



Some children do some activities in Khazir camp for displacement people, Iraq, Ninewa, UNICEF Iraq/2016/ Anmar

The Right to Education in Iraq

Part One: The legacy of ISIL territorial control on access to education



Girls in a classroom at Al Zahraa Albaidhaa girl's school in Iraq, Falluja, UNICEF Iraq/2017/Anmar



United Nations Assistance Mission for Iraq
Office of the United Nations High Commissioner for Human Rights
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“Access to education and alternatives for those who missed out on their school years due to conflict should be guaranteed for every Iraqi child. What is the future for children who do not finish their primary and secondary education? Iraq’s long-term stability is very much dependent on preventing the creation of a marginalized generation with little prospects for its future.”

- Jeanine Hennis-Plasschaert, Special Representative of the Secretary General for Iraq, Baghdad, 17 February 2020

“Inclusive, quality education is not just a right in itself. It is a ‘multiplier’ right – one which enables children and youth to realize their other human rights too. [Education] literally has the power to transform lives and make dreams come true. The importance of education for children and young people cannot be overstated. When this right is violated, their lives and futures are severely impacted.”

- Michelle Bachelet, High Commissioner for Human Rights, Geneva,

Contents

Executive Summary	4
I. Mandate	5
II. Methodology	5
III. Legal framework on the right to education	6
3.1 International law	6
3.2 National Law.....	7
IV. Background	7
4.1 Access to education in areas under ISIL control	7
4.2 Access to education in the post-conflict environment.....	8
V. Key findings	9
5.1 The absence of appropriate programmes to address the knowledge gap	9
5.2 Impact of missing civil documentation on access to education.....	11
VI. Conclusion.....	13
VII. Recommendations	14
Annex: Response by the Government of Iraq to the UNAMI / OHCHR report	15

Executive Summary

Since 2014, Iraq has faced one of the most volatile and complex humanitarian crises in the world as a result of the Islamic State in Iraq and the Levant's (ISIL) campaign of widespread violence, oppression and systematic violations of international humanitarian and human rights law. In addition to the appalling human cost of over 85,000 civilian deaths and injuries,¹ conflict-related violence displaced over six million Iraqis,² traumatized communities, destroyed livelihoods and deprived children and young adults of years of education. By the end of 2019, 1.4 million people, including 658,000 children, remain internally displaced in Iraq,³ with almost half, approximately 355,000 children, not in school.⁴

This report, *The Right to Education in Iraq: Part One - The legacy of ISIL territorial control on access to education*, focuses on access to post-primary education for children and young adults who lived in areas under ISIL control between 2014 and 2017, including Internally Displaced Persons (IDPs). It is the first in a series of reports that will examine access to education by children from across Iraq's social, ethnic and religious groups and different community perspectives in the post-conflict context. Notwithstanding the undisputed universality of suffering across Iraq's diverse landscape, communities may encounter differing or situation-specific impediments to fully accessing education, including due to their age, location perceived affiliation to ISIL and lack of civil documentation.

The report was prepared by the Human Rights Office of the United Nations Assistance Mission for Iraq (UNAMI) and the United Nations Office of the High Commissioner for Human Rights (OHCHR) and is based on consultations, interviews and focus group discussions conducted between November 2018 and January 2020 with 237 persons. These took place in six camps for IDPs in Ninewa governorate and in the cities of Mosul and Erbil.⁵

The key findings indicate that children and young adults who lived in areas controlled or influenced by ISIL have accumulated a substantial gap in their academic knowledge due to years of missed education and also face challenges in obtaining the civil documentation required to enrol in formal schooling. As such, in the post-conflict context, children from these communities continue to experience a range of barriers to their access to education. After missing years of education under ISIL, these children or now young adults are further disadvantaged by insufficient numbers of schools which tend to be under-equipped and with inadequate teaching hours. Those residing in camps also suffer from movement restrictions and a lack of civil documentation. Many children who were in school when living under ISIL control are now young adults, making them too old to attend mainstream schools and are left with no alternative options. These challenges are creating a marginalised generation of children and young adults, many of whom are or will be entering adulthood without any post-primary schooling.

The analysis set out in this report is premised on the key underlying principles that the right to access quality education must be guaranteed for all Iraqi children and young adults, and the necessity for non-discrimination and equality of access. The report includes accounts from children, young adults, teachers and parents, which illustrate the challenges faced by young people struggling to resume their

¹ Between 1 January 2014 and 31 December 2017, UNAMI documented 29,973 civilian deaths and 55,150 injured. See: UNAMI civilian casualty figures, available at: <http://www.uniraq.org/>

² See: <https://data2.unhcr.org/en/documents/download/72926>.

³ See: <https://www.unicef.org/iraq/reports/iraq-humanitarian-situation-report-2019>.

⁴ See: <https://www.unicef.org/iraq/what-we-do/education>.

⁵ IDPs in these camps originate from a number of other governorates.

studies.

The report provides a series of recommendations to the Government aimed at targeted education interventions for children and young adults who lived in areas controlled or influenced by ISIL, including provisions to enable them to enrol without the required documentation, receive additional assistance to sit exams, and obtain certificates, including in IDP camps. Additionally, recognizing the critical need to address the 'knowledge gap' caused by years of missed education due to armed conflict and displacement, the report recommends accessible methods of education delivery for children and young adults who have missed out on substantive periods of education.

I. Mandate

This report is prepared pursuant to Security Council Resolution 2470 (2019) which mandates UNAMI to 'promote accountability and the protection of human rights, and judicial and legal reform, with full respect for the sovereignty of Iraq, in order to strengthen the rule of law in Iraq [...]'. Through its Human Rights Office, UNAMI undertakes a range of activities, including human rights monitoring and reporting, in support of efforts to strengthen the rule of law and accountability for human rights violations in Iraq.

II. Methodology

Between November 2018 and January 2020, UNAMI Human Rights Officers held consultations with 237 persons, mainly parents, children and young adults, who had lived in areas controlled by ISIL and are now living in IDP camps, as well as some who remained in areas formerly controlled by ISIL or have now returned to their place of origin. Interviews and focus group discussions took place in six IDP camps in Ninewa, as well as in the cities of Mosul and Erbil. Additionally, UNAMI carried out 22 key informant interviews with members of the international community and civil society.

Human Rights Officers carried out a total of 49 interviews with families who have children and young adults in Ninewa and Erbil. In addition, UNAMI held focus group discussions with displaced children and young adults in five of the camps, reaching 81 in total.⁶ These included six female-only focus groups, reaching a total of 39 girls and six male-only focus groups, reaching a total of 48 boys. In addition, the report includes the analysis of data collected by UNESCO in 2019, involving a further 68 primary and secondary teachers and 30 mothers who had remained in Mosul throughout the ISIL control of the city. UNAMI also conducted follow-up telephone interviews with 13 additional teachers from across Ninewa.

Interviewees were identified by staff members of non-governmental organisations (NGOs) working on international protection, with private interviews conducted in Arabic, using Arabic-English interpretation facilitated by UNAMI. Camp or local authorities were not present during these interviews. UNAMI informed all interviewees about the purpose and voluntary nature of the consultations, the principles of confidentiality, and how the information they provided would be used. Consent was obtained from all participants, who understood they would receive no compensation for their participation. For reasons of personal security, the report withholds the names, locations and other identifying information of all interviewees. Pseudonyms are used for the accounts provided.⁷

⁶ The older age range was chosen due to protection concerns.

⁷ All interviews and focus groups were transcribed immediately after the consultation. The transcripts were shared with the interpreter for feedback to ensure there were no misunderstandings. Transcripts were coded according to emerging research themes. These themes form the basis of this report.

III. Legal framework on the right to education

3.1 International law

The right to education is a fundamental human right enshrined in several international law instruments applicable to Iraq, including Art. 26 of the Universal Declaration of Human Rights (UDHR; 1948), Art. 13 and 14 of the International Covenant on Economic, Social and Cultural Rights (CESCR; 1966)⁸ and Art. 28 and 29 of the Convention on the Rights of the Child (CRC; 1989).⁹ Iraq has also ratified several other relevant international instruments, which highlight the importance of the right to education.¹⁰ The right to education preserves the right of each child to develop to their 'full potential' and must be respected, protected and fulfilled. States must refrain, and prevent others, from interfering with the realisation of the right and adopt appropriate measures towards its full realization.¹¹

General Comments No 13¹² and 11¹³ of the Committee on Economic, Social and Cultural Rights interpret and clarify the immediate and progressive state obligations under the CESCR, defining education as an empowerment right intrinsic to the fulfilment of other human rights. Immediate obligations under the CESCR require States to guarantee that children have access to education without discrimination and that deliberate, concrete and targeted steps must be taken to ensure free and compulsory primary education.¹⁴ Also, secondary education in all its forms should be made available and accessible by appropriate means to all children, including by progressively introducing free education.¹⁵ Similarly, national education systems need to include four interdependent minimum standards: educational institutions and facilities have to be available in sufficient quantity; educational institutions have to be of good quality and accessible to everyone, without discrimination; form and substance of education have to be acceptable to both students and parents; and education has to be flexible so it can adapt to the needs of changing societies and respond to the needs of students within their diverse social and cultural settings.

General Comments No 1¹⁶ and 20¹⁷ of the Committee of the Rights of the Child, interprets the aims of education set out in Art. 29 of the CRC, and specific requirements on the implementation of the rights of the child during adolescence. State parties to the Convention agree that education is intertwined with developing the child's personality, talents and mental and physical abilities, enshrined in the respect for human rights and fundamental freedoms in preparation for adulthood.¹⁸ In addition,

⁸ Ratified by Iraq on 25 January 1971

⁹ Accession by Iraq on 15 June 1994

¹⁰ Other instruments include: UNESCO Convention against Discrimination in Education (1960; Ratified by Iraq on 28 June 1977), International Covenant on the Elimination of All Forms of Racial Discrimination (1965; Ratified by Iraq on 14 January 1970), Convention on the Elimination of All Forms of Discrimination against Women (1979; Accession by Iraq on 13 August 1986) and the Convention on the Rights of Persons with Disabilities (2006; Accession by Iraq on 20 March 2013).

¹¹ The Committee on Economic, Social and Cultural Rights, General Comment No. 13 on the Right to Education (Article 13 CESCR) E/C.12/1999/10 (1999) (hereinafter GC No 13 CESCR).

¹² GC No 13 CESCR para. 43.

¹³ The Committee on Economic, Social and Cultural Rights, General Comment No 11 on Plans of action for primary education (Art 14 CESCR) E/C.12/1999/4 (1999).

¹⁴ GC No 13 CESCR para. 51.

¹⁵ *Ibid.*, para. 13.

¹⁶ The Committee on the Rights of the Child, General Comment No 1 on the aims of education (Art 29 CRC) CRC/GC/2001/1 (2001). (hereinafter GC No 1 CRC)

¹⁷ The Committee on the Rights of the Child, General Comment No 20 on the implementation of the rights of the child during adolescents CRC/C/GC/20 (2016) (hereinafter GC No 20 CRC).

¹⁸ GC No 1 CRC para. 1.

education should be child-centred, child-friendly and empowering.¹⁹ Adolescence is a crucial period of childhood, a period of transition and opportunity to improve life and future prospects, including forging their individual and community identities.²⁰

3.2 National Law

Article 34 of the Iraqi Constitution guarantees the right to education and defines it as a fundamental factor in the progress of society. In addition, the constitution provides that primary education is mandatory, guarantees the right to be educated in one's mother tongue and sets out the commitment by the State to combat illiteracy. All Iraqis also have the right to free education in all its stages. These constitutional guarantees are paralleled by federal and regional regulations²¹ and policies. The Iraqi Minimum Standards for Education in Emergencies,²² developed by the Federal Ministry of Education, the Kurdistan Regional Government (KRG) Ministry of Education, school directors, teachers, international organizations and UN agencies, are guidelines specifically tailored to address the post-conflict situation. These include provisions on equal access to education, protection and well-being, facilities and services, curriculum, training, professional and development support as well as law and policy formulation.

IV. Background

When we entered the prefab in which the focus group took place, the eight girls were sitting quietly in a circle. They sat on plastic chairs, whispering behind their hands as we unpacked notebooks and took our seats. The occasional stifled giggle broke the silence. After we introduced ourselves and asked some silly questions about favourite meals and the best singers the girls started to open up about their life in the camp.

"When Daesh²³ entered our village, my father stopped us all going to school...he said it wasn't safe anymore. Here I go to the camp school, but it's hard to catch up. It was a long time ago that my mind thought to study and it's not a serious school. I go because it is something to do. I don't think I will pass my exams, it's too late now".

[Focus Group with a group of eight girls aged 14-17, at a displacement camp in Ninewa governorate, 22 July 2019.]

4.1 Access to education in areas under ISIL control

In areas under its control, ISIL imposed their own curriculum in schools to promote its ideology, exposing children and young adults to violent content and directly encouraging radicalization. For example, ISIL used textbooks which included pictures of boys wielding weapons, and taught basic arithmetic by using bullets to count and mathematical equations calculating the number of explosives a factory could produce or how many people could be killed by a suicide bomb.²⁴ In focus group discussions and interviews, participants expressed that the purposeful incorporation of violent themes into all subjects enabled a militarized ethos in schools, aimed at the creation of a new generation of ISIL fighters and their spouses.

¹⁹ Ibid, para. 2.

²⁰ GC No 20 CRC para 10 and 11.

²¹ See: Minister of Education law No. 124 of 1971; Minister of Education law No. 34 of 1998 and Minister of Education law No. 4 of 1992/2nd amendment for KR-I.

²² See: Inter-Agency Network for Education in Emergencies 'Iraq Minimum Standards for Education in Emergencies' (2018) available at: <https://reliefweb.int/>.

²³ Dae'sh is the Arabic acronym for ISIL and commonly used to describe this group.

²⁴ Focus Group with 15 teachers (eight male and seven female) [exact location withheld] Mosul, 19 November 2018 (UNESCO data, on file with UNAMI).

Most parents and teachers interviewed by UNAMI rejected the incorporation of violent themes into any education material. They noted the challenges faced by families and teachers in trying to protect children and continue teaching them according to the state curriculum.²⁵ Families highlighted the difficulty they faced in providing a strong counter-narrative for their children, noting the violent nature of the ISIL curriculum and the fear of potential repercussions for the children should it not be followed. Many families in areas controlled by ISIL removed their children from schools to protect them from radicalization.²⁶ This situation created an education gap of nearly three years for thousands of children, some of which are now young adults.

4.2 Access to education in the post-conflict environment

Iraqi security forces concluded the liberation of areas of west Mosul under ISIL control in June 2017, although some counter-insurgency operations continue. The removal of ISIL and the resulting environment of mass displacement has continued to obstruct access to education for many children and young adults from these areas. The constraints inherent in any post conflict environment, including widespread trauma, destroyed infrastructure, lack of resources and poverty, have all had an impact on limiting educational opportunities. The shortage of functioning schools in urban, rural and camp environments has led to extreme overcrowding and limited school places.

In addition, families who are perceived as having an ISIL affiliation face increased vulnerability due to the wider restrictions that are currently imposed upon them. The current legal, security and related policy measures, put in place by the Government to address crimes committed by ISIL and deal with those with perceived ISIL affiliation,²⁷ are critical background to understanding the limited access to education experienced by some children and young adults.

Human Rights Watch estimated that in June 2019 250,000²⁸ Iraqis remained unable to return to their place of origin because federal or local authorities and communities have perceived them to be affiliated with ISIL. Stating that humanitarian actors identified 94 areas where no Sunni families have returned due to a *de facto* ban at the local level on returns, as a form of punishment, against those, the security forces perceive as having been sympathetic to ISIL, or as having a relative who was sympathetic to the group.²⁹ These families mainly reside in IDP camps and face severe movement restrictions. In addition, those living in camps with segregated areas for families perceived to be affiliated to ISIL typically face restricted access to the civilian documentation that would enable their movement in and out of those camps and allow them to access key services, including education.

²⁵ Focus Groups with 30 mothers [exact location withheld] Mosul, 12 November 2019 (UNESCO data, on file with UNAMI).

²⁶ Focus Group with 15 teachers (eight male and seven female) [exact location withheld] Mosul, 19 November 2018 (UNESCO data, on file with UNAMI).

²⁷ Perceived affiliation generally refers to families with a relative who was believed to be a member of ISIL. Individuals suspected of ISIL membership are charged and sentenced under Anti-Terrorism Law No. 13 of 2005 in Federal Iraq and Anti-Terror Law No. 3 of 2006 applicable in the Kurdistan region. Since February 2018, the judiciary in Federal Iraq has processed more than 24,000 individuals under the Anti-Terror laws.

²⁸ See: Human Rights Watch, Iraq: Not a Homecoming (June 2019) available at <https://www.hrw.org/news/2019/06/14/iraq-not-homecoming>

²⁹ Ibid

V. Key findings

16-year-old Mohamed* has lived in a camp since his family fled the fighting in Mosul in 2017. He passed the sixth-grade test so was placed into an age-appropriate grade in the camp school. He explained to UNAMI that he dropped out after only a few months as the camp school did not fulfil his needs.

“The camp school is not serious. I needed to get my 12th grade certificate. But I stopped going. I was trying to catch up, but it was impossible. How can I go from 6th to 12th grade with nothing in between? I will never catch up, so I stopped. It feels like my future has been stolen.”

[Focus Group with a group of 12 boys aged 15-18, at a displacement camp in Ninewa governorate, 22 July 2019.]

5.1 The absence of appropriate programmes to address the knowledge gap

UNAMI found that the years of missed education under ISIL control, explained in the background section of this report, combined with a current lack of adequate post-primary education has left many children and young adults with a significant gap in their academic learning. Although the Government of Iraq and international community have devoted significant resources and efforts toward education, the programmes offered to address gaps in education caused by the armed conflict are insufficient to address the specific circumstances of young people residing in IDP camps and those living in areas formerly controlled by ISIL.

In October 2017, the Ministry of Education’s Directorate of Education issued a directive advising teachers to adhere to standard ‘placement test’ policies to enable children to re-enter the formal education system. Children who wish to resume their studies take an assessment test and are placed according to their age if they pass. Those who fail the test are placed in a lower grade deemed appropriate to their level of study. According to UNAMI’s consultations with children, young adults and teachers, students living in IDP settings are more commonly held back from joining age appropriate grades and placed with younger children. Participants in focus groups highlighted a significant sense of shame associated with this, which has led to high dropout rates in the intermediate and secondary school age bracket (12-18), especially for boys.

Other students and teachers described the placement test system as flawed because in most cases it placed children in classes too advanced for their abilities. For example, teachers from the focus groups in Mosul unanimously noted that students from areas previously under control by ISIL who are living outside of camps had in the majority of cases been placed according to their age, where the curriculum was often far too advanced for them, particularly at intermediate and secondary levels.³⁰ Neither solution, holding back children nor age-appropriate grading, is deemed successful, demonstrating that education actors need to look to alternative solutions to address this issue.

³⁰ Focus Group with 13 teachers (8 male and 7 female) [exact location withheld] Mosul, 19 November 2018 (UNESCO data on file with UNAMI).

In addition to the challenges relating to placement, children and young adults living in IDP camps face additional barriers to access education, mainly involving insufficient provision of classroom time. Teachers described additional challenges, including overcrowded classrooms, limited lesson time and the impact on learning of untreated societal and individual trauma. For example, children living in two IDP camps in Ninewa informed UNAMI that camp schools offer just six hours of classes per week for secondary-aged boys, rather than the 30 hours per week that students should receive in a fully functioning formal education system.³¹ Moreover, a United Nations led Camp Coordination and Camp Management Cluster mapping exercise conducted in May 2019 documented ten IDP camps in Iraq without any form of school provision.³² Outside of camps, teachers reported to UNAMI that schools in Mosul operate up to three shifts, leaving just four hours of classroom time a day for each shift.³³ Under such conditions, children's ability to learn, let alone catch up, is extremely limited.

The 15 teachers arrived together, chatting loudly as they entered the room. The focus group discussions were enthusiastic and engaged, as people spoke over each other and laughed easily. At one point, a quieter gentleman at the back joked with us that the noise was their way to share the chaos of their classrooms with us - a form of payback, he chuckled. As one teacher noted:

'The students have missed many years of their education. They don't understand what we are teaching them. We have so many children in each class, it is not possible to give them the time they need to catch up. It's not possible for them to learn as if nothing had happened. That isn't the reality. It is unfair that these children have to sit the same exams as the rest of the country'

[Focus Group with 15 teachers (eight men and seven women), Mosul, 19 November 2019.]

Young adults, who were children while living under ISIL control both in the IDP camps or in areas formerly controlled by ISIL, face additional challenges in catching up on their missed education. They are now past the legal age limit of schooling. In such situations, the only available route to complete education is through night classes. However, young adults explained that the night classes do not resolve their situation. Typically, night classes are designed as a means for young people to retake their Year 12, which is the final one in Iraq, exams if they have failed them and, as such, are not intended to be a complete introduction to the course content. These young adults, on the other hand, lack the foundational understanding of course content due to years of missed schooling, and thus require specialised courses. In addition, life situations or circumstances such as poverty, early marriage and/or labour have limited their opportunities to study. Respondents highlighted additional barriers for girls to access such classes, due to security concerns and more restrictive social norms. Finally, displaced youth residing in Iraqi camps face extreme restrictions on their freedom of movement, which substantially limit the ability to travel to the nearby towns to attend night school.

The Ministry's Department of Non-formal Education oversees an existing Accelerated Learning Programme (ALP) for out-of-school children aged between 12 and 18 in governorates across the

³¹ UNAMI Focus groups conducted with 12 boys aged 15-18 in Ninewa camp [exact location withheld] November 2019

³² See: Camp Coordination and Camp Management Cluster: Humanitarian services Available in camps (May 2019) available at https://gallery.mailchimp.com/b4d2a23bd327c3445e980d09d/files/6f9b677b-1e68-4dcb-ab12-2949e04bff26/Partners_Presence_Mapping_FSMT_May_2019.01.pdf?utm_source=CCCM+Iraq+Mailing+List&utm_campaign=7ab28792a5EMAIL_CAMPAIGN_2019_07_18_10_46&utm_medium=email&utm_term=0_2571ab1b07-7ab28792a5-511113

³³ Focus Group with 15 teachers (8 male and 7 female) [exact location withheld] Mosul, 19 November 2018; Focus Group with 49 teachers (28 male and 21 female) [exact location withheld] Mosul, 19 -21 November 2018 (UNESCO data on file with UNAMI).

country. The programmes provide accelerated learning courses and catch-up classes as an alternative to formal education for children and young adults who have missed years of education due to armed conflict, however, for the primary curriculum only. In Kirkuk for example, 15 such schools serve 787 students. The schools provide a three-year course of study that condenses the six-year primary curriculum into half the time. Upon completion, students receive a formal certificate and (if they are still within the age of schooling) can enrol in intermediate and secondary school. Additional ALPs have been offered by NGOs in the aftermath of the liberation, but not all offer the official certification needed to access the next stage of formal education. Non-governmental organization education actors have provided a variety of weekend and summer ‘catch up’ classes, yet their reach and impact were described as insufficient by teachers due to the scale of the problem.³⁴

While these programmes and initiatives address a critical gap for some Iraqi children and young adults, they fail to help most of those who previously lived in areas under ISIL control. First, they do not provide a solution for those whose education has been disrupted at the secondary school level, as there are currently no ALP schools for post-primary students. Secondly, these programmes are often based in Iraqi cities, and therefore inaccessible to the majority of those who are living in camps or rural areas and largely lack the necessary means or freedom of movement to travel to nearby towns. Families perceived as affiliated to ISIL experience even greater restrictions to their movements and their offspring are even less able to travel to attend such classes.³⁵

5.2 Impact of missing civil documentation on access to education

Ayah* and her adult daughter sat on the floor of their tent in a camp south of Mosul with three young children sprawled out on the sleeping mats. We spoke for an hour as she fanned the sleeping children, occasionally fluttering the paper faster to disturb the flies that repeatedly tried to land on their faces. She explained that none of her smaller children has the required papers to obtain official IDs as they were born under ISIL control and their father is missing. It will hinder their enrolment in school in September. Ayah* expressed fear and frustration that her children will have no future:

‘What hope do we have? ... When they grow, they will not be allowed to learn, or be part of society. It makes us angry, of course. But mostly it makes us feel alone.’

[UNAMI Interview with *Ayah, 54-year-old woman from Salah al-Din governorate, at a displacement camp in Ninewa governorate, 22 July 2019]

Approximately 45,000 displaced children living in camps are missing civil documentation, while nearly one in five households living outside of camps has reported having children with documentation issues.³⁶ Most families who lived under ISIL are missing at least one of their essential civil documents, which were lost, confiscated, destroyed or never issued. This has serious implications for accessing social services and is a key impediment to enrolling children in school. According to existing directives by the Ministry of Education registration requires several types of civil documentation, including the identification cards of both parents and the student. In the case of a deceased father, an official death certificate must also be provided to the school administration, proving the circumstances of the death. There are no provisions in place to address the absence of civil documentation for fathers who are missing or detained.

³⁴ Ibid

³⁵ UNAMI interviews in displacement camp [exact location withheld] in Ninewa governorate, 21 - 23 July 2019.

³⁶ See: NRC Barriers from birth: Undocumented adolescent in Iraq sentenced to a life on the margins (April 2019) available at <https://www.nrc.no/resources/reports/barriers-from-birth/> (hereinafter NRC Barriers from birth).

Families wishing to obtain new civil registration documents face numerous barriers. The most pressing is that their renewal requires a process of security clearance. In order to obtain security clearance, families must submit their names to the intelligence force in their area, which is checked against a database of individuals with suspected links to ISIL. During consultations, UNAMI received accounts of security clearances denied to individuals if they had a relative on one of those lists.³⁷ UNAMI received accounts of officers denying clearance, tearing up applications, destroying expired documents, and, in some cases, arresting individuals seeking new documentation,³⁸ thereby denying their offspring access to education and other essential services.

Furthermore, according to the Civil Status Law,³⁹ identification documents must be renewed in the applicant's place of origin, requiring IDPs to return to their hometown for this purpose. During UNAMI's focus group consultations, IDPs reported problematic restrictions in traveling to their places of origin, especially to areas once held by ISIL. Despite government and humanitarian efforts to facilitate the return to such areas, local 'decrees' and threats of violence prevent families with perceived ISIL affiliation from returning home to some areas, particularly Anbar, Diyala, Ninewa, and Salah al-Din governorates.⁴⁰

Families described the requirement to renew or obtaining a new identification card at the place of origin as "impossible", giving examples where family members had attempted to return but were stopped, arrested or warned not to travel further because they are "families of Daesh". Others who managed to complete the journey back to their places of origin recounted officials refusing to complete the necessary paperwork, and in some cases confiscating existing documents.⁴¹ In the instances where families are able to successfully submit an application to receive civil documentation, the processing of the documents is extremely slow and involves significant backlogs.⁴²

To lower these barriers to education stemming from insufficient civil documentation, in 2018, the Ministry of Education issued a directive⁴³ allowing school-age children to register in schools without documentation but requiring documents to be submitted by parents within one month of enrolment. UNAMI found that this directive did not resolve the issue. First, the directive does not appear to have been widely disseminated or explained. Most teachers who spoke to UNAMI indicated that they were unaware of the directive and therefore still required the original identification requirements for enrolment. Second, the renewal of documents took much longer than a month, with parents therefore unable to meet the one-month deadline specified in the directive.⁴⁴ Additionally, this directive does not address the situation of those families unable to obtain or renew documents due to the denial of security clearance or an absent parent.

During consultations in Mosul, teachers revealed that many of them were fearful of accepting the enrolment of children without civil documentation, regardless of the ministerial directive. The absence of documentation has been known to generate community suspicion and consequent stigmatisation of families based on their perceived affiliation with ISIL. Indeed, families described their own reluctance

³⁷ UNAMI interviews in displacement camp [exact location withheld] in Ninewa governorate, 21 - 23 July 2019.

³⁸ UNAMI interviews in displacement camp [exact location withheld] in Ninewa governorate, 21 - 23 July 2019.

³⁹ Civil Status Law No 65 of 1972.

⁴⁰ UNAMI interviews in displacement camp [exact location withheld] in Ninewa governorate, 15 - 23 July 2019.

⁴¹ UNAMI interviews in displacement camp [exact location withheld] in Ninewa governorate, 15 - 23 July 2019.

⁴² See: NRC Barriers from birth.

⁴³ See: Ministry of Education directive on: Acceptance of Students No 6/1/5/Com 48592 (28 November 2018).

⁴⁴ UNAMI interviews in displacement camp [exact location withheld] in Ninewa governorate, 21 - 23 July 2019.

to attempt to enrol children without the correct papers due to fear of their child being labelled as associated with ISIL and vulnerable to revenge attacks.⁴⁵

VI. Conclusion

While the neglect of post-primary and post-secondary education is typical of post-conflict environments,⁴⁶ the situation affecting this particular community's education in Iraq has several features, based on identity, which are interpreted as unique in the context of post-conflict Iraq. Children and young adults who live in areas that were previously controlled by ISIL, both inside and outside of camps, face two distinct impediments to accessing education: an accumulated knowledge gap and a lack of civil documentation needed for school enrolment. These restrictions combined with other factors are effectively contributing to the creation of a marginalised group of children who are entering adulthood without any post-primary schooling. Consequently, these young people shared with UNAMI a growing feeling of abandonment and hopelessness.

It is noteworthy that the knowledge gap generated by years of missed education and the absence of appropriate post-conflict education reintegration programmes, have consequences not only for children and young adult's final examination grades and overall academic achievements, but also impact their emotional and social development, as well as their understanding of their place in society. Given that post-primary schooling is the gateway to further education and better employment opportunities, the obstacles described in this report have a negative impact on many young people's hopes for the future.

Furthermore, education can play a crucial protection role for young persons when they are at a particularly vulnerable age. Children and young adults who are unable to attend school are especially at risk, leaving them on the margins of society and open to radicalization or other criminal activity. The loss of childhood during the ISIL years, including the lack of educational opportunities and the limited access to mental health and psychosocial support, can result in cycles of violence, both in public and private sphere, that directly prevent youth from reaching their full potential.

UNAMI observed that feelings of resentment and exclusion amongst Iraqi youth can have a direct impact on the country's journey towards peace and reconciliation. Perceived discrimination, including in access to education, can serve to undermine the legitimacy of the government amongst already marginalised communities. If the current system is perceived to be unjustly impacting children and youth from these communities, the Iraqi authorities risk feeding the original ISIL narrative of defending a particular community and helping to expand the ISIL recruitment base. In short, the implications of these educational shortcomings resonate with the long-term goal of sustainable peace.

⁴⁵ Focus Group with 13 teachers (8 male and 7 female) [exact location withheld] Mosul, 19 November 2018; Focus Group with 49 teachers (28 male and 21 female) [exact location withheld] Mosul, 19 -21 November 2018 (UNESCO data on file with UNAMI).

⁴⁶ See: The World Bank, "Reshaping the Future: Education and Post-conflict Reconstruction", 2005, p. 67, available at http://siteresources.worldbank.org/INTCPR/Resources/Reshaping_the_Future.pdf

VII. Recommendations

In support of its efforts to guarantee the right to education for every Iraqi child or young adult on the basis of equal opportunity and best interest of the child, to enable children and young adults to develop to their fullest possible potential, UNAMI recommends the Government to:

Introduce and implement measures to remedy enrolment restrictions resulting from missing civil documentation:

- Allow requests for replacement of civil documentation to be submitted in any governorate;
- Remove the requirement for 'security clearance' to obtain civil documentation;
- Accelerate the finalisation of documentation requests already under review;
- Publish existing directives widely to the civil directorates across Iraq;
- Extend the current one month period for parents to submit pending documentation;
- Remove or reduce documentation requirements for enrolment of children in formal schools i.e. requirement of one rather than both parents' civil documentation for enrolment;
- Actively monitor, by requesting reports from governorates, and hold officials accountable for progress on increasing school enrolment from the group under discussion.

Provide accessible forms of quality education at the primary and secondary level to every Iraqi, including for persons living in IDP camps

- Increase the number of schools and teaching hours to ensure sufficient classroom hours to cover the curriculum adequately;
- Revise the system of placement testing to more accurately assess education levels of children who missed out on school years;
- Revise existing education provisions, both formal and alternative, for children and young adults who missed years of education due to ISIL;
- Expand existing alternative education programmes to include tailored learning programmes for those who missed years of education, available to all at both primary and secondary levels;
- Develop specialist teacher training programmes to address the specific learning needs created by a five-year gap in education, in accordance with the students evolving capacity;
- Disseminate guidance or offer training to teachers imparting education to students who have suffered trauma on how to approach their situation, including in terms of preventing discrimination from other students.

Annex: Response by the Government of Iraq to the UNAMI / OHCHR report⁴⁷

Republic of Iraq
Ministry of Foreign Affairs
Human Rights Department
Ref: 12/Arabic letter Meem/7/196
Date: 13/2/2020

Immediately

Reference Number: 12 / m / 7 / 196

Date: 13/ 2 / 2020

The Ministry of Foreign Affairs of the Republic of Iraq / Human Rights Department presents its compliments to the United Nations Assistance Mission for Iraq (UNAMI).

It has the honour to share the comments by the competent authorities of the Republic of Iraq on the draft report issued by UNAMI entitled "The right to education in Iraq", as indicated below:

1 - The conclusion was limited to two clear challenges concerning adolescents who lived in areas previously under the control of Dae'sh / ISIL, first: the cumulative knowledge gap students have because of their discontinued study and second: the lack of the required civil documentation.

The report does not address other challenges which are equally important. This includes the psychological welfare of adolescent who were exposed to different aggressive forms of brainwashing and disabled and injured adolescent who had to live under exceptional harsh conditions in areas formerly under Dae'sh / ISIL control.

2 - The competent authorities support the recommendations mentioned in the draft report regarding increasing the number of schools, weekly teaching hours and addressing adolescent who have aged out of the schooling system. The recommendations did not address the existing psychological and rehabilitation needs of adolescent, adolescents and persons with disabilities in order to ensure their education, reintegration into the economic and social life and the need to identify a special school curriculum for adolescent who have lived under ISIL control and were exposed to violent ideas.

3- The competent authorities stress the importance of the recommendation to reduce the documents necessary for registering adolescent in formal schools, including requesting supporting documents for one of the parents instead of both for registration. The report did not address orphans who lost both parents and do not have the required documents.

4- As for the recommendation to provide specialized training programs for teachers, the competent authorities suggest that the programs not only address the special educational needs created by the educational gap that spanned five years, and to include building the teachers capacities in preventing terrorism through education.

The Ministry of Foreign Affairs of the Republic of Iraq / Human Rights Service takes this opportunity to express to UNAMI its sincere appreciation and respect.

⁴⁷ This is an unofficial translation. For the official response of the Government of Iraq (received on 13 February 2020) to the UNAMI/OHCHR report, please see the Arabic version of this report.