Complementary forms of protection include subsidiary protection under Article 15 of the EU Qualification Directive; EU, *Qualification Directive*, 2011, www.refworld.org/docid/4f197df02.html, art. 15.

¹³⁶⁶ UN General Assembly, *Convention relating to the Status of Refugees*, 28 July 1951, U.N.T.S. 189, www.refworld.org/docid/3be01b964.html, p. 137, and UN General Assembly, *Protocol relating to the Status of Refugees*, 31 January 1967, U.N.T.S. 606, www.refworld.org/docid/3ae6b3ae4.html, p. 267.

¹³⁶⁷ UNHCR, *Providing International Protection Including Through Complementary Forms of Protection*, 2 June 2005, EC/55/SC/CRP.16, www.refworld.org/docid/47fd949d.html; UN General Assembly, *Note on International Protection*, 7 September 1994, A/AC.96/830, www.refworld.org/docid/3f0a935f2.html.

¹³⁶⁸ See for example UNHCR, *MM (Iran) v. Secretary of State for the Home Department: Written Submission on Behalf of the United Nations High Commissioner for Refugees*, 3 August 2010, C5/2009/2479, www.refworld.org/docid/4c6aa7db2.html, para. 10.

¹³⁶⁹ "On account of the frequency of armed attacks and armed confrontations, the number of casualties, the number of people forced to flee ongoing hostilities, and the types of weapons and military equipment utilized, the required degree of intensity has been reached since January 2014. The fighting has continued unabated and hence there is a non-international conflict between the Iraqi government and the Islamic State group"; RULAC, *Non-International Armed Conflicts in Iraq*, last updated 18 May 2023, <https://bit.ly/43gaiO9>.

¹³⁷⁰ See Sections [II.B.1.b](#) and [II.B.2.c](#).

of force against the PKK in northern Iraq without the consent of Iraq.¹³⁷¹ Indicators to assess the threat to life, physical integrity or freedom resulting from generalized violence as a result of these conflicts include: (i) the number of civilian casualties as a result of indiscriminate acts of violence, including airstrikes, shelling, IED explosions and ERW (see Sections II.B and II.C); (ii) the number of conflict-related security incidents (see Section II.B); and (iii) the number of people who have been forcibly displaced due to conflict (while noting that the number of displaced people who have not been able to return to a given area would be an additional indicator for a continued threat to life, physical integrity or freedom) (see Section II.F).

Such considerations are not, however, limited to the direct impact of the violence. They also encompass the longer-term, more indirect consequences of conflict-related violence that, either alone or on a cumulative basis, give rise to threats to life, physical integrity or freedom. In this respect, relevant elements include the information presented in Sections II.B, II.D and II.E relating to (i) State and non-State actors' ability to threaten, intimidate, extort, kidnap and kill civilians and restrict their freedom of movement; (ii) the high level of fragmentation of security actors, the prevalence of corruption and the ability of security actors to commit human rights violations regularly with impunity; (iii) the impact of violence and insecurity on the humanitarian situation as manifested by poverty, food insecurity, the destruction of homes, livelihoods and the loss of assets; and (iv) constraints on women's participation in public life.

Against this background, UNHCR considers that, depending on the particular circumstances of the case, individuals who originate from areas impacted by either Iraq's non-international armed conflict with Da'esh or the international armed conflict with Türkiye **may be in need of international protection**. Those who are found not to meet the refugee criteria of the 1951 Convention may be eligible for international protection under UNHCR's broader mandate on the grounds of serious threats to life, physical integrity or freedom resulting from generalized violence or events seriously disturbing public order.

2) Refugee Status under Article I(2) of the 1969 OAU Convention

Iraqis and former habitual residents of Iraq who seek international protection in countries that are States parties to the 1969 OAU Convention may qualify for refugee status under Article I(2) of that instrument, on the grounds that they were compelled to leave their place of habitual residence owing to events seriously disturbing public order in parts of Iraq, in order to seek refuge outside Iraq.¹³⁷²

In the context of the 1969 OAU Convention, the phrase "events seriously disturbing public order" encompasses situations of conflict or violence that threaten civilians' lives, freedom or security, as well as other serious disruptions of the public order.¹³⁷³ UNHCR considers that areas impacted by either Iraq's non-international armed conflict with Da'esh or the international armed conflict with Türkiye should be regarded as areas affected by events seriously disturbing public order. Consequently, UNHCR considers that individuals originating from such areas and who have been found not to meet the criteria of the 1951 Convention **may be in need of international protection** under the terms of Article I(2) of the 1969 OAU Convention, on the grounds that they were compelled to leave their place of habitual residence owing to threats to their lives, freedom or security as a result of events seriously disturbing public order.

¹³⁷¹ "Due to the ongoing airstrikes by Türkiye against PKK targets in northern Iraq without the consent of the Iraqi government, there is an international armed conflict between Türkiye and Iraq"; RULAC, *International Armed Conflict in Iraq*, last updated 19 May 2023, <https://bit.ly/41X9oax>.

¹³⁷² Article I(2) of the 1969 OUA Convention extends the refugee definition to "every person, who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality" (emphasis added). The same considerations apply to individuals coming within the refugee definition as contained in Article I(2) of the Bangkok Principles, which is identical to the refugee definition of the 1969 OAU Convention; Organization of African Unity, *Convention Governing the Specific Aspects of Refugee Problems in Africa* ("OAU Convention"), 10 September 1969, 1001 U.N.T.S. 45, www.refworld.org/docid/3ae6b36018.html; Asian-African Legal Consultative Organization (AALCO), *Bangkok Principles on the Status and Treatment of Refugees (Final Text of the AALCO's 1966 Bangkok Principles on Status and Treatment of Refugees*, as adopted on 24 June 2001 at the AALCO's 40th Session, New Delhi), www.refworld.org/docid/3de5f2d52.html.

¹³⁷³ On the meaning of the phrase "events seriously disturbing public order" in the 1969 OAU Convention, see Marina Sharpe, *The 1969 OAU Refugee Convention and the Protection of People Fleeing Armed Conflict and Other Situations of Violence in the Context of Individual Refugee Status Determination*, January 2013, www.refworld.org/docid/50fd3ed2.html; Alice Edwards, "Refugee Status Determination in Africa", 14 *African Journal of International and Comparative Law*, 204-233 (2006); UNHCR, *Extending the Limits or Narrowing the Scope? Deconstructing the OAU Refugee Definition Thirty Years On*, April 2005, www.refworld.org/docid/4ff168782.html.

3) Refugee Status under the 1984 Cartagena Declaration

Asylum-seekers from Iraq who seek international protection in any of the countries that have incorporated the 1984 Cartagena Declaration into their national legislation may qualify for refugee status on the grounds that their lives, safety or freedom have been threatened by generalized violence, internal conflict, massive violation of human rights or other circumstances that have seriously disturbed public order.¹³⁷⁴

Following similar considerations as for UNHCR's broader mandate criteria and the 1969 OAU Convention (Sections III.B.1.a and III.B.1.b), UNHCR considers that individuals originating from areas impacted by either Iraq's non-international armed conflict with Da'esh or the international armed conflict with Türkiye, and who have been found not to meet the criteria of the 1951 Convention, **may be in need of international protection** under the terms of the 1984 Cartagena Declaration, on the grounds that their lives, safety or freedom were threatened by circumstances that have seriously disturbed public order, in the form of direct or indirect consequences of conflict-related violence.

4) Eligibility for Subsidiary Protection under the EU Qualification Directive

Iraqis and former habitual residents of Iraq who seek international protection in Member States of the European Union and who are found not to be refugees under the 1951 Convention may qualify for subsidiary protection under Article 15 of the 2011 Qualification Directive, if there are substantial grounds for believing that they would face a real risk of serious harm in Iraq.¹³⁷⁵ In light of the information presented in Section II.D, applicants may, depending on the particular circumstances of the case, be in need of subsidiary protection under Article 15(a) or Article 15(b) on the grounds of a real risk of the relevant forms of serious harm (death penalty or execution;¹³⁷⁶ or torture or inhuman or degrading treatment or punishment),¹³⁷⁷ either at the hands of the State or its agents, or at the hands of non-State agents.¹³⁷⁸

Equally, in light of the fact that certain areas continue to be affected by Iraq's non-international armed conflict with Da'esh and the international armed conflict with Türkiye and in light of the information presented in Sections II.B, II.C, II.D and II.F, applicants originating from or previously residing in conflict-affected areas may, depending on the particular circumstances of the case, be in need of subsidiary protection under Article 15(c) on the grounds of a serious and individual threat to their life or person by reason of indiscriminate violence.

In the context of Iraq's non-international armed conflict with Da'esh and the international armed conflict with Türkiye, factors to be taken into account to assess the threat to the life or person of an applicant by reason of indiscriminate violence in a particular part of the country include the number of civilian casualties, the number of security incidents, as well as the existence of serious violations of international humanitarian law which constitute threats to life or physical integrity. Such considerations are not, however, limited to the direct impact of the violence, but also encompass the consequences of violence that are more long-term and indirect, including the impact of the conflict on the human rights situation and the extent to which the

¹³⁷⁴ *Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama*, 22 November 1984, www.refworld.org/docid/3ae6b36ec.html, Section III.3. Although the 1984 Cartagena Declaration is included in a non-binding regional instrument, the Cartagena refugee definition has attained a particular standing in the region, not least through its incorporation into 15 national laws and State practice. For guidance on the interpretation of the refugee definition in the 1984 Cartagena Declaration, see: UNHCR, *Guidelines on International Protection No. 12: Claims for Refugee Status Related to Situations of Armed Conflict and Violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees and the Regional Refugee Definitions*, 2 December 2016, www.refworld.org/docid/583595ff4.html, paras 61-85.

¹³⁷⁵ Serious harm for the purposes of the Qualification Directive is defined as (a) the death penalty or execution; or (b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or (c) serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict; EU, *Qualification Directive*, 2011, www.refworld.org/docid/4f197df02.html, arts. 2(f), 15.

¹³⁷⁶ "The death penalty is as such, and under any circumstances, considered as a serious harm under Article 15(a) QD [Qualification Directive]. The sentence does not need to have already been imposed. The mere existence of a real risk that a death penalty may be imposed on the applicant upon return could be considered sufficient to substantiate the need of subsidiary protection. As the addition of the term 'execution' suggests, Article 15(a) QD also encompasses the intentional killing of a person by non-State actors exercising some kind of authority. It may also include extrajudicial killings, if an element of intentional and formalised punishment is present"; EUAA, *Country Guidance: Explained*, 24 January 2023, <https://bit.ly/3WvWvDx>. For information on the legal basis, use and implementation of the death penalty by the Federal Government and the KRG, see Section II.D.1.

¹³⁷⁷ See Section II.D.

¹³⁷⁸ It should be noted that where applicants face a real risk of such treatment for reason of a 1951 Convention ground, they should be accorded refugee status under the Convention (unless they are to be excluded from the benefit of protection under the 1951 Convention under Article 1.F). Only where there is no nexus between the risk of serious harm and one of the Convention grounds should the applicant be accorded subsidiary protection.

conflict impedes the ability of the State to protect human rights. In the context of the conflict in Iraq, relevant factors in this respect are (i) State and non-State actors' ability to threaten, intimidate, extort, kidnap and kill civilians and restrict their freedom of movement; (ii) the high level of fragmentation of security actors, the prevalence of corruption and the ability of security actors to commit human rights violations with impunity; (iii) the impact of violence and insecurity on the humanitarian situation as manifested by food insecurity, poverty, the destruction of homes, livelihoods and the loss of assets; and (iv) constraints on women's participation in public life; and (v) localized violence as a result of tribal violence.

These factors, either alone or cumulatively, may be found to give rise to a situation in a particular part of Iraq that is sufficiently serious to engage Article 15(c) without the need for the applicant to demonstrate individual factors or circumstances increasing the risk of harm.¹³⁷⁹ Where, after all relevant evidence has been considered, this is found not to be the case in the part of Iraq from which the applicant originates, it falls to be considered whether the applicant's individual characteristics are such as to reveal specific vulnerabilities which, combined with the nature and the extent of the violence, give rise to a serious and individual threat to the applicant's life or person.

C. Considerations Relating to the Application of an Internal Flight or Relocation Alternative (IFA/IRA)

1) Introduction

A detailed analytical framework for assessing the availability of an IFA/IRA, also referred to as internal protection alternative,¹³⁸⁰ is contained in the UNHCR *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees*.¹³⁸¹

An assessment of the possibility of relocation requires an assessment of the relevance as well as the reasonableness of the proposed IFA/IRA.¹³⁸² In cases where a well-founded fear of persecution has been established in some localized part of the country of origin, the determination of whether the proposed internal flight or relocation area is an appropriate alternative for the individual concerned requires an assessment over time, taking into account not only the circumstances that gave rise to the risk feared, and that prompted flight from the area of origin, but also whether the proposed area provides a safe and meaningful alternative in the future. The personal circumstances of the individual applicant and the conditions in the area of relocation need to be considered.¹³⁸³

If an IFA/IRA is considered in asylum procedures, a particular area of proposed relocation must be identified and all relevant general and personal circumstances regarding the relevance and reasonableness of the proposed area of relocation for the particular applicant must be established to the extent possible and must duly be taken into account. The applicant must be given an adequate opportunity to respond to the purported relevance and reasonableness of the proposed IFA/IRA.¹³⁸⁴

¹³⁷⁹ See Court of Justice of the European Union, *Elgafaji v. Staatssecretaris van Justitie*, C-465/07, 17 February 2009, www.refworld.org/docid/499a4ee52.html, where the Court of Justice of the European Union held (at para. 43) that the existence of a serious and individual threat to the life or person of an applicant "can exceptionally be considered to be established where the degree of indiscriminate violence characterising the armed conflict taking place (...) reaches such a high level that substantial grounds are shown for believing that a civilian, returned to the relevant country or, as the case may be, to the relevant region, would, solely on account of his presence on the territory of that country or region, face a real risk of being subject to that threat."

¹³⁸⁰ EU, *Qualification Directive*, 2011, www.refworld.org/docid/4f197df02.html, art. 8.

¹³⁸¹ UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees*, 23 July 2003, www.refworld.org/docid/3f2791a44.html (hereafter: UNHCR, *Guidelines on International Protection No. 4*, 23 July 2003, www.refworld.org/docid/3f2791a44.html).

¹³⁸² In relation to applications for international protection in EU Member States, Article 8 of the 2011 Qualification Directive applies. It includes both a relevance and reasonable test; EU, *Qualification Directive*, 2011, www.refworld.org/docid/4f197df02.html, art. 8.

¹³⁸³ UNHCR, *GIP No. 4: "Internal Flight or Relocation Alternative"*, 23 July 2003, www.refworld.org/docid/3f2791a44.html, para. 7. In relation to applications for international protection in EU Member States, see also Article 8(2) of the 2011 Qualification Directive, which provides that: "Member States shall at the time of taking the decision on the application have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the applicant."

¹³⁸⁴ UNHCR, *Guidelines on International Protection No. 4*, 23 July 2003, www.refworld.org/docid/3f2791a44.html, para. 6.

The guidance provided in this Section applies to IFA/IRA assessments in the context of determinations of the need for international refugee protection under the 1951 Convention,¹³⁸⁵ UNHCR's broader mandate criteria¹³⁸⁶ and the 1984 Cartagena Declaration.¹³⁸⁷ The guidance provided in this Section also applies to internal protection assessments under Article 8 of the Qualification Directive.¹³⁸⁸ The consideration of possible internal relocation is not generally relevant to the determination of refugee status under Article I(2) of the 1969 OAU Convention.¹³⁸⁹

2) Areas of Iraq where an IFA/IRA Is not Available

UNHCR considers that an IFA/IRA is not available in areas formerly controlled by Da'esh or otherwise affected by conflict in light of continued human rights violations and abuses by State and non-State actors, continued Da'esh presence and ongoing anti-Da'esh military operations in these areas.

UNHCR further considers that an IFA/IRA is not available in the disputed territories due to these areas' sensitive security, political and demographic dynamics and the risk of further destabilizing the situation through population movements.

UNHCR considers that an IFA/IRA is also not available in areas of northern Iraq affected by Turkish or Iranian military operations.

3) Relevance Analysis

a) Assessing Whether the Applicant Would Be Exposed to the Original Risk of Being Persecuted in the Proposed Area of IFA/IRA

A proposed area of IFA/IRA would not be relevant if the applicant would be exposed to the original risk of being persecuted in that area.

- Where the applicant has a well-founded fear of persecution at the hands of the State or its agents, there is a presumption that consideration of an IFA/IRA is not relevant.¹³⁹⁰
- In cases where the applicant has a well-founded fear of persecution at the hands of non-State actors, the relevance of a proposed IFA/IRA must be assessed taking into account the profile of the individual and whether the persecutor is both able and motivated to pursue the applicant in the proposed area of location. In addition, the evidence provided in Section II.D.3 needs to be taken into account regarding the limitations on the ability and willingness of the State to provide protection from human rights abuses at the hands of non-State actors.
- Where the applicant has a well-founded fear of persecution at the hands of family, tribe, or community as a result of harmful traditional practices, including on account of preserving family "honour" (see in particular Sections III.A.5.c, III.A.5.b, III.A.5.c, III.A.8, III.A.9, III.A.10, III.A.11 and III.A.12), there is a presumption that consideration of an IFA/IRA is not relevant in light of the available evidence that such actors are motivated and capable of pursuing the applicant in the proposed area of relocation, including, for example, through tribal, family or other links; the endorsement of such norms and practices by large segments of society and the limitations on the ability and willingness of the State to provide protection against such abuses (see Section II.D.3).

¹³⁸⁵ See Section III.A.

¹³⁸⁶ See Section III.B.1.a.

¹³⁸⁷ See Section III.B.1.c. EU, *Qualification Directive*, 2011, www.refworld.org/docid/4f197df02.html, art. 8.

¹³⁸⁸ EU, *Qualification Directive*, 2011, www.refworld.org/docid/4f197df02.html, art. 8.

¹³⁸⁹ UNHCR, *Guidelines on International Protection No. 4*, 23 July 2003, www.refworld.org/docid/3f2791a44.html, para. 5. Article I(2) of the 1969 Convention extends the refugee definition to "every person, who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality" (emphasis added). The same considerations apply to individuals coming within the refugee definition as contained in Article I(2) of the Bangkok Principles, which is identical to the refugee definition of the 1969 OAU Convention. See also Section III.B.1.b.

¹³⁹⁰ UNHCR, *Guidelines on International Protection No. 4*, 23 July 2003, www.refworld.org/docid/3f2791a44.html, paras 7.1.b, 13-14.

b) Assessing Whether the Applicant Would Be Exposed to New Risks of Being Persecuted in the Proposed Area of IFA/IRA, or to other Forms of Serious Harm

In addition to the above considerations, which relate to the original form of persecution in the applicant's home area, the decision-maker must also establish that the applicant would not face any new form of persecution in the proposed area of IFA/IRA, nor any other serious harm, including as a result of indiscriminate violence.¹³⁹¹

As UNHCR has noted in its *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative"*:

"a person with an established fear of persecution for a 1951 Convention reason in one part of the country cannot be expected to relocate to another area of serious harm. If the claimant would be exposed to a new risk of serious harm, including a serious risk to life, safety, liberty or health, or one of serious discrimination, an internal flight or relocation alternative does not arise, irrespective of whether or not there is a link to one of the Convention grounds. The assessment of new risks would therefore also need to take into account serious harm generally covered under [broader refugee criteria or] complementary forms of protection."¹³⁹²

The assessment must be based on up-to-date country of origin information, including in relation to the human rights and security situation in the proposed area of IFA/IRA.¹³⁹³ For instance, in relation to applicants originating from formerly Da'esh-held areas, it would have to be carefully assessed whether they may be at risk of persecution or other serious harm in the proposed area of relocation on account of their perceived affiliation with Da'esh, including based on family or tribal affiliation.¹³⁹⁴ Furthermore, single, widowed or divorced women without a genuine male support network as well as individuals with diverse SOGIE may also face new risks of serious harm, including trafficking, exploitation and other abuse.¹³⁹⁵

c) Assessing Whether the Proposed Area of IFA/IRA is Practically, Safely and Legally Accessible

In cases where an area of Iraq has been identified that is not excluded as a relevant IFA/IRA on the basis of considerations described above under a) – b), it would still need to be assessed whether the proposed area of IFA/IRA is practically, safely and legally accessible to the individual.¹³⁹⁶

In the context of Iraq, this requirement entails an assessment of the concrete prospects of the individual being:

- (i) **Able to safely reach and be admitted to the proposed area of relocation:** An individual's ability to pass checkpoints and be admitted to the proposed area of relocation will require the individual to hold valid civil documentation (Civil Status ID card/Unified ID card, nationality certificate, or passport).¹³⁹⁷ Security screenings remain in place at governorate, district, and city entrance checkpoints. Additionally, some areas continue to apply sponsorship requirements. This means in practice that the individual needs to know someone in the proposed area of relocation who is a resident of that area and who is willing to act as a sponsor, guaranteeing that the individual does not pose a security risk.¹³⁹⁸

¹³⁹¹ *Ibid.*, para. 20.

¹³⁹² *Ibid.*, para. 20.

¹³⁹³ See Sections II.B and II.D.

¹³⁹⁴ See Section III.A.1.

¹³⁹⁵ See Sections III.A.8.i, III.A.8.j and III.A.11.

¹³⁹⁶ UNHCR, *Guidelines on International Protection No. 4*, 23 July 2003, www.refworld.org/docid/3f2791a44.html, para. 7.

¹³⁹⁷ UNHCR, *Ability of Iraqis to Legally Access and Settle Durably in Proposed Areas of Internal Relocation*, November 2022, www.refworld.org/docid/63720e304.html, p. 4.

¹³⁹⁸ At the time of writing, entry requirements in Federal Iraq and the KR-I have largely been lifted. A sponsor is still required for entry in: Nasiriyah City (Thi-Qar); Haditha, Al-Qaim and Heet (Al-Anbar); Al-Daur, Samarra and Balad (Salah Al-Din); Al-Saadiyah Sub-District, northern Muqadadiyah District and villages located in the north of Al-Udhim Sub-District (Diyala); and in ethnically mixed areas of Ninewa, including Tal Afar, Hamdaniyah and Sinjar Districts; UNHCR information, January 2024. See also UNHCR, *Ability of Iraqis to Legally Access and Settle Durably in Proposed Areas of Internal Relocation*, November 2022, www.refworld.org/docid/63720e304.html, pp. 4-5.

- (ii) **Permitted to take up residency in the proposed area of relocation:** In order to settle in the proposed area of relocation,¹³⁹⁹ valid documents (Civil Status ID card/Unified ID card, nationality certificate) are required.¹⁴⁰⁰ Furthermore, the individual requires the approval (through a confirmation/recommendation/support letter) of the relevant local authority, such as the mukhtar, the local council or the mayor. In a number of governorates and cities a sponsor (in Baghdad: two sponsors) is required.¹⁴⁰¹ In addition, the individual requires the approval from the concerned security actor(s) in the proposed location, normally the Ministry of Interior Intelligence Department (Federal Iraq) or the *Asayish* (KR-I), respectively, irrespective of the person's profile/origin.¹⁴⁰² Sunni Arabs and Sunni Turkmen from formerly Da'esh-held or conflict-affected areas may come under greater scrutiny and be denied security clearance or run the risk of arbitrary arrest and detention under the Anti-Terrorism Law of 2005 (Law No. 13 of 2005) on the basis of broad and discriminatory profiling.¹⁴⁰³

It needs to be borne in mind that while Iraqis can regularize their stay by registering with the local authorities and security actors, only the Housing Card,¹⁴⁰⁴ transferred to or issued in the proposed area of relocation, ensures that the individual or family can permanently settle and have access to the full range of rights and basic services in the new location.¹⁴⁰⁵ In order to obtain a Housing Card in the new location, a range of administrative and documentary requirements needs to be met.¹⁴⁰⁶ Obstacles to obtaining the Housing Card in the proposed location include:

- Missing documentation and inability to renew or replace it;¹⁴⁰⁷
- Difficulties to obtaining security clearance;
- Family composition: single men and women normally remain included in their father's Housing Card and cannot obtain their own Housing Card in the new location;
- Political considerations related to demographics and the future status of the disputed territories. For example, in Kirkuk City, the transfer of the Housing Card is generally not permitted altogether given the City's disputed status. In the KR-I, persons of certain profiles/places of origin are not permitted to transfer their Housing Card or to obtain a new Housing Card (Erbil and Dohuk: Arabs, Turkmen and

¹³⁹⁹ The National Card Law No 3 of 2016 defines temporary residence as: "The place of residence in which an Iraqi citizen may stay for a period of not more than thirty days (during social visits and other movements) with the intention of returning to the place of permanent residence"; Iraq, *National Card Law No. (3) of 2016*, 2016, www.refworld.org/docid/635673494.html, art. 1(32).

¹⁴⁰⁰ UNHCR, *Ability of Iraqis to Legally Access and Settle Durably in Proposed Areas of Internal Relocation*, November 2022, p. 6 (and sources therein).

¹⁴⁰¹ A sponsor is required in Diyala; Dohuk; Haditha and Heet Districts and Rawa Sub-District (Al-Anbar); and in all of the southern governorates. In Baghdad and in Al-Qaim District (Al-Anbar), two sponsors are required. The sponsor must hold the Housing Card from the proposed area.

¹⁴⁰² In Mosul, security clearance from Ninewa Directorate of Intelligence and Counterterrorism has to be obtained prior to relocation. "The security clearance must be applied for in the area of origin. Persons currently outside Iraq would thus only be able to get security clearance for Mosul City by first returning to their area of origin"; UNHCR, *Ability of Iraqis to Legally Access and Settle Durably in Proposed Areas of Internal Relocation*, November 2022, www.refworld.org/docid/63720e304.html, p. 12.

¹⁴⁰³ *Ibid.* See also Section III.A.1.

¹⁴⁰⁴ The Housing Card (Residence Card, in Arabic: *bitaqa al-sakan*) is an official document that confirms an individual's place of domicile or residency, i.e. a person's permanent home. The Housing Card shows the address where the head of household rents or owns a residence. The General Directorate for Nationality of the Ministry of the Interior is responsible for the issuance of the Housing Card. It is used in both Federal Iraq and in the KR-I. Law No. 95 of 1978 describes the place of domicile and residence as "the place in which the charged is ordinarily domiciling or residing"; Republic of Iraq, *Law No. 95 of 1978, Organization of Places of Domicile and Residence Inside Iraq*, 6 December 1978, www.refworld.org/docid/3ae6b4ec3c.html, art. 1(3).

¹⁴⁰⁵ See also Section III.C.4.

¹⁴⁰⁶ In order to transfer or obtain a Housing Card in the new location, the head of household needs to meet a range of administrative and documentary requirements. While these are laid out in the Ministry of Interior Instructions on the Housing Card of 2018, in practice, the implementation of these instructions can vary. For further details, see: UNHCR, *Ability of Iraqis to Legally Access and Settle Durably in Proposed Areas of Internal Relocation*, November 2022, www.refworld.org/docid/63720e304.html, in particular Sections III.B ("Permanent Residency") and IV ("Residency Requirements by Governorate").

¹⁴⁰⁷ Reissuing lost or expired identity documents normally requires that the person returns to their place of origin: "To replace documents, individuals and their relevant family member must travel in person to the office in their governorate of origin (...). This requirement is prohibitive for many reasons, including the restrictions on freedom of movement faced by IDPs, the lack of resources available for travelling, and costly administrative fees. (...) [this] can lead to an impossible situation, as there are security checkpoints throughout Iraq that require identification documents in order to pass, so individuals without such documents cannot clear checkpoints to reach the offices that issue them"; Boston University, *The Campaign to End Statelessness in Iraq*, March 2022, <https://bit.ly/3zFu0cm>, p. 36. Similarly, in some areas, the transfer of the Housing Card requires the head of household to return to their place of origin (e.g., Yazidis and Kurds from outside the KR-I seeking to transfer their Housing Card to Dohuk Governorate); UNHCR, *Ability of Iraqis to Legally Access and Settle Durably in Proposed Areas of Internal Relocation*, November 2022, www.refworld.org/docid/63720e304.html, pp. 6, 8. Among IDP and returnee households surveyed across Iraq between 15 June and 1 November 2023, missing civil documentation and inability to return to the place of origin to renew a lost Housing (Residency) Card were reported as reasons for not holding this document; REACH, *Key Multi-Sectoral Findings*, 14 December 2023, www.ecoi.net/en/document/2102373.html, p. 18.

members of ethnic/religious minority groups from areas outside the KR-I; Sulaymaniyah: single Arab and Turkmen men and women).¹⁴⁰⁸ In addition, Kurds and Yazidis who originate from the disputed territories are not allowed to transfer their Housing Card to Sulaymaniyah.¹⁴⁰⁹

The legal framework regulating access and residency requirements in Iraq is complex and governed by legal pluralism. Further, existing practice is not always in line with the normative framework and varies by location and implementing authority. Sponsorship and other clearance requirements are generally not grounded in law nor are they officially announced.

Against this background, UNHCR considers that an IFA would only be relevant for applicants for whom it can be established that, based on the individual circumstances of their case, they would be able to access and legally and durably remain in the proposed area of relocation. In particular, UNHCR considers that an IFA/IRA is generally not relevant in the following cases:

- For applicants not holding valid identity documentation;
- In areas where a sponsor is required to enter and/or regularize one's stay. The only exception would be for applicants for whom it can be established that, based on the individual circumstances of their case, they have a sponsor (Baghdad: two sponsors) who is willing to stand guarantee for the applicant;
- In Mosul, given that the security clearance from the concerned security forces must be applied for in the area of origin and be cleared prior to relocation. Persons currently outside of Iraq would thus only be able to get security clearance by first returning to their area of origin;¹⁴¹⁰
- For Arabs and Turkmen (families and single men and women) from outside the KR-I in Erbil City: Given the short validity (30 days in most circumstances) of the residency permit issued by the *Asayish* ("Security Guarantee Card"),¹⁴¹¹ the requirement of "durability" would generally not be met.
- For single Arab and Turkmen men and women from outside the KR-I in Sulaymaniyah City: Given the short validity (30 days in most circumstances) of the residency permit issued by the *Asayish* ("Information Card"),¹⁴¹² the requirement of "durability" would generally not be met.

4) Reasonableness Analysis

a) The Applicant's Personal Circumstances

Whether an IFA/IRA is "reasonable" must be determined on a case-by-case basis, taking into account the personal circumstances of the applicant, including their age, religion, ethnicity, gender, health, disability, family situation and relationships, as well as their educational and professional background.¹⁴¹³ An individual's ability to speak and understand the predominant language in the proposed area of relocation (e.g., Kurdish in the KR-I, and Arabic elsewhere) must also be part of the assessment.¹⁴¹⁴

¹⁴⁰⁸ For further details, see UNHCR, *Ability of Iraqis to Legally Access and Settle Durably in Proposed Areas of Internal Relocation*, November 2022, www.refworld.org/docid/63720e304.html, pp. 8-9.

¹⁴⁰⁹ UNHCR information, January 2024.

¹⁴¹⁰ UNHCR, *Ability of Iraqis to Legally Access and Settle Durably in Proposed Areas of Internal Relocation*, November 2022, www.refworld.org/docid/63720e304.html, p. 12.

¹⁴¹¹ Arab and Turkmen **families** not originating from the KR-I and seeking to reside in Erbil Governorate will normally be granted a 30 day, renewable residency ("Security Guarantee Card"). If they hold a work or rental contract, the "Security Guarantee Card" will be extended for up to one year. **Single** Arab and Turkmen men and women generally only receive a one-month renewable "Security Guarantee Card". Given the short validity, they generally face difficulties finding regular employment. Single Arab and Turkmen men who have proof of regular employment and a support letter from their employer can apply for a one-year "Security Guarantee Card", but few applications are granted; *ibid.*, p. 14.

¹⁴¹² "Arab and Turkmen **families** originating from outside the KR-I must approach the local *Asayish* in the neighbourhood in which they seek to reside in order to obtain a residency card ("Information Card"). The residency card is valid for one year and renewable. (...) **Single** Arab and Turkmen men and women normally receive only a one-month renewable residency permit. Exceptionally, if they can secure regular employment (with work contract) and submit a support letter from their prospective employer, they obtain a one-year, renewable residency card from the *Asayish*. In practice, holders of a one-month residency card face difficulties to finding regular employment due to the short duration of their permits" (emphasis added); *ibid.*, pp. 15-16.

¹⁴¹³ UNHCR, *Guidelines on International Protection No. 4*, 23 July 2003, www.refworld.org/docid/3f2791a44.html, paras 25-26.

¹⁴¹⁴ "Christian IDPs in Kurdistan experience difficulties in integrating due to the language barrier"; Open Doors International, *World Watch List 2023: Iraq*, December 2022, <https://bit.ly/3TLaBiG>, p. 15. Arabic-speaking Yazidi women and men reported discrimination in the KR-I on account of their inability to speak Kurdish: "Yazidi women selected language as a top priority because language is a problem in universities, markets, and medical centres in north Iraq. (...) Discrimination based on language differences severely impact education and job opportunities." Christian women from Federal Iraq also reported discrimination from other Christians in Erbil based on differences in language (Arabic vs. Kurdish and Syriac) and denomination; CREID,

Ties to an ethnic and/or religious community and existing tribal and family links in the area of relocation are crucial when assessing the reasonableness of an IFA/IRA, as these generally ensure a certain level of community support, as well as access to basic services, housing and employment.¹⁴¹⁵ This is true for cities, but even more so for semi-urban and rural areas, where newcomers without such links may be discriminated against.¹⁴¹⁶ Even those originating from the area may be perceived as newcomers if they have lost all links with their community.

Further, an IFA/IRA to an area with a predominantly different ethnic or religious demography may also not be possible due to latent or overt tensions between groups. This can be particularly the case for Sunnis in predominantly Shi'ite areas, and vice versa. Members of religious or ethnic minority groups should not be expected to relocate to an area with no presence of members of the same community that would allow for a certain level of support.¹⁴¹⁷

The particular circumstances of children as well as the legal obligations of States under the Convention on the Rights of the Child – in particular the obligations to ensure that the best interests of the child are a primary consideration in all decision-making affecting children and to give due weight to the views of the child in light of his or her age and maturity – need to be taken into account in assessing the reasonableness of an IFA/IRA involving children.¹⁴¹⁸ Adjudicators need to give due consideration to the fact that what is considered merely inconvenient for adults may constitute undue hardship for a child. These considerations take on additional importance in relation to unaccompanied and separated children.¹⁴¹⁹ UNHCR considers that a minimal requirement in this regard is the availability of meaningful support to the child by the child's own (extended) family or tribe in the area of prospective relocation.

To determine the reasonableness of a proposed IFA/IRA for persons with specific needs, including persons with disabilities and older persons, it would be particularly important to establish that members of their (extended) family or tribe in the area of prospective relocation are willing and able to provide durable support to meet the person's identified needs in a sustainable – and where necessary permanent – manner.

In light of the serious human rights situation for women, coupled with social, tribal and religious norms that restrict women's freedom of movement and ability to access documentation and live on their own,¹⁴²⁰ as well as the very low employment rates for women, UNHCR considers that an IFA/IRA is not reasonable for women who do not or who are perceived not to have male support provided by their (extended) family or tribal network.¹⁴²¹

Violence and Discrimination Against Women of Religious Minority Backgrounds in Iraq, 6 December 2022, <https://bit.ly/3Zp0cdM>, pp. 293-294, see also pp. 319-320, 384, 391-400. In the KR-I: "For Iraqi IDPs to be able to establish a normal life, they first and foremost need to be provided with Kurdish language training opportunities. (...) Kurdish residents often blame Arab IDPs who, after years of residence in KRI, still do not speak Kurdish language"; Hewa Haji Khedir, *IDPs in the Kurdistan Region of Iraq (KRI): Intractable Return and Absence of Social Integration Policy*, in: International Migration, Vol.59 (3), May 2020, <https://bit.ly/45oTpVT>, p. 156.

¹⁴¹⁵ For example, among Christians who relocated to the KR-I: "There is also a general lack of knowledge about social, political, religious and economic issues. Christians have reported exploitation at the workplace and housing market, including having to pay higher rent than non-Christians"; Open Doors International, *World Watch List 2023: Iraq*, December 2022, <https://bit.ly/3TLaBiG>, p. 15. "Social networks and social capital are very important for securing jobs in KRI, whether one is Iraqi or Syrian"; NRC, *Closing the Gap: From Work Rights to Decent Work for Syrian Refugees in KRI*, 14 February 2022, <https://bit.ly/3WYfc9n>, p. 9. See also Section [II.E](#).

¹⁴¹⁶ On discrimination based on common misperceptions and negative stereotypes related to people's place of origin, ethnic and religious background, gender, lifestyle, professions and clothing, see also Sections [III.A.1](#) and [III.A.5.a](#).

¹⁴¹⁷ "Members of a given ethnic or religious group tend to suffer discrimination or persecution in areas where they represent a minority, leading many to seek safety in other neighborhoods or provinces"; Freedom House, *Freedom in the World 2023: Iraq*, May 2023, <https://bit.ly/3gej1V3>. "Migrants to the city generally settle in neighbourhoods where others from the same tribe or area – and thus of the same religious persuasion – have settled. These neighbourhoods are thus ethnically, religiously, and tribally homogenous. Just as in tribal or village society, people there can fall back on others with a common background for protection and support"; Fanack, *Society of Iraq*, 2 February 2021, <https://bit.ly/3s6lcXD>. On minorities' lack of strong political or tribal networks and political and economic marginalization, see Section [III.A.5.a](#).

¹⁴¹⁸ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, U.N.T.S. 1577, www.refworld.org/docid/3ae6b38f0.html, p. 3.

¹⁴¹⁹ UNHCR, *Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees*, 22 December 2009, www.refworld.org/docid/4b2f4f6d2.html, paras 53-57.

¹⁴²⁰ For women who fear persecution at the hands of their relatives or other members of the community, for example women at risk of "honour"-based violence, women shelters in the proposed place of relocation do not constitute adequate accommodation for the purposes of an Internal Flight Alternative / Internal Relocation Alternative (IFA/IRA) assessment. On women shelters, see also Section [III.A.8.a](#).

¹⁴²¹ See also Sections [III.A.1.b](#) and [III.A.8.j](#).

In light of the widespread discrimination against persons with diverse SOGIE, including in respect to employment, housing and health care, UNHCR considers that an IFA/IRA is not reasonable for persons of this profile.

b) Safety and Security

A proposed area of IFA/IRA would only be reasonable if the applicant is able to live in the proposed area in safety and security, free from danger and risk of injury.¹⁴²² These conditions must be durable, not illusory or unpredictable.¹⁴²³ In this regard, the volatility and fluidity of the security situation in Iraq must be taken into consideration. Any assessment of a proposed IFA/IRA should take into account the information presented in Section II.B, as well as further reliable, up-to-date information about the security situation in the proposed area of relocation.

c) Respect for Human Rights and Economic Survival

For a proposed IFA/IRA to be reasonable, the applicant must be able to exercise his or her basic human rights in the area of relocation, and the applicant must have possibilities for economic survival in dignified conditions.¹⁴²⁴ In this regard, the assessment of the reasonableness of a proposed IFA/IRA must give particular attention to:

- i. Access to adequate shelter in the proposed area of relocation;
- ii. The availability of basic infrastructure and access to essential services in the proposed area of relocation, such as potable water and sanitation, electricity, health care and education;
- iii. The presence of livelihood opportunities; or in the case of applicants who cannot be expected to provide for their own livelihood (for example female-headed households, older applicants or applicants with disabilities), proven and sustainable support to enable access to an adequate standard of living.

In relation to (i) – (iii) above, valid documentation is a prerequisite to access employment, housing and basic services, and to enjoy freedom of movement. In addition, in all locations the applicant would need to regularize his or her stay by obtaining a security clearance and registering with the local authorities in order to access employment,¹⁴²⁵ housing,¹⁴²⁶ health care,¹⁴²⁷ and education.¹⁴²⁸ In some locations, access to certain rights and services requires that the family also holds the Housing Card from the area of

¹⁴²² UNHCR, *Guidelines on International Protection No. 4*, 23 July 2003, www.refworld.org/docid/3f2791a44.html, para. 27.

¹⁴²³ *Ibid.*

¹⁴²⁴ *Ibid.*, paras 28-30.

¹⁴²⁵ In most areas, those who obtained security clearance and registered with the local authorities can access employment. In Kirkuk, the short validity of the support letter (6 or 12 months) from the mukhtar (or local council) means that finding employment is challenging. Similarly, in Erbil and Sulaymaniyah, single Arab and Turkmen men and women generally face difficulties finding regular employment due to the short validity of their one-month renewable residence permit. In Sulaymaniyah, Arab and Turkmen families from outside the KR-I as well as Iraqis from other KR-I governorates require the Housing Card issued in Sulaymaniyah in order to access regular employment; UNHCR, *Ability of Iraqis to Legally Access and Settle Durably in Proposed Areas of Internal Relocation*, November 2022, www.refworld.org/docid/63720e304.html, Section IV.

¹⁴²⁶ In Federal Iraq and in Dohuk, those who obtained security clearance and are registered with the local authorities are generally able to rent an apartment. An exception is Kirkuk, where “the Housing Card is a prerequisite for formal rental contracts (notarial lease)”. Given the impossibility to transfer the Housing Card to Kirkuk, “they can only enter informal rental agreements, which will not provide any legal protections (e.g., against eviction).” In Sulaymaniyah, Iraqis from another KR-I governorate as well as Kurds and Yazidis from outside the KR-I are required to transfer the Housing Card before they are able to formally enter a rental agreement. Arab and Turkmen families from outside the KR-I can only rent an apartment once they have obtained a one-year residency card from the *Asayish*. Single Arab and Turkmen men and women are normally only given a one-month renewable residency permit, which makes entering a formal rental agreement challenging. Furthermore, in Sulaymaniyah, “[S]ingle men and women face restrictions on the locations and types of rental accommodation. For instance, they are not permitted to rent apartments in Sulaymaniyah City Centre, unless the apartment is part of an apartment complex”; *ibid.*

¹⁴²⁷ In all of Iraq, access to private and public health care is generally granted to all Iraqis. In Federal Iraq, access to public health care centres at the neighbourhood level is normally only available in the area in which the Housing Card has been issued; *ibid.*

¹⁴²⁸ In Federal Iraq, access to primary and secondary education normally requires a Housing Card issued from the area. In Dohuk and Sulaymaniyah, all Iraqis have access to education while in Erbil, Iraqis from outside the KR-I are required to obtain security clearance and register with the local authorities in order for their children to have access to education; *ibid.*

relocation.¹⁴²⁹ The Housing Card is always required in order to gain access to the PDS¹⁴³⁰ and to obtain or renew civil documentation in the new area.¹⁴³¹

Furthermore, in the specific context of Iraq the importance of the availability of and access to social networks, consisting of the applicant's family, extended family or tribe, has been widely documented.¹⁴³² In this regard, the presence in the proposed area of relocation of members of the (extended) family, the same tribe as the applicant – or, in the case of minorities, members of the same religious or ethnic background – cannot by itself be taken as evidence that the applicant would be able to benefit from meaningful support from such communities; rather, such support would generally require specific pre-existing social relations connecting the applicant to individual members of the (extended) family, tribe or religious or ethnic community in question. Moreover, even where such pre-existing social relations exist, an assessment should be made whether the members of this network are willing and able to provide genuine support to the applicant in practice, against the background of Iraq's precarious socioeconomic situation, the low developmental indicators, and the wider economic constraints affecting large segments of the population.

Additionally, UNHCR notes the difficult situation of many IDPs, returnees and host communities in Iraq in both urban and rural areas.¹⁴³³ They often struggle to access basic services and employment, and are more likely to be poor, food insecure and dependent on (decreasing) humanitarian aid and more prone to be exposed to violence, abuse, and exploitation.

d) Conclusion on the Reasonableness of an IFA/IRA

Against this background, UNHCR considers that a proposed IFA/IRA is reasonable only where the individual has access to:

- (i) Adequate shelter in the proposed area of relocation, noting that IDP camps and informal sites would not qualify as "adequate shelter";
- (ii) Essential services such as potable water and sanitation, electricity, health care and education; and
- (iii) Livelihood opportunities; or in the case of applicants who cannot be expected to provide for their own livelihood (for example female-headed households, older applicants or applicants with disabilities), proven and sustainable support to enable access to an adequate standard of living.

It needs to be borne in mind that access to adequate shelter, essential services and livelihood opportunities requires that the individual holds valid documentation and meets the requirements to regularize their stay in the proposed area of relocation.

In relation to **Erbil City**, UNHCR considers that for Arab and Turkmen (families and single men and women) originating from outside the KR-I, an IFA/IRA is generally not reasonable given the normally short validity of the residency permit issued by the *Asayish*, which in turn limits access to employment, housing and basic services.¹⁴³⁴

¹⁴²⁹ *Ibid.*, pp. 6-7 and Section IV.

¹⁴³⁰ "Individuals who do not hold a Housing Card from the new location will normally also not be able to transfer their PDS registration and hence would have to return to their place of origin to obtain food rations through the PDS." In some areas (Kirkuk: all Iraqis; Dohuk: Kurds and Yazidis from outside the KR-I; Sulaymaniyah: Kurds and Yazidis from the disputed territories), even those who obtain the Housing Card from the new location are not allowed to transfer their PDS registration from the area of origin to the new location; *ibid.*, p. 10 and Section IV.

¹⁴³¹ "Individuals who do not hold a Housing Card from the new location must normally return to their place of origin in order to obtain or renew civil documentation. Individuals unable to return to their area of origin, including for fear of persecution or lack of documentation to pass checkpoints, may hence be unable to obtain or renew civil documentation. The lack of valid documentation in turn limits their ability to enjoy freedom of movement, access basic services, and obtain other types of documentation. Lack of valid documentation also puts individuals at risk of arrest and detention at checkpoints or during security raids." In some areas, certain profiles are not allowed to transfer their Housing Card and hence they will always be required to return to their area of origin to issue/renew documentation. In some areas, even those who obtain the Housing Card from the new location are not entitled to obtain or renew their documentation in the new location (Kirkuk: all Iraqis; Dohuk: Kurds and Yazidis from outside the KR-I; Sulaymaniyah: Iraqis from another KR-I governorate, Kurds and Yazidis from outside the KR-I, Arab and Turkmen families from outside the KR-I); *ibid.*, Section IV.

¹⁴³² Personal and tribal connections and networks are particularly instrumental in providing access to employment and livelihoods; see Section [II.E.2](#). On the marginalization of and discrimination against members of minority groups, including in the employment sector, see Section [III.A.5.a](#).

¹⁴³³ See Sections [II.E](#) and [II.F](#).

¹⁴³⁴ UNHCR, *Ability of Iraqis to Legally Access and Settle Durably in Proposed Areas of Internal Relocation*, November 2022, www.refworld.org/docid/63720e304.html, p. 14.

In relation to **Sulaymaniyah City**, UNHCR considers that for single Arab and Turkmen men and women originating from outside the KR-I, an IFA/IRA is generally not reasonable given the normally short validity of the residency permit issued by the *Asayish*, which in turn limits access to employment, housing and basic services.¹⁴³⁵

Support networks

Moreover, UNHCR considers that an IFA/IRA is reasonable only where the individual has access to a support network of members of his or her (extended) family or tribe in the area of prospective relocation, who have been assessed to be willing and able to provide genuine support to the applicant in practice. In light of the difficult socioeconomic and humanitarian conditions in many parts of the country,¹⁴³⁶ including in areas hosting large numbers of IDPs or returnees,¹⁴³⁷ (extended) family or tribal members who are themselves in a situation of internal displacement, particularly those living in camps or informal settlements, or who are still in the process of reestablishing their lives following return from displacement, would generally not be considered as being able to support the individual.

Exceptions to the requirement of a support network in the proposed IFA/IRA would only be applicable in Iraq's main urban areas (Baghdad, Basra, Erbil and Sulaymaniyah)¹⁴³⁸ given these cities' more heterogenous populations and the relatively better availability and accessibility of basic services and employment opportunities that would allow new arrivals to achieve a level of self-reliance:¹⁴³⁹

In relation to **Baghdad City**, UNHCR considers that the only possible exception to the requirement of a support network are Arab Shi'ite and Arab Sunni single healthy and able-bodied men and married couples of working age without children, who have valid identification documents and who are without identified specific vulnerabilities as described above (see above, Section III.C.4.a, "*The Applicant's Personal Circumstances*"). Depending on the individual circumstances, such persons may be able to subsist without family and/or tribal support in Baghdad city.

In relation to **Basra City**, UNHCR considers that the only possible exception to the requirement of a support network are Arab Shi'ite single healthy and able-bodied men and married couples of working age without children, who have valid identification documents and who are without identified specific vulnerabilities as described above (see above, Section III.C.4.a, "*The Applicant's Personal Circumstances*"). Depending on the individual circumstances, such persons may be able to subsist without family and/or tribal support in Basra city.

In relation to **Erbil and Sulaymaniyah Cities**, for individuals originating from outside the KR-I (other than single Arab and Turkmen men and women), UNHCR considers that the only exception to the requirement of a support network are single healthy and able-bodied men and married couples of working age without children, who have valid identification documents, who are without identified specific vulnerabilities as described above (see above, Section III.C.4.a, "*The Applicant's Personal Circumstances*"), and who speak Kurdish. Depending on the individual circumstances, such persons may be able to subsist without family and/or tribal support in Erbil or Sulaymaniyah.

In all cases the applicant must be given an adequate opportunity to respond to the purported reasonableness of proposed IFA/IRA.¹⁴⁴⁰

¹⁴³⁵ *Ibid.*, p. 16.

¹⁴³⁶ The wider economic constraints and poverty affecting large segments of the Iraqi population need to be taken into account when assessing the reasonableness of an IFA/IRA, particularly in areas with high numbers of IDPs or returnees. Factors to be considered include in particular competition over access to livelihoods, shelter, and basic services. See Section II.E.

¹⁴³⁷ See Section II.F.

¹⁴³⁸ In Iraq's two other major cities, Mosul and Kirkuk, UNHCR considers that an IFA/IRA is not available, see Section III.C.2. Furthermore, in Mosul, individuals would generally not be able to take up residency and durably remain, see Section III.C.3.c.

¹⁴³⁹ "*Cities in Iraq provide displaced populations with greater physical security, livelihood opportunities and access to services than that which is available outside of the city. These conditions are necessary for displaced households to achieve some degree of self-sufficiency and the agency required to realise a durable solution*"; IOM, *Urban Displacement in Iraq: Overview*, 2021, <https://bit.ly/3oTspgR>, p. 26.

¹⁴⁴⁰ UNHCR, *Guidelines on International Protection No. 4*, 23 July 2003, www.refworld.org/docid/3f2791a44.html, para. 6.

D. Exclusion Considerations

In light of the serious human rights abuses and violations of international humanitarian law reported during Iraq's long history of conflicts and repression, exclusion considerations under Article 1F of the 1951 Convention may arise in individual claims by asylum-seekers from Iraq. Exclusion considerations will be triggered if there are elements in the applicant's claim that suggest s/he may have been associated with or involved in the commission of criminal acts that fall within the scope of Article 1F. Given the potentially serious consequences of exclusion from international refugee protection, exclusion clauses need to be interpreted restrictively and applied with caution. A full assessment of the circumstances of the individual case is required in all cases.¹⁴⁴¹

Potential exclusion due to involvement in the commission of war crimes¹⁴⁴² in situations of both international¹⁴⁴³ and non-international armed conflicts,¹⁴⁴⁴ genocide¹⁴⁴⁵ crimes against humanity,¹⁴⁴⁶ and serious non-political crimes¹⁴⁴⁷ are of particular relevance in the context of Iraq. Under certain circumstances, exclusion may need to be considered in relation to acts contrary to the purposes and

¹⁴⁴¹ Detailed guidance on the interpretation and application of Article 1F of the 1951 Convention can be found in UNHCR, *Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees*, 4 September 2003, www.refworld.org/docid/3f5857684.html; and *Background Note on the Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees*, 4 September 2003, www.refworld.org/docid/3f5857d24.html.

¹⁴⁴² War crimes are serious violations of international humanitarian law, which entail individual responsibility directly under international law. The applicable rules of international humanitarian law and corresponding provisions of international criminal law differ, depending on whether the armed conflict is international (including situations of occupation) or non-international in character. For more detailed guidance, see UNHCR, *Background Note on the Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees*, 4 September 2003, www.refworld.org/docid/3f5857d24.html, paras 30-32. In the context of a non-international armed conflict, the notion of "war crimes" may be applied to serious violations of the relevant rules of international humanitarian law (i.e. Common Article 3 of the 1949 Geneva Conventions, certain provisions of Additional Protocol II and rules of customary international law) from the early 1990s onwards. The International Criminal Tribunal for the former Yugoslavia (ICTY) held that by that time, violations of international humanitarian law applicable to non-international armed conflicts could be considered to entail criminal responsibility under customary international law; see *Prosecutor v. Dusho Tadic aka "Dule", Decision on the Defense Motion for Interlocutory Appeal on Jurisdiction*, IT-94-1, 2 October 1995, www.refworld.org/docid/47fd520.html, para. 134. Serious violations of the aforementioned rules of international humanitarian law that occurred earlier could not be considered "war crimes", but they may fall within the scope of "serious non-political crimes" [Article 1F(b) or, depending on the circumstances, "crimes against humanity" (Article 1F(a))].

¹⁴⁴³ Since 1979, Iraq has gone through various periods of international armed conflict, including:

- "There is an international armed conflict between Türkiye and Iraq due to the ongoing airstrikes by Türkiye targeting the Kurdistan Workers' Party PKK in northern Iraq without the consent of the Iraqi government. The Turkish airstrikes against the PKK are an extension of the ongoing non-international armed conflict in Türkiye between the Turkish armed and security forces and the PKK"; RULAC, *International Armed Conflict in Iraq*, updated 19 May 2023, <https://bit.ly/41X9oax>. See also ICRC, *Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field: Article 2 – Application of the Convention*, <https://bit.ly/45pDuXl>, paras 260-261.
- The Iraq-Iran War (1980-1988);
- The invasion and occupation of Kuwait in 1990 and subsequent Gulf War (1991); and
- The period from the US-led invasion in March 2003 until the handover of sovereignty to the Iraqi Interim Government on 28 June 2004.

¹⁴⁴⁴ Iraq has gone through multiple phases of non-international armed conflict, with acts committed that may give rise to exclusion under Art. 1F, including since 2014:

- The conflict between the ISF and the Peshmerga (with support from an international coalition led by the US) on the one hand, and Da'esh on the other hand has been ongoing since January 2014. Although the US-led coalition has shifted its focus to an advisory and assistance role in late 2022, the non-international conflict between the Iraqi Government and Da'esh continues at the time of writing.
- Following the 25 September 2017 Kurdish independence referendum, a non-international armed conflict between the ISF and the Peshmerga (primarily KDP-affiliated Peshmerga) took place in the disputed territories between 15 and 27 October 2017; RULAC, *Non-International Armed Conflicts in Iraq*, updated 18 May 2023, <https://bit.ly/43gaiO9>.

¹⁴⁴⁵ In the context of exclusion, genocide falls within the scope of Article 1F(a) of the 1951 Convention as "crimes against humanity". The targeted campaign by Da'esh against the Yazidis and other religious minorities since mid-2014 as well as the Anfal and Halabja military campaigns by the former Government of Saddam Hussein against the Kurds in 1988 have been described as "genocide"; Reuters, *UK Acknowledges Genocide Was Committed Against Yazidis by Islamic State*, 1 August 2023, <https://bit.ly/45dwV9y>; Al Jazeera, *Germany Recognises Yazidi Massacre by ISIL as 'Genocide'*, 19 January 2023, <https://aje.io/0sz209>; MRGI, *UK Parliamentary Recognition of Kurdish Genocide in Iraq: What this Means for Minority Groups Today*, 13 March 2013, <https://bit.ly/3P1X3eV>; HRW, *Genocide in Iraq: The Anfal Campaign Against the Kurds*, July 1993, www.refworld.org/docid/47fd51d0.html. See also Sections II.D.2.a and III.A.5.a.

¹⁴⁴⁶ Article 1F(a) of the 1951 Convention. It is widely accepted that crimes against humanity were committed throughout the rule of the former Government of Saddam Hussein (1979-2003), in situations of international and internal armed conflict as well as during government campaigns aiming at systematically suppressing political opponents or minority groups. Torture is known to have been used systematically and on a widespread scale; see, for example, consistent reporting by the Special Rapporteur of the Commission on Human Rights on the Human Rights Situation in Iraq, www.refworld.org/publisher/UNHCR_IRO...0.html.

¹⁴⁴⁷ Article 1F(b) of the 1951 Convention. In the Iraq context, acts such as assassinations, abductions or torture committed by State security forces, armed opposition groups (pre-2003) or armed or criminal groups or militias (post-2003) are likely to constitute "serious non-political crimes" within the meaning of Article 1F(b) of the 1951 Convention, if they are not linked to an armed conflict. This would include serious crimes considered to be of a terrorist nature or committed by members of a group designated as 'terrorist' such as, for example, egregious acts which involve the use of violence and the indiscriminate harm, or threat of harm, against civilians. See also footnote 1448.

principles of the United Nations.¹⁴⁴⁸ Acts reportedly committed by the parties to the (previous and current) armed conflicts in Iraq include, inter alia, abductions and enforced disappearances; torture and other cruel, inhuman and degrading treatment; murder; extrajudicial and summary executions; rape, sexual slavery and other forms of sexual violence; trafficking in persons; forced religious conversions; forced and underage recruitment; indiscriminate attacks on civilians; forced displacement; and looting and the deliberate destruction of homes, infrastructure and cultural heritage. For exclusion to be justified, individual responsibility must be established in relation to a crime within the scope of Article 1F. Such responsibility flows from a person having committed a crime or participated in its commission in a manner that gives rise to criminal liability, for example through ordering, instigating, aiding and abetting, or by contributing to the commission of a crime by a group of persons acting with a common purpose. For persons in positions of authority within a military or civilian hierarchy, individual responsibility may also arise on the basis of command/superior responsibility. Defences to criminal responsibility, if any, as well as considerations related to proportionality apply. Evidence about practices of forced recruitment, including in particular of children, needs to be taken into consideration in this regard.

Participation in armed conflict is not, as such, a ground for exclusion. Similarly, mere membership in a group or organization is not a sufficient basis to exclude. A full assessment of the circumstances pertaining to each individual case is required to determine whether the individual concerned was personally involved in excludable acts, or participated in the commission of such acts in a manner that gives rise to individual criminal responsibility under international law.¹⁴⁴⁹

In the context of Iraq, careful consideration needs to be given in particular to the following profiles:¹⁴⁵⁰

- i. (Former) members of Da'esh (since 2013);
- ii. (Former) members of predecessor groups of Da'esh, including the former Islamic State in Iraq (ISI) and the former Al-Qa'eda in Iraq (AQI) (until 2013);
- iii. (Former) members of the ISF, the security/intelligence apparatus, and the judiciary (since 2003);
- iv. (Former) members of the KRG armed forces, the security/intelligence apparatus, and the judiciary (since 2003);
- v. (Former) members of other non-State armed groups (since 2003);
- vi. (Former) members of groups and networks engaged in organized crime (since 2003).
- vii. Former members of the Iraqi military, paramilitary, police and security/intelligence services, as well as high-ranking government officials (1979-2003);
- viii. Former members of armed groups opposing the former Government of Saddam Hussein (1979-2003).
- ix. Members of tribes involved in tribal justice and/or violence.

¹⁴⁴⁸ Article 1F(c) of the 1951 Convention. In UNHCR's view, this exclusion provision may apply only to crimes which, because of their nature and gravity, have an international impact in the sense that they are capable of infringing on international peace and security or the friendly relations between States. For more detailed guidance, see UNHCR, *Background Note on the Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees*, 4 September 2003, www.refworld.org/docid/3f5857d24.html, paras 46-49. Under certain circumstances, acts considered to be of a terrorist nature may give rise to exclusion based on Article 1F(c). This would apply where the acts in question constitute war crimes and/or crimes against humanity within the meaning of Article 1F(a), as acts which fall within the scope of this exclusion ground are also "contrary to the purposes and principles of the United Nations", but also with regard to crimes prohibited under international Conventions and Protocols pertaining to terrorism. However, rather than focus on the "terrorism" label, a more reliable guide to the correct application of Article 1F(c) in cases involving a terrorist act is the extent to which the act impinges on the international plane – in terms of its gravity, international impact, and implications for international peace and security. In UNHCR's view, only terrorist acts that are distinguished by these larger characteristics may qualify for exclusion under this provision. See UNHCR, *Yasser alSirri (Appellant) v. Secretary of State for the Home Department (Respondent) and DD (Afghanistan) (Appellant) v. Secretary of State for the Home Department (Respondent): UNHCR's Composite Case in the Two Linked Appeals*, 23 March 2012, www.refworld.org/docid/4f6c92b12.html.

¹⁴⁴⁹ In some cases, individual responsibility for excludable acts may be presumed if membership and participation in the activities of a particularly violent group is voluntary. Detailed guidance on the interpretation and application of Article 1F of the 1951 Convention can be found in UNHCR, *Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees*, 4 September 2003, www.refworld.org/docid/3f5857684.html; and *Background Note on the Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees*, 4 September 2003, www.refworld.org/docid/3f5857d24.html.

¹⁴⁵⁰ This list reflects the predominant actors active in Iraq at given times and is not to be considered exhaustive.

E. Position on Forced Returns

In light of continued human rights violations and abuses, the weak rule of law, ongoing community tensions and localized insecurity, the contamination of homes and lands with ERW, as well as limited rehabilitation of homes and basic infrastructure and constraints on access to livelihoods and basic services, UNHCR urges States to refrain from forcibly returning persons who originate from areas previously or currently impacted by the conflict with Da'esh to their areas of origin.¹⁴⁵¹ UNHCR also advises against the forcible return of these persons to other parts of Iraq if there is a risk that they may not be able to access and/or reside in these areas,¹⁴⁵² or that they will otherwise end up in a situation where they have no choice but to return to their area of origin.

Furthermore, UNHCR advises against the forcible return of persons originating from areas impacted by the ongoing regional conflict in northern Iraq¹⁴⁵³ in light of the conflict's impact on civilians and civilian infrastructure and livelihoods.

The bar on forcible return serves as a minimum standard and should not replace international protection for persons found to meet the criteria for refugee status under the 1951 Convention, or the broader refugee criteria as contained in relevant regional instruments, or complementary forms of protection. The bar on forcible return needs to remain in place until such time as the security, rule of law, human rights and humanitarian situation in the areas of Iraq previously or currently impacted by the conflict with Da'esh and/or regional conflict has significantly improved to permit the safe and dignified return of those determined not to be in need of international protection.

¹⁴⁵¹ See Sections [II.B.1.b](#) and [II.B.2.c](#).

¹⁴⁵² For information on Iraqis' ability to relocate to and reside in other parts of the country, see UNHCR, *Ability of Iraqis to Legally Access and Settle Durably in Proposed Areas of Internal Relocation*, November 2022, www.refworld.org/docid/63720e304.html.

¹⁴⁵³ See Sections [II.B.1.c](#) and [II.B.2.a](#).

January 2024

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